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STATUTORY INSTRUMENTS

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**2017 No. 737**

**The Recreational Craft Regulations 2017**

**PART 6**

**MISCELLANEOUS**

**Amendment to the Consumer Rights Act 2015**

**84.** In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015(1) at the appropriate place insert—

“regulation 66(1) or (2) of the Recreational Craft Regulations 2017 ([S.I. 2017/737](#));”.

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**Commencement Information**

**I1** Reg. 84 in force at 3.8.2017, see [reg. 1](#)

**Amendment to the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information)  
(Specification) Order 2004**

**85.** The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004(2) Schedule 1 (specified subordinate legislation) is amended as follows—

- (a) “The Recreational Craft Regulations 1996 insofar as not revoked by the Recreational Craft Regulations 2004” substitute “The Recreational Craft Regulations 2004 insofar as not revoked by the Recreational Craft Regulations 2017”; and
- (b) omit the entry “The Recreational Craft Regulations 2004” and at the appropriate place insert “The Recreational Craft Regulations 2017”.

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**Commencement Information**

**I2** Reg. 85 in force at 3.8.2017, see [reg. 1](#)

**Amendment to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

**86.** The Legislative and Regulatory Reform (Regulatory Functions) Order 2007(3) is amended as follows—

- (a) in Part 3 of the Schedule, under the heading “Public health and safety” omit the entry “The Recreational Craft Regulations 2004” and after the last entry insert “The Recreational Craft Regulations 2017”;

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(1) [2015 c.15](#).

(2) [S.I. 2004/693](#). Regulation 3(a) inserts a reference to the Recreational Craft Regulations 2004 into the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004.

(3) [S.I. 2007/3544](#).

- (b) in Part 8 of the Schedule, omit the entry “The Recreational Craft Regulations 2004” and after the last entry insert “The Recreational Craft Regulations 2017”; and
- (c) in Part 13 of the Schedule, omit the entry “The Recreational Craft Regulations 2004” and after the last entry insert “The Recreational Craft Regulations 2017”.

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**Commencement Information**

**I3** Reg. 86 in force at 3.8.2017, see [reg. 1](#)

**Amendment to the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009**

**87.** The Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order(4) is amended as follows—

- (a) in Part 4 of Schedule 1 omit the entry “The Recreational Craft Regulations 2004” ; and at the end insert “The Recreational Craft Regulations 2017”; and
- (b) in Part 2 of Schedule 2 omit the entry “The Recreational Craft Regulations 2004” and at the end insert “The Recreational Craft Regulations 2017”.

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**Commencement Information**

**I4** Reg. 87 in force at 3.8.2017, see [reg. 1](#)

**Review** **E+W+S**

**88.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provisions contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of 5 years beginning on the commencement date.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(5) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the Directive is implemented in other member States.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulations must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provisions referred to in paragraph 1(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

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(4) [S.I. 2009/669](#).

(5) [2015 c.26](#)

#### Commencement Information

**I5** Reg. 88 in force at 3.8.2017, see [reg. 1](#)

#### Review **N.I.**

- 88.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provisions contained in these Regulations; and
  - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before the end of the period of 5 years beginning on the commencement date.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015<sup>(5)</sup> requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the Directive is implemented in other [<sup>F5</sup>relevant states].
- (5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulations must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provisions referred to in paragraph 1(a);
  - (b) assess the extent to which those objectives are achieved;
  - (c) assess whether those objectives remain appropriate; and
  - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

#### Textual Amendments

**F5** Words in [reg. 88\(4\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 15 para. 6](#)

#### Commencement Information

**I8** Reg. 88 in force at 3.8.2017, see [reg. 1](#)

#### Transitional provisions

- 89.**—(1) Nothing in these Regulations prevents the making available on the market of a product which—
- (a) is in conformity with the requirements of [Directive 94/25/EC](#) on the approximation of laws, regulations and administrative provisions of the Member States relating to recreational craft<sup>(6)</sup>; and
  - (b) was placed on the market before the commencement date.

(5) [2015 c.26](#)

(6) [OJ No L 164, 30.6.1994, p.15.](#)

(2) Nothing in these Regulations prevents the making available on the market or the putting into service of outboard SI (Spark Ignition) propulsion engines with power equal to less than 15kW which comply with the stage 1 exhaust emission limits laid down in point 2.1 of Part B of Annex 1 of the Directive which are—

- (a) manufactured by small or medium-sized enterprises; and
- (b) placed on the market before 18th January 2020.

#### Commencement Information

**I6** Reg. 89 in force at 3.8.2017, see [reg. 1](#)

#### [<sup>F1</sup>Transitional provisions in relation to EU Exit

**89A.**—(1) In this regulation, “pre-exit period” means the period beginning on the commencement date and ending immediately before IP completion day.

