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CANADA SHIPPING ACT, 2001

## Small Vessel Regulations

P.C. 2010-546 April 29, 2010

Her Excellency the Governor General in Council, on the recommendation of the Minister of Transport, pursuant to paragraph 35(1)(d) and sections 120 and 207 of the *Canada Shipping Act, 2001* ([see footnote a](#)), hereby makes the annexed *Small Vessel Regulations*.

### SMALL VESSEL REGULATIONS

#### INTERPRETATION

1. (1) The definitions in this subsection apply in these Regulations.

“accessible” means capable of being reached for inspection, removal or maintenance without removal of any elements of the permanent vessel structure. (*accessible*)

“Act” means the *Canada Shipping Act, 2001*. (*Loi*)

“change of use” means that the use of a vessel that was a pleasure craft has changed in such a manner that the vessel is no longer a pleasure craft. (*changement d’utilisation*)

“classification society” means a classification society that is a member of the International Association of Classification Societies (IACS). (*société de classification*)

“construction standards” means the *Construction Standards for Small Vessels*, TP 1332, published by the Department of Transport. (*normes de construction*)

“engine space” means any space that contains a permanently installed propulsion engine or auxiliary engine, including any connected spaces. (*compartiment moteur*)

“final preparation”, in respect of an official competition, means activities to prepare for the competition that take place at the competition venue during the days and times specified by the organizer of the competition. (*derniers préparatifs*)

“formal training” means practice for an official competition under the supervision of a coach or an official certified by a governing body. (*entraînement officiel*)

“governing body” means a national governing body of a water sport

(a) that publishes rules and criteria respecting conduct and safety requirements for skill demonstrations, formal training or official competitions; and

(b) that

(i) certifies coaches and coaching programs,

(ii) certifies officials and programs for officials, or

(iii) recommends training and safety guidelines for certified coaches or officials. (*organisme dirigeant*)

“ignition-protected”, in respect of an electrical device, means that the device is designed and constructed in such a manner that under its design operating conditions

(a) it will not ignite a flammable hydrocarbon mixture surrounding it when an ignition source causes an internal explosion;

(b) it is incapable of releasing sufficient electrical or thermal energy to ignite a hydrocarbon mixture; or

(c) its source of ignition is hermetically sealed. (*protégé contre l’inflammabilité*)

“IMO Resolution MSC.81(70)” means the annex to International Maritime Organization Resolution MSC.81(70), *Revised Recommendation on Testing of Life-Saving Appliances*. (*résolution MSC.81(70) de l’OMI*)

“ISO 13590” means International Standard Organization Standard ISO 13590, *Small Craft — Personal Watercraft — Construction and System Installation Requirements*. (*ISO 13590*)

“length”, in respect of a vessel, means the distance measured from the forward end of the foremost outside surface of the hull shell to the aft end of the aftermost outside surface of the hull shell. (*longueur*)

“lifebuoy” means a SOLAS lifebuoy or a small vessel lifebuoy. (*bouée de sauvetage*)

“lifejacket” means a small vessel lifejacket, a standard lifejacket, a Class 1 or Class 2 lifejacket or a SOLAS lifejacket. (*gilet de sauvetage*)

“life raft” means a SOLAS life raft, a reduced capacity life raft or a coastal life raft. (*radeau de sauvetage*)

“LSA Code” means the annex to International Maritime Organization Resolution MSC.48(66), *International Life-Saving Appliance (LSA) Code*. (*recueil LSA*)

“manual propelling device” means a set of oars, a paddle or another device that uses human power to propel a vessel. (*dispositif de propulsion manuelle*)

“muffler” means an expansion chamber within the exhaust line specifically designed to reduce engine noise, but does not include a muffler cut-out, straight exhaust, gutted muffler, glass pack muffler, by-pass or similar device. (*silencieux*)

“official competition” means a competition or regatta organized by a governing body or by a club or an organization that is affiliated with a governing body. (*compétition officielle*)

“owner”, in respect of a vessel other than a pleasure craft, means the authorized representative as defined in section 2 of the Act. (*propriétaire*)

“passenger-carrying vessel” means a vessel that usually carries or that is carrying one or more passengers. (*bâtiment à passagers*)

“permanently installed” means securely fastened so that tools must be used for removal. (*fixé à demeure*)

“personal watercraft” means a vessel less than 4 m in length that uses an internal combustion engine powering a water-jet pump as its primary source of propulsion, and that is designed to be operated by a person or persons sitting, standing or kneeling on the vessel and not within the confines of the hull. (*motomarine*)

“power”, in respect of an engine, means the power, in kilowatts, that the manufacturer declares has been determined in accordance with International Standard ISO 8665, *Small Craft — Marine Propulsion Engines and Systems — Power Measurements and Declarations*, second edition, August 1, 1994. (*puissance*)

“power-driven”, in respect of a vessel, means that the vessel is propelled by an engine or has an engine on board to propel it. (*à propulsion mécanique*)

“product certification body” means a body that is accredited by the Standards Council of Canada, or by any other national accreditation organization that is a member of the International Accreditation Forum Multilateral Recognition Arrangement, to give third-party written assurance that a product meets the specified requirements for the product, including granting of initial certification and maintenance of the certification. (*organisme de certification de produits*)

“pyrotechnic distress signal” means a rocket parachute flare, a multi-star flare, a hand flare, or a buoyant or hand smoke signal. (*signal de détresse pyrotechnique*)

“readily accessible” means capable of being reached easily and safely under emergency conditions without the use of tools. (*facilement accessible*)

“reboarding device” means a ladder, lifting harness or other device that does not include any part of the vessel’s propulsion unit and that assists a person to gain access to the vessel from the water. (*dispositif de remontée à bord*)

“rebuilder” means a person who is engaged in the business of rebuilding vessels to sell to end users or resellers. (*reconstructeur*)

“recommended practices and standards” means the recommended practices and standards for marine use issued by a marine classification society, standards development organization,

industrial or trade organization, government, government agency or international body.  
(*normes et pratiques recommandées*)

“safety craft” means a vessel, aircraft or other means of transportation that has a crew on board and that is used for surveillance and rescue activities during formal training, final preparation or official competitions. (*véhicule de secours*)

“sailboard” means a vessel that has a totally enclosed hull fitted with a free-standing mast attached to the hull through a universal joint and that is propelled by a sail. (*planche à voile*)

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974. (*SOLAS*)

“sound-signalling device” means a pealess whistle or a compressed-gas or electric horn.  
(*dispositif de signalisation sonore*)

“testing laboratory” means a laboratory that is accredited by the Standards Council of Canada, or by any other national accreditation organization that is a member of the International Laboratory Accreditation Cooperation, to produce accurate results for the specific tests or calibrations that are listed on its Scope of Accreditation. (*laboratoire d’essai*)

“towing”, except for the purposes of Part 10, means the action of pulling a vessel or an object astern or alongside, or pushing a vessel or an object ahead, but does not include pulling or pushing, in the course of the vessel’s normal operations, a floating object or vessel that has a significantly smaller displacement than the vessel’s displacement. (*remorquage*)

“TP 14475” means the *Canadian Life Saving Appliance Standard*, published by the Department of Transport. (*TP 14475*)

“tug” means a vessel that is constructed or converted primarily for the purpose of towing, but does not include a vessel that is constructed or converted for the purpose of

(a) salvaging logs; or

(b) managing oil pollution booms and associated equipment. (*remorqueur*)

“workboat” means a vessel that is not a passenger-carrying vessel, a human-powered vessel or a pleasure craft. (*bateau de travail*)

(2) For the purposes of these Regulations,

(a) a reference to the date of construction, manufacture or rebuilding of a vessel shall be read as a reference to the date on which the actual construction, manufacture or rebuilding starts;

(b) a reference to “Administration” in the LSA Code or in IMO Resolution MSC.81(70) shall be read as a reference to “Minister”;

(c) the word “should” in IMO Resolution MSC.81(70) shall be read as “shall”;

(d) the term “visual signal” in the LSA Code shall be read as “pyrotechnic distress signal”;

(e) the term “pyrotechnics” in IMO Resolution MSC.81(70) shall be read as “pyrotechnic distress signal”;

(f) the *Code of Federal Regulations* of the United States shall be read without reference to “satisfactory to the Commandant” and “accepted by the Commandant under §159.010 of this chapter”.

(3) For the purpose of the French version of the Regulations, the term “moto aquatique” in ISO 13590 shall be read as “motomarine”.

(4) A provision in the American Boat and Yacht Council standards referred to in these Regulations that is expressed as a recommendation shall be read as a requirement unless it is incompatible with the vessel’s construction.

(5) Except as otherwise indicated in these Regulations, any reference in these Regulations to a document is a reference to that document as amended from time to time.

(6) In the event of an inconsistency between a provision in a document incorporated by reference and a provision in these Regulations, the provision in these Regulations shall prevail.

## APPLICATION

2. (1) These Regulations apply in respect of

(a) a pleasure craft;

(b) a passenger-carrying vessel of not more than 15 gross tonnage that carries not more than 12 passengers and is not a human-powered vessel;

(c) a workboat of not more than 15 gross tonnage; and

(d) a human-powered vessel other than a pleasure craft.

(2) These Regulations do not apply in respect of

(a) a fishing vessel;

(b) a rescue boat or lifeboat that is carried on board a vessel exclusively to meet a requirement for life-saving appliances set out in other regulations made under the Act;

(c) a vessel in respect of which the *Special-purpose Vessels Regulations* apply; or

(d) an air cushion vehicle of more than 4 500 kg all up weight.

## PROHIBITION

3. No person shall operate or permit another person to operate a vessel unless the safety equipment required by these Regulations is carried on board the vessel and the equipment meets the requirements of these Regulations.

## SUBSTITUTE SAFETY EQUIPMENT

4. (1) If the Minister determines that there are circumstances in which equipment other than the safety equipment required by these Regulations provides a level of safety at least equivalent to that provided by the required safety equipment, the other equipment may be substituted for the required safety equipment in those circumstances.

(2) To determine the level of safety provided by the substituted equipment in the circumstances, the Minister shall assess the following factors:

- (a) the nature of the activity;
  - (b) the environmental conditions;
  - (c) the nature of the risks to which persons on board are exposed;
  - (d) the specific characteristics of the equipment;
  - (e) the recommended practices and standards to which the equipment conforms;
  - (f) the manner in which the equipment will be used; and
  - (g) the ability of the equipment to protect a person from injury.
- (3) The substitute equipment shall bear a mark or label indicating that it conforms to the recommended practices and standards applicable to that type of equipment.

#### SAFETY EQUIPMENT — ACCESSIBILITY AND MAINTENANCE

**5.** (1) The safety equipment required by these Regulations shall be

- (a) in good working order;
- (b) readily accessible and available for immediate use; and
- (c) except for a life raft, maintained and replaced in accordance with the manufacturer's instructions or recommendations.

(2) Portable fire extinguishers and fixed fire extinguishing systems required by these Regulations shall be kept fully charged.

#### STANDARDS FOR SAFETY EQUIPMENT

**6.** (1) A personal flotation device, lifejacket, lifebuoy, self-igniting light, pyrotechnic distress signal or life raft required by these Regulations shall meet the applicable standards and tests set out in the schedule.

(2) A mark or label on the safety equipment required by these Regulations, and any manufacturer's instructions or recommendations, shall be in English and French.

#### APPROVAL OF LIFE-SAVING APPLIANCES

**7.** (1) A personal flotation device, lifejacket, lifebuoy, self-igniting light, pyrotechnic distress signal or life raft required by these Regulations shall be of a type that is approved by the Minister and shall bear a mark or label indicating the approval.

(2) The Minister shall approve a type of personal flotation device, lifejacket, lifebuoy, self-igniting light, pyrotechnic distress signal or life raft if it is shown to meet the applicable standards and tests referred to in subsection 6(1).

(3) Subsection (1) does not apply to a personal flotation device required by these Regulations if it was approved by the Director of Ship Safety of the Department of Transport or by the

Department of Fisheries and Oceans and bears a mark or label indicating that it was approved by one of those departments or by the Canadian Coast Guard.

