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Translation: Only the Danish version is authentic

Technical Regulation No. 5 of 19 November 1998

Technical Regulation on Recreational Craft used for Charter etc. *)

Pursuant to § 1, subsection 2, § 6, § 11, subsection 2 and § 28 of the Safety of Ships, etc. Act, cf. Consolidation Act No. 594 of 26 June 1996, amended by Act No. 887 of 3 December 1997 and by Order No. 694 of 17 August 1995 is laid down:

*) This Technical Regulation is notified in accordance with Council Directive 83/189/EEC, latest amended by Directive 94/10/EEC.

Application

§ 1. This Technical Regulation applies to Danish, Greenland and Faroese recreational craft used for bare boat charter or professional boat training.

(2) With regard to other Danish, Greenland and Faroese recreational craft this Technical Regulation shall be considered as a recommendation.

(3) This Technical Regulation also applies to foreign recreational craft used for bare boat charter or professional boat training if the charter company or the boat training centre has the following affiliation to Denmark, Greenland or the Faroese Islands:

- 1) The charter or the boat training is arranged from a bureau or through an agent established in Denmark, Greenland or the Faroese Islands.
- 2) The charter or the boat training is arranged from a bureau or through an agent established abroad, but the recreational craft is at regular intervals in Danish, Greenland or Faroese port and the hirers or the trainees commence the voyage there.

(4) Notwithstanding the provisions laid down in subsections 1, 2 and 3 this Technical Regulation does not apply to the following recreational craft:

- 1) Craft used for crewed charter, because they are considered commercial craft.
- 2) Recreational craft with a hull length of 24 metres or above.
- 3) Recreational craft with a hull length of less than 3,5 metres, pedalos, sailing surfboards, powered surfboards, personal watercraft and other similar powered craft.
- 4) Recreational craft used only in sheltered, shallow lakes in amusement parks etc.

Definitions

§ 2. The following definitions apply in this Technical Regulation:

- 1) Recreational craft. Shall mean a craft which, regardless of the means of propulsion, is intended for sports and leisure purposes and which is not used commercially. In cases of doubt the Danish Maritime Authority decides whether a craft is considered a recreational craft.
- 2) Charter. Transfer of the right to use a craft against payment. Craft made available by the boat keeper to lease holders of summerhouses, camping sites etc. are also considered chartered. In case all the hirers and passengers on board are also owners of the craft or members of a club, which owns the craft, it is not considered chartered.
- 3) Crewed charter. Charter where one or more persons on board against payment perform duties as master or crew. A test trip where the boat keeper instructs the hirer about the craft is not considered crewed charter.
- 4) Bare boat charter. Charter, which is not crewed charter.
- 5) Professional boat training. Voyages during which one or more persons on board a recreational craft against payment train other persons (trainees) with a view to passing a test of competence approved by the Danish Maritime Authority. In case all the trainees on board are owners of the craft or members of a club which owns the craft it is not considered professional boat training.
- 6) New craft. Recreational craft covered by this Technical Regulation and placed on the market 16 June 1998 or later.
- 7) Existing craft. Recreational craft covered by this Technical Regulation and not being new craft.
- 8) The Directive. The European Parliament and Council Directive 94/25/EEC of 16 June 1994 on the approximation of the laws, procedures and administrative provisions of the Member States and EEA States relating to recreational craft, EEC-Journal 1994, L 164, page 15. The Directive is transposed by Technical Regulation no. 11 of 15 December 1995 of the Danish Maritime Authority.
- 9) Hull length. Length overall measured according to the appropriate harmonized standards of the Directive. Hull and fender lists shall be included, whereas external rudders, external drives and outboard engines, bathing platforms, bowsprits etc. are not to be included.
- 10) Short plying limits. Harbours, lakes, streams, canals and within 1.500 metres from other coastlines than the Jutland West Coast and the Faroese Coast.
- 11) Medium plying limits. Outside the short plying limits, but within the area east of the lines Lindenæs-Helgoland-Cuxhaven, the Baltic and waters between. Additionally around the Faroese Islands not more than 3 nautical miles from the straight base line as defined in Faroese law on the fishing territory around the Faroese Islands.
- 12) Extended plying limits. Outside medium plying limits.

Construction

§ 3. New craft covered by the Directive shall, in order to substantiate compliance with the essential safety requirements of the Directive, be provided with a manufacturer's plate bearing the CE marking. The maximum load and the maximum number of persons indicated on the manufacturer's plate shall not be exceeded during voyage.

