



Maritime and Coastguard Agency

MERCHANT SHIPPING NOTICE

MSN XXX (X)

EU Directive 2006/87/EC (as amended) - Laying down technical requirements for inland waterway vessels

Notice to all Owners and Operators of inland waterway vessels, and Navigation and Harbour Authorities

This notice should be read with Directive 2006/87/EC (as amended) - Laying down technical requirements for inland waterway vessels

PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

- This Notice makes provision in relation to European Union (EU) Directive 2006/87/EC, as amended, which lays down technical requirements for inland waterways vessels.
- Vessels that operate only on UK inland waterways, and comply with relevant UK requirements, will have an authorised derogation from the Directive. They will not be subject to any changes in the technical requirements with which they are required to comply as a result of this Notice.
- For the UK, "Inland waterways" means categorised waters A, B, C and D, as set out in Annex 1 of this MSN.
- For the EU in general, "inland waterways" means the waters (of Zone 1, 2, 3 or 4) listed in Annex I of the Directive.
- The Directive will not normally apply to any vessels certificated for service at sea which are operating temporarily on inland waterways.

1. Introduction and Background

- 1.1 Directive 2006/87/EC (as amended) lays down technical requirements for inland waterway vessels, including construction and equipment standards. It was adopted by the European Parliament and Council on 30 December 2006. Directive 2006/87/EC and its amendments can be viewed and downloaded from the MCA website (www.mcga.gov.uk) at Ships and Cargoes/Ship Regulations and Guidance/Inland Waterways & Boatmaster's Licence/EC Directive on Standards for Inland Waterway Vessels.] They are also available directly from the European Commission website (http://ec.europa.eu/index_en.htm), within the "Laws" section.
- 1.2 The purposes of the Directive are to further harmonise vessel standards across Member States, and to improve safety, and facilitate free movement and competition, in accordance with the principles of the EU Single Market. It replaced and repealed Directive 82/714/EEC.
- 1.3 The technical requirements laid down in Directive 2006/87/EC will **not** be mandatory for vessels that operate only on inland waterways within the UK, provided that those vessels are within the scope of a derogation authorised by the MCA in accordance with Article 7 of the Directive, as set out at paragraph 9 and Annex 3 of this Notice.
- 1.4 The requirements of the Directive will apply to UK vessels that are within the scope of the Directive, and which go to operate in mainland Europe on any of the (non-UK) Community waters listed in Annex 1 of the Directive. On those waterways, Directive 2006/87/EC applies to:-
- passengers ships (i.e. vessels that carry more than 12 passengers);
 - tugs and pusher craft (of any length); and,
 - other vessels over 20 metres in length (or having a volume over 100m³ as calculated in accordance with Article 2.1(a) of the Directive) including private pleasure vessels;
 - "floating equipment" (which means a floating installation carrying working gear such as cranes, dredging equipment, pile drivers or elevators).
- 1.5 The Directive does not apply, whether that vessel is operating on UK or Community waterways, to:-
- vessels that carry no more than 12 passengers;
 - ferries operating on inland waterways;
 - sea-going vessels that are based on tidal waters, or that are operating temporarily on inland waterways and are certificated to go to sea, for instance in accordance with the International Convention for the Safety Of life At Sea (SOLAS).
- 1.7 Please note that the term "inland waterways", as usually applied in the UK, means any or all categorised waters, as laid down in The "Merchant Shipping (Categorisation of Waters) Regulations 1992", and defined and listed in Merchant Shipping Notice (MSN) 1776 (as amended), and also covers any other waterways with the same characteristics, which have not been formally categorised. However, the definition of inland waterway for the purposes of Directive 2006/87/EC and its implementation in the UK is that used in the Directive and reproduced at Annex 1 of this MSN.

2. EU inland waterway "Zones"

- 2.1 In the member States of the European Union, inland waterways are designated as "Zones" 1, 2, 3 or 4. Zone 1 is analogous to UK Category D; Zone 2 to category C; Zone 3 to category B; and, Zone 4 to category A (although Zone 4 waters are in fact uncategorised in European Union legislation).

2.2 Many major waterways in Europe (including the Rhine) are largely designated as Zone 3, except for their tidal stretches. The standard technical requirements in Annex II of the Directive relate to operation in Zone 3 waters, which can be thought of as the “default” Zone of the Directive.

2.3 The designated Community inland waterways, including those in the UK, are listed in Annex I of the Directive. The definitions according to which those inland waterways have been classified are reproduced at Annex 1 of this Notice.

3 Requirements for vessels operating in other EU Member States, on the waterways listed in Annex I of the Directive

3.1 The principal technical requirements that vessels need to meet are set out in Annex II of the Directive. Chapters 1 to 14 cover general requirements (eg Shipbuilding Requirements; Manoeuvrability). Chapters 15 to 22 cover more specific provisions (eg for passenger ships; container vessels)

3.2 EU Member States can require higher standards than those detailed in Annex II of the Directive, for vessels operating on their Zone 1 and 2 waterways, but only in respect of the items listed at Annex III of the Directive. Higher standards can also be applied to passenger vessels operating on Zone 3 waters not linked to the inland waterways of another Member State.

3.3 Member States can also establish standards lower than those in Annex II, for appropriate vessels that operate only on their Zone 3 or 4 waterways. These reductions can only be applied in respect of the items listed in Annex IV of the Directive.

3.4 Note that several sets of requirements covered in Annex II of the Directive have yet to be developed or finalised, and are marked “left void”. These will be addressed as part of the ongoing review and amendment process referred to in Section 10 below.

