

EXPLANATORY MEMORANDUM TO
THE RECREATIONAL CRAFT REGULATIONS 2017

2017 No. 737

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The purpose of the instrument is to implement the revised EU Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 This instrument is being made in order to implement the provisions of the revised EU Directive on recreational craft and personal watercraft (2013/53/EU), which entered into force on 18 January 2016.
- 4.2 This instrument will replace and repeal the current Regulations, (the Recreational Craft Regulations 2006 (SI 2006 No 1464 as amended).Extent and Territorial Application.

5. Territorial Extent and Application

- 5.1 This extent of this instrument applies to all of the United Kingdom.
- 5.2 The territorial application of this instrument is the United Kingdom

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and only amends primary legislation to allow for standard enforcement powers to be utilised, The Minister for Small Business, Consumers and Corporate Responsibility, Margot James, has made the following statement regarding Human Rights:

“In my view the provisions of the Recreational Craft Regulations 2017 are compatible with the Convention rights.”

7. Policy background

What is being done and why

- 7.1 The Recreational Craft Directive 94/25/EC regulated the safety of recreational craft and the exhaust and noise emissions of certain engines. It was reviewed and aligned with the New Legislative Framework (NLF). NLF consists of EU Decision 768/2008/EC on a Common Framework for the Marketing of Products and EU Regulation 765/2008/EC on requirements for accreditation and market surveillance relating to the marketing of products.
- 7.2 The NLF seeks to apply a number of principles across all Single Market Product Directives:
- to address the number of non-compliant products that reach the market through improved traceability and clearer requirements on manufacturers, importers and distributors to co-operate with enforcement authorities;
 - to address inconsistent performance between Notified Bodies through a reinforced notification process;
 - to address the complexity of the current legislation through alignment of commonly used definitions and certain aspects of the conformity assessment process.
- 7.3 The Recreational Craft Regulations 2017 (“the Regulations”) repeal and replace the Recreational Craft Regulations 2004 to implement Directive 2013/53/EU into UK law.
- 7.4 The Regulations copy out the relevant parts of the revised Directive. A Transposition Note is attached in the Annex to this Memorandum.
- 7.5 The Department for Business, Innovation and Skills submitted an Explanatory Memorandum on a number of proposals for the revised Directive in 2011 which was cleared by both the Lords and Commons Scrutiny Committees:

13336/11 Proposal for a Directive of the European Parliament and of the Council on recreational craft and personal watercraft + ADD 2.

The House of Commons European Scrutiny Committee cleared the EM but found it politically important (report 41, session 10/12). The House of Lords European Union Committee cleared the EM (sift 1437, session 10/12).

- 7.6 On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of the exit negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

8. Consultation outcome

- 8.1 The Department for Business, Innovation and Skills carried out a stakeholder consultation on the proposals for the revised Directive, followed by a second consultation carried out by its successor the Department for Business Energy and Industrial Strategy. Responses to both consultations were generally supportive of the measure. Copies of the consultation responses are available at:
<https://www.gov.uk/government/consultations/consultation-proposal-for-a-directive-on-recreational-craft-and-personal-watercraft>

9. Guidance

- 9.1 BEIS will be producing updated guidance to reflect the Regulations alongside the existing information on gov.uk.

10. Impact

- 10.1 The impact on business, charities or voluntary bodies is judged to be low.
10.2 The impact on the public sector is negligible.
10.3 An Impact Assessment is attached to this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website.

11. Regulating small business

- 11.1 The legislation applies to small business. The Government considers that the legislation is not expected to impose a disproportionate cost to small firms.

12. Monitoring & review

- 12.1 The RCD Regulations 2017 provide that a review should be carried out every five years after the date of entry into force of the Regulations on [-].

13. Contact

- 13.1 Kevin Lane at the Department for Business, Energy and Industrial Strategy Skills Tel: 020-7215 1774 or email: kevin.lane@beis.gov.uk can answer any queries regarding the instrument.