

1990 No. 1169

CUSTOMS AND EXCISE

The Pleasure Craft (Arrival and Report) Regulations 1990

<i>Made - - - -</i>	<i>1st June 1990</i>
<i>Laid before Parliament</i>	<i>11th June 1990</i>
<i>Coming into force</i>	<i>1st July 1990</i>

The Commissioners of Customs and Excise in exercise of the powers conferred on them by sections 35(4) and 42(1) of the Customs and Excise Management Act 1979^(a) and of all other powers enabling them in that behalf hereby make the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Pleasure Craft (Arrival and Report) Regulations 1990 and shall come into force on 1st July 1990.

Interpretation

2. In these Regulations—

“the Act of 1979” means the Customs and Excise Management Act 1979;

“arrival” means the anchoring, berthing or mooring of a pleasure craft within the limits of a port and “arrive” and cognate expressions shall be construed accordingly;

“duty” means any duty, tax or levy charged on goods imported into the United Kingdom;

“the person responsible” means the person on board a vessel under whose command or subject to whose personal direction it has arrived or is intended to arrive as a pleasure craft;

“the prescribed form” means the form prescribed by the Commissioners for the purpose of these Regulations in directions made under section 35(1) of the Act of 1979;

“pleasure craft” means—

- (a) a vessel which, at the time of its arrival from abroad at a port in the United Kingdom, is being used for private recreational purposes, and of which the total complement, including passengers and crew, does not exceed 12 persons; or
- (b) any vessel which an officer allows, after application is made to him in person or in writing, to be treated as a pleasure craft for the purposes of these Regulations.

(a) 1979 c.2.

PART II

GENERAL

The flying of the signal flag 'Q'

3. The person responsible shall cause a yellow flag (the signal flag for 'Q' in the International Code of Signals) to be flown on a vessel which it is intended shall arrive as a pleasure craft at all times between the crossing of the limits of any port in the United Kingdom and the making of report of that vessel in accordance with these Regulations.

Movement of vessels and removal etc. of goods

4. Save as an officer may otherwise allow or direct, no person after the arrival of a pleasure craft shall move the vessel or unload or remove any goods therefrom until report of that vessel has been made:

Provided always that nothing in this regulation shall affect the provisions of any Regulations made under the powers conferred by the enactments relating to public health in the United Kingdom or any part thereof with respect to a pleasure craft being a ship within the meaning of those Regulations.

PART III

PROCEDURE FOR REPORT ON ARRIVAL

Report of pleasure craft not based in the United Kingdom

5. The procedure for making report of a pleasure craft not based in the United Kingdom shall be that the person responsible shall deliver the prescribed form, duly completed, to an officer boarding the vessel.

Report of pleasure craft based in the United Kingdom

6.—(1) Paragraph (2) below applies to a pleasure craft based in the United Kingdom on the importation of which duty is payable or which—

- (a) is required to be entered under section 37 of the Act of 1979(a) or has on board any goods required to be so entered or in respect of which there is no entitlement to relief from duty; or
- (b) has on board any animal or bird; or
- (c) has on board any goods the importation of which is subject to any prohibition or restriction for the time being in force; or
- (d) has on board any person who is not a British citizen within the meaning of the British Nationality Act 1981(b) other than such a person who has come directly from the Channel Islands or the Republic of Ireland; or
- (e) departed on its last voyage from the United Kingdom more than a year before its arrival; or
- (f) did not on its outward voyage from the United Kingdom obtain clearance outwards in accordance with any directions made by the Commissioners for that purpose under section 64(2) of the Act of 1979.

(2) The procedure for making report of a pleasure craft to which this paragraph applies shall be that—

- (a) the person responsible, or a person acting on his behalf, shall immediately notify the arrival of that vessel to an officer, either in person or by telephone, and shall on such notification be told whether or not an officer is to board the vessel;
- (b) where an officer is to board, all persons shall remain on board until his arrival and the person responsible shall then deliver to him the prescribed form, duly completed;

(a) Section 37 was amended by the Finance Act 1981 c.35, section 10(1) and Schedule 6, paragraph 1; the Finance Act 1984 (c.43), section 8 and Schedule 4, paragraph 3 and Schedule 5, paragraph 1; and S.I. 1982/205.

(b) 1981 c.61.

(c) where no officer is to board, the person responsible shall put the prescribed form, duly completed, in a Customs and Excise post box where one is provided for that purpose or deliver it to an officer, or the Customs and Excise office for the port of arrival.

(3) The procedure for making report of a pleasure craft based in the United Kingdom to which paragraph (2) above does not apply shall be limited to that set out in subparagraph (c) of that paragraph.

(4) The procedure for making report in cases where an officer boards the pleasure craft before notification of its arrival shall be that the person responsible shall deliver to him the prescribed form, duly completed.

PART IV

REVOCATION

7. The Pleasure Craft (Arrival and Report) Regulations 1979(a) are hereby revoked.

New King's Beam House
22 Upper Ground
London SE1 9PJ
1st June 1990

A. William Russell
Commissioner of Customs and Excise

(a) S.I. 1979/564.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Pleasure Craft (Arrival and Report) Regulations 1979 with the following principal changes:

1. The arrival of most pleasure craft will no longer have to be notified to Customs by telephone or in person before the lodgement of a written report.
2. Persons not now required to notify the arrival of their vessel will no longer have to remain on board for up to two hours to give an officer the opportunity of boarding the vessel.
3. Persons required under regulation 6(2) to notify arrival will not have to wait for an officer to board, if an officer so agreed at the time when the arrival was notified.
4. Pleasure craft anchored solely for the purpose of sheltering, or waiting for favourable winds or tides will no longer be exempt from the requirement to make report.

95p net

ISBN 0 11 004169 0

Printed in the United Kingdom for HMSO

736/WO 1107 C23 6/90 452/1 9385/9788/7727 88352