#### FIRST AID KIT

**8.** (1) A first aid kit required by these Regulations shall be packed in a waterproof case capable of being tightly closed after use and shall be

(a) a marine emergency first aid kit that contains the following:

(i) an up-to-date first aid manual or up-to-date first aid instructions, in English and French,

(ii) 48 doses of analgesic medication of a non-narcotic type,

(iii) six safety pins or one roll of adhesive first aid tape,

(iv) one pair of bandage scissors or safety scissors,

(v) one resuscitation face shield,

(vi) two pairs of examination gloves,

(vii) 10 applications of antiseptic preparations,

(viii) 12 applications of burn preparations,

(ix) 20 adhesive plasters in assorted sizes,

(x) 10 sterile compression bandages in assorted sizes,

(xi) 4 m of elastic bandage,

(xii) two sterile gauze compresses,

(xiii) two triangular bandages, and

(xiv) a waterproof list of the contents, in English and French; or

(b) a first aid kit that meets the requirements of the *Marine Occupational Safety and Health Regulations* or of provincial regulations governing workers' compensation, with the addition of a resuscitation face shield and two pairs of examination gloves if the kit is not required to contain them.

(2) Instead of a first aid kit referred to in subsection (1), a first aid kit that meets the requirements of the *Small Vessel Regulations* as they read immediately before the day on which these Regulations came into force may be carried on board a vessel for a period of three years after that day unless the kit is replaced before the end of that period.

#### PERSONAL LIFE-SAVING APPLIANCES

**9.** A personal flotation device or lifejacket required by these Regulations shall not be altered in a way that compromises its original structural integrity or diminishes the integrity or readability of a marking set out in a standard related to it.

**10.** (1) A personal flotation device or lifejacket that is required by these Regulations, if it is of an inflatable type, shall be worn by a person in an open vessel or, if the vessel is not open, shall be worn when the person is on deck or in the cockpit.

(2) Subsection (1) does not apply to a sealed-hull rowing shell engaged in training that is governed by safety guidelines and procedures established by the governing body.

(3) A personal flotation device or lifejacket that is required by these Regulations to be carried on board a personal watercraft shall be inherently buoyant.

**11.** A personal flotation device or lifejacket required by these Regulations does not have to be an appropriate size for an infant who weighs less than 9 kg or a person whose chest size is more than 140 cm.

#### PORTABLE FIRE EXTINGUISHERS

**12.** (1) Every portable fire extinguisher that is required by these Regulations to be carried on board a pleasure craft shall

(a) bear a mark indicating that it is certified by a product certification body; or

(b) be of a type that is approved by the United States Coast Guard.

(2) Every portable fire extinguisher that is required by these Regulations to be carried on board a vessel other than a pleasure craft shall

(a) bear a mark indicating that it is certified for marine use by a product certification body; or

(b) be of a type that is approved by the United States Coast Guard.

(3) A portable fire extinguisher that is carried on board a vessel imported into Canada and that does not meet the requirements of subsection (1) or (2) shall be certified for marine use by a product certification body or a classification society.

**13.** In any reference in these Regulations to the classification of a portable fire extinguisher, the letters in the classification refer to the following classes of fires:

(a) Class A fires, namely, fires in combustible materials such as wood, cloth, paper, rubber and plastic;

(b) Class B fires, namely, fires in inflammable liquids, gases and greases;

(c) Class C fires, namely, fires that involve energized electrical equipment where the electrical non-conductivity of the extinguishing media is of importance; and

(d) Class K fires, namely, fires in cooking appliances that involve combustible cooking media such as vegetable or animal oils or fats.

**14.** A vessel to which Part 2, 4 or 5 applies may carry on board a portable fire extinguisher that is not marked with a classification set out in column 1 of the table to this section if the fire extinguisher contains an extinguishing agent set out in column 2, 3 or 4 of a net weight that corresponds to the classification set out in column 1, and if the fire extinguisher meets the requirements of these Regulations in all other respects.

#### TABLE OF EQUIVALENTS



Column 1		Column 2		Column 3		Column 4	
Item Classification		Multi-purpose Dry Chemical (ammonium phosphate) Net Weight		Regular Dry Chemical (sodium bicarbonate) (Class B and C fires only) Net Weight		Carbon Dioxide (Class B and C fires only) Net Weight	
		kg	lbs.	kg	lbs.	kg	lbs.
1.	1A:5B:C	1.5	3				
2.	2A:10B:C	2.25	5				
3.	2A:20B:C	4.5	10				
4.	5B:C	1.5	3	1.5	3	2.25	5
5.	10B:C	2.25	5	2.25	5	4.5	10
6.	20B:C	4.5	10	4.5	10	9	20

**15.** A vessel to which Part 2, 4 or 5 applies may carry on board a portable fire extinguisher that exceeds the classification set out under those Parts.

**16. (1)** A portable fire extinguisher required by these Regulations shall contain an extinguishing agent capable of extinguishing any potential fire in the vessel compartment for which the fire extinguisher is intended and shall not weigh more than 23 kg.

**(2)** A portable fire extinguisher required by these Regulations may be rated for Class K fires instead of Class B fires if it is intended for use in an area with cooking appliances that involve combustible cooking media and if the Class A and Class C ratings are maintained.

**(3)** A portable carbon dioxide fire extinguisher shall be fitted with an electrically non-conductive horn.

**17.** A portable fire extinguisher that is carried on board a vessel other than a pleasure craft, and that meets the requirements of regulations made under the *Canada Shipping Act* that applied in respect of the vessel before the day on which these Regulations came into force, may be carried on board the vessel for a period of six years after the day on which the fire extinguisher is manufactured.

#### FIRE BUCKETS AND BAILERS

**18.** A fire bucket required by these Regulations shall have a capacity of 10 L or more, be made of metal with a round bottom and a hole in the centre, be painted red and be fitted with a lanyard of sufficient length to reach the water from the location in which it is stored.

**19.** A bailer required by these Regulations shall be made of plastic or metal, have an opening of at least 65 cm<sup>2</sup> and have a capacity of at least 750 mL.

#### PYROTECHNIC DISTRESS SIGNALS

**20.** (1) A pyrotechnic distress signal required by these Regulations expires four years after its date of manufacture.

(2) Type A, B, C or D flares may be carried on board a vessel instead of rocket parachute flares, multi-star flares, hand flares or smoke signals respectively, if they were approved by the Minister before the day on which these Regulations came into force.

#### LIFE RAFTS

**21.** The owner and the operator of a vessel to which Part 4 or 5 applies shall ensure that every life raft that is carried on board the vessel is

(a) marked with the date and place of last service;

(b) serviced at the intervals set out in section 2 of Schedule IV to the *Life Saving Equipment Regulations* at a service station that is accredited by the manufacturer of the life raft; and

(c) except for a coastal life raft packed in a valise-type container, stored in a manner that allows it to automatically float free if the vessel sinks.

#### BILGE PUMPS

**22.** A bilge pump required by these Regulations shall be fitted with or accompanied by sufficient piping or hose to enable water to be pumped from the bilge space of the vessel over the side of the vessel.

### PART 1

#### LICENSING OF PLEASURE CRAFT

##### APPLICATION

**100.** (1) This Part applies in respect of a pleasure craft principally maintained or operated in Canada that is equipped, even temporarily, with one or more primary propulsion engines whose aggregate power is at least 7.5 kW.

(2) However, only section 110 applies in respect of a pleasure craft that is

(a) registered under the Act; or

(b) registered in another country as having the right to fly the flag of that country.

##### PROHIBITION

**101.** No person shall operate or permit another person to operate a pleasure craft unless

(a) it is licensed by the Minister;

(b) a copy of the licence is carried on board; and

(c) the owner's name and address on the licence are accurate.

##### EXCEPTIONS

##### *Licencing*

**102.** A pleasure craft may be operated without a licence until the day on which the owner of the pleasure craft receives the licence, up to a maximum of 90 days from the day of the initial transfer of ownership to an end user, if

(a) the acknowledgement of receipt of the application for the licence by the Minister is carried on board; and

(b) the file number of the acknowledgement is marked on the pleasure craft in the form and manner specified by the Minister.

#### *Transfer of Licence*

**103.** A pleasure craft that is the subject of a transfer of ownership may be operated until the day on which the new owner of the pleasure craft receives a transferred licence, up to a maximum of 90 days from the day of the transfer of ownership, if documents are carried on board confirming the name and address of the new owner and the date of the transfer of ownership.

#### *Change of Name or Address*

**104.** A pleasure craft may be operated without an accurate owner name or address on the licence until the day on which the owner of the pleasure craft receives an updated licence, up to a maximum of 90 days from the day of the change of name or address, if, in addition to the licence, documents are carried on board confirming the new name or address and the date of the change.

**105.** A pleasure craft that was licenced before the day on which these Regulations came into force may be operated without an accurate owner name or address on the licence until the day on which the owner of the pleasure craft receives an updated licence, up to a maximum of one year from the day on which these Regulations come into force.

#### PERIOD OF VALIDITY OF LICENCES

**106.** A pleasure craft licence is valid for a period of 10 years beginning on the day on which it is issued, transferred, renewed or updated.

#### CANCELLATION OF LICENCES

**107.** The Minister may cancel a pleasure craft licence if

(a) the owner of the pleasure craft intends to register, obtain a licence for, or principally maintain and operate the pleasure craft in another country;

(b) the owner of the pleasure craft intends to register or list the pleasure craft under Part 2 of the Act;

(c) the owner of the pleasure craft has been issued a licence under section 108 and wishes to cancel the licence;

(d) the licence is a demonstration licence and the holder is no longer a vendor who sells pleasure craft in the course of a commercial enterprise;

(e) the licence was issued in error; or

(f) the Minister believes on reasonable and probable grounds that the applicant has provided false or misleading information to obtain the licence.

## **VOLUNTARY LICENSING**

**108.** The owner of a pleasure craft that is not required to be licensed by these Regulations may obtain a licence for the pleasure craft.

## **TRANSFER OF OWNERSHIP OF A PLEASURE CRAFT**

**109.** Immediately on the transfer of ownership of a licensed pleasure craft, the new owner of the pleasure craft shall apply to the Minister for transfer of the licence.

## **MISLEADING MARKING**

**110.** Subject to paragraph 102(b), the owner of a pleasure craft shall not operate or permit another person to operate the pleasure craft if it is marked with a number that is not a licence number or a registration number issued under Part 2 of the Act and if that number could be confused with a licence number or a registration number.

## **DEMONSTRATION LICENCE**

**111.** (1) A vendor who sells pleasure craft in the course of a commercial enterprise may apply to the Minister for a demonstration licence for use on any of the enterprise's pleasure craft that are operated for the purpose of demonstration.

(2) The holder of a demonstration licence shall ensure that it is used on only one pleasure craft at a time.

(3) The demonstration licence shall not be transferred to anyone except another vendor.

**112.** The Minister may cancel a demonstration licence if the licence is used for a purpose other than the demonstration of a pleasure craft.

## **PART 2**

### **SAFETY EQUIPMENT FOR PLEASURE CRAFT**

#### **APPLICATION**

**200.** (1) Subject to subsection (2), this Part applies in respect of a pleasure craft that is operated in Canada.

(2) This Part does not apply in respect of a pleasure craft that meets the safety equipment requirements of another country and that is

(a) registered in that country as having the right to fly the flag of that country; or

(b) licensed in that country and not principally maintained and operated in Canada.

#### **SAFETY OBLIGATION**

**201.** The operator of a pleasure craft shall take all reasonable steps to ensure the safety of the craft and of every person on board.

### **PERSONAL FLOTATION DEVICES AND LIFEJACKETS**

**202.** If a personal flotation device or lifejacket that must be carried on board a pleasure craft is to be worn by a person less than 16 years of age, it shall be inherently buoyant.

## SUBPART 1

### PLEASURE CRAFT OTHER THAN HUMANPOWERED PLEASURE CRAFT

#### *Application*

**203.** This subpart applies in respect of a pleasure craft other than a human-powered pleasure craft.

#### *Life-Saving Appliances — Personal Life-Saving Appliances*

**204.** A pleasure craft shall carry on board

- (a) a personal flotation device or lifejacket of an appropriate size for each person on board;
- (b) a reboarding device, unless the vertical height that must be climbed in order to reboard the pleasure craft is not more than 0.5 m; and
- (c) for the length of pleasure craft set out in column 1 of the table to this section, the additional personal life-saving appliances set out in column 2.