4. Transitional provisions for existing vessels

4.1 Annex II of the Directive contains transitional provisions for certain existing vessels, depending on when they were constructed and first certificated, and whether the certificates held are in respect of Rhine (“Zone R”) waterways, or other Community waterways. These transitional provisions set a date by which vessels must comply with particular requirements. The Transitional Provisions for vessels that operate on the Rhine are set out in Chapter 24; and those for vessels operating on non-Rhine waterways in Chapter 24a. They are set out as follows:-

Vessels operating on the Rhine, or other Rhine controlled (“Zone R”) waterways	
Vessel and current certification	Transitional provisions indicated at:-
Vessels holding a Rhine navigation certificate at 30/12/2008; or, Vessels which were undergoing construction or conversion on 31/12/1994.	Annex II, Chapter 24, Article 24.02 including table, and 24.04. (Note paragraph 2 of Article 24.02 regarding: New craft, Replacements and Conversions.)
Vessels laid down on or before 01/04/1976	Annex II, Chapter 24, Article 24.03 and table
1) Vessels holding a Rhine vessel certificate first issued between 01/01/1995 and 30/12/2008, and not under construction or conversion at 31/12/1994; or, 2) vessels holding a non-Rhine certificate	Annex II, Chapter 24, Article 24.06 and table. (Note paragraph 5 of Article 24.06 regarding: New craft, Replacements and Conversions.)

issued between 01/01/1995 and 30/12/2008.	
Vessels not operating on the Rhine, or other Rhine controlled (“Zone R”) waterways	
Vessel and current certification	Transitional provisions indicated at:-
Vessels holding:- 1) a Community certificate first issued before 30/12/2008*; or, 2) another certificate (eg national) issued before 30/12/2008.	Annex II, Chapter 24a, Article 24a.02 including table. (Note Paragraph 2 of Article 24a.02, regarding New craft, Replacements and Conversions.)
Vessels laid down before 01/01/85	Annex II, Article 24a.03. (Note Paragraph 2 of Article 24a.03, regarding New craft, Replacements and Conversions.)

(* Certificate issued in accordance with Directive 82/714/EEC.)

5. Equivalences

5.1 Directive 2006/87/EC includes, at Annex II, Chapter 2, Article 2.19, a provision by which equivalences, in respect of a vessel’s construction or equipment, may be authorised. It should be understood that this is not a way of avoiding the technical requirements laid down in Annex II of the Directive. Details of any feature of a vessel’s construction or equipment, that an EU Member State considers equivalent to the relevant technical requirement/s must be considered by a committee of national experts at European Commission level.

5.2 If that Committee approves a feature of a vessel’s construction or equipment, that differs from the requirements laid down in the Directive, as an equivalence, it may be formally accepted as such by the European Commission. In that case, the Commission will advise EU Member States about the equivalence.

5.3 Any equivalence that is granted has to be shown on the vessel’s Community certificate.

6. Survey and certification of UK vessels under Directive 2006/87/EC

6.1 A UK inland waterway vessel that is to be operated on non-UK Community inland waterways (as listed in Annex I of the Directive) will normally need to carry a Community certificate. To obtain one, it will need to be surveyed in accordance with the relevant technical requirements laid down in Annex II the Directive, and in certain cases in accordance with any additional technical requirements imposed by the relevant authorities for the waterways over which the vessel is to be operated.

Waterways vessel to operate on	Type of certification required
All of the Rhine and its tributaries – “Zone R” waterways. (All aspects of navigation on these waterways falls under the Jurisdiction the Central Commission for Navigation on the Rhine – “CCNR”.)	A Rhine navigation certificate (issued under Article 22 of the Revised Convention for Rhine Navigation). - See Article 3.1 (a) of the Directive.
The Rhine and its tributaries except within Switzerland.	A Community Certificate endorsed for operation on Zone “R” waters. (i.e. With attestation that the vessel complies fully with the relevant technical requirements in Annex II of the Directive.)
Other waterways that are listed in Annex I of the Directive, <u>except</u> those within the UK.	A Community inland navigation certificate. - see Article 3.1 (b) of the Directive

6.2 As a Community certificate will not be required for vessels operating in the UK, and complying with UK requirements as set out in the derogations referred to below, MCA is not proposing to survey UK vessels under Community technical requirements, or issue Community certificates. Those wishing to operate UK vessels on the inland waterways of other EU Member States in mainland Europe will need to make arrangements for survey and certification with the relevant authorities in the State concerned. (In the Directive, the term “technical inspection” is used to denote survey.)

6.3 Please note that, in mainland Europe, inland waterways are not necessarily dealt with by the country’s maritime administration, and often come under the jurisdiction of separate inland waterway, or river, authorities.

6.4 There are two major international inland navigation authorities. The Central Commission for Navigation on the Rhine (CCNR) has legal and operational jurisdiction over all aspects of navigation on the River Rhine and its tributaries (together with the Leck and the Waal). There are five full member States: Belgium; France; Germany; Netherlands; and Switzerland. The Danube Commission has broadly similar functions and scope in respect of the Danube, and its member States are:- Austria; Bulgaria; Croatia; Germany; Hungary; Moldova; Slovakia; Romania; Russia; Ukraine; and, Serbia. (It should be noted that membership of both the Rhine and Danube Commissions includes one or more countries that are not EU Member States.) The rivers Sava and Moselle also have their own commissions.

6.5 Contact details for the above river commissions, and relevant national administrations are given at Annex 2 of this MSN.

7. Inland waterway vessels operating in the UK

7.1 Passenger vessels

7.1.1 “Passenger vessel” means a vessel carrying more than 12 passengers.

7.1.2 Inland waterway passenger vessels operating in the UK must either:-

- hold a Community inland navigation certificate showing full compliance with the relevant technical requirements in Annex II of the Directive and additional UK technical requirements; or
- meet with the appropriate UK requirements, which will bring the vessel into compliance with the terms of an derogation authorised by the Secretary of State in accordance with Article 7 of the Directive, as set out in Annex 3 to this Notice.

7.1.3 Vessels that hold Community, or Rhine, inland navigation certificates will have to satisfy certain additional UK technical requirements as notified to the Commission in accordance with Article 5 of Directive 2006/87/EC. This is because some of the UK’s safety requirements are higher than those laid down in the Directive. These additional requirements arise in relation to:-

- the carriage of Life Saving Appliances (LSA), particularly liferafts; and,
- wheelhouse visibility.

7.1.4 Details of these additional UK requirements, as notified to the Commission in accordance with Article 5 of Directive 2006/87/EC, are set out at Annex 4 of this MSN. Passenger vessels with Community or Rhine certification will have their certificates inspected to ascertain whether they satisfy these requirements. Passenger vessels with Community or Rhine certificates which do not show that they satisfy these requirements will be subject to a

technical inspection to check whether the vessel complies with those additional UK requirements.

7.1.5 Existing passenger vessels with Community certificates may be subject to the Transitional Provisions that are set out at Chapter 24 (for Rhine vessels) and Chapter 24a (for non-Rhine vessels) of the Directive. For operation in the UK, such vessels will be required to fully satisfy the relevant technical requirements in Annex II of the Directive, and additional UK safety requirements mentioned in paragraph 7.1.2 above. This is because the Transitional Provisions cover a number of important safety requirements that UK passenger vessels (of Classes IV and V for instance) have to satisfy. Under the Transitional Provisions, an older EC vessel may hold a Community or Rhine certificate without having satisfied all such requirements laid down in Annex II of the Directive, and may not have to do so for a number of years.