§ 4. New craft not covered by the Directive and existing craft may alternatively be constructed in accordance with the requirements of Nordisk Bådstandard and type approved either by the Danish Maritime Authority, or by the maritime authorities in one of the other Scandinavian countries, or by a classification society recognized by the Danish Maritime Authority.

(2) The craft may, however, be constructed and approved in accordance with the construction rules of a classification society recognized by the Danish Maritime Authority.

(3) The craft shall be provided with a plate indicating the regulations according to which the craft has been constructed and approved, the approving authority, and the maximum load and maximum number of persons permitted to be carried. These limits shall not be exceeded during the voyage.

Engine and electrical installations etc.

§ 5. New craft not covered by the Directive and existing craft shall comply with the following requirements:

- 1) Petrol and gas are not to be used as fuel for engines. Petrol, however, may be used for outboard engines.
- 2) All installations for cooking and gas installations for other purposes shall comply with the latest technical regulation^{*)} hereon of the Danish Maritime Authority.
- 3) If fixed fire extinguishing systems are installed in engine rooms and, if any, for fuel tanks, the systems shall be type approved according to recognized standards.

^{*)} Technical Regulation no. 4 of 5 February 1993 of the Danish Maritime Authority on gas apparatuses, spirit stoves and oil cookers in recreational craft.

Equipment

§ 6. Craft navigating small plying limits shall be equipped in accordance with annex 1, items 1-10.

(2) Craft navigating medium plying limits shall be equipped in accordance with annex 1, items 1-25.

(3) Craft navigating extended plying limits shall be equipped in accordance with annex 1, items 1-35.

Responsibility and survey

§ 7. It is the responsibility of the owner that the craft at the beginning of each charter or each training voyage is in compliance with this Technical Regulation.

(2) If the craft is chartered through a Danish, Greenland or Faroese charter company the owner's responsibility may be transferred to the charter company by written agreement.

(3) For Danish, Greenland or Faroese recreational craft with a gross tonnage above 20 survey is obligatory^{*)} Other craft is occasionally surveyed by the Danish Maritime Authority.

^{*)} Order no. 463 of 29 July 1988 of the Danish Maritime Authority on survey and certificates etc.

Equivalence

§ 8. The requirements of this Technical Regulation shall not impede that other equipment, materials, apparatuses etc. are employed, or that other arrangements are carried out representing, however, the same level of safety as stipulated in this Technical Regulation.

(2) The Danish Maritime Authority recognise technical requirements, survey procedures and certificates from other EC- or EEC Member States providing the same level of protection to the user.

Penalty clause

§ 9. Contravention of this Technical Order implies fine, simple detention or imprisonment for a term not exceeding one year.

(2) The penalty may be increased to simple detention or imprisonment for a term not exceeding two years if the contravention has been committed intentionally or by gross negligence.

(3) By meting out the punishment according to item 1 and 2 it is to be considered an increase of the sentence,

- 1) has resulted in health damage or provoked danger hereof,
- 2) that previous injunctions have been given according to § 15 of the Safety of Ships, etc. Act on the same or similar circumstances, or
- 3) that by contravention financial benefits have been obtained for the contravener or others.

(4) It shall be considered an especial increase of punishment if health damage has been caused to young persons of less than 18 years of age or danger of such damage has been provoked, cf. item 3, no. 1.

(5) If the profit gained by the contravention is not confiscated special consideration shall be taken to the extent of an obtained or intentional economical profit by meting out of the fine, hereunder additional fine.

(6) Liability to punishment may be imposed on companies (juristic persons) according to the provisions of chapter 5 of the Criminal Code.

Entry into force etc.

§ 10. This Technical Regulation enters into force 1 January 1998.

(2) The technical regulations no. 29 of 13 December 1988 on recreational craft and no. 1 of 7 January 1994 on the application of Nordisk Bådstandard and the guidelines no. 3 of 2 July 1990 and no. 1 of 7 February 1991 of the Danish Maritime Authority on type approval of recreational craft for charter are hereby revoked.

The Danish Maritime Authority, 5 of 19 November 1998

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Annex 1

Equipment in craft operating within short plying limits

- 1) 1 set of sculls, the necessary rowlocks or thole pins and spare sculls. Craft considered capable of being propelled by sculls, e.g. light motor boats, shall be provided with spare sculls as well.
- 2) 1 bailer or scoop.
- 3) 1 life-jacket, type approved*) according to recognized standards, for each person on board, adult or child. The life-jackets shall be intended for the individual weight of the persons on board.