TABLE

Column 1		Column 2
Item	Length	Additional Personal Life-Saving Appliances
1.	not more than 6 m	a buoyant heaving line of not less than 15 m in length
2.	more than 6 m but not more than 9 m	(a) a buoyant heaving line of not less than 15 m in length; or  (b) a lifebuoy attached to a buoyant line of not less than 15 m in length
3.	more than 9 m but not more than 12 m	(a) a buoyant heaving line of not less than 15 m in length; and  (b) a lifebuoy attached to a buoyant line of not less than 15 m in length
4.	more than 12 m but less than 24 m	(a) a buoyant heaving line of not less than 15 m in length; and  (b) a lifebuoy that is equipped with a self-igniting light or attached to a buoyant line of not less than 15 m in length
5.	24 m or more	(a) a buoyant heaving line of not less than 30 m in length;  (b) two SOLAS lifebuoys, of which  (i) one is attached to a buoyant line of not less than 30 m in length, and

- (ii) the other is equipped with a self-igniting light; and
- (c) a lifting harness with appropriate rigging

*Life-Saving Appliances — Visual Signals*

**205.** A pleasure craft of a length set out in column 1 of the table to this section shall carry on board the visual signals set out in column 2.

TABLE

Column 1		Column 2
Item	Length	Visual Signals
1.	not more than 6 m	(a) a watertight flashlight; or (b) three pyrotechnic distress signals other than smoke signals
2.	more than 6 m but not more than 9 m	(a) a watertight flashlight; and (b) six pyrotechnic distress signals other than smoke signals
3.	more than 9 m	(a) a watertight flashlight; and (b) twelve pyrotechnic distress signals, not more than six of which are smoke signals

*Vessel Safety Equipment*

**206.** A pleasure craft of a length set out in column 1 of the table to this section shall carry on board the vessel safety equipment set out in column 2.

TABLE

Column 1		Column 2
Item	Length	Vessel Safety Equipment
1.	not more than 9 m	(a) either (i) a manual propelling device, or (ii) an anchor, and not less than 15 m of cable, rope or chain or any combination of them; and (b) a bailer or a manual bilge pump
2.	more than 9 m but not more than 12 m	(a) an anchor, and not less than 30 m of cable, rope or chain or any combination of them; and (b) a manual bilge pump or bilge-pumping arrangements

3. more than 12 m
  - (a) an anchor, and not less than 50 m of cable, rope or chain or any combination of them; and
  - (b) bilge-pumping arrangements

#### *Navigation Equipment*

**207.** A pleasure craft of a length set out in column 1 of the table to this section shall carry on board the navigation equipment set out in column 2 as indicated in that column.

TABLE

Column 1		Column 2
Item	Length	Navigation Equipment
1.	not more than 9 m	(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i> , or a sound-signalling device;  (b) if the pleasure craft is operated after sunset or before sunrise or in periods of restricted visibility, navigation lights that meet the requirements of the <i>Collision Regulations</i> ; and  (c) a magnetic compass
2.	more than 9 m but not more than 12 m	(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i> , or a sound-signalling device;  (b) navigation lights that meet the requirements of the <i>Collision Regulations</i> ; and  (c) a magnetic compass
3.	more than 12 m	(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i> ;  (b) navigation lights that meet the requirements of the <i>Collision Regulations</i> ; and  (c) a magnetic compass that meets the requirements of the <i>Navigation Safety Regulations</i>

#### *Firefighting Equipment*

**208.** A pleasure craft of a length set out in column 1 of the table to this section shall carry on board the firefighting equipment set out in column 2 as indicated in that column.

TABLE

Column 1		Column 2
Item	Length	Firefighting Equipment
1.	not more than 6 m	a 5B:C portable fire extinguisher, if the pleasure craft is equipped

with an inboard engine, a fixed fuel tank of any size, or a fuel-burning cooking, heating or refrigerating appliance

2. more than 6 m but (a) a 5B:C portable fire extinguisher, if the pleasure craft is a power-not more than 9 m driven vessel; and  
  
(b) a 5B:C portable fire extinguisher, if the pleasure craft is equipped with a fuel-burning cooking, heating or refrigerating appliance
3. more than 9 m but (a) a 10B:C portable fire extinguisher, if the pleasure craft is a not more than 12 power-driven vessel; and m  
  
(b) a 10B:C portable fire extinguisher, if the pleasure craft is equipped with a fuel-burning cooking, heating or refrigerating appliance
4. more than 12 m (a) a 10B:C portable fire extinguisher at the following locations: but less than 24 m  
(i) at each access to a space fitted with a fuel-burning cooking, heating or refrigerating appliance,  
(ii) at the entrance to any accommodation space, and  
(iii) at the entrance to the machinery space;  
(b) an axe; and  
(c) two buckets
5. 24 m or more (a) the equipment set out in item 4(a);  
  
(b) a power-driven fire pump, located outside the engine space, fitted with a fire hose and a nozzle from which a jet of water can be directed into any part of the pleasure craft;  
(c) two axes; and  
(d) four buckets

## SUBPART 2

### HUMAN-POWERED PLEASURE CRAFT

#### *Life-Saving Appliances — Personal Life-Saving Appliances and Visual Signals*

**209.** (1) A human-powered pleasure craft shall carry on board a personal flotation device or lifejacket that is of an appropriate size for each person on board.

(2) A personal flotation device or lifejacket that is carried on board a human-powered pleasure craft operated in whitewater shall be inherently buoyant.



**210.** A human-powered pleasure craft shall carry on board, for the category of life-saving appliance set out in column 1 of the table to this section, the life-saving appliance set out in column 2 as indicated in that column.

TABLE

Column 1		Column 2
Item	Category of Life-Saving Appliance	Life-Saving Appliance
1.	personal life-saving appliances	(a) a reboarding device, unless the vertical height that must be climbed in order to reboard the pleasure craft is less than 0.5 m; and  (b) a buoyant heaving line of not less than 15 m in length
2.	visual signals	if the human-powered pleasure craft is more than 6 m in length, a watertight flashlight and six pyrotechnic distress signals other than smoke signals

*Vessel Safety Equipment and Navigation Equipment*

**211.** A human-powered pleasure craft shall carry on board, for the category of equipment set out in column 1 of the table to this section, the equipment set out in column 2 as indicated in that column.

TABLE

Column 1		Column 2
Item	Category of Equipment	Equipment
1.	vessel safety equipment	(a) a bailer;  (b) a manual bilge pump; or  (c) bilge-pumping arrangements
2.	navigation equipment	(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i> , or a sound-signalling device;  (b) if the pleasure craft is operated after sunset or before sunrise or in periods of restricted visibility, navigation lights that meet the requirements of the <i>Collision Regulations</i> ; and  (c) a magnetic compass

SUBPART 3

GENERAL EXCEPTIONS FOR PLEASURE CRAFT

*Personal Flotation Devices and Lifejackets*

**212.** If a person who is a resident of a country other than Canada brings on board a pleasure craft a personal flotation device or lifejacket for their personal use that conforms to the laws of that country and that is of an appropriate size and in good condition, the pleasure craft is not required to carry on board a personal flotation device or lifejacket for that person that meets the requirements of these Regulations.

#### *Visual Signals*

**213.** (1) No visual signals are required to be carried on board a pleasure craft that is not more than 6 m in length and is not fitted with an engine.

(2) Pyrotechnic distress signals are not required to be carried on board a pleasure craft that

(a) is operating on a river, canal or lake in which it can at no time be more than one nautical mile from shore; or

(b) has no sleeping arrangements and is engaged in an official competition or in final preparation for an official competition.

#### *Bailers and Manual Bilge Pumps*

**214.** A bailer or manual bilge pump is not required to be carried on board a pleasure craft that cannot retain a sufficient quantity of water to make it capsize or whose compartments are sealed and are not readily accessible.

#### *Magnetic Compass*

**215.** A magnetic compass is not required to be carried on board a pleasure craft that is not more than 8 m in length and that navigates within sight of seamarks.

#### *Racing Pleasure Craft*

**216.** A racing pleasure craft, other than a canoe, kayak or rowing shell, that is engaged in formal training, in an official competition or in final preparation for an official competition, and that is operated under conditions of clear visibility and is attended by a safety craft, may carry on board the safety equipment that is required by the rules of the governing body instead of the safety equipment required by this Part.

### **SUBPART 4**

### **EXCEPTIONS FOR PLEASURE CRAFT OTHER THAN HUMAN-POWERED PLEASURE CRAFT**

#### *Firefighting Equipment*

**217.** A portable fire extinguisher of a particular classification is not required to be carried on board a pleasure craft other than a human-powered pleasure craft if two or more portable fire extinguishers are carried on board that meet the requirements of subsection 12(1) and that have a total capacity rating at least equal to the capacity rating of the required fire extinguisher.

#### *Personal Watercraft*

**218.** If every person on board a personal watercraft is wearing a personal flotation device or a lifejacket of an appropriate size, the personal watercraft is required to carry on board only the following safety equipment:

- (a) a sound-signalling device;
- (b) a watertight flashlight or three pyrotechnic distress signals other than smoke signals;
- (c) a magnetic compass, if the personal watercraft is navigated out of sight of seamarks; and
- (d) navigation lights that meet the requirements of the *Collision Regulations*, if the personal watercraft is operated after sunset or before sunrise or in periods of restricted visibility.

#### *Sailboards and Kiteboards*

**219.** (1) If the operator of a sailboard or kiteboard is wearing a personal flotation device of an appropriate size, the sailboard or kiteboard is required to carry on board only the following safety equipment:

- (a) a sound-signalling device; and
  - (b) a watertight flashlight, if the sailboard or kiteboard is operated after sunset or before sunrise or in periods of restricted visibility.
- (2) A sailboard or kiteboard is not required to carry on board the safety equipment required by this Part if it is engaged in an official competition at which a safety craft is in attendance and carrying on board a personal flotation device or lifejacket of an appropriate size for the operator of the sailboard or kiteboard that can be donned in the water.

### SUBPART 5

#### EXCEPTIONS FOR HUMAN-POWERED PLEASURE CRAFT

##### *Paddleboats, Watercycles, and Sealed-Hull, Sit-on-Top Kayaks*

**220.** If every person on board a paddleboat, a watercycle or a sealed-hull, sit-on-top kayak is wearing a personal flotation device or lifejacket of an appropriate size, the paddleboat, watercycle or kayak is required to carry on board only the following safety equipment:

- (a) a sound-signalling device; and
- (b) a watertight flashlight, if the paddleboat, watercycle or kayak is operated after sunset or before sunrise or in periods of restricted visibility.

##### *Racing Canoes and Racing Kayaks*

**221.** (1) A racing canoe or racing kayak that is engaged in formal training, in an official competition or in final preparation for an official competition that is governed by safety guidelines and procedures established by the governing body is not required to carry on board the safety equipment required by this Part if it is attended by a safety craft that is carrying on board a personal flotation device or lifejacket of an appropriate size

- (a) for each person on board the canoe or kayak, if the safety craft is attending only one pleasure craft; or

(b) for each person on board the canoe or kayak with the most persons on board, if the safety craft is attending more than one pleasure craft.

(2) However, if the canoe or kayak is not attended by a safety craft, it is required to carry on board the following safety equipment:

(a) a personal flotation device or lifejacket of an appropriate size for each person on board;

(b) a sound-signalling device; and

(c) a watertight flashlight, if the canoe or kayak is operated after sunset or before sunrise or in periods of restricted visibility.

### *Rowing Shells*

**222.** (1) A rowing shell that is competing in a provincially, nationally or internationally sanctioned regatta or competition, or engaged in training at the venue at which the regatta or competition is taking place, is not required to carry on board the safety equipment required by this Part.

(2) A rowing shell that is engaged in activities governed by safety guidelines and procedures established by the governing body is not required to carry on board the safety equipment required by this Part if it is attended by a safety craft that is carrying on board a personal flotation device or lifejacket of an appropriate size

(a) for each person on board the rowing shell, if the safety craft is attending only one rowing shell; or

(b) for each person on board the rowing shell with the most persons on board, if the safety craft is attending more than one rowing shell.

(3) However, if the rowing shell is not attended by a safety craft, it is required to carry on board only the following safety equipment:

(a) a personal flotation device or lifejacket of an appropriate size for each person on board;

(b) a sound-signalling device; and

(c) a watertight flashlight, if the canoe or kayak is operated after sunset or before sunrise or in periods of restricted visibility.

