



Maritime &  
Coastguard  
Agency

# Small vessels in commercial use



## **Small vessels in commercial use**

If you're using your UK or British yacht commercially at sea - for example you have fee-paying 'guest crew' on board and you're entering a race - you will need it to comply with some legislation. Here's what you need to know:

- A small vessel operating commercially at sea for the purposes of sail racing is a commercial vessel and needs to be coded or comply with the appropriate regulations;
- "Small vessel" means a vessel of less than 24 metres carrying no more than 12 passengers.

### **Is my vessel operating commercially?**

If your vessel does not meet the definition of 'pleasure vessel' then it will be subject to commercial vessel regulation.

A pleasure vessel must only be used for the sport or pleasure of the owner and their friends and family. In the case of a company-owned vessel it can only be used for the sport or pleasure of the employees and officers and their friends and family. The owner must not be paid for operating the vessel or carrying people.

Full definitions of the above terms can be found in 'The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998' as amended.

### **What if my vessel is being used 'commercially'?**

A vessel operating commercially at sea needs to be appropriately certificated and manned. If your vessel is less than 24 metres long and carries no more than 12 passengers, it will be deemed a 'Code Boat' and can be issued a small code vessel certificate. The thrust of the code requirements is one of safety and code vessels are regularly surveyed and inspected.

The code defines differing areas of sea operations; the further out to sea you intend to go the more requirements are placed on the vessel.

The highest category is 0 and this permits vessels to operate more than 150 miles from safety. Any commercial vessel intending to cross an ocean would need to be certificated to code 0.

## What if my commercial vessel is racing?

The **Blue Code** (also see **MGN 280**) is the code of practice for sailing vessels operating commercially at sea. It allows a commercial sailing vessel to seek relief from the requirements of the Code when racing, providing it complies with the Offshore Special Regulations that are in place for the race that the vessel is taking part in.

A vessel operating commercially at sea, carrying seafarers on an international voyage, also needs to comply with requirements of the Maritime Labour Convention. The racing provision in the Blue Code does not permit the vessel to seek relief from the Maritime Labour Convention.

## Misconceptions

### 'If I'm racing I don't need to be coded'

The exemption under the Blue Code is that 'coded' vessels need not comply with the requirements of the code whilst engaged in racing. This allows them to compete at the same level as non-commercial vessels. Your vessel **still needs to be certificated to the Blue Code** in order to apply this provision.

### 'I don't need to be coded for going to or returning from a race'

The code exemption applies to coded vessels when they are going to and returning from a race. However, this is going **directly** to and from a race. It does not permit journeys to be broken up by calling into ports along the way.

Additionally, this exemption only applies if the race organisers are providing race safety cover for the vessels going to and returning from the race.

### I can get an exemption for 'contribution to voyage costs'

If you're taking payment from those undertaking the voyage it has to be a genuine equal share of costs. If the skipper or any of the crew are paid this is a commercial operation.

If you're unsure whether your voyage is commercial or not, seek independent legal advice prior to undertaking your activity. Small changes to a voyage or planned passage could mean the difference between operating as a pleasure vessel or operating as a commercial vessel.

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# *Are you in code mode?*

For further information go to:  
[www.gov.uk/operational-standards-for-small-vessels](http://www.gov.uk/operational-standards-for-small-vessels)

