
STATUTORY INSTRUMENTS

2023 No. 35

The Merchant Shipping (Watercraft) Order 2023

PART 1

Introductory

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Merchant Shipping (Watercraft) Order 2023 and comes into force on 31st March 2023.

(2) This Order extends, and applies in relation, to the whole of the United Kingdom.

Interpretation

2.—(1) In this Order—

“the 1995 Act” means the Merchant Shipping Act 1995(1);

“applied shipping provision” means a provision applied, together with any modifications made, by this Order;

“watercraft” has the meaning given in article 3.

(2) Except in—

(a) section 8(1) of the 1995 Act (as applied by article 4(a));

(b) section 313(2) of the 1995 Act (as applied, and modified, by paragraph (4)(c));

(c) the Merchant Shipping (Registration of Ships) Regulations 1993(3) (as applied, and modified, by Schedule 1);

(d) a reference to a surveyor of ships, a surveyor general of ships or the master of a ship, a reference in an applied shipping provision to a ship is to be read as including a reference to a watercraft (and cognate expressions are to be construed accordingly).

(3) Where an applied shipping provision refers to—

(a) an enactment;

(b) part of an enactment;

(c) provision—

(i) contained in an enactment, or

(ii) made under enabling powers contained in an enactment,

(1) 1995 c. 21.

(2) Section 313 was amended by paragraph 19(2)(a) to (d) and (3) of Schedule 6 to the Merchant Shipping and Maritime Security Act 1997 (c. 28).

(3) S.I. 1993/3138.

to the extent the enactment, part or provision is applied (and to the extent it is modified) by this Order, the reference is to be read as a reference to the enactment, part or provision as so applied (and as so modified).

(4) The definitions of terms contained in the following provisions of the 1995 Act apply for the purposes of interpreting an applied shipping provision—

- (a) the following provisions of section 1 (British ships and United Kingdom ships)—
 - (i) subsection (1)(d), as if for “is a small ship other than a fishing vessel and” there were substituted “a watercraft”;
 - (ii) the definition of “qualified owners” in subsection (2), as if “for the purposes of that paragraph; and” were omitted;
- (b) section 23 (interpretation of Part 2), except for the definition of “the private law provisions for registered ships” in subsection (1);
- (c) section 313 (definitions)—
 - (i) as if for the definition of “foreign” there were substituted—
 - ““foreign”, in relation to a watercraft, means that it is not a watercraft which is a British watercraft (as defined in section 1(1)(d) of the Merchant Shipping Act 1995);”;
 - (ii) but the definitions of “harbour” and “harbour authority” do not apply for the purposes of interpreting the applied shipping provisions mentioned in article 11(1);
- (d) section 313A(4) (meaning of “qualifying foreign ship”).

Meaning of “watercraft”

3.—(1) Subject to paragraph (2), “watercraft” means any type of craft which—

- (a) is capable of moving under its own mechanical power,
- (b) is used, navigated or situated wholly or partly in or on water, and
- (c) is capable of being used to carry one or more persons.

(2) “Watercraft” does not include a ship or fishing vessel within the meanings given in section 313(1) of the 1995 Act.

(4) Section 313A was inserted by paragraph 20 of Schedule 6 to the Merchant Shipping and Maritime Security Act 1997, and it was amended by section 2(3) of the British Overseas Territories Act (c. 8).