[7.1.6 We are considering whether passenger vessels with Community (or Rhine) certificates not operating under the UK's derogation in accordance with Article 7 will also be expected to satisfy certain operational requirements that are applied to UK passenger vessels. These include safety management; Search And Rescue (SAR) plans; and, passenger counting systems. These requirements are listed at Annex 4 of this MSN.]

7.1.7 In some areas, vessels may be subject to local requirements, that are in place under a navigation or harbour authority's local regulations. Compliance with those local requirements-

- will be a condition of a derogation granted by the UK in accordance with Article 7 of the Directive,
- in so far as these local requirements constitute additional technical requirements notified to the Commission in accordance with Article 5 of the Directive, will be additional technical requirements which are required to be specified on the Community inland navigation certificate of any non-UK vessel operating in an area to which those local requirements apply.

7.2 Non-passenger vessels

7.2.1 The term "non-passenger vessels" means all inland waterway vessels that are not passenger vessels (carrying more than 12 passengers). It therefore includes:

- freight vessels;
- tankers;
- tugs; and,
- workboats (of various types).

7.2.2 Inland waterway non-passenger vessels operating in the UK must either:-

- hold a Community (or Rhine) certificate; or
- comply with the applicable UK national requirements, which will bring the vessel within the terms of a derogation authorised by the Secretary of State in accordance with Article 7 of the Directive, as set out in Annex 3 to this Notice.

7.2.3 In the UK, inland waterway non-passenger vessels fall within "Class IX(A)" or, in the case of tankers, "Class IX(A)(T)". Currently, the only applicable national UK requirements for these vessels relate to the carriage of life saving, and fire fighting, appliances. There is currently no survey or certification regime for these vessels.

7.2.4 Inland waterway non-passenger vessels that carry Community inland navigation certificates or Rhine certificates will be deemed fully compliant with the UK's requirements.

This is because the Community and Rhine certificates cover a much wider range of requirements, including construction standards, than the current UK rules for Class IX(A) and IX(A)(T) vessels. Such vessels will be able to operate within the UK without having to meet any additional requirements.

7.2.5 Note that UK inland waterway non-passenger vessels will in due course, be covered by a set of new national requirements, developed for the scale of vessels, operations and waterways within the UK. In complying with that regime, they will still be subject to the derogation, and consequent exemption from the requirement to hold a Community certificate.

8. Private pleasure vessels

8.1 The current UK legal definition of “pleasure vessel” is given at [Annex 6](#) to this MSN.

8.2 Directive 2006/87/EC applies to private pleasure vessels over 20m in length. When operating on UK inland waterways, such vessels will either need a Community certificate, or to come within the scope of the derogations under Article 7 of the Directive authorised in relation to such vessels, as set out in paragraph 9 and Annex 3 of this Notice. There are no new UK requirements for these vessels.

8.3 On other Community inland waterways listed in Annex I of the Directive, private pleasure vessels over 20m in length have to comply with the relevant certification requirements for their construction and equipment. In the Directive, pleasure vessels are covered by the term “recreational craft”.

8.4 The requirements are listed in the Directive, at Annex II, Chapter 21. Article 21.02 (1) covers vessels not subject to the Recreational Craft Directive (94/25/EC as amended by 2003/44/EC); Article 21.02 (2) covers vessels that are subject to that Directive.

8.5 Seagoing private pleasure vessels over 20m in length, operating on inland waterways, are also subject to the Directive but, provided they are only doing so on a temporary basis and have the certificates referred to in Article 2.3 of Directive 2006/87/EC, they will not be have to meet the technical requirements laid down for recreational craft in Chapter 21

9. UK derogations in accordance with Article 7 of the Directive

9.1 The UK [is intending to authorise] derogations from Directive 2006/87/EC as set out in Article 7 of the Directive

9.2 The UK’s derogation under Article 7.1 will apply to

- passenger vessels (required to comply with the applicable UK technical requirements set out in Annex 3 to this Notice), and
- other vessels which comply with the UK technical requirements set out in Annex 3

9.3 In order to be in compliance with the derogation under Article 7.1, a passenger vessel will have to comply with the additional UK technical requirements specified in Annex 3 to this Notice.

[9.4 Article 7.2 of the Directive enables the UK to authorise derogations from one or more of the provisions of the Directive for limited journeys of local interest or in harbour areas. The MCA will consider applications for derogations in accordance with Article 7.2 on an individual basis.]

10. Ongoing amendment

10.1 Directive 2006/87/EC is to be reviewed on an ongoing basis, and amended every two years so that it remains up to date with advances in vessel construction and equipment technology, and developments in best-practice. With reference to paragraph 3.4 above, those parts of the Directive that are still under development, will also be finalised via this process.

10.2 In the light of those amendments, this MSN will be revised periodically so that its guidance remains up to date. There are currently four amendments to Directive 2006/87/EC:-

- Directive 2006/137/EC - This largely sets out streamlined procedures for considering and adopting amendments but also includes some amendments to the technical requirements for permanently installed fire fighting systems.
- Directive 2008/87/EC - Amendments to technical requirements.
- Directive 2008/126/EC - Administrative instructions (Annex II, Chapter 1, Article 1.07)
- Directive 2009/46/EC - Amendments to technical requirements

More Information

Vessel Policy Branch
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Southampton
SO15 1EG

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Transport*

Consultation Draft

Annex 1

UK Inland Water Categories and EU Inland Water Zones

UK inland water Categories	Corresponding EU inland water Zones
A - Narrow Rivers and canals where the depth of water is generally less than 1.5 metres.	4 (uncategorised)
B - Wider rivers and canals where the depth of water is generally 1.5 metres or more and where the significant wave height could not be expected to exceed 0.6 metres at any time.	3 – Wave height of up to 0.6m
C - Tidal rivers and estuaries and large, deep lakes and lochs where the significant wave height could not be expected to exceed 1.2 metres at any time.	2 – Wave height of up to 1.2m
D - Tidal rivers and estuaries where the significant wave height could not be expected to exceed 2.0 metres at any time.	1 – Wave height of up to 2.0m

- For more information about categorised waters in the UK, please see MSN 1776, [or contact the MCA's Navigation Safety Branch].

