



SUPPLEMENT No. 3
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1660 of 25th July 2012
SUBSIDIARY LEGISLATION

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POWERBOATS (AMENDMENT) REGULATIONS 2012

The Administrator makes the following Regulations in exercise of the powers under section 22 of the Powerboats Ordinance 1999(a).

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Powerboats (Amendment) Regulations 2012.
- (2) In these Regulations the “principal Regulations” means the Powerboat Regulations 2001(b).
- (3) Subject to the transitional provisions in regulation 8, these Regulations come into force on 1 April 2013.

Regulation 5 (Safety equipment) of the principal Regulations amended

2. Regulation 5(1)(k) of the principal Regulations is amended by omitting “the Convention of International Regulations for Preventing Collisions at Sea 1972 (Ratification) and Related Matters Laws 1980 to 1989 of the Republic” and inserting “the Merchant Shipping (Distress Signals and Prevention of Collisions) Ordinance 2008(c)”.

Regulation 8 (Inspections) of the principal Regulations amended

3. Regulation 8 of the principal Regulations is amended by inserting the following new paragraphs after paragraph (3)—

“(4) If the competent authority is the Chief Officer, inspections are to be conducted in accordance with this regulation by a person specified by the Administrator in a Notice published in the Gazette.

(5) A person appointed to conduct inspections under paragraph (4) may charge no more than a fee specified by the Administrator in a Notice published in the Gazette.”.

New regulation 10A inserted

4. by inserting the following new regulation after regulation 10—

“10A. Powerboats operated by the Crown

(1) A powerboat owned or operated by the Crown is exempt from the requirement to hold a powerboat circulation licence.

(2) For the purpose of this section “the Crown” means Her Majesty in right of Her Government of the United Kingdom and in right of Her Administration in the Areas.”.

Regulations 12 and 13 of the principal Regulations revoked

5. Regulations 12 (Application for a learner’s licence) and 13 (Application for an operator’s licence) are revoked.

Regulation 14 of the principal Regulations revoked and replaced

6. Regulation 14 (Persons not requiring tests to obtain an operator’s licence nor needing to hold a learner’s licence) is revoked and replaced with—

“14. Persons not needing a learner’s licence

Any person who is exempt under the appropriate Republican Law from the requirement to hold a learner’s licence is not required to hold a learner’s licence in order to operate a powerboat.”.

Transitional and savings provisions

7. (1) The owner of a powerboat which was exempted from the requirements of section 7A of the Powerboats Ordinance 1999 by the Powerboats (Temporary Provisions) Regulations 2001(d) must comply with that regulation by 1 April 2013.

(2) A powerboat circulation licence issued by the Chief Officer in respect of a powerboat between the date of making of these Regulations and 1 April 2013 has effect as if it was issued on 1 April 2013.

Powerboats (Temporary Provisions) Regulations 2001 amended

8. The Powerboats (Temporary Provisions) Regulations 2001 are revoked.

Dated this 23rd day of July 2012.

By the Administrator’s Command,
J. S. Wright,
Chief Officer,
Sovereign Base Areas.

(SBA/AG/2/AM/390/1)

Notes

- (a) Ordinance 8/99 as amended by the Powerboats (Amendment) Ordinance 2001 (5/99), the Powerboats (Amendment) (No. 2) Ordinance 2001 (13/01) and the Powerboats (Amendment) Ordinance 2007 (01/07) (and the Powerboats (Amendment) Ordinance 2012).
- (b) PI 52/01, as amended by the Powerboats (Amendment) Regulations 2002 (61/02).
- (c) Ordinance 11/08.
- (d) PI 31/01.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

1. This explanatory note relates to the Powerboats (Amendment) Regulations 2012. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.
2. The note should be read in conjunction with the Regulations. It is not, and is not meant to be, a comprehensive description of the Regulations. So when a provision does not seem to require any explanation or comment, none is given. It should also be read in conjunction with the explanatory note to the Powerboats (Amendment) Ordinance 2012.
3. The principal Regulations have been amended—
 - a. to provide that inspections conducted on powerboats for the purpose of the issue of circulation licences are to be issued by persons specified by the Administrator in a notice published in the Gazette. The Administrator will also specify the maximum fee that such a person may charge for the inspection;
 - b. to exempt powerboats owned or operated by the Crown from the requirement to have a powerboat licence; and
 - c. to revoke the provisions relating to applications for a learner licence or an operator licence. The Chief Officer does not issue such licences so there is no need for these provisions. Applications for operator licences and learners' licences should be made either to the Republic (in the case of licences issued under Republican law) or to the relevant body issuing other types of operator licence.
4. The Regulations revoke the Powerboats (Temporary Provisions) Regulations 2001 (the "Temporary Regulations"). The Temporary Regulations which have been revoked—
 - permitted a person under the age of 18 years in possession of a learners' licence to operate a powerboat if that person was accompanied by another person over the age of 18 years in possession of a valid operator's licence; and
 - exempted vessels registered under the Emergency Powers (Control of Small Vessels) Regulations from the requirement to have a circulation licence. Crown vessels are exempted from the requirement to have a circulation licence by virtue of new regulation 10A. Other powerboats will be required to obtain a circulation licence.