*) Within small plying limits life jackets shall be type approved with a buoyancy of 100 N, and within medium and extended plying limits life jackets shall be type approved with a buoyancy of 150 N.

- 4) Sound transmitters as required in the International Regulations for Preventing Collisions at Sea.
- 5) Navigation lights, type approved according to recognized standards, cf., however, the International Regulations for Preventing Collisions at Sea 1972/81, regulation 23, schedule c, and regulation 25, schedule d.
- 6) 1 watertight electrical flashlight intended for signalling.
- 7) Craft with a hull length larger than 6 metres and all motor boats capable of planing (speed boats) shall be equipped with 1 life-buoy with line, type approved according to recognized standards.
- 8) Any life-jacket, life-buoy or life-raft shall be provided with light reflecting material, type approved according to recognized standards.

Hull length less than (m)	3	4	5	6	7	8	9	10	11	12	13	14	15
Total anchor weight (kg)	5	6	9	12	16	21	26	32	39	47	54	62	70
Largest anchor's min. weight (kg)	3	4	6	8	11	14	17	21	26	31	36	41	50
Length of anchor chain (m)	15	17	20	24	28	32	36	40	44	48	52	56	60
Ultimate strength of anchor chain (kN)	8	11	15	19	23	28	32	36	41	45	49	53	58
Length of chain fore-ganger (m)	1,2	2	3	4	5	6	7	8	8	9	10	11	13
Dimension of chain fore-ganger (mm)	8	8	8	8	8	8	10	10	10	12,5	12,5	12,5	12,5
Dimension of chain fore-ganger (")	5/16	5/16	5/16	5/16	5/16	5/16	3/8	3/8	3/8	1/2	1/2	1/2	1/2
Length of mooring line (m)	5	7	9	11	13	15	17	19	21	23	26	28	30
Ultimate strength of mooring line (kN)	5	7	9	11	13	15	17	19	21	23	26	28	30

Table 1. Craft with a hull length less than 15 metres

- 9) Craft with a hull length less than 15 metres shall be provided with anchoring equipment and mooring lines as specified in table 1. However, the anchoring equipment may be omitted provided the craft navigates only lakes, streams, canals or other areas with no risk of drifting to sea. The total anchor weight is specified in line 1 in table 1, and this weight is based on traditional types of anchors (stocked anchors etc.) The total anchor weight may be divided on several anchors of which the largest anchor shall have the minimum weight specified in line 2 in table 1. Using high holding power anchors, which are approved and provided with a certificate from a recognized classification society, the anchor weight may be reduced by up to 25 %. In case the craft has a relatively large rigging or a long superstructure, the anchor weight shall be increased by up to 20 %.

Further to this the craft shall be provided with at least 1 chain fore-ganger of a length and dimension as specified in the lines 5-7 in table 1, and at least 1 anchor rope of a length and dimension as specified in lines 3-4 in table 1.

In addition the craft shall be equipped with sufficient mooring lines. As a guidance this means 2 mooring lines each of a length and ultimate strength as specified in lines

8 and 9 in table 1.

Hull length (m)	15	16	17	18	19	20	21	22	23	24
Total anchor weight (kg)	70	88	106	124	142	160	178	196	214	230
Largest anchor's minimum weight (kg)	50	64	78	92	106	120	134	148	162	176
Length of anchor chain (m)	85	87	88	90	91	93	95	96	98	99
Dimension of anchor chain (mm)	13	13	13	14	14	14	14	14	16	16
Dimension of anchor chain (")	½	½	½	9/16	9/16	9/16	9/16	9/16	5/8	5/8
Length of anchor wire (m)	213	217	221	225	229	233	237	241	245	249
Ultimate strength of anchor wire (kN)	70	76	83	89	96	102	108	115	121	128
Length of towrope (m)	105	108	110	113	115	118	121	123	126	128
Ultimate strength of towrope (kN)	62	65	67	70	72	75	77	80	82	85
Length of mooring line (m)	15	16	17	18	19	20	21	22	23	24
Ultimate strength of mooring line (kN)	30	32	33	35	37	39	40	42	44	45

Table 2. Craft with a hull length of 15 metres or above

- 10) Craft with a hull length of 15 metres or above shall be provided with anchoring equipment, mooring lines and towrope as specified in table 2. The total anchor weight is specified in line 1 in table 2, and this weight is based on traditional types of anchors (stocked anchors etc.) The total anchor weight may be divided on several anchors of which the largest anchor shall have the minimum weight specified in line 2 in table 2. In addition it shall be possible to connect 2 or more anchors. Using high holding power anchors, which are approved and provided with a certificate from a recognized classification society, the anchor weight may be reduced by up to 25 %. In case the craft has a relatively large rigging or a long superstructure, the anchor weight shall be increased by up to 20 %. Anchors of a weight of 150 kg and above shall be placed in hawses or similar arrangements.