- See also Annex I of Directive 2006/87/EC, which lists the designated inland waterways of EU Member States, including the UK.

Annex 2

Contact details for inland waterway Authorities in other EU Member States with waterways where the Directive applies

The River Rhine and its tributaries

Central Commission for Navigation on the Rhine
Palais du Rhin
2, place de la République
67082 STRASBOURG Cedex
(France)

Tel: 00 33 (0)3 88 52 20 10
F. 00 33 (0)3 88 32 10 72
e-mail: ccnr@ccr-zkr.org
website: www.ccr-zkr.org

The River Danube

Danube Commission
H-1068 Budapest
Beczúr utca 25
(Hungary)

Tel: 00 36 (0)1 461 8010
F. 00 36 (0)1 352 1839
e-mail: secretariat@danubecom-intern.org
website: www.danubecom-intern.org

The River Moselle

The Secretariat
Moselle Commission
Franz-Ludwig-Str. 21
D-54290 Trier
Federal Republic of Germany

Tel: 00 49 (0) 651 97 94 16-0
Fax: 00 49 (0) 651 97 94 16-20
e-mail: info@moselkommission.org
website: www.moselkommission.org

Other waterways

As mentioned at paragraph 6.4 above, many inland waterways within mainland Europe (apart from the Rhine and Danube) fall under the jurisdiction of regional navigation or river authorities. UK operators considering operating in other EU Member States will need to contact the relevant authority/ies there. The following contact details are for the Member States' government departments that cover inland waterway transport. They will be able to

give advice as to who operators should contact about particular waterways.

Austria

Bundesministerium für Verkehr Innovation und Technologie
Oberste Schifffahrtsbehörde
Radetzkystrasse, 2
A-1030
WIEN

Belgium

Federale Overheidsdienst
Mobiliteit en Vervoer
Dienst Scheepvaart-veiligheid
Tavernierkaai, 3
B-2000 Antwerpen

Bulgaria

Ministry of Transport
Maritime Administration
9, Dyakon Ignatij Str.
Sofia 1000
Republic of Bulgaria

Tel: 00 359 (0) 2 930 09 10
Fax: 00 359 (0) 2 930 09 20
e-mail: bma@marad.bg
web: www.marad.bg

Czech Republic

Ministry of Transport
nabr. Ludvika Svobody 12
11015 Praha 1
Czech Republic

France

Ministère de l'équipement des transports, du tourisme et de la mer
Arche Sud
92055 La Défense
Cedex Paris

Germany

Bundesministerium für Verkehr,
Bau und Stadtentwicklung
Referat WS26 Invalidenstrasse 44
10115 Berlin

Hungary

Ministry of Transport, Telecommunications
and Energy
H-1054 Budapest
Akademia utca 3
Republic of Hungary

Tel: 00 36 1 475 34 34
Fax: 00 36 1 475 34 35
e-mail: ugyfelszolgalat@khem.gov.hu

Italy

Ministry of transport
Viale dell'Arte, 16
IT-00136 Rome

Lithuania

Ministry of Transport and Communications
Gedimino Are.
17 Vilnius
01505 Lithuania

Luxembourg

Ministere des Transports
19-21 boulevard Royal
L-2449
Grand Duchy of Luxembourg

and the Moselle Commission (see above)

Netherlands

Ministry of Transport (Verkeer & Waterstaat)
Plesmanweg 1-6
Postbus 20904
NL-2500 EX
Den Haag

Poland

Polski Rejestr Statków S.A.
Al. Gen. Józefa Hallera 126
80-416 Gdańsk, Poland
phone: (+48 58)346 17 00
fax: (+48 58)346 03 92
email: mailbox@prs.pl

Romania

Romanian Naval Authority
Bd. Marasesti, n°26,
Sector 4
RO 54 Bucharest

Slovakia

Ministry of Transport, Post and telecom SK
Namestie slobody 6
81005 Bratislava

There are several European amenity and trade organizations who may also be able to provide advice and to UK vessel owners/operators who wish to operate in mainland Europe.

Commercial vessels**Inland Navigation Europe**

Office 6G65,
Koning Albert II-laan 20,
1000 Brussels
Belgium
Tel: 00 32 (0)2 553 62 70
F. 00 32 (0)2 553 62 72
e-mail: info@inlandnavigation.org
website: www.inlandnavigation.org

The European Barge Union

PO Box 23210
3001 KE Rotterdam
The Netherlands
Tel: 00 31 (0) 10 411 6070
F. 00 31 (0) 10 412 9091
e-mail: info@ebu-uenf.org
website: www.ebu.uenf.org

Pleasure vessels**DBA the Barge Association**

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Tel: +44 (0)7000 227437
e-mail: info@barges.org
www.barges.org

European Boating Association (EBA)

EBA Secretariat
Royal Yachting Association,
RYA House,
Ensign Way, Hamble,
Southampton,
SO31 4YA,

Tel: +44 23 8060 4230 (or 4100)
Fax: +44 23 8060 4296 (or 4299)
e-mail: eba@rya.org.uk
<http://eba.eu.com>

The Inland Waterways Association

Island House
Moor Road
CHESHAM
HP5 1WA

Tel: 01494 783453
e-mail: iwa@waterways.org.uk
www.waterways.org.uk

Annex 3

A – List of UK classes [and types] of vessels covered by exemption from the requirement to hold Community certificates when operating in the UK, and will be required to meet applicable UK requirements.

Class IV	Ships engaged only on voyages in Category A, B, C or D waters
Class V	Ships engaged only on voyages in Category A, B and C waters
Class VI	Ships engaged only on voyages with not more than 250 passengers on board, to sea, or in category A, B, C or D (Zone 4, 3, 2 or 1) waters, in all cases in favourable weather and during restricted periods, in the course of which the ships are at no time more than 15 miles, exclusive of any category A, B, C or D waters, from their point of departure nor more than 3 miles from land.
Class IX(A)	Ships (other than ships of Classes IV to VI inclusive) which do not proceed to sea
Class IX(A)(T)	Tankers which do not proceed to sea
Class XII	Pleasure vessels of 13.7 meters in length or over

Vessels falling into one of the above classes, that operate on UK inland waters are subject to exemption from the requirement to hold a Community certificate. They will need to comply with the applicable UK requirements.