## **PART 3**

### **HUMAN-POWERED VESSELS OTHER THAN PLEASURE CRAFT**

#### **INTERPRETATION**

**300.** The following definitions apply in this Part.

“class 3 or above waters” means waters that have

(a) rapids with moderate and irregular waves; or

(b) rapids that are stronger, have more obstructions or are otherwise more difficult to navigate than rapids with moderate and irregular waves. (*eaux de classe 3 ou plus*)

“guided excursion” means a non-competitive outdoor recreational activity or excursion led by a person in charge of the activity or excursion during which the participants use a human-powered vessel. (*excursion guidée*)

“helmet” means a helmet that has a fastening system and that is designed to protect a person’s head from injury from the mid-line of the forehead to the back of the crown of the head. (*casque protecteur*)

## APPLICATION

**301.** This Part applies in respect of a human-powered vessel other than a pleasure craft.

## PERSONAL FLOTATION DEVICES AND LIFEJACKETS

**302.** If a personal flotation device or lifejacket that must be carried on board a human-powered vessel is to be worn by a person less than 16 years of age, it shall be inherently buoyant.

## GUIDED EXCURSIONS

**303.** (1) A person responsible for an enterprise that conducts guided excursions and the leader of a guided excursion shall ensure that

(a) every participant in the excursion wears the following safety equipment:

(i) a personal flotation device or lifejacket of an appropriate size, and

(ii) when on class 3 or above waters, a helmet of an appropriate size; and

(b) any equipment or material that is carried on board the vessel and that is not being used is secured in place when the vessel is moving.

(2) If the water temperature is less than 15°C, a person responsible for an enterprise that conducts guided excursions and the leader of a guided excursion shall ensure that equipment is immediately available or that procedures are established to protect the participants from the effects of hypothermia or cold shock resulting from swamping, capsizing or falling overboard.

**304.** A person responsible for an enterprise that conducts guided excursions and the leader of a guided excursion shall, before the beginning of the excursion, ensure that all participants are briefed in either or both official languages, according to their needs, on the safety and emergency procedures relevant to the guided excursion.

**305.** (1) The leader of a guided excursion shall, before the beginning of the excursion, report the number of participants in the excursion to a person on shore who has been designated by the leader to be responsible for communicating with search and rescue authorities in case of an emergency.

(2) If the guided excursion takes place in a remote area and it is not possible to report the number of participants to a person on shore, the leader of the excursion shall leave a record of the number of participants and the area of operation in a known location on shore that is accessible to search and rescue authorities.

(3) If the guided excursion departs from a support vessel, the leader of the excursion may designate a person on board the support vessel to be responsible for communicating with search and rescue authorities in case of an emergency.

## HUMAN-POWERED PASSENGER-CARRYING VESSELS

**306.** If the water temperature is less than 15°C, a person who operates or permits another person to operate a human-powered passenger-carrying vessel shall ensure that equipment is carried on board the vessel or that procedures are established to protect all persons on board from the effects of hypothermia or cold shock resulting from swamping, or falling overboard.

**307.** The operator of a human-powered passenger-carrying vessel shall, before departure, ensure that all passengers are briefed in either or both official languages, according to their needs, on the safety and emergency procedures relevant to the type of vessel and nature of the activity.

**308.** (1) The operator of a human-powered passenger-carrying vessel shall, before departure, report the number of persons on board to a person on shore who has been designated by the operator to be responsible for communicating with search and rescue authorities in the case of an emergency.

(2) If the human-powered passenger-carrying vessel is operated in a remote area and it is not possible to report the number of persons on board to a person on shore, the operator of the vessel shall leave a record of the number of persons on board and the area of operation in a known location on shore that is accessible to search and rescue authorities.

(3) If the human-powered passenger-carrying vessel is operated from a support vessel, the operator of the passenger-carrying vessel may designate a person on board the support vessel to be responsible for communicating with search and rescue authorities in case of an emergency.

## SAFETY EQUIPMENT

### *First Aid Kit*

**309.** A human-powered vessel shall carry on board a first aid kit.

### *Personal Life-Saving Appliances and Visual Signals*

**310.** (1) A human-powered vessel shall carry on board

(a) a personal flotation device or lifejacket that is

(i) of an appropriate size for each person on board, and

(ii) inherently buoyant, if the vessel is being used during whitewater paddling; and

(b) for the category of life-saving appliance set out in column 1 of the table to this subsection, the additional life-saving appliance set out in column 2 as indicated in that column.

## TABLE

Column 1	Column 2
Category of Life-Saving Item	Additional Life-Saving Appliance
1. personal life-saving	(a) a reboarding device, unless the vertical height that must be

	appliance	climbed in order to reboard the vessel is not more than 0.5 m; and  (b) a buoyant heaving line of not less than 15 m in length that is contained in a throw bag
2.	visual signals	(a) if the human-powered vessel is not more than 6 m in length, a watertight flashlight or three pyrotechnic distress signals other than smoke signals; or  (b) if the human-powered vessel is more than 6 m in length, a watertight flashlight and six pyrotechnic distress signals other than smoke signals

(2) Every person on board a human-powered vessel shall wear

(a) a personal flotation device or lifejacket; and

(b) when on class 3 or above waters, a helmet of an appropriate size.

#### *Vessel Safety Equipment and Navigation Equipment*

**311.** (1) A human-powered vessel shall carry on board, for the category of equipment set out in column 1 of the table to this subsection, the equipment set out in column 2 as indicated in that column.

TABLE

	Column 1	Column 2
Item	Category of Equipment	Equipment
1.	vessel safety equipment	(a) a bailer;  (b) a manual bilge pump; or  (c) bilge-pumping arrangements
2.	navigation equipment	(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i> , or a sound-signalling device;  (b) if the vessel is operated after sunset or before sunrise or in periods of restricted visibility, navigation lights that meet the requirements of the <i>Collision Regulations</i> ; and  (c) a magnetic compass

(2) A magnetic compass is not required to be carried on board a human-powered vessel that is not more than 8 m in length and that navigates within sight of seamarks.

#### EXCEPTIONS FOR CERTAIN VESSELS

##### *Racing Canoes and Racing Kayaks*

**312.** (1) A racing canoe or racing kayak that is engaged in formal training, in an official competition or in final preparation for an official competition that is governed by safety guidelines and procedures established by the governing body is not required to carry on board the safety equipment required by this Part if it is attended by a safety craft that is carrying on board a personal flotation device or lifejacket of an appropriate size

(a) for each person on board the canoe or kayak, if the safety craft is attending only one pleasure craft; or

(b) for each person on board the canoe or kayak with the most persons on board, if the safety craft is attending more than one pleasure craft.

(2) However, if the racing canoe or racing kayak is not attended by a safety craft, it is required to carry on board only the following safety equipment:

(a) a personal flotation device or lifejacket of an appropriate size for each person on board;

(b) a sound-signalling device; and

(c) a watertight flashlight if the canoe or kayak is operated after sunset or before sunrise or in periods of restricted visibility.

#### *Rowing Shells*

**313.** (1) A rowing shell that is competing in a provincially, nationally or internationally sanctioned regatta or competition, or engaged in training at the venue at which the regatta or competition is taking place, is not required to carry on board the safety equipment required by this Part.

(2) A rowing shell that is engaged in activities governed by safety guidelines and procedures established by the governing body is not required to carry on board the safety equipment required by this Part if it is attended by a safety craft that is carrying on board a personal flotation device or lifejacket of an appropriate size

(a) for each person on board the rowing shell, if the safety craft is attending only one rowing shell; or

(b) for each person on board the rowing shell with the most persons on board, if the safety craft is attending more than one rowing shell.

(3) However, if the rowing shell is not attended by a safety craft, it is required to carry on board only the following safety equipment:

(a) a personal flotation device or lifejacket of an appropriate size for each person on board;

(b) a sound-signalling device; and

(c) a watertight flashlight, if the canoe or kayak is operated after sunset or before sunrise or in periods of restricted visibility.

#### *Other Racing Vessels*

**314.** A human-powered racing vessel, other than a canoe, kayak or rowing shell, that is engaged in formal training, in an official competition or in final preparation for an official competition, and that is operated under conditions of clear visibility and is attended by a



safety craft, may carry on board the safety equipment that is required by the rules of the governing body instead of the safety equipment required under this Part.

## PART 4

### PASSENGER-CARRYING VESSELS OF NOT MORE THAN 15 GROSS TONNAGE THAT CARRY NOT MORE THAN 12 PASSENGERS

#### APPLICATION

**400.** (1) This Part applies in respect of a passenger-carrying vessel of not more than 15 gross tonnage that carries not more than 12 passengers and is not a human-powered vessel.

(2) Paragraph 404(3)(b) and sections 405 to 420 do not apply in respect of a passenger-carrying vessel that meets the safety equipment requirements of another country and that is

(a) registered in that country as having the right to fly the flag of that country; or

(b) licensed in that country and not principally maintained and operated in Canada.

#### GENERAL REQUIREMENTS

**401.** (1) The operator of a passenger-carrying vessel shall, before the vessel leaves a place where passengers embark, ensure that all passengers are briefed in either or both official languages, according to their needs, on the safety and emergency procedures relevant to the type of vessel and its length, including

(a) the location of lifejackets and specifically the location of lifejackets for children;

(b) the location of survival craft;

(c) for passengers in each area of the vessel, the location of the lifejackets and survival craft that are closest to them;

(d) the location and use of personal life-saving appliances, visual signals and vessel safety equipment;

(e) the safety measures to be taken, including those relating to the protection of limbs, the avoidance of ropes and docking lines, and the effect of the movement and grouping of passengers on the stability of the vessel; and

(f) the prevention of fire and explosions.

(2) During the briefing, the operator of the vessel shall ensure that a demonstration is provided on the manner of donning each type of lifejacket.

**402.** (1) The operator of a passenger-carrying vessel shall, before departure, report the number of persons on board to a person on shore who has been designated by the operator to be responsible for communicating with search and rescue authorities in case of an emergency.

(2) If the passenger-carrying vessel is operated in a remote area and it is not possible to report the number of persons on board to a person on shore, the operator of the vessel shall leave the information respecting each voyage in a location on shore that is known and readily available to search and rescue authorities.

(3) If the passenger-carrying vessel is operated from a support vessel, or if it is used to transfer persons from another vessel to shore, the operator of the passenger-carrying vessel may designate a person on board the support vessel or the other vessel to be responsible for communicating with search and rescue authorities in case of an emergency.

**403.** If the water temperature is less than 15°C, a person who operates or permits another person to operate a passenger-carrying vessel that does not carry on board a life raft shall ensure that equipment is carried on board the vessel or that procedures are established to protect all persons on board from the effects of hypothermia or cold shock resulting from swamping, capsizing or falling overboard.

**404.** (1) A passenger-carrying vessel shall be designed and equipped to operate safely in its area of operation.

(2) No person shall operate a passenger-carrying vessel under circumstances that exceed its design limitations, if any.

(3) Except in an emergency, the operator of a passenger-carrying vessel engaged in towing shall ensure that

(a) there are no passengers on board the vessel or the tow; and

(b) the vessel meets the requirements of section 521.

**405.** The owner of a passenger-carrying vessel shall not operate or permit another person to operate the vessel unless, before it is first put in service, the owner has informed the Minister, in a form determined by the Minister, of

(a) the intention to operate the vessel or permit its operation;

(b) the physical characteristics of the vessel; and

(c) the nature of its operation.

**406.** The owner of a passenger-carrying vessel shall submit to the Minister, on request, information respecting the physical characteristics of the vessel and the nature of its operation.

## SAFETY EQUIPMENT

### *First Aid Kit*

**407.** A passenger-carrying vessel shall carry on board a first aid kit.

### *Life-Saving Appliances*

#### Personal Life-Saving Appliances

**408.** If a lifejacket that must be carried on board a passenger-carrying vessel is to be worn by a person less than 16 years of age, it shall be inherently buoyant.

**409.** (1) A passenger-carrying vessel shall carry on board

(a) a lifejacket of an appropriate size for each person on board;

(b) a reboarding device, unless the vertical height that must be climbed in order to reboard the vessel is not more than 0.5 m; and

(c) for the length of vessel set out in column 1 of the table to this subsection, the additional personal life-saving appliances set out in column 2.

TABLE

<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Length</b>	<b>Additional Personal Life-Saving Appliances</b>
1.	not more than 6 m	a buoyant heaving line of not less than 15 m in length
2.	more than 6 m but not more than 9 m	(a) a buoyant heaving line of not less than 15 m in length; or  (b) a lifebuoy attached to a buoyant line of not less than 15 m in length
3.	more than 9 m but not more than 12 m	(a) a buoyant heaving line of not less than 15 m in length; and  (b) a lifebuoy attached to a buoyant line of not less than 15 m in length
4.	more than 12 m	(a) a buoyant heaving line of not less than 15 m in length; and  (b) a lifebuoy that is equipped with a self-igniting light or attached to a buoyant line of not less than 15 m in length

(2) The buoyant heaving line set out in the table to subsection (1) shall be fitted at one end with a buoyant mass that will assist in carrying out the end of the line when the line is thrown.