The craft shall be equipped with 2 anchor chains with a length and dimension as specified in lines 3-5 in table 2. If the craft has a relatively large rigging or long superstructure the length of each anchor chain shall be increased by up to 20 %. However, both anchor chains may, be replaced by anchor wires with an ultimate strength as specified in line 7 in table 2. If the anchor chains are replaced by wire, the wire shall be at least 2.5 times larger than the required chain, and between anchor and wire there shall be a fore-ganger with a dimension as that of the anchor chain and with a length of at least 12.5 metres.

In addition the craft shall be equipped with sufficient mooring lines. As guidance this means at least 4 mooring lines each of a length and ultimate

strength as specified in lines 10 and 11 in table 2. Further to this the craft shall be equipped with at least 1 towrope with a length and ultimate strength as specified in the lines 8 and 9 in table 2.

Additional equipment in craft navigating within medium plying limits

- 11) 1 life-raft, type approved for charter according to recognized standards, and with a capacity for all persons on board. If the number of persons on board exceeds 12 the craft shall be provided with at least 2 of those life-rafts.
- 12) 6 red hand flares and 6 parachute flares, type approved according to recognized standards.
- 13) 1 black anchor ball with a diameter of at least 30 cm. Craft capable of being propelled both by sail and engine shall furthermore be provided with a black cone with a height and base being at least 30 cm.
- 14) 2 life buoys, type approved according to recognized standards, one life buoy with self-igniting electrical flare and topmark, the other provided with line. These life buoys replace the life buoy required for navigation within short plying limits.
- 15) 1 buoyant rescue quoit secured to a 30 metre buoyant line.
- 16) 1 compass, which in craft navigating at night shall be provided with suitable means of illumination. The deviation shall be kept within reasonable limits.
- 17) 1 radar reflector, type approved according to recognized standards.
- 18) Charts and nautical publications covering the plying limits of the craft, and means of setting a course.
- 19) 1 hand lead.
- 20) The Manual of Medicine "Førstehjælp for sejlere" (in Danish), latest edition, and a first aid kit with the recommended medical equipment and medicine in accordance with chapter 17 of the manual.
- 21) 1 foam fire extinguisher or other suitable fire extinguisher, type approved in compliance with recognized standards, supplementary to the fire extinguishers otherwise required.
- 22) Sailing boats shall be provided with lifelines or harnesses, type approved according to recognized standards, for all persons on board. It shall be possible to secure the lines properly on board.
- 23) 1 tool box with adequate contents. In sailing boats the box shall hold a wire cutter or a hacksaw with high-speed blades.
- 24) The owner's manual according to the Directive, or a similar manual for craft not covered by the Directive.
- 25) 1 copy of this Technical Regulation shall be on board craft used for charter. Craft being chartered for a shorter period than one day it is, however, sufficient that the Technical Regulation is available to the hirer at the location where the charter starts.

Additional equipment in craft navigating extended plying limits

- 26) 1 compass with certificate of class A, instead of the compass required for medium plying limits.
- 27) 1 echo sounder.
- 28) 1 log.
- 29) 1 pair of binoculars.
- 30) 1 barometer.
- 31) 1 sextant. The sextant may, however, be omitted navigating within 40 miles from the coastline.
- 32) The necessary register of lights.
- 33) 1 life-raft, type approved in compliance with SOLAS, having capacity for all persons on board the craft. The life-raft may be a 4-seater raft provided the number of persons on board does not exceed this number. If the number of persons on board exceeds 12 at least two of these life-rafts are required. The rafts replace the rafts required for medium plying limits. Navigating within 40 miles from the coast line the rafts required for medium plying limits may be employed instead.
- 34) 1 sea anchor of a type and dimension suitable for the craft in question.
- 35) The extended selection of medicine for longer voyages as required in the Manual of Medicine, chapter 17.