B –The Applicable UK Requirements

“Applicable UK requirements” for the purpose of a derogation authorized by the UK in accordance with Article 7 of Directive 2006/87/EC, means the requirements set out in the following legislation which are relevant to the vessel in question:

- New passenger vessels only
From date of coming into force, the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 (S.I. 2010/xxxx)
- Existing passenger vessels
 - The Merchant Shipping (Emergency Information for Passengers) Regulations 1990
 - The Merchant Shipping (Survey and Certification) Regulations 1995
 - The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998
 - The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998
 - The Merchant Shipping (Code of Safe Working Practices for Merchant Seamen) Regulations 1998
 - The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999
 - The Merchant Shipping (Life-Saving Appliances For Passenger Ships of Classes III to VI(A)) Regulations 1999
 - The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000
 - The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001
 - The Merchant Shipping (Safety of Navigation) Regulations 2002
 - The Merchant Shipping (Bridge Visibility) (Small Passenger Ships) Regulations 2005

- Non-passenger vessels

The Merchant Shipping (Life-Saving Appliances For Ships Other Than Ships Of Classes III To VI(A)) Regulations 1999
The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998

The relevant national UK requirements are those for “Class IX(A)” or, in the case of tankers, “Class IX(A)(T)” vessels, which relate to the carriage of life saving, and fire fighting, appliances. (NB There is currently no survey or certification regime for these vessels. There are no applicable UK requirements for other non-passenger vessels.)

- All vessels

Local requirements that may be in place under a navigation or harbour authority’s local regulations

C – Copy/ies of Exemption/s

[To be entered in due course]

Consultation Draft

Annex 4

Additional UK requirements for passenger vessels with Community (or Rhine) certification operating in the UK

1. Below are details of the additional UK requirements that will be applied to vessels that hold Community (or Rhine) certification, and wish to operate within the UK. These are safety requirements that UK passenger vessels have to satisfy, and to which no requirements in Annex II of Directive 2006/87/EC (as amended) can be deemed equivalent. Passenger vessels with Community (or Rhine) certification, wishing to operate in the UK, will need to satisfy these additional requirements.

2. Two types of requirements are covered:-

- technical requirements covering construction and equipment standards; and,
- non-technical, operational requirements concerning arrangements for running vessels in a way that underpins safety principles, and does not damage the environment.

3. It is acknowledged that the latter class of requirements is not technical, and is therefore mostly outside the scope of the Directive. However, these operational requirements are an important part of the UK's safety regime for inland waterway passenger vessels, and have to be met before those vessels can be certificated to operate.

4. If passenger vessels with Community (or Rhine) certification can demonstrate that they have equivalent operational arrangements in place, that will be taken fully into account.

5. There are slightly different additional requirements for existing passenger vessels, and new passenger vessels.

6. Existing passenger vessels with Community or Rhine certificates will need to meet the designated additional requirements in accordance with the relevant regulations, listed in Annex 3, comprising the UK's safety regime for inland waterway passenger vessels.

7. New passenger vessels are subject to corresponding additional requirements but in accordance with the UK Safety Code for Passenger Ships Operating Solely in UK Categorized Waters [(Merchant Shipping Notice xxxx)].

8. The additional UK technical requirements concern two areas: the carriage of Life Saving Appliances (LSA); and, Wheelhouse visibility. They are listed below.

Carriage of Life Saving Appliances (LSA)

Existing passenger vessels operating on Zone 1 (UK Category D) waters – Class IV vessels

The figures shown in column 1 refer to regulations within **The UK Merchant Shipping (Life-Saving Appliances For Passenger Ships of Classes III to VI (A)) Regulations 1999** – as amended. The figures shown in column 2 refer to Articles within **Annex II of Directive 2006/87/EC** (as amended).

The UK Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI (A)) 1999 – as amended	Annex II of Directive 2006/87/EC (As Amended)	Comment
Regulation 6 – Ships of Class IV	Article 10.04 – Ship’s boats Article 10.05 – Lifebuoys and lifejackets Article 15.09 – Life-saving equipment	
Regulation 6(2) In accordance with the table of UK life saving appliance and vessel survivability requirements in Regulation 6(2), reproduced at Annex D.	No equivalent requirements in Directive.	Additional requirement UK Regulation 6(2) requires every passenger vessel to carry lifeboats, liferafts or open reversible liferafts, and buoyant apparatus.
Regulation 6(3) At least one rescue boat or inflated boat shall be provided. The number of lifeboats, rescue boats or inflated boats shall be sufficient to ensure that, in providing for abandonment by the total number of persons the ship is certified to carry, not more than nine liferafts or open reversible liferafts need be marshalled by each lifeboat or rescue boat or inflated boat.	Article 10.04 Section 1(d) 1. The following craft shall carry a ship's boat according to European standard EN 1914: 1997: (a) motor vessels and barges exceeding 150 t deadweight; (b) tugs and pushers with a water displacement of more than 150 m3; (c) floating equipment; (d) passenger vessels. Article 15.09 Section 10 The ship’s boat shall be equipped with an engine and a searchlight.	Additional requirement UK Regulation 6(3) requires that not more than nine liferafts or open reversible liferafts need be marshalled by each lifeboat, dinghy (rescue boat) or inflated boat. Directive requires a dinghy or “ship’s boat” (termed rescue boat or inflated boat in UK requirements) similar to the UK requirement for at least one rescue boat or inflated boat on all passenger ships but does not specify further requirements, apart from an engine and searchlight. Directive requirements not equivalent.

¹ UK Statutory Instrument number 1999 No. 2723.

Existing passenger vessels operating on Zone 2 and 3 (UK Category C and B) waters - Class V vessels

The figures shown in column 1 refer to regulations within **The Merchant Shipping (Life Saving Appliances For Passenger Ships of Classes III to VI(A)) Regulations 1999** – as amended. The Figures shown in column 2 refer to Articles within **Annex II of Directive 2006/87/EC** (as amended).