#### Visual Signals

**410.** A passenger-carrying vessel of a length set out in column 1 of the table to this section shall carry on board the visual signals set out in column 2.

TABLE

<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Length</b>	<b>Visual Signals</b>
1.	not more than 6 m	(a) a watertight flashlight; and  (b) three pyrotechnic distress signals other than smoke signals
2.	more than 6 m but not more than 9 m	(a) a watertight flashlight; and  (b) six pyrotechnic distress signals other than smoke signals

3. more than 9 m
  - (a) a watertight flashlight; and
  - (b) twelve pyrotechnic distress signals, not more than six of which are smoke signals

#### Life Rafts

**411.** (1) For the purposes of subsection (2), “river” does not include

(a) any waters seaward of a line drawn between the extremities of the shore at the river’s mouth at high tide; or

(b) the St. Lawrence River east of 70°53’ west longitude.

(2) A passenger-carrying vessel shall carry on board one or more life rafts with a total capacity sufficient to carry all persons on board, unless the vessel is

(a) not more than 8.5 m in length;

(b) engaged on a sheltered waters voyage; or

(c) at a distance of not more than two nautical miles from the shore of a river or lake, that distance being measured either from the mainland or from an island that can be used as a safe refuge from the weather.

(3) A passenger-carrying vessel that engages in voyages beyond the limits of a near coastal voyage, Class 2 shall not carry on board a coastal life raft unless it carried such a life raft on board before the day on which these Regulations came into force.

(4) For the purposes of subsections (2) and (3), “near coastal voyage, Class 2” and “sheltered waters voyage” have the same meaning as in the *Vessel Certificates Regulations*.

#### *Vessel Safety Equipment*

**412.** (1) A passenger-carrying vessel of a length set out in column 1 of the table to this subsection shall carry on board the vessel safety equipment set out in column 2.

TABLE

Column 1		Column 2
Item	Length	Vessel Safety Equipment
1.	not more than 9 m	<p>(a) either</p> <p>(i) a manual propelling device, or</p> <p>(ii) an anchor, and not less than 15 m of cable, rope or chain or any combination of them; and</p> <p>(b) a bailer or manual bilge pump</p>
2.	more than 9 m but not more than 12 m	(a) an anchor, and not less than 30 m of cable, rope or chain or any combination of them; and

(b) a manual bilge pump

3. more than 12 m (a) an anchor, and not less than 50 m of cable, rope or chain or any combination of them; and

(b) a manual bilge pump

(2) A bailer or manual bilge pump is not required to be carried on board a passenger-carrying vessel that cannot retain a sufficient quantity of water to make it capsize or whose compartments are sealed and are not readily accessible.

#### *Navigation Equipment*

**413.** (1) A passenger-carrying vessel of a length set out in column 1 of the table to this subsection shall carry on board the navigation equipment set out in column 2 as indicated in that column.

TABLE

Column 1		Column 2
Item	Length	Navigation Equipment
1.	not more than 9 m	(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i> , or a sound-signalling device;  (b) if the vessel is operated after sunset or before sunrise or in periods of restricted visibility, navigation lights that meet the requirements of the <i>Collision Regulations</i> ; and  (c) a magnetic compass that meets the requirements of the <i>Navigation Safety Regulations</i>
2.	more than 9 m but not more than 12 m	(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i> , or a sound-signalling device;  (b) navigation lights that meet the requirements of the <i>Collision Regulations</i> ; and  (c) a magnetic compass that meets the requirements of the <i>Navigation Safety Regulations</i>
3.	more than 12 m	(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i> ;  (b) navigation lights that meet the requirements of the <i>Collision Regulations</i> ; and  (c) a magnetic compass that meets the requirements of the <i>Navigation Safety Regulations</i>

(2) A magnetic compass is not required to be carried on board a passenger-carrying vessel that is not more than 8 m in length and that navigates within sight of seamarks.

### *Firefighting Equipment*

**414.** (1) A passenger-carrying vessel of a length set out in column 1 of the table to this subsection shall carry on board the firefighting equipment set out in column 2 as indicated in that column.

TABLE

<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Length</b>	<b>Firefighting Equipment</b>
1.	not more than 6 m	(a) a 1A:5B:C portable fire extinguisher; and  (b) a 1A:5B:C portable fire extinguisher, if the vessel is equipped with a fuel-burning cooking, heating or refrigerating appliance
2.	more than 6 m but not more than 9 m	(a) a 2A:10B:C portable fire extinguisher;  (b) a 2A:10B:C portable fire extinguisher, if the vessel is equipped with a fuel-burning cooking, heating or refrigerating appliance; and  (c) a 10B:C portable fire extinguisher at the entrance to the engine space
3.	more than 9 m but not more than 12 m	(a) a 2A:10B:C portable fire extinguisher;  (b) a 2A:10B:C portable fire extinguisher at each access to a space fitted with a fuel-burning cooking, heating or refrigerating appliance;  (c) a 10B:C portable fire extinguisher at the entrance to the engine space;  (d) a fire axe; and  (e) a fire bucket
4.	more than 12 m	(a) a 2A:20B:C portable fire extinguisher;  (b) a 2A:20B:C portable fire extinguisher at the following locations:  (i) at each access to a space fitted with a fuel-burning cooking, heating or refrigerating appliance, and  (ii) at the entrance to each accommodation space;  (c) a 20B:C portable fire extinguisher at the entrance to the engine space;  (d) a manual or power-driven fire pump, located outside the engine space, that conforms to the construction standards;

(e) a fire hose and nozzle from which a jet of water can be directed into any part of the vessel;

(f) a fire axe; and

(g) two fire buckets

(2) A passenger-carrying vessel that is not power-driven and is not equipped with an electrical system is not required to carry on board the portable fire extinguisher set out in paragraph (a) of items 1 to 4 of the table to subsection (1).

(3) The portable fire extinguishers set out in the table to subsection (1) shall be mounted with a clamp or bracket that provides a quick and positive release.

(4) A portable fire extinguisher intended for use in an accommodation space, or stored in an accommodation space, shall not contain a gas extinguishing agent.

**415.** (1) A passenger-carrying vessel that is not more than 6 m in length and that has an enclosed engine space shall have provision for discharging a portable fire extinguisher directly into the engine space without the need to open the primary access to that space.

(2) The provision for direct discharge shall be marked in accordance with the construction standards to clearly indicate its firefighting purpose.

(3) The provision for direct discharge shall be capable of accommodating the discharge nozzle of the fire extinguisher and shall be arranged so that the fire extinguisher may be discharged in accordance with the manufacturer's instructions.

(4) If the passenger-carrying vessel is fitted with a fixed fire extinguishing system in accordance with section 741, a provision for direct discharge is not required.

**416.** A portable fire extinguisher that is intended to be discharged directly into an enclosed engine space shall

(a) contain 1.2 kg of carbon dioxide per cubic metre of gross enclosed engine space volume or, if it does not contain carbon dioxide, contain a sufficient quantity of a clean agent to provide the same protection as carbon dioxide;

(b) if it contains carbon dioxide, be able to be completely discharged in not more than 60 seconds and if it contains a clean agent, in not more than 10 seconds; and

(c) be in addition to the portable fire extinguishers required by section 512.

**417.** A passenger-carrying vessel that is more than 6 m in length and that has provision for discharging a portable fire extinguisher directly into the engine space in accordance with paragraph 741(1)(b), instead of being fitted with a fixed fire extinguishing system in accordance with paragraph 741(1)(a), shall carry on board the portable fire extinguisher referred to in section 416.

**418.** (1) A passenger-carrying vessel that is not more than 6 m in length shall be fitted with

(a) in each engine space, a heat detector that

(i) is hard-wired to a red visual alarm and to an audible alarm of at least 84 dB, both of which are to be located at the operating position,

(ii) has a green light indicating power at the detector, and

(iii) is powered by the vessel's electrical system; and

(b) in each accommodation and service space, other than in low risk spaces such as washrooms and void spaces, a fire detector that

(i) is certified by a product certification body,

(ii) has a built-in audible alarm of at least 84 dB, and

(iii) may be powered with an internal battery.

(2) Paragraph (1)(a) does not apply in respect of a vessel in which the engine is enclosed in such a manner that a fire would be immediately apparent to a person at the operating position.

#### *Equipment Stowage*

**419.** The equipment required by this Part shall be protected from damage and securely stowed and, if stowed in a locker or container, the outside of the locker or container shall be clearly marked to indicate its contents.

#### *Emergency Procedures*

**420.** The owner and the operator of a passenger-carrying vessel shall ensure that

(a) procedures are established for the use of the vessel's life-saving appliances and fire extinguishing equipment in case of an emergency; and

(b) the crew practises the procedures so as to be at all times proficient in carrying them out.

### **PART 5**

#### **WORKBOATS OF NOT MORE THAN 15 GROSS TONNAGE**

##### **APPLICATION**

**500.** (1) This Part applies in respect of a workboat of not more than 15 gross tonnage.

(2) Sections 502 to 521 do not apply in respect of a workboat that meets the safety equipment requirements of another country and that is

(a) registered in that country as having the right to fly the flag of that country; or

(b) licensed in that country and not principally maintained and operated in Canada.

##### **GENERAL REQUIREMENTS**

**501.** (1) A workboat shall be designed and equipped to operate safely in its area of operation.

(2) No person shall operate a workboat under circumstances that exceed its design limitations, if any.



**502.** The owner of a workboat shall not operate or permit another person to operate the workboat unless, before it is first put into service, the owner has informed the Minister, in a form determined by the Minister, of

(a) the intention to operate the workboat or permit its operation;

(b) the physical characteristics of the workboat; and

(c) the nature of its operation.

**503.** The owner of a workboat shall submit to the Minister, on request, information respecting the physical characteristics of the workboat and the nature of its operation.

## SAFETY EQUIPMENT

### *First Aid Kit*

**504.** A workboat shall carry on board a first aid kit.

### *Life-Saving Appliances*

#### Personal Life-Saving Appliances

**505.** If a lifejacket that must be carried on board a workboat is to be worn by a person less than 16 years of age, it shall be inherently buoyant.

**506.** (1) A workboat shall carry on board

(a) a lifejacket of an appropriate size for each person on board;

(b) a reboarding device, unless the vertical height that must be climbed in order to reboard the workboat is not more than 0.5 m; and

(c) for the length of workboat set out in column 1 of the table to this subsection, the additional personal life-saving appliances set out in column 2.

## TABLE

Column 1		Column 2
Item	Length	Additional Personal Life-Saving Appliances
1.	not more than 6 m	a buoyant heaving line of not less than 15 m in length
2.	more than 6 m but not more than 9 m	(a) a buoyant heaving line of not less than 15 m in length; or  (b) a lifebuoy attached to a buoyant line of not less than 15 m in length
3.	more than 9 m but not more than 12 m	(a) a buoyant heaving line of not less than 15 m in length; and  (b) a lifebuoy attached to a buoyant line of not less than 15 m in

length

4. more than 12 m (a) a buoyant heaving line of not less than 15 m in length; and  
(b) a lifebuoy that is equipped with a self-igniting light or attached to a buoyant line of not less than 15 m in length

(2) The buoyant heaving line set out in the table to subsection (1) shall be fitted at one end with a buoyant mass that will assist in carrying out the end of the line when the line is thrown.

#### Visual Signals

**507.** (1) A workboat of a length set out in column 1 of the table to this subsection shall carry on board the visual signals set out in column 2.

TABLE

Column 1		Column 2
Item	Length	Visual Signals
1.	not more than 6 m	(a) a watertight flashlight; and (b) three pyrotechnic distress signals other than smoke signals
2.	more than 6 m but not more than 9 m	(a) a watertight flashlight; and (b) six pyrotechnic distress signals other than smoke signals
3.	more than 9 m	(a) a watertight flashlight; and (b) twelve pyrotechnic distress signals, not more than six of which are smoke signals

(2) When operating within a recognized log booming ground, a tug that is not more than 6 m in length is not required to carry on board the visual signals set out in the table to subsection (1).

