

WHAT THE LAW LETS YOU DO WITH A SAILING BARGE

The Merchant Shipping Act 1995

Application – All UK ships and (some) non UK ships while they are within UK territorial waters.

A "ship" = "ship" includes every description of vessel *used in navigation*.*

Safety Regulations made under the Sections 47 and 85 of the MSA include: Manning Regulations; Training & Certification; Load Line; Life Saving Equipment; Fire Protection; Marine Equipment; Crew accommodation; Hours of work; Medical Stores

* A static permanently moored vessel is not "used in navigation" so probably unregulated by MSA 1995 eg houseboat or floating restaurant. Also a vessel that is out of commission and being towed may not be being "used in navigation" but check with local MCA office.



A Merchant Ship (other than Passenger Vessels) – a sailing barge is a Class XI ship "sailing ships (other than fishing vessels and ships of Class XII) which proceed to sea";

Subject to all safety regs. ie STCW manning; if built before 1 July 1986 this includes life boats, rafts EPIRB, etc. unless exempt.

Since 8 June 2000 will require a load line unless she operates commercially under a Code of Practice or Sailing Barge Standard and has exemption.

A Passenger Vessel is a vessel that carries more than 12 passengers. Passengers are anyone on board the vessel other than the signed on crew. A barge *may* be licensed by the MCA as a Passenger Vessel ("PVL")

Usually Class VI ships (ie engaged only on voyages with not more than 250 passengers on board, to sea, or in Category A, B, C and D 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 and D waters, from their point of departure nor more than 3 miles from land;

The *only* current manning requirement is a BML (unless Skipper has a Bargemaster Certificate).

Under **The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006.**

Safety equipment rules apply and Load line regs. Annual surveys etc

A Pleasure Vessel in Non Commercial Operation* carrying up to 12 passengers.

Merchant Ship - Class XII pleasure vessels of 13.7 metres in length or over.

(1) Operate under Standard of Safety for Thames Sailing Barges ("the Standard") and General Exemptions 01.06.2011 AND 23 May 2012 at Sea never more than 30 miles from UK coast with Bargemaster and experienced mate but outside C & D waters +15m must also comply with safety and fire equipment General exemptions (ie add extra liferaft and line throwing equipment etc). OR

(2) Operate under yacht <3000GT exemption issued by MCA but if over 24m or over 80GT Manning Regs apply: Manning = (Master - STCW or RYA/MCA Offshore/Ocean Yachtmaster with Commercial Endorsement and Watch officer(s) with RYA Coastal Yachtmaster with Commercial Endorsement)

(Bargemaster ticket is NOT valid unless vessel has certificate under the Standard). Specified safety equipment. No load line required.

* Pleasure Vessel 1993 definition = **at the time it is being used** is:

(i)(aa)in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or (bb)in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
(ii) on a voyage or excursion which is one for which the owner does not receive money 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 excursion.

Exemptions may be granted by the MCA under Section 85(6) MCA that enables Regulations to provide for specific exemptions for individual vessels or voyages or more depending on specific regulation. A barge that has no current Certificate under the Standard or a PVL will either be a Class XI vessel (sailing ship) or a Class XII (pleasure vessel). In the latter case if **at the time it is being used** is not in use **only** for owner's sport or pleasure it will be Class XI. Even if a vessel is owned a yacht and used for the owners sport or pleasure it can change status if it is in use for other purposes. So a barge being delivered from a to b for repair or maintenance or survey by a crew is not being used as a pleasure vessel so if it is out of survey its need a specific exemption for the trip

Commercial recreational sailing vessel (no more than 12 passengers):

(1) Operate under the Code of Practice for the Safety of Small Commercial Sailing Vessels (General Exemption)

Manning = (Master STCW/RYA/MCA Offshore/Ocean Yachtmaster with Commercial Endorsement and Watch officer(s) with RYA Coastal Yachtmaster with Commercial Endorsement)

Exemption from safety equipment and load line Regs – follow equivalent standards VESSELS SUBJECT TO MCA SURVEY to get Code certificate.
OR

(2) Operate under Standard of Safety for Thames Sailing Barges ("the Standard") (General Exemption)

Exemption from safety equipment and load line Regs – follow equivalent standards with survey and self-certification. Manning = MCA Sailing Barge Master with experienced mate/Restricted Thames Estuary +Cat D plus 15miles /no more than 3 miles off land.

Merchant Shipping (Load Line) Regulations 1998 as amended. The Regulations apply the provisions of the International Convention on Load Lines, 1966 to all United Kingdom ships which go to sea, with certain exceptions. They also apply to all "sea-going" foreign ships within United Kingdom waters. They are enabled by Sections 85 and 86 of the MSA 1995. These Regulations apply to United Kingdom ships wherever they may be and to other ships while they are within United Kingdom waters, except (a) ships of war; (b) ships solely engaged in fishing;(c) pleasure vessels; (d) ships which do not go to sea. A sailing barge is a seagoing ship. Only a vessel that does not go to sea (ie that is not a "seagoing ship" applying Salt Union v Wood [1893] 1 QB 370) is not required to have a load line. A sailing barge that does go to sea (and in the relevant part of the MSA "Any reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea" cannot proceed to sea or in categorised waters without survey and a load line.

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* NOTE: THIS DOCUMENT IS INTENDED AS A NOTE FOR GENERAL GUIDANCE ONLY. IT DOES NOT CONSTITUTE LEGAL ADVICE AND SEEKS TO SUMMARISE COMPLEX REGULATIONS BUT NO LIABILITY FOR ITS CONTENTS CAN BE ACCEPTED AND READERS SHOULD READ THE ACTUAL REGULATIONS OR TAKE FORMAL LEGAL ADVICE OR ASK THEIR LOCAL MCA OFFICE TO ADVISE BEFORE GETTING UNDERWAY IN A BARGE IF THEY ARE IN ANY DOUBT AS TO WHETHER THEY ARE COMPLYING WITH THE LAW WHEN DOING SO. REMEMBER THE VALIDITY OF A VESSEL'S INSURANCE COVER MAY DEPEND UPON IT AND ITS CREW OPERATING WITHIN THE LAW.