The UK Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) regulations 1999 – as amended	Annex II of Directive 2006/87/EC (As Amended)	Comment
Regulation 7 – Ships of Class V	Article 10.04 – Ship’s boats Article 10.05 – Lifebouys and lifejackets Article 15.09 – Life-saving equipment	
Regulation 7(4)(a) – Zone 3 (UK Category B) In accordance with the table of UK life saving appliance, and vessel survivability requirements in Regulation 7 (4)(a), reproduced at Annex D.	No equivalent requirements in above Articles	Additional requirement UK Regulation 7(4)(a) requires every passenger vessel to carry lifeboats, liferafts or open reversible liferafts, or/and buoyant apparatus, depending on the vessel’s survivability standard and the number of passengers it carries.
Regulation 7(8)(a) – Zone 2 (UK Category C) In accordance with the table of UK life saving appliance and vessel survivability requirements from Regulation 7 (8)(a), reproduced at Annex D.	No equivalent requirements in above Articles	Additional Requirement UK Regulation 7(8)(a) requires every passenger vessel to carry lifeboats, liferafts or open reversible liferafts, or/and buoyant apparatus, depending on the vessel’s survivability standard and the number of passengers it carries.

² UK Statutory Instrument number 1999 No. 2723.

New passenger vessels operating in Zone 1, 2 or 3 (UK Category D, C or B) waters – all vessels

The figures shown in column 1 refer to sections and paragraphs within the **Safety Code for Passenger Ships Operating Solely in UK Categorised Waters³**.

The figures shown in column 2 refer to Articles within **Annex II of Directive 2006/87/EC** (as amended). The percentage figures in column 3 refer to the maximum number of passengers that a vessel is certificated to carry.

Safety Code For Passenger Vessels Operating Solely in UK Categorised Waters	Annex II of Directive 2006/87/EC (as amended)	Comment
Section 12 – Life Saving Appliances		
Table 1 - Life Saving Appliances and Equipment	Article 10.04 – Ships’ boats Article 15.09 - Life saving equipment	<p>Additional requirement</p> <p>UK requires 100% liferafts or open reversible liferafts (ORILS), and 20% additional buoyant apparatus or lifebuoys.</p> <p>Vessels operating in Zone 1 or 2 (UK Category D or C) waters <u>must</u> carry 100% liferafts or ORILS <u>and</u> 20% additional buoyant apparatus or lifebuoys.</p> <p>For Zone 3 (UK Category B) waters <u>only</u>, if 100% liferafts or ORILS is not practicable because of the width of waterway, 100% buoyant apparatus, or 100% lifebuoys may be provided instead.</p> <p>Directive requirements not equivalent.</p>
Paragraph 12.1.2 – Ships which may operate in Category B [Zone 3] waters		

³ To be produced as a UK Merchant Shipping Notice and available electronically, free of charge. This Code is to be given legal force by The Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010.

<p>Table 1; and Paragraph 12.4.2 - Primary & portable communications)</p> <p>(1) Primary Communications</p> <p>All ships shall carry suitable means of contacting emergency services for the area of operation. This shall normally be by VHF/DSC, unless operating in areas without suitable VHF coverage. In such circumstances, primary communication shall normally be by mobile phone or other communication system that can be shown to be a reliable connection at all times. In category C and D waters, the ship's VHF/DSC radio shall be fixed.</p> <p>(2) Portable Communication</p> <p>A portable VHF shall be provided for each liferaft, where carried, subject to adequate coverage as outlined in sub-paragraph (1) above. These are to be portable, waterproof and shall be stowed in a protected and easily accessible position.</p>	<p>No equivalent requirement in above Articles</p>	<p>Additional requirement</p> <p>UK requires all vessels to carry means of contacting emergency services via VHF/DSC, and portable VHF for liferafts, where carried.</p> <p>Directive requires radiotelephone installation on vessel.</p> <p>Directive requirement not equivalent</p>
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Consultation Draft

Wheelhouse Visibility

Existing passenger vessels less than 45m in length operating on Zone 1, 2 or 3 (UK Category D, C or B) waters

The figures shown in column 1 refer to regulations within **The Merchant Shipping (Bridge Visibility) (Small Passenger Ships) Regulations 2005** – as amended.
The figures in column 2 refer to Articles within **Annex II of Directive 2006/87/EC** (as amended).

The Merchant Shipping (Bridge Visibility) (Small Passenger Ships) Regulations 2005 (UK Statutory instrument 2005 No. 2286)	Annex II of Directive 2006/87/EC (as amended)	Comment
Regulation 4 - Visibility from the bridge	Article 7.02 – Unobstructed view	
4(1) The steering position of a new ship shall be situated above all decked superstructures other than the wheelhouse (if any) in which it is situated.		
4(2) Subject to regulations 6 and 7, the steering position of a ship shall be so sited and any wheelhouse shall be so constructed –		
(a) as to provide the helmsman at the steering position with all round visibility, and	Article 7.02 (1) There shall be an adequately unobstructed view in all directions from the steering position. Article 7.02 (3) (first paragraph) The helmsman's field of unobstructed vision at his normal position shall be at least 240° of the horizon and at least 140° within the forward semicircle.	Additional requirement Directive requirements in Article 7.02 not equivalent
(b) that the helmsman at the steering position can, if necessary by moving across a level and unobstructed deck within the permitted limits–		
(b) (ii) see an object situated 4 metres above the surface of the water at a distance of 200 metres from the stern of the ship, over the arc from abeam on either side through right astern.	No equivalent requirement in Article 7.02.	Additional requirement Visibility astern not explicitly required under Article 7.02 in Annex II of the Directive.
Regulation 5 - Sight lines		

⁴ UK Statutory instrument number 2005 No. 2286.

(2) Where a sight line, required to be clear to meet the requirements of regulation 4, passes through an after facing window, that window shall be of not less than 450 mm depth (height) centred at 1675 mm above the deck at the steering position.	No equivalent requirement in Article 7.02	Additional UK requirement
(4) In new ships, and where practicable in existing ships, any sight line which passes over an open passenger deck shall be such that it would pass over the heads of any passengers occupying seats on that deck.	No equivalent requirement in Article 7.02	Additional UK requirement
(5) Should the activities of standing passengers on an open passenger deck cause a serious obstruction to visibility from the steering position, a dedicated lookout must be provided in accordance with regulation 6(2) in such a manner as to overcome the effects of such obstruction.	No equivalent requirement in Article 7.02	Additional UK requirement
Regulation 6 - Dedicated lookout		
6. —(1) Where an existing ship – (a) does not comply fully with the requirements of regulation 4(2)(a), or (b) does not comply fully with the requirements of regulation 4(2)(b)(ii) and it is not practicable for the ship so to comply, those requirements shall not apply to the ship if a dedicated lookout is provided at all times when the ship is under way.		The UK requires passenger vessels to have a dedicated lookout person where all-round visibility is not possible from the steering position, and the requirements of Regulation 4 are not therefore met. UK does not permit the use of optical or electronic devices in order to obtain all round visibility.
(2) The dedicated lookout shall		
(a) have the sole duty, while the ship is underway, of maintaining a lookout,	No equivalent requirement in Article 7.02.	Additional UK requirement
(b) be positioned outside the passenger spaces, and	No equivalent requirement in Article 7.02.	Additional UK requirement