#### Life Rafts

**508.** (1) A workboat that is more than 12 m in length shall carry on board one or more life rafts with a total capacity sufficient to carry all persons on board the vessel.

(2) If the water temperature is more than 15°C, the vessel may carry on board a buoyant apparatus instead of a life raft.

(3) A buoyant apparatus shall be of a type that has been approved by the United States Coast Guard and the information contained in the nameplate shall be in English and French.

#### *Life-Saving Appliances — Additional Requirements for Tugs*

**509.** (1) If there are two or more persons on board a tug that is more than 8.5 m in length, it shall carry on board one or more life rafts with a total capacity sufficient to carry all the persons on board.

(2) A tug that engages in voyages beyond the limits of a near coastal voyage, Class 2 shall not carry on board a coastal life raft unless it carried such a life raft on board before the day on which these Regulations came into force.

(3) For the purposes of subsection (2), “near coastal voyage, Class 2” has the same meaning as in the *Vessel Certificates Regulations*.

#### *Vessel Safety Equipment*

**510.** (1) A workboat of a length set out in column 1 of the table to this subsection shall carry on board the vessel safety equipment set out in column 2.

TABLE

Column 1		Column 2
Item	Length	Vessel Safety Equipment
1.	not more than 9 m	(a) either (i) a manual propelling device, or (ii) an anchor, and not less than 15 m of cable, rope or chain or any combination of them; and (b) a bailer or manual bilge pump
2.	more than 9 m but not more than 12 m	(a) an anchor, and not less than 30 m of cable, rope or chain or any combination of them; and (b) a manual bilge pump
3.	more than 12 m	(a) an anchor, and not less than 50 m of cable, rope or chain or any combination of them; and (b) a manual bilge pump

(2) A bailer or manual bilge pump is not required to be carried on board a workboat that cannot retain a sufficient quantity of water to make it capsize or whose compartments are sealed and are not readily accessible.

(3) When operating within a recognized log booming ground, a tug that is not more than 6 m in length is not required to carry on board the manual propelling device or anchor set out in the table to subsection (1).

#### *Navigation Equipment*

**511.** (1) A workboat of a length set out in column 1 of the table to this subsection shall carry on board the navigation equipment set out in column 2 as indicated in that column.

TABLE

Column 1		Column 2
Item	Length	Navigation Equipment
1.	not more than 9 m	<p>(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i>, or a sound-signalling device;</p> <p>(b) if the vessel is operated after sunset or before sunrise or in periods of restricted visibility, navigation lights that meet the requirements of the <i>Collision Regulations</i>; and</p> <p>(c) a magnetic compass that meets the requirements of the <i>Navigation Safety Regulations</i></p>
2.	more than 9 m but not more than 12 m	<p>(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i>, or a sound-signalling device;</p> <p>(b) navigation lights that meet the requirements of the <i>Collision Regulations</i>; and</p> <p>(c) a magnetic compass that meets the requirements of the <i>Navigation Safety Regulations</i></p>
3.	more than 12 m	<p>(a) a sound-signalling appliance that meets the requirements of the <i>Collision Regulations</i>;</p> <p>(b) navigation lights that meet the requirements of the <i>Collision Regulations</i>; and</p> <p>(c) a magnetic compass that meets the requirements of the <i>Navigation Safety Regulations</i></p>

(2) A magnetic compass is not required to be carried on board a workboat that is not more than 8 m in length and that navigates within sight of seamarks.

#### *Firefighting Equipment*

**512.** (1) A workboat of a length set out in column 1 of the table to this subsection shall carry on board the firefighting equipment set out in column 2 as indicated in that column.

TABLE

Column 1		Column 2
Item	Length	Firefighting Equipment
1.	not more than 6 m	<p>(a) a 1A:5B:C portable fire extinguisher; and</p> <p>(b) a 1A:5B:C portable fire extinguisher, if the vessel is equipped with a fuel-burning cooking, heating or refrigerating appliance</p>
2.	more than 6 m but	(a) a 2A:10B:C portable fire extinguisher;

- |   |  |
|---|--|
| not more than 9 m                       | <p>(b) a 2A:10B:C portable fire extinguisher, if the vessel is equipped with a fuel-burning cooking, heating or refrigerating appliance; and</p> <p>(c) a 10B:C portable fire extinguisher at the entrance to the engine space</p>   |
| 3. more than 9 m but not more than 12 m | <p>(a) a 2A:10B:C portable fire extinguisher;</p> <p>(b) a 2A:10B:C portable fire extinguisher at each access to a space fitted with a fuel-burning cooking, heating or refrigerating appliance;</p> <p>(c) a 10B:C portable fire extinguisher at the entrance to the engine space;</p> <p>(d) a fire axe; and</p> <p>(e) a fire bucket</p>  |
| 4. more than 12 m                       | <p>(a) a 2A:20B:C portable fire extinguisher;</p> <p>(b) a 2A:20B:C portable fire extinguisher at the following locations:</p> <p style="padding-left: 40px;">(i) at each access to a space fitted with a fuel-burning cooking, heating or refrigerating appliance, and</p> <p style="padding-left: 40px;">(ii) at the entrance to each accommodation space;</p> <p>(c) a 20B:C portable fire extinguisher at the entrance to the engine space;</p> <p>d) a manual or power-driven fire pump, located outside the engine space, that conforms to the construction standards;</p> <p>(e) a fire hose and nozzle from which a jet of water can be directed into any part of the vessel;</p> <p>(f) a fire axe; and</p> <p>(g) two fire buckets</p> |

(2) A workboat that is not power-driven and is not equipped with an electrical system is not required to carry on board the portable fire extinguisher set out in paragraph (a) of items 1 to 4 of the table to subsection (1).

(3) The portable fire extinguishers set out in the table to subsection (1) shall be mounted with a clamp or bracket that provides a quick and positive release.

(4) A portable fire extinguisher intended for use in an accommodation space, or stored in an accommodation space, shall not contain a gas extinguishing agent.

**513.** (1) A workboat that is not more than 6 m in length and that has an enclosed engine space shall have provision for discharging a portable fire extinguisher directly into the engine space without the need to open the primary access to that space.

(2) The provision for direct discharge shall be marked in accordance with the construction standards to clearly indicate its firefighting purpose.

(3) The provision for direct discharge shall be capable of accommodating the discharge nozzle of the fire extinguisher and shall be arranged so that the fire extinguisher may be discharged in accordance with the manufacturer's instructions.

(4) If the workboat is fitted with a fixed fire extinguishing system in accordance with section 741, a provision for direct discharge is not required.

**514.** A portable fire extinguisher that is intended to be discharged directly into an enclosed engine space shall

(a) contain 1.2 kg of carbon dioxide per cubic metre of gross enclosed engine space volume or, if it does not contain carbon dioxide, contain a sufficient quantity of a clean agent to provide the same protection as carbon dioxide;

(b) if it contains carbon dioxide, be able to be completely discharged in not more than 60 seconds, and if it contains a clean agent, in not more than 10 seconds; and

(c) be in addition to the portable fire extinguishers required by section 512.

**515.** A workboat that is more than 6 m in length and that has provision for discharging a portable fire extinguisher directly into the engine space in accordance with paragraph 741(1)(b), instead of being fitted with a fixed fire extinguishing system in accordance with paragraph 741(1)(a), shall carry on board the portable fire extinguisher referred to in section 514.

**516.** (1) A workboat that is not more than 6 m in length shall be fitted with

(a) in each engine space, a heat detector that

(i) is hard-wired to a red visual alarm and to an audible alarm of at least 84 dB, both of which are to be located at the operating position,

(ii) has a green light indicating power at the detector, and

(iii) is powered by the vessel's electrical system; and

(b) in each accommodation and service space, other than in low-risk spaces such as washrooms and void spaces, a fire detector that

(i) is certified by a product certification body,

(ii) has a built-in audible alarm of at least 84 dB, and

(iii) may be powered with an internal battery.

(2) Paragraph (1)(a) does not apply in respect of a vessel in which the engine is enclosed in such a manner that a fire would be immediately apparent to a person at the operating position.

### *Exception for Personal Watercraft*

**517.** If every person on board a personal watercraft is wearing a personal flotation device or a lifejacket of an appropriate size, the personal watercraft is required to carry on board only the following safety equipment:

- (a) a sound-signalling device;
- (b) a watertight flashlight or three pyrotechnic distress signals other than smoke signals;
- (c) a magnetic compass, if the personal watercraft is navigated out of sight of seamarks;
- (d) navigation lights that meet the requirements of the *Collision Regulations*, if the personal watercraft is operated after sunset or before sunrise or in periods of restricted visibility; and
- (e) a first aid kit.

### *Alternative Safety Equipment for Racing*

**518.** A racing workboat that is engaged in formal training, in an official competition or in final preparation for an official competition, and that is operated under conditions of clear visibility and is attended by a safety craft, may carry on board the safety equipment that is required by the rules of the governing body instead of the safety equipment required by this Part.

### *Equipment Stowage*

**519.** The equipment required by this Part shall be protected from damage and securely stowed and, if stowed in a locker or container, the outside of the locker or container shall be clearly marked to indicate its contents.

### *Emergency Procedures*

**520.** The owner and the operator of a workboat shall ensure that

- (a) procedures are established for the use of the workboat's life-saving appliances and fire extinguishing equipment in case of an emergency; and
- (b) the crew practises the procedures so as to be at all times proficient in carrying them out.

### *Towing Operations — Additional Requirements*

**521.** A workboat that engages in towing operations shall

- (a) keep two lifejackets in the wheelhouse and two others in the engine space if that space is normally occupied;
- (b) have means readily available for immediately releasing or cutting the tow line in case of an emergency;
- (c) have two means of escape from the wheelhouse directly to the outside, located so that one means of escape is available in the event of a heel;
- (d) be clear of obstructions aft of the towing point to allow the tow line to swing freely;
- (e) if it is a decked vessel,

- (i) be watertight aft of the towing point or the engine space, whichever is further forward, and
- (ii) be capable of draining any accumulated water rapidly overboard; and
- (f) if it is not a decked vessel, have positive buoyancy when swamped, or a gunwale of adequate height to resist swamping as a result of an emergency with the tow.

## PART 6

### CRITICAL SAFETY REQUIREMENTS

#### APPLICATION

**600.** (1) This Part applies in respect of a vessel that is operated, repaired or maintained in Canada and that is not a vessel to which Part 7 applies.

(2) This Part does not apply in respect of an antique wooden pleasure craft that is repaired and maintained to conserve its original state.

#### GENERAL REQUIREMENTS

**601.** (1) A person who operates or permits another person to operate a vessel, or who repairs or maintains a vessel, shall ensure that the vessel meets the requirements of this Part.

(2) The owner and the operator of a vessel other than a pleasure craft shall ensure that the vessel has adequate stability and structural strength to safely carry out its intended operations.

#### WATERTIGHT CLOSURES

**602.** (1) Every vessel shall have the means for positively shutting off underwater penetrations, with the exception of wet exhaust systems, and, if the means of shut-off are located in an area where there is a risk of fire, the means shall be made of material that is not susceptible to fire damage.

(2) Subsection (1) does not apply in respect of a vessel that meets the requirements for level flotation set out in the construction standards and that is provided with other means for stopping the admission of water in the event of failure of pipes, tubing or hose lines penetrating the hull below the waterline.

#### VENTILATION

**603.** In order to remove any combustible vapours from an enclosed gasoline engine space on a vessel other than a personal watercraft, the ventilation system for the space shall be supplemented by powered ventilation.

#### FUEL SYSTEMS

**604.** (1) No person shall install a fuel-burning appliance or system on a vessel unless the appliance or system and its installation conform to the recommended practices and standards.

(2) No person shall install on a passenger-carrying vessel a fuel-burning appliance or system that uses gaseous fuel, liquefied petroleum gas, compressed natural gas or naphtha.



(3) No person shall install a fuel-burning appliance or system that uses gaseous fuel, liquefied petroleum gas, compressed natural gas or naphtha on a vessel in a manner that permits or is likely to permit ingress or trapping of the fuel or vapours below deck.

**605.** No person shall install or maintain a fuel tank or a fuel system on a vessel in a manner that permits or is likely to permit leakage of fuel or spillage of fuel.

**606.** A fixed fuel tank on a vessel shall have a means for the overboard ventilation of combustible vapours.

**607.** No person shall install below deck or enclose by boxing, on a vessel, an inboard engine that uses gasoline as a fuel unless the carburetor or throttle body fuel injector, if any, is fitted with a flame arrestor.

