

Belfast Harbour Communication regarding The Merchant Shipping (Watercraft) Order 2023

In 2023 legislation has been introduced to help regulate and prevent the dangerous misuse of watercraft. Belfast Harbour wishes to communicate these changes to the users of both visiting and resident and recreational craft.

The [Merchant Shipping \(Watercraft\) Order 2023](#) extends certain provisions of the [Merchant Shipping Act 1995](#) and the [Harbours Act 1964](#) to watercraft. Further guidance can be found in [MGN 684 \(M\) – Safety of Powered Watercraft](#). The provisions apply to watercraft, as they apply to ships with modifications in some cases. The intention is to ensure that watercrafts are operated safely.

Definition of a watercraft

Vessels considered to be “ships” for the purposes of the Merchant Shipping Act 1995 are excluded from the definition of “watercraft”. A registered motor or sailing yacht on passage is almost certainly considered a “ship”.

Watercraft means a type of craft that is:

- Capable of moving under its own mechanical power
- Used, navigated, or situated wholly or partly in or on water
- Able to carry one or more persons.

The motor does not need to be in use, it only needs to be fitted or carried. As well as personal watercraft (PWC), power boats and RIBs, tenders, sailing dinghies and keel boats which are fitted with or carry a motor are watercrafts.

Unpowered craft such as pedalos, canoes, rowing boats, SUPs, windsurfers, kite surfers, wing surfers, sailing dinghies and unpowered surf boards are not considered watercraft. Unpowered craft are not permitted in the waters of Belfast Harbour without the express permission of the Harbourmaster.

In cases of deliberate, dangerous, or negligent misuse of a watercraft, the Merchant Shipping (Watercraft) Order 2023 enables the MCA to prosecute those responsible.

Collision Regulations

Irrespective of the legal uncertainty, responsible recreational boaters have learnt and abided by COLREGs, making our waters safer for everyone to use. As a result of the Merchant Shipping (Watercraft) Order 2023, the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (COLREG) apply to watercraft as if they are UK ships wherever they may be, except where an exemption is granted by the Secretary of State under regulation 5 of the 1996 Regulations.

Powers to detain a dangerously unsafe Watercraft

A watercraft may be considered as dangerously unsafe if its condition is unfit to go to sea or where there is danger to human life. Inspectors and surveyors, in accordance to Article 12 of the Merchant Shipping (Watercraft) Order 2023 have the power to inspect and to detain watercraft.

Boat Registration

The Merchant Shipping (Watercraft) Order 2023 allows the owner of a watercraft to be registered as a small ship on Part III of the UK Ship Register but the 2023. However, the order does not make it compulsory for a watercraft to be registered.

In the UK there is no compulsory requirement to register a watercraft or any other recreational craft.

EPIRB Registration

A watercraft owner is required to register an EPIRB (or PLB) if they have one. The Merchant Shipping (EPIRB Registration) Regulations 2000 apply to watercraft as if they are UK ships. It requires the owner and the operator to ensure that every EPIRB is registered with a competent authority and that the registered particulars are correct.

Safe operation

The Merchant Shipping (Watercraft) Order 2023 places a duty on watercraft owners in UK waters to ensure that it is operated in a safe manner. If the owner fails to do this, they may commit an offence, punishable by imprisonment for a term up to two years, a fine, or both

Alcohol & Drugs

Under the order, it is not an offence for a person to be under the influence of drink or a drug while in charge of a watercraft or other recreational craft. However, if a watercraft user does something or omits to do something that leads to the loss, destruction or serious damage of their watercraft, any other watercraft, ship or structure, or the death of or serious injury to any person and either:

- the act or omission was deliberate or amounted to a breach or neglect of duty.

OR

- the person who committed the act or made the omission was under the influence of drink or a drug at the time of the act or omission then the person is guilty of an offence under section 58 (conduct endangering ships, structures, or individuals) of the Merchant Shipping Act 1995, as applied by the 2023 Order.