(c) be instructed by the master to keep a continuous lookout astern, and in particular over any or all (as the case may be) of the areas referred to in regulation 4(2)(a), (2)(b)(ii) and (3) which the helmsman cannot see.	No equivalent requirement in Article 7.02	Additional UK requirement where applicable
(3) The dedicated lookout may be in the wheelhouse, but if positioned outside the wheelhouse and remote from the helmsman he shall be provided with a wired telephone communication link to the helmsman.	No equivalent requirement in Directive	Additional UK requirement where applicable
Other lookout arrangements 7. The requirements of regulations 4 and 6 do not apply to a ship which is operated with bridge manning levels which include a helmsman and an officer of the watch, if		
(a) the helmsman is able to see the water surface at no more than two ship's lengths ahead and has an unobstructed view to 60 degrees on either bow, and	No equivalent requirement in Directive	Additional UK requirement where applicable
(b) the officer of the watch is able to obtain all round visibility by horizontal movement within the navigation work area.	No equivalent requirement in Directive	Additional UK requirement where applicable
Regulation 8 – Windows		
(2) the height of the lower edge of the forward facing windows of the wheelhouse shall be as low as practicable.	No explicitly equivalent requirement in Directive	Additional UK requirement where applicable

Existing passenger vessels 55m or more in length operating on Zone 1, 2 or 3 (UK Category D, C or B) waters

The figures shown in column 1 refer to paragraphs within the UK Maritime and Coastguard Agency's (MCA's) **2002 SOLAS Chapter V publication "Safety of Navigation, Implementing SOLAS Chapter V, 2002"**, **Regulation 22 – Navigation bridge visibility**. This was implemented under UK law by **The Merchant Shipping (Safety of Navigation) Regulations 20025** (as amended) The figures in column 2 refer to Articles within **Annex II of Directive 2006/87/EC** (as amended).

- The Merchant Shipping (Safety of Navigation) Regulations 20026 which empower - MCA's 2002 SOLAS V publication "Safety of Navigation, Implementing SOLAS Chapter V, 2002"	Annex II Of Directive 2006/87/EC (As Amended)	Comment
(Regulation 22 – Navigation bridge visibility)	Article 7.02 – Unobstructed view	
1 Ships of not less than 55 m in length, as defined in regulation 2.4, constructed on or after 1 July 1998, shall meet the following requirements:		
1.3 The horizontal field of vision from the conning position shall extend over an arc of not less than 225°, that is from right ahead to not less than 22.5°, abaft the beam on either side of the ship;	Article 7.02 (3) (first paragraph) The helmsman's field of unobstructed vision at his normal position shall be at least 240° of the horizon and at least 140° within the forward semicircle.	Additional UK requirement Directive requirements not equivalent.
1.4 From each bridge wing the horizontal field of vision shall extend over an arc at least 225°, that is from at least 45° on the opposite bow through right ahead and then from right ahead to right astern through 180° on the same side of the ship;	No equivalent requirement in Article 7.02	Additional UK requirement. Where a vessel does not have bridge wings as such, this requirement applies to the views available from each side of the wheelhouse.
1.6 The ship's side shall be visible from the bridge wing;	No equivalent requirement in Article 7.02	Additional UK requirement Directive assumes stationary helmsman, with no requirement for bridge wings from which the ship's side is visible

5 UK Statutory instrument number 2002 No.1473

6 UK Statutory Instrument number 2002 / 1473.

<p>- The Merchant Shipping (Safety of Navigation) Regulations 2026 which empower - MCA's 2002 SOLAS V publication "Safety of Navigation, Implementing SOLAS Chapter V, 2002"</p>	<p>Annex II Of Directive 2006/87/EC (As Amended)</p>	<p>Comment</p>
<p>1.7 The height of the lower edge of the navigation bridge front windows above the bridge deck shall be kept as low as possible. In no case shall the lower edge present an obstruction to the forward view as described in this regulation</p>	<p>No equivalent requirement in Article 7.02</p>	<p>Additional UK requirement, where applicable.</p>

Consultation Draft

New vessels of any length operating in Zone 1, 2 or 3 (UK Category D, C or B) waters

The figures shown in column 1 refer to sections and paragraphs within the UK **Safety Code for Passenger Ships Operating Solely in UK Categorised Waters**⁷.

The figures shown in column 2 refer to Articles within **Annex II of Directive 2006/87/EC** (as amended).

New Safety Code For Passenger Ships Operating Solely Within UK Categorised Waters	Annex II of Directive 2006/87/EC (As Amended)	Comment
<p align="center">Section 19.2 - Bridge Visibility</p> <p>Rationale: Bridge visibility requirements shall apply to all ships, not just those operating in tidal waters. The application in Category A and B waters allows for alternative arrangements as necessary.</p> <p>19.2.1 Definitions</p> <p>(1) In this Section –</p> <p>"visibility" means visibility over a horizontal arc, and "all-round visibility" means visibility over an arc of 360 degrees,</p> <p>"the permitted limits" are –</p> <p>(a) for a ship with a single steering position, up to 1 metre either side of the steering position, or</p> <p>(b) for a ship with two steering positions within the wheelhouse (or wings), between these two positions, or</p> <p>(c) for a ship with a mobile controller from which an operator is able to steer the ship from any part of the wheelhouse and bridge wings as appropriate ("wandinglead control"), from side to side of the ship, or the maximum reach of the wandering lead if this is a lesser distance.</p>	<p>Article 7.02 – unobstructed view</p>	
<p>19.2.2 Visibility from the Bridge</p>		
<p>(2) The steering position of a ship shall be so sited and any wheelhouse shall be so constructed, without taking any visual aids into account -</p>		
<p>(a) as to provide the helmsman at the steering position with all round visibility, and</p>	<p>No equivalent requirement in Article</p>	<p>Additional UK requirement.</p>

⁷ This Code is to be published as a UK Merchant Shipping Notice (MSN), and will be given Legal force by the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010.