## ELECTRICAL SYSTEMS

**608.** (1) An electrical component shall be certified by a product certification body or a testing laboratory as being ignition-protected in accordance with

(a) Society of Automotive Engineers Recommended Practice SAE J1171, *External Ignition Protection of Marine Electrical Devices*; or

(b) Underwriters Laboratories, Inc. Standard UL 1500, *Ignition-Protection Test for Marine Products*.

(2) Subsection (1) does not apply if

(a) the vessel uses diesel as its only fuel source;

(b) the electrical component is isolated, in accordance with the specifications set out in the construction standards, from fuel sources such as

(i) engines and cooking appliances,

(ii) valves, connections or other fittings on vent lines, fill lines or distribution lines, and

(iii) fuel tanks; or

(c) the electrical component is located in a compartment where the only source of flammable vapour is from liquified-petroleum-gas or compressed-natural-gas appliances, cylinders, fittings, valves or regulators, and the compartment

(i) has, for every cubic metre of net internal volume, at least 0.34 m<sup>2</sup> of open area exposed to the atmosphere outside the vessel, or

(ii) is an accommodation space.

## PUMPING AND BAILING

**609.** A watertight compartment on a vessel shall be provided with a means of pumping or with access for bailing when the vessel is in any operating condition, unless the vessel cannot retain a sufficient quantity of water to make it capsize or the compartment is sealed and is not readily accessible.

## PART 7

## CONSTRUCTION REQUIREMENTS

### APPLICATION

**700.** (1) This Part applies in respect of a vessel that is constructed, manufactured or rebuilt in, or imported into, Canada in order to be sold or operated in Canada and that is

(a) propelled or designed to be propelled by an engine;

(b) permanently fitted with an auxiliary engine; or

(c) fitted with a fuel-burning appliance or system that uses gaseous fuel, liquefied petroleum gas, compressed natural gas or naphtha.

(2) Only sections 701, 703 and 704 apply in respect of a pleasure craft that is 24 m or more in length.

(3) If a personal watercraft is constructed, manufactured or rebuilt in accordance with ISO 13590, then only sections 701, 702, 704 to 709 and 711 apply in respect of the personal watercraft.

(4) This Part does not apply in respect of

(a) a vessel that is registered in another country as having the right to fly the flag of that country;

(b) a vessel that is principally maintained and operated in another country and that is not licensed or registered in Canada; or

(c) a tug.

### GENERAL REQUIREMENT

**701.** Unless otherwise indicated in these Regulations, the builder, manufacturer, rebuilder, importer and owner of a vessel shall ensure that the vessel meets the requirements of this Part.

### PLEASURE CRAFT

**702.** A pleasure craft shall meet

(a) the construction requirements of this Part; or

(b) if its date of construction, manufacture or rebuilding or its date of importation is before the day on which these Regulations come into force, the construction requirements in force on that date.

**703.** A pleasure craft that is 24 m or more in length shall be constructed, manufactured or rebuilt in accordance with the applicable recommended practices and standards in force on its date of construction, manufacture or rebuilding.

### SAFETY NOTICE

**704.** Every safety notice required under this Part shall

(a) meet the requirements of American Boat and Yacht Council Standard T-5, *Safety Signs and Labels*;

(b) be in English and French; and

(c) be placed in a plainly visible location near the hazard.

#### PERSONAL WATERCRAFT

**705.** (1) Every personal watercraft shall display a safety notice that indicates the precautions that must be taken in order to minimize the risk of fire and explosion, including the information set out in the construction standards.

(2) Every personal watercraft that is constructed, manufactured or rebuilt in accordance with ISO 13590 shall display, in English and French, a builder's plate that meets the requirements of that standard.

#### OBLIGATIONS OF AN OWNER OF A VESSEL OTHER THAN A PLEASURE CRAFT

**706.** The owner of a vessel other than a pleasure craft shall, before operating or permitting another person to operate the vessel, ensure that it meets the requirements of sections 707 and 708.

**707.** (1) A vessel, other than a pleasure craft, whose date of construction, manufacture, rebuilding, importation or change of use, whichever occurs later, is on or after the day on which these Regulations come into force shall meet the construction requirements of this Part.

(2) A vessel, other than a pleasure craft, whose date of construction, manufacture, rebuilding, importation or change of use, whichever occurs later, is within the period beginning on April 1, 2005 and ending on the day before the day on which these Regulations come into force shall conform to the 2004 edition of the construction standards.

**708.** (1) A vessel, other than a pleasure craft, whose date of construction, manufacture, rebuilding, importation or change of use, whichever occurs later, is before April 1, 2005 shall conform to the 2004 edition of the construction standards, or to the recommended practices and standards that provide a level of safety at least equivalent to that provided by the 2004 edition of the construction standards.

(2) A critical safety element of a vessel is not required to conform to the 2004 edition of the construction standards or to the recommended practices and standards if the owner of the vessel demonstrates to the satisfaction of the Minister that the element provides a level of safety at least equivalent to that provided by the 2004 edition of the construction standards.

(3) A non-critical safety element of a vessel is not required to conform to the 2004 edition of the construction standards or to the recommended practices and standards if

(a) the owner of the vessel demonstrates to the satisfaction of the Minister that the element provides a level of safety at least equivalent to that provided by the 2004 edition of the construction standards; or

(b) the owner of the vessel demonstrates to the satisfaction of the Minister that the modifications required to bring the element into conformity with the 2004 edition of the construction standards are so extensive that they would render it unreasonable or impractical to modify the element and would not significantly improve the safety of the vessel.

(4) Subject to subsection (5), if the Minister is satisfied by the demonstration referred to in paragraph (3)(b), the Minister shall take one or more of the following measures:

- (a) allow the owner of the vessel three years to bring the element into conformity with the 2004 edition of the construction standards or the recommended practices and standards;
  - (b) restrict the operation of the vessel to match the limitations resulting from the non-conformity; or
  - (c) require the vessel to carry on board additional safety equipment.
- (5) The Minister is not required to take any measures if the modifications required to bring a non-critical safety element into conformity would result in a negligible increase in the level of safety of the vessel.
- (6) If the Minister takes any measures, the owner of a vessel shall not operate or permit another person to operate the vessel unless it is in compliance with the measures.
- (7) An element provides a level of safety at least equivalent to that provided by the 2004 edition of the construction standards if
- (a) it has been used on a vessel of a similar type operated for a similar purpose in the past five years without a marine occurrence or other event related to a deficiency in its construction or maintenance in an area where the wind and wave conditions are no less severe than those likely to be encountered in the vessel's intended area of operation;
  - (b) it conforms to the recommended practices and standards that are appropriate for the vessel and its operation; or
  - (c) it meets the safety objectives of the 2004 edition of the construction standards.
- (8) The critical safety elements of the 2004 edition of the construction standards are those in respect of
- (a) watertight and weathertight integrity of the hull, decks and superstructure;
  - (b) structural strength;
  - (c) underwater penetration of the hull;
  - (d) buoyancy and stability;
  - (e) water-freeing arrangements;
  - (f) means of protecting persons from falls;
  - (g) installation and maintenance of fuel systems;
  - (h) ventilation of combustible vapours;
  - (i) fuel-burning, cooking and heating installations;
  - (j) ignition-protected electrical components;
  - (k) bilge-pumping arrangements; and
  - (l) fire safety.

#### PARTICULAR DESIGN — VESSEL

**709.** If the design of a type of vessel or of a system or component of a vessel would render it unsafe, unsuitable or impracticable to construct, manufacture or rebuild the vessel in accordance with the construction requirements, the vessel may be constructed, manufactured or rebuilt according to the recommended practices and standards that provide a level of safety at least equivalent to that provided by the construction requirements and that are applicable to the construction, manufacture or rebuilding of a vessel of that design, for example,

- (a) a dynamically supported craft;
- (b) a submarine;
- (c) a wing-in-ground-effect vessel; and
- (d) a hydroplane or other high-powered, low-volume vessel that is used exclusively for racing.

## MAJOR MODIFICATIONS

**710.** (1) The owner of a vessel and every person who is responsible for making a major modification to the vessel shall ensure that the major modification is in accordance with the construction requirements as they read on the day on which the modification was started.

(2) If a major modification is made to a vessel other than a pleasure craft, the owner of the vessel shall inform the Minister of the modification and, if requested by the Minister, shall provide the Minister with the technical data necessary to determine the vessel's compliance with the construction requirements.

(3) In this section, "major modification" means a modification or repair or a series of modifications or repairs that substantially changes the capacity or size of a vessel or the nature of a system on board a vessel, that affects its watertight integrity or its stability, or, except in the case of the restoration of an antique wooden pleasure craft, that substantially increases its service life.

## PLANS

**711.** (1) If it is necessary, because of the type or design of a vessel other than a pleasure craft, to obtain information in order to establish the vessel's compliance with the construction requirements, the builder, manufacturer, rebuilder, importer or owner of the vessel shall submit to the Minister, on request, the following documents:

- (a) the general arrangement of the vessel;
- (b) a diagram of the propulsion system;
- (c) the general arrangement and identification of the machinery, including a description of the bilge pumping systems, fuel systems and firefighting systems;
- (d) a one-line electrical diagram.

(2) If a vessel, other than a pleasure craft, was constructed, manufactured or rebuilt before the day on which these Regulations came into force, the owner of the vessel may submit photographs and technical data instead of the documents referred to in subsection (1).

## PROTECTION FROM FALLING

**712.** (1) A vessel, other than a pleasure craft, that is more than 6 m in length shall, in accordance with the construction standards, have means of protecting persons from falls or from falling overboard.

(2) A vessel, other than a pleasure craft, that is not more than 6 m in length and every pleasure craft shall be equipped with handhold devices and guard rails in accordance with sections H41.5 and H41.6 of American Boat and Yacht Council Standard H41, *Reboarding Means, Ladders, Handholds, Rails, and Lifelines*.

## STRUCTURAL STRENGTH AND SEAWORTHINESS

**713.** (1) A vessel's structural strength shall conform to the construction standards.

(2) A vessel's structural strength and watertight integrity shall be adequate for its intended use, taking into account the maximum anticipated loads. The vessel's strength and integrity are adequate if

(a) the vessel is constructed, manufactured or rebuilt in accordance with the recommended practices and standards for the type of vessel;

(b) the vessel's design has been used for a vessel of the same type that was operated for at least five years without a marine occurrence or other event related to a deficiency in its construction or maintenance in an area where the wind and wave conditions are no less severe than those likely to be encountered in the vessel's intended area of operation;

(c) the vessel's design is supported by calculations or test documents proving that the design achieves the required structural strength; or

(d) in the case of an open vessel, the structural strength and watertight integrity are achieved by following traditional construction methods that have proven to be effective and reliable over time.

(3) The materials and equipment used in the construction, manufacture or rebuilding of a vessel shall be suited to the operating and environmental conditions that the vessel may encounter.

(4) The owner of a vessel shall ensure that the structural strength and watertight integrity of the vessel continue to be adequate for its intended use.

(5) The hull of a vessel other than a pleasure craft shall be strengthened if the vessel is intended for operation in waters where the presence of ice requires the vessel to make extraordinary manoeuvres in order to avoid hull damage.

(6) On the request of the Minister, the builder, manufacturer, rebuilder, importer or owner of a vessel shall demonstrate that the vessel meets the requirements of this section.

## WATERTIGHT INTEGRITY

**714.** The design of a vessel's superstructure, hull and fittings shall provide, in accordance with the construction standards, for the maintenance of watertight integrity and the prevention of downflooding.

## HULL DESIGN

**715.** The design of the hull of a pleasure craft that is not more than 6 m in length shall conform to the construction standards for buoyancy, flotation and stability.

**716.** (1) The stability of a vessel other than a pleasure craft shall be adequate to safely carry out its intended operations.

(2) The owner of a vessel shall demonstrate, on the request of the Minister, that the vessel has adequate stability to safely carry out its intended operations.

**717.** (1) This section applies in respect of a vessel, other than a pleasure craft,

(a) whose date of construction, manufacture, rebuilding, importation or change of use, whichever occurs later, is on or after April 1, 2005; and

(b) whose date of construction, manufacture, rebuilding, importation or change of use, whichever occurs later, was before April 1, 2005, if the type of operation or the area of operation of the vessel changed on or after April 1, 2005.

