

## Recreational Craft

### What to look out for when buying a boat

Since June 1998 all craft new to the European Economic Area (EEA) must meet the requirements of the EU Directive on Recreational Craft or RCD.

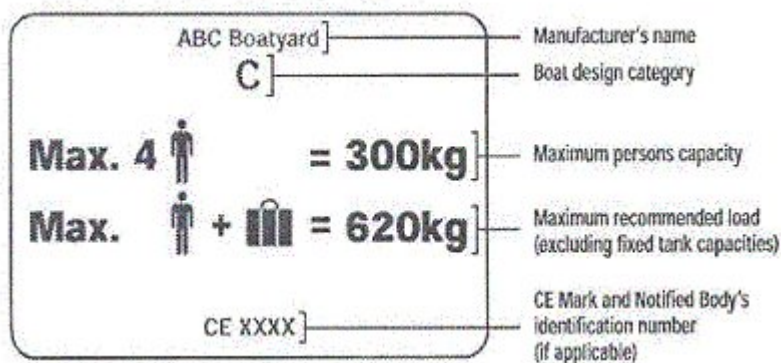
The resulting UK Regulations apply equally to businesses and private individuals who place craft on the EEA market.

Anyone considering buying a new boat; a used boat less than 5 years old; or importing a new or used boat from outside the EU, should look out for five things:

- A builder's plate
- A CE mark
- A hull identification mark
- An owner's manual
- A declaration of conformity.

#### Builder's Plate

Every new boat sold or first used in the EU since 16 June 1998 must have a builder's plate. This plate has the maker's details and technical information such as the design category, maximum loading weight and maximum engine power. It must also include the CE marking.



#### Craft Identification Number (CIN)

The Craft Identification Number or CIN is unique to that craft. It is a code that identifies not only the builder but where and when the craft was built. It will look similar to the illustration below and is found in two places. One is found on or near the transom, starboard side, near the top. The other is hidden as a security check. This example shows an incorrect CIN. It looks okay at first glance but the model year (00-2000) cannot be before year of manufacture (2=2002).

From this you can tell:-

<b>GB</b>	<b>XYC</b>	<b>00001</b>	<b>G</b>	<b>2</b>	<b>00</b>
Country where the boat was built	Manufacturer's identification	Serial number	Month of manufacture (A = January, B = February, etc.)	Year of manufacture (2002)	Model year

## Owner's Manual

Every new craft must have an owner's manual. It contains the instructions and information essential for the safe use and maintenance of the craft. There should be an explanation of the Design Category, technical data and, where appropriate, wiring diagrams, gas bottle storage, access points, and positions of through hull fittings.

It should also contain all the instructions and manuals for any equipment fitted.

Attached to the owner's manual is a document called the Declaration of Conformity. This a legal document signed by the manufacturer, or his authorised agent, stating that the craft meets all the requirements. This is an important document, particularly if the craft is to be used or taken into other Member States because enforcement officials can ask to see it. They may take action if all is not in order.

Although the owner's manual is a legal requirement under the RCD, it only applies when the craft is new or first placed on the market.

If the craft is sold through trade outlets the General Product Safety Regulations 2005 requires used boats to have adequate instructions and information essential to the safe use and maintenance of the boat. This also applies to any equipment installed on the craft. Passing on the owner's manual is the simplest way to meet the requirements.

A Yacht Broker may refuse to put the craft on his books without the owner's manual and declaration of conformity.

## Exemptions

The exemptions from the regulations are listed below:

- i. craft intended solely for racing, including rowing racing boats and training rowing boats labelled as such by the manufacturer;
- ii. canoes, kayaks, gondolas and pedalos;
- iii. sailing surfboards;
- iv. surfboards, including powered surfboards;
- v. original historic craft and individual replicas thereof designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer;

- vi. experimental craft, provided that they are not subsequently placed on the Community market;
- vii. craft built for own use, provided that they are not subsequently placed on the Community market during a period of 5 years;
- viii. craft specifically intended to be crewed and to carry passengers for commercial purposes (without prejudice to regulation 3(2)), in particular those defined in Council Directive 82/714/EEC of 4th October 1982 laying down technical requirements for inland waterway vessels, regardless of the number of passengers;
- ix. submersibles;
- x. air cushion vehicles;
- xi. hydrofoils; and
- xii. external combustion steam powered craft, fuelled by coal, coke, wood, oil or gas.