New Safety Code For Passenger Ships Operating Solely Within UK Categorised Waters	Annex II of Directive 2006/87/EC (As Amended)	Comment
	7.02	UK Code requires all round (360°) visibility from the steering position. The Directive requires unobstructed view of 140° within forward semicircle, and 240° of the horizon.
(b) that the helmsman at the steering position can, if necessary by moving across a level and unobstructed deck within the permitted limits-		
(ii) (a) for ships less than 24 metres in length, see an object situated 1 metre above the surface of the water at a distance of 200 metres from the stern of the ship, over the arc from abeam on either side through right astern as shown in figure 1 See Figure 1 below	No equivalent requirement in Article 7.02	Additional UK requirement
(b) for a ship over 24 meters in length, see an object situated 4 meters above the surface of the water at a distance of 200 meters from the stern of the ship, over the arc from abeam on either side through right astern as shown in figure 2. See Figure 2 below	No equivalent requirement in Article 7.02	Additional UK requirement
(4) If the requirements of 19.2.2.(2)(a) and 19.2.2.(2)(b) cannot be met, a dedicated lookout must be provided. In Category A & B waters where the requirements cannot be met because of restricted air draught alternative arrangements may be considered by the surveyor.	No equivalent requirement in Article 7.02	Additional UK requirement where applicable
19.2.3 Dedicated lookout		
(1) Any dedicated lookout shall – (a) have the sole duty, while the ship is underway, of maintaining a lookout, (b) be positioned outside the passenger spaces, and (c) be instructed by the master to keep a continuous lookout, and in particular over any or all additional areas where the helmsman cannot see.	No equivalent requirement in Article 7.02	Additional UK requirement where applicable

New Safety Code For Passenger Ships Operating Solely Within UK Categorised Waters	Annex II of Directive 2006/87/EC (As Amended)	Comment
(2) The dedicated lookout may be in the wheelhouse, but if positioned outside the wheelhouse and remote from the helmsman, the lookout shall be provided with a suitable means of communication with the helmsman.	No equivalent requirement in Article 7.02	Additional UK requirement where applicable
19.2.4 Sight lines		
(2) Where a sight line, passes through an after facing window, that window shall be of not less than 450 mm depth (height) centered at 1675 mm above the deck at the steering position.	No equivalent requirement in Article 7.02	Additional UK requirement where applicable
(4) Any sight line which passes over an open passenger deck shall be such that it would pass over the heads of any passengers occupying seats on that deck.	No equivalent requirement in Article 7.02	Additional UK requirement where applicable
(5) Should the activities of standing passengers on an open passenger deck cause a serious obstruction to visibility from the steering position, a dedicated lookout must be provided.	No equivalent requirement in Article 7.02	Additional UK requirement where applicable

Figure 1

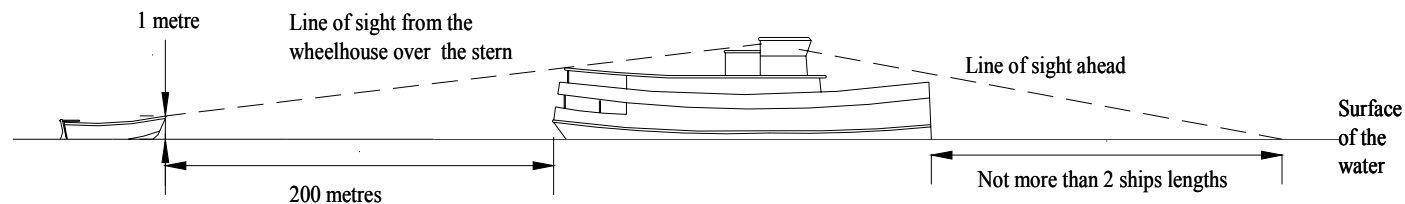
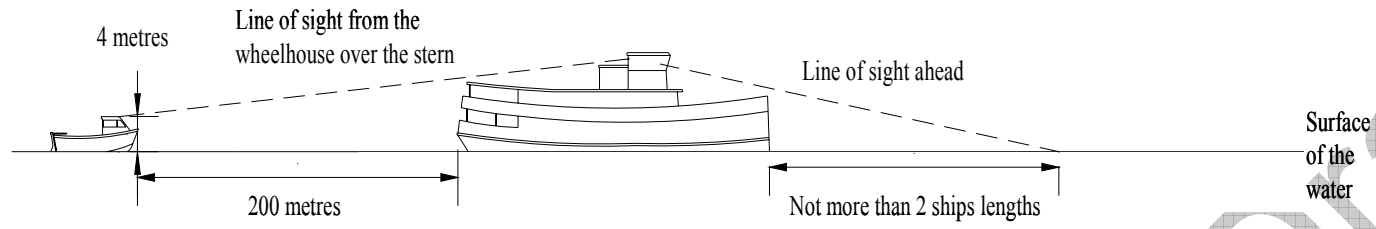


Figure 2



Consultation Draft

[Operational requirements for passenger vessels operating on Zone 1, 2 or 3 (UK Category D, C or B) waters

Domestic Safety Management Code (DSM)

The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001
MSN 1754 - Domestic Safety Management Code
Marine Guidance Note (MGN) 158 – Safety Management Code For Domestic Passenger Ships of Classes III – VI(A)

Search And Rescue (SAR) plans

The Merchant Shipping (Co-operation with Search And Rescue Services) Regulations 1998
MSN 1761 – Search And Rescue Plans

Passenger counting systems

The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999
MSN 1794 - Passenger Counting Systems]

Annex 5

Private pleasure Vessels – current UK legal definition* of “pleasure vessel”

(NB. In the Directive, pleasure vessels are come within the term “recreational craft”.)

“Pleasure vessel” means—

(a) any vessel which is—

(i) wholly owned or operated on bareboat charter terms by an individual and used only for the sport or pleasure of that individual, his immediate family and his friends, or

(ii) wholly owned or operated on bareboat charter terms by a body corporate and used only for the sport or pleasure of employees or officers of the body corporate, or the immediate family or friends of those persons,

and which is on a voyage for which the owner is not paid for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage; or

(b) any vessel which is wholly owned or operated on bareboat charter terms by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club;

and for the use of which no payments other than those mentioned above are made by or on behalf of the users of the vessel, other than by the owner.”