



SUPPLEMENT No. 3
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1673 of 14th December 2012
SUBSIDIARY LEGISLATION

CONTENTS:

*The following SUBSIDIARY LEGISLATION is published in this
Supplement which forms part of this Gazette : –*

	No.
Powerboats (Amendment No. 2) Regulations 2012	35

POWERBOATS (AMENDMENT No. 2) REGULATIONS 2012

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

Citation

1. These Regulations may be cited as the Powerboats (Amendment No. 2) Regulations 2012.

Commencement

2. These Regulations come into force on the day after they were made.

Powerboats Regulations 2001 amended

3. The Powerboat Regulations 2001(b) are amended in accordance with regulations 4 to 13.

Regulation 3 amended (Categories of powerboats)

4. (1) Regulation 3(2) is amended by—
 - (a) omitting “competent authority” wherever it appears and substituting it in each case with “Chief Officer”;
 - (b) omitting “in accordance with the legislation of the Republic relating to the control of small vessels, or”.
- (2) Regulation 3 is amended by inserting after paragraph (3), the following paragraph—

“(4) The Chief Officer may recognise the classification of a powerboat into one of the categories referred to in paragraph (1) by the authority of the Republic vested with the power to register powerboats under the appropriate Republican law.”.

Regulation 5 amended (Safety equipment)

5. (1) Regulation 5(1)(f) is amended by inserting “or powder” after “foam”.
- (2) Regulation 5(1)(k) 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 substituting “the Merchant Shipping (Distress Signals and Prevention of Collisions) Ordinance 2008(c)”.

Regulation 6 amended (Maximum permitted carrying capacity)

6. (1) Regulation 6 is amended by renumbering it as paragraph (1) and omitting “competent authority” and substituting it with “Chief Officer”.
- (2) Regulation 6 is amended by inserting after the renumbered paragraph (1) the following paragraph—

“(2) The Chief Officer may recognise the authorisation of a higher maximum carrying capacity than that permitted under paragraph (1) by the authority of the Republic vested with the power to register powerboats under the appropriate Republican law.”

Regulation 7 amended (Marking)

7. Regulation 7(2)(e) is amended by omitting “the competent authority, where it deems such action appropriate,” and substituting with “where the Chief Officer considers such action appropriate, the Chief Officer”.

Regulation 8 amended (Inspections)

8. (1) Regulation 8 is amended by revoking paragraph (1) and substituting the following paragraph—

“(1) To ensure that the owner has complied with regulations 4 to 7, the owner must have the owner’s powerboat inspected in accordance with paragraphs (2) and (3), by a person authorised by the Chief Officer to make the inspection, such authorisation and the maximum fee which the authorised person may charge being published by way of a notice in the Gazette.”.

(2) Regulation 8 is amended by omitting in regulation 8(2)(d) “competent authority” and substituting with “Chief Officer”.

(3) Regulation 8 is amended by revoking regulation 8(3).

Regulation 9 amended (Powerboat circulation licence)

9. Regulation 9 is amended by revoking paragraph (1) and substituting the following paragraph—

“(1) If the Chief Officer, after an inspection carried out in accordance with regulation 8, is satisfied that a powerboat complies with the requirements of the Ordinance and these Regulations, on payment of the relevant fee for issuing the licence, the Chief Officer may grant or renew a powerboat circulation licence.”.

Regulation 10A inserted

10. The following regulation is inserted after regulation 10—

“10A. Powerboats operated by the Crown and accredited organisations

(1) A powerboat owned or operated by the Crown and used mainly by members of Her Majesty’s Forces, Crown employees or officers of the Crown whilst on duty is exempt from the requirement to hold a powerboat circulation licence.

(2) A powerboat owned or operated on behalf of an RYA accredited organisation or another organisation whose accreditation is recognised by the Chief Officer, and used mainly for the recreational benefit of members of Her Majesty’s Forces, members of the Civilian Component or their dependents, is exempt from the requirement to hold a powerboat circulation licence.

(3) For the purpose of this regulation—

- (a) the “Crown” means her Majesty in right of Her Government of the United Kingdom and in right of Her Administration in the Areas;
- (b) “a member of a Civilian Component” is defined in paragraph 1(b) of section 1 of Annex C of the Treaty of Establishment; and
- (c) “dependent” is defined in paragraph 1(d) of section 1 of Annex C of the Treaty of Establishment.”.

Regulations 12 and 13 revoked

11. Regulation 12 (Application for a learner’s licence) and regulation 13 (Application for an operator’s licence) are revoked.

Regulation 14 substituted

12. Regulation 14 (Persons not requiring tests to obtain an operator’s licence nor needing to hold a learner’s licence) is revoked and the following regulation substituted—

“14. Persons not requiring a learner’s licence

A 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.”.

Regulation 23 substituted

13. Regulation 23 (Duplicate licences) is revoked and the following regulation substituted—

“23. Duplicate licences

(1) On payment of the relevant fee, the Chief Officer may issue a duplicate of a powerboat circulation licence if the Chief Officer is satisfied that the powerboat circulation licence has—

- (a) been lost or stolen and that such loss or theft has been reported to the police; or
- (b) become distorted or illegible.

(2) If the Chief Officer issues a duplicate powerboat circulation licence and the holder of the duplicate licence finds or recovers the lost or stolen original licence, the holder must return the duplicate powerboat circulation licence to the Chief Officer but is not entitled to a refund of any fee paid for the duplicate licence.”.

Powerboats (Temporary Provisions) Regulations 2001 and Powerboats (Amendment) Regulations 2012 revoked

14. The following regulations are revoked—

- (a) the Powerboats (Temporary Provisions) Regulations 2001(d); and
- (b) The Powerboats (Amendment) Regulations 2012(e).

Transitional and savings provisions

15. Despite the revocation of the Powerboats (Temporary Provisions) Regulations 2001, the owner of a powerboat that was exempted from the requirement in section 7A of the Powerboats Ordinance 1999 to hold a powerboat circulation licence under regulation 2 of the Powerboats (Temporary Provisions) Regulations 2001 continues to be exempted from this requirement until 1 April 2013.

Dated this 14th day of December 2012.

By the Administrator’s Command,

J. S. Wright,

Chief Officer,

Sovereign Base Areas.

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

Notes

- (a) Ordinance 8/99 as amended by Ordinances 5/99, 13/01 and 34/12.
- (b) PI 52/01, as amended by PI 61/02.
- (c) Ordinance 11/08.
- (d) PI 31/01.
- (e) PI 15/12.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

1. This explanatory note relates to the Powerboats (Amendment No. 2) 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 No. 2) Ordinance 2012.
3. The Powerboats Regulations 2001 have been amended—
 - a. to provide that inspections must be conducted on powerboats in the Areas by the person authorised by the Chief Officer and that the notification of the authorisation and the maximum fee which such a person may charge for conducting the inspection are to be published in the Gazette;
 - b. to exempt powerboats owned or operated by the Crown and powerboats used by RYA accredited organisations for the recreational benefit of the British Forces' community from the requirement to have a powerboat circulation licence; and
 - c. to revoke the provisions relating to applications for a learner's licence or an operator's licence. The Chief Officer does not issue such licences so there is no need for these provisions. Applications for operator's licences and learner's licences should be made to the Republic if licences are to be issued under Republican law.
4. The Regulations allow the exemption from holding a powerboat circulation licence which applies to, amongst others, the owners of private powerboats registered in the Areas, to continue until 1 April 2013.