The Regulations do not apply to recreational craft that were already in use in EEA waters before 16th June 1998.

The Regulations only apply to craft intended for sports and leisure purposes.

Craft intended by their manufacturer purely for commercial uses do not have to comply with the CE marking rules, although many do. Buying a new non-CE marked commercial craft and using it contrary to the manufacturer's intentions as a recreational craft means you will be held responsible for placing it on the market.

CE marking only applies to completed recreational craft. If you are buying a part completed craft, sometimes known as a sail-away, the manufacturer must give you a document known as an Annex IIIa declaration. This should state that the craft meets the essential requirements of the RCD up to the stage at which it has been supplied and that it is for completion by others.

The 'partly completed boat' cannot fulfil all the essential requirements of the directive. It needs more work before it can fulfil some of the essential requirements and make it a complete craft that can be assessed and CE marked.

Some craft sold 'for completion' may be completed as far as the RCD is concerned. If, for example, all that is required is to arrange the furniture and hang curtains, the craft should be CE marked by the manufacturer.

### **Buying from outside the EEA**

As a general rule, all boats have to CE marked. If you are buying a craft from outside the EEA and it was manufactured outside the EEA then you could be responsible for placing that craft on the Community market when you use it for the first time. Even if the craft is CE marked by the manufacturer, as the responsible person, the law expects you to have copies of the legal paperwork, such as the Technical File and Declaration of Conformity and be able to produce them for up to 10 years.

If you are buying through an Agent, check that they are an Authorised Representative of the manufacturer.

As the boat is coming from outside the EEA, check who is actually importing the boat? Otherwise you could find yourself liable for its compliance with the RCD.

## **Consequences of non-compliance**

If you are responsible for placing a non-CE marked craft on the EEA market you commit a criminal offence. You could be fined up to £5,000 and risk up to 3 months in prison, in the UK.

The term used in the Directive and Regulations is 'Placing on the market'. This has a wide meaning and takes in using as well as selling. For boats imported into the EEA the 'placing on the market' usually happens when it clears Customs.

Under the product liability provisions, as the person responsible for placing on the market, you could also be held liable for any death or injury caused by the product being defective.

The enforcement authorities of any EEA Member State can also take action to remove non-compliant boats from being used in their waters. It could be suspended from being used until it is compliant or ordered to be destroyed.

The Regulations require that the documentation to show how the craft complies must be kept for 10 years. If you are responsible for placing a craft on the market these documents can be requested from you by the Enforcement Authorities. If you cannot produce these documents when requested you commit an offence.

A completed non-compliant boat can be made compliant through a Post Construction Assessment (PCA) but there are costs involved. A non-compliant boat never gains compliance just because it has been used for some time. The new owners could institute civil proceedings back down the chain to the original importer to recover any costs incurred.

## **Advice**

The best advice is to look for the 5 items listed in the opening paragraph above. If they are not present then ask why not. All new recreational craft must comply with the Recreational Craft Regulations 2004.

Check the answer given with your surveyor, the RYA, BMF, DTI or Trading Standards Service. Ask the broker if he is an Authorised Representative of the Manufacturer and, if relevant, who is importing the craft.

**If the craft not CE marked and does not fall into one of the exemptions, you could risk a lot by buying it.**

## **Further help and advice**

The Recreational Craft (Amendment) Regulations 2004 [http://www.opsi.gov.uk/si/si2004/uksi\\_20043201\\_en.pdf](http://www.opsi.gov.uk/si/si2004/uksi_20043201_en.pdf)

Recreational Craft Directives 94/25/EC and 2003/44/EC <http://www.bis.gov.uk/policies/business-sectors/environmental-and-product-regulations/product-regulation/ec-product-directives/recreational-craft-directives-94-25-ec-and-2003-44-ec>

Notified Bodies group, RSG <http://ec.europa.eu/enterprise/sectors/maritime/recreational-craft/>

## **Trade, professional and representative bodies**

- British Marine Industries Federation - <http://www.britishmarine.co.uk/>
- Yacht Brokers Designers and Surveyors Association (YBDSA) - <http://www.ybdsa.co.uk/>
- Royal Yachting Association (RYA) - <http://www.rya.org.uk/Pages/Home.aspx>

As well as the growing number of private companies and consultants who specialise in the RCD, type RCD into a search engine such as Google.

**This advice is designed to provide basic guidance. It is not a complete or authoritative statement of the law. A large print version is available.**

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