(2) Subject to paragraph (3), where a product was made available on the market or put into service during the pre-exit period, despite the amendments made by Schedule 28 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or a member State of any matter; or
- (b) any obligation to take action outside of the market in respect of the product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) the manufacturer has taken any action under regulation 42 or a person has taken action under regulation 43(2) or (3), as those provisions had effect immediately before IP completion day in relation to that product,

that action has effect as if it had been done under regulation 42 or 43 as they have effect on and after IP completion day.

(5) Where during the pre-exit period—

- (a) a product has not been placed on the market or put into service; and
- (b) the private importer or a person to whom regulation 43(2) applies, has taken any action under Schedule 5 as it had effect immediately before IP completion day in relation to that product,

that action has effect as if it had been done under Schedule 5 as it has effect on and after IP completion day.

[<sup>F2</sup>(6) Subject to paragraph (8), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under the procedure that applies to that product in accordance with Articles 19 to 24 of the Directive

that action has effect as if it had been done under the applicable procedure referred to in regulation 42 or 43.

(7) Subject to paragraph (8), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market or put into service; and
  - (b) a private importer or a person to whom regulation 43(2) applies has taken any action under the procedure that applies to that product in accordance with Article 23 of the Directive that action has effect as if it had been done under the applicable procedure referred to in regulation 43.
- (8) Paragraphs (6) and (7) do not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable procedure; and
  - (b) in any event, after 31st December 2027.]]

#### Textual Amendments

- F1** Reg. 89A inserted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 28 para. 41** (as amended by S.I. 2020/676, regs. 1(1), 2; S.I. 2020/852, regs. 2(2), 4(2), Sch. 1 para. 1(q)(vi)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Reg. 89A(6)-(8) inserted (E.W.S.) (31.12.2022) by *The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022* (S.I. 2022/1393), regs. 1(1), **19(2)**

#### Revocations and savings

**90.**—(1) The Recreational Craft Regulations 1996(7) are revoked save as regard their application to—

- (a) any watercraft that was placed on the market or put into service prior to 1st January 2005; and
- (b) the appointment or termination of appointment of any notified body for the purposes of those Regulations.

[<sup>F3</sup>(1A) For the purposes of paragraph (1), the Recreational Craft Regulations 1996 have effect with the following modifications—

- (a) any reference to “the Community” is to be read as including the United Kingdom;
  - (b) any reference to a “member State” is to be read as including the United Kingdom;
  - (c) in Schedule 7 (EC type-examination (module B))—
    - (i) in paragraph 7 omit “and withdrawn”;
    - (ii) omit paragraph 8;
  - (d) in Schedules 9 (production quality assurance (module D)) and 12 (full quality assurance (module H))—
    - (i) in paragraph 5, for “national” substitute “enforcement”; and
    - (ii) in paragraph 6 omit “and withdrawn”;
  - (e) in Schedule 15 (enforcement), in paragraph 2 omit “with a view to this information being passed by the Secretary of State to the Commission”.]
- (2) The Recreational Craft Regulations 2004(8) are revoked save as regards their application to—
- (a) any watercraft that was placed on the market or put into service prior to the commencement date; and

(7) *S.I. 1996/1353*; these Regulations were revoked with savings in respect of certain limited exceptions, by *S.I. 2004/1464*, regulation 1(4).

(8) *S.I. 2004/1464*.

- (b) the appointment or termination of appointment of any notified body for the purposes of those Regulations.
- [<sup>F4</sup>(3) “For the purposes of paragraph (2), the Recreational Craft Regulations 2004 have effect with the following modifications—
- (a) any reference to “the Community” or “the European Union” is to be read as including the United Kingdom;
  - (b) any reference to a “member State” is to be read as including the United Kingdom;
  - (c) in Schedule 7 (EC type-examination)—
    - (i) in paragraph 7 omit “and withdrawn”;
    - (ii) omit paragraph 8;
  - (d) in Schedules 9 (production quality assurance), 12 (full quality assurance) and 15 (product quality assurance (module E))—
    - (i) in paragraph 5, for “national” substitute “enforcement”; and
    - (ii) in paragraph 6 omit “and withdrawn”;
  - (e) in Schedule 17 (enforcement), in paragraph 2 omit “with a view to this information being passed by the Secretary of State to the Commission”.]

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#### Textual Amendments

- F3** Reg. 90(1A) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 28 para. 42(2)** (with Sch. 28 para. 41) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 90(3) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 28 para. 42(3)** (with Sch. 28 para. 41) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
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#### Commencement Information

- I7** Reg. 90 in force at 3.8.2017, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Recreational Craft Regulations 2017, PART 6.