(2) The buoyancy, flotation and stability of a vessel that is not more than 6 m in length shall conform to the construction standards.

(3) The stability of a vessel that is more than 6 m in length shall conform to

(a) the construction standards; or

(b) the recommended practices and standards for the type of vessel, other than a monohull vessel.

(4) The builder, manufacturer, rebuilder or importer of the vessel shall provide the end user or reseller with a document setting out the design limitations of the vessel, if any, including capacity, power and environmental limitations.

## VENTILATION

**718.** (1) On a vessel, an enclosed space that contains a source of gasoline vapour shall have, in accordance with the construction standards, a natural ventilation system designed to remove any accumulation of combustible vapours.

(2) A compartment that, in accordance with the construction standards, has the characteristics of an open space is not required to have a natural ventilation system.

(3) On a vessel that is propelled by an outboard engine, any space that is under an engine well or that does not have the characteristics of an open space, and that is capable of accommodating a 23 L portable gasoline tank but is not designed to do so, shall display a safety notice to indicate that the space is not to be used for gasoline tank storage.

(4) No supply or exhaust ducting that forms part of the ventilation system shall open into any accommodation space.

**719.** On a vessel other than a personal watercraft, an enclosed space that contains a gasoline engine shall meet the following conditions:

(a) its ventilation system shall be supplemented by powered ventilation in accordance with the construction standards; and

(b) at each engine ignition switch, a safety notice shall be displayed indicating that the blower is to be operated for four minutes before the engine is started and containing the information set out in the construction standards.

**720.** On a vessel, a space that contains a combustion engine shall be ventilated to ensure a sufficient supply of air for combustion and cooling.

## FUEL SYSTEMS

**721.** (1) No person shall install a fuel-burning appliance or system on a vessel unless the appliance or system and its installation conform to the recommended practices and standards.

(2) No person shall install on a passenger-carrying vessel a fuel-burning appliance or system that uses gaseous fuel, liquefied petroleum gas, compressed natural gas or naphtha.

(3) No person shall install a fuel-burning appliance or system that uses gaseous fuel, liquefied petroleum gas, compressed natural gas or naphtha on a vessel in a manner that permits or is likely to permit ingress or trapping of the fuel or vapours below deck.

**722.** No person shall install below deck or enclose by boxing, on a vessel, an inboard engine that uses gasoline as a fuel unless the design of the carburetor or throttle body fuel injector, if any, is in accordance with the construction standards and the carburetor is fitted with a flame arrestor that meets those standards.

**723.** No person shall install or maintain a fuel tank or a fuel system on a vessel in a manner that permits or is likely to permit leakage of fuel or spillage of fuel.

**724.** (1) A fuel system on a vessel shall be installed, tested and maintained in accordance with the construction standards.

(2) A fitting, joint or connection on a fuel system shall be accessible.

(3) A component of a fuel system shall be liquid-tight and vapour-tight to the hull interior in accordance with the construction standards.

(4) On a vessel other than a personal watercraft, a fuel tank, fuel filter or fuel-line fitting shall not be installed over a source of ignition.

**725.** (1) A fixed fuel tank shall be

(a) manufactured and tested in accordance with the construction standards or with the recommended practices and standards that provide a level of safety at least equivalent to that provided by the construction standards; and

(b) installed in accordance with the construction standards.

(2) A fixed fuel tank shall be fitted with filling and venting arrangements in accordance with the construction standards.

**726.** A fuel system on a vessel shall display, at a point of frequent servicing of the vessel, one or more permanently attached safety notices indicating the precautions that must be taken to minimize the risk of fire, explosion and any other hazard, and containing the information set out in the construction standards.



**727.** (1) A flexible hose in the fuel system shall be marked or tagged in accordance with the construction standards.

(2) The point of fuelling shall be marked in accordance with the construction standards to indicate the type of fuel to be used.

(3) A valve in the fuel system shall be marked to indicate its function and the meaning of each valve position.

(4) A fuel tank shall be permanently marked to indicate the information set out in the construction standards.

## ELECTRICAL SYSTEMS

### *Standards*

**728.** (1) The electrical systems on a vessel shall meet the following requirements:

(a) in the case of an electrical system of 50 v or less,

(i) the requirements of the construction standards, or

(ii) the requirements of American Boat and Yacht Council Standards E-10, *Storage Batteries*, and E-11, *AC and DC Electrical Systems on Boats*, with, for a safety notice, the Canadian modification set out in the construction standards; or

(b) in the case of an electrical system of more than 50 v,

(i) the requirements of American Boat and Yacht Council Standard E-11, *AC and DC Electrical Systems on Boats*, with, for a safety notice, the Canadian modification set out in the construction standards, or

(ii) the requirements of the recommended practices and standards that are appropriate for the system voltage and that provide a level of safety at least equivalent to that provided by Standard E-11.

(2) Every component of the electrical system shall be accessible and shall be marked with the information and specifications set out in the construction standards.

### *Batteries and Means of Charging*

**729.** (1) A battery shall

(a) be installed and secured in accordance with the construction standards and meet the specifications set out in those standards;

(b) be accessible; and

(c) if it is an engine starting battery, be provided with an automatic means of charging.

(2) A means of charging a battery shall prevent overcharging.

**730.** The location in which a battery is installed shall be dry, well-ventilated and above bilge water level.

### *Ignition Protection*

**731.** (1) An electrical component shall be certified by a product certification body or a testing laboratory as being ignition-protected in accordance with

(a) Society of Automotive Engineers Recommended Practice SAE J1171, *External Ignition Protection of Marine Electrical Devices*; or

(b) Underwriters Laboratories, Inc. Standard UL 1500, *Ignition-Protection Test for Marine Products*.

(2) Subsection (1) does not apply if

(a) the vessel uses diesel as its only fuel source;

(b) the electrical component is isolated, in accordance with the specifications set out in the construction standards, from fuel sources such as

(i) engines and cooking appliances,

(ii) valves, connections or other fittings on vent lines, fill lines or distribution lines, and

(iii) fuel tanks; or

(c) the electrical component is located in a compartment where the only source of flammable vapour is from liquified-petroleum-gas or compressed-natural-gas appliances, cylinders, fittings, valves or regulators, and the compartment

(i) has, for every cubic metre of net internal volume, at least 0.34 m<sup>2</sup> of open area exposed to the atmosphere outside the vessel, or

(ii) is an accommodation space.

#### *Emergency Lighting*

**732.** Every vessel, other than a pleasure craft, that is more than 6 m in length shall have emergency lighting installed in accordance with the construction standards to allow passengers and crew to exit from any area of the vessel in case of an emergency.

### **MACHINERY SYSTEMS**

#### *Exhaust Systems*

**733.** Every exhaust system and muffler on a vessel equipped with an inboard or stern-drive engine or a permanently installed auxiliary engine shall prevent the leakage of exhaust gases and shall conform to the construction standards.

#### *Auxiliary Machinery*

**734.** Sections 735 to 739 apply in respect of a vessel, other than a pleasure craft, that is more than 6 m in length.

**735.** (1) Every machinery system on a vessel shall conform to the construction standards.

(2) Guards shall be installed on a vessel to protect persons from injury where persons may come into contact with moving parts of machinery systems on the vessel.

(3) Every operating position on a vessel shall be fitted with the instruments and controls set out in the construction standards.

**736.** (1) A watertight compartment on a vessel shall be provided with a means of pumping or with access for bailing when the vessel is in any operating condition, unless the vessel cannot retain a sufficient quantity of water to make it capsize or the compartment is sealed and is not readily accessible.

(2) If the bilge space on a vessel is not easily visible from the operating position, the space shall, in accordance with the construction standards, be fitted with

(a) an automatic high bilge-water alarm; and

(b) a bilge pumping system or, in the case of a vessel that is not more than 12 m in length, a permanently installed automatic bilge pump that is connected to an indicator showing when the pump is running and to an overriding manual switch, both of which are to be located at the operating position.

(3) An automatic bilge pump or a bilge pumping system shall have a minimum capacity of 0.91 L/s.

**737.** (1) A vessel shall be fitted with a safe and reliable main steering gear that is operable from the operating position and capable of manoeuvring the vessel under normal operating conditions.

(2) The main steering gear shall be protected from obstructions, excessive heat and mechanical wear.

(3) A vessel shall be fitted with a means of emergency steering in accordance with the construction standards if

(a) the vessel is operated in remote areas or areas where help is not readily available; or

(b) the main steering gear is fitted with a remote control.

(4) A means of emergency steering is not required if the vessel is fitted with a main steering arrangement that is

(a) a rudder and hand tiller; or

(b) an outboard engine or stern-drive.

**738.** A person installing a combustion engine on a vessel for propulsion or auxiliary purposes shall ensure that the engine is designed for marine use.

**739.** The materials and dimensions of shafting and propellers shall be determined in accordance with the manufacturer's specifications or with the recommended practices and standards.

## FIRE SAFETY

**740.** A vessel, other than a pleasure craft, that is more than 6 m in length shall be fitted, in accordance with the construction standards, with

(a) a fire alarm panel;

- (b) a dual action rate-of-rise and fixed temperature detector in each engine space; and
- (c) a fire detector in each accommodation and service space, other than in low-risk spaces such as washrooms and void spaces.

**741.** (1) Every vessel, other than a pleasure craft, that is more than 6 m in length and that has an enclosed engine space shall

- (a) be fitted with a fixed fire extinguishing system having a sufficient quantity of fire extinguishing agent for the protection of the space in accordance with the construction standards; or
  - (b) have provision for discharging a portable fire extinguisher that meets the requirements of section 416 or 514 directly into the engine space without the need to open the primary access to that space.
- (2) A gas, other than carbon dioxide, that is used as a fire extinguishing agent shall provide protection at least equivalent to that provided by carbon dioxide.
- (3) A fixed fire extinguishing system shall be certified for marine use by a product certification body or a classification society and installed in accordance with the manufacturer's instructions.

**742.** (1) A vessel, other than a pleasure craft, that is more than 6 m in length shall be provided with a minimum of two means of escape in each accommodation, service and engine space, in accordance with the construction standards.

- (2) Only one means of escape is required in an accommodation, service or engine space if
- (a) the space is not normally occupied;
  - (b) the dimensions of the space do not permit more than one means of escape; or
  - (c) the deck area is not more than 28 m<sup>2</sup>.

## PART 8

### COMPLIANCE NOTICES

#### APPLICATION

**800.** (1) This Part applies in respect of a vessel that is propelled or designed to be propelled by an engine and that is constructed, manufactured or rebuilt in, or imported into, Canada to be sold or operated in Canada.

(2) This Part does not apply in respect of

- (a) a vessel that is registered in another country as having the right to fly the flag of that country;
- (b) a vessel that is principally maintained and operated in another country and that is not licensed or registered in Canada;
- (c) a pleasure craft that is 24 m or more in length;
- (d) a tug; or

(e) a high-powered, low-volume vessel that is used exclusively for racing.

## BUILDER, MANUFACTURER, REBUILDER AND IMPORTER

### *Compliance Notice*

**801.** (1) The builder, manufacturer, rebuilder or importer of a vessel shall ensure that, before the initial transfer of ownership of the vessel to the reseller or end user, the vessel is fitted with a compliance notice permanently attached to the inside of the vessel, in a conspicuous location plainly visible from the operating position.

(2) Subsection (1) does not apply in respect of a vessel

(a) that is constructed, rebuilt or imported by an individual for their personal use; or

(b) that meets the following criteria:

(i) it is of open construction,

(ii) it is not mass-produced,

(iii) it is not propelled or designed to be propelled by an inboard engine or stern-drive, and

(iv) it has been constructed following traditional methods that have proven to be effective and reliable over time using wood or other traditional materials or, in the case of a canoe, using glass-reinforced plastic.

(3) In the case of a personal watercraft that is constructed, manufactured or rebuilt in accordance with ISO 13590, the builder, manufacturer, rebuilder or importer shall ensure that the personal watercraft is fitted not only with a compliance notice, but also with the builder's plate set out in that standard.

(4) In the case of a vessel that has been the subject of an initial transfer of ownership,

(a) if the vessel has not been fitted with a compliance notice, the builder, manufacturer, rebuilder or importer shall provide the owner with a compliance notice; or

(b) if the vessel has been fitted with a compliance notice that is inaccurate, the builder, manufacturer, rebuilder or importer shall first inform the Minister and then provide the owner with an accurate compliance notice.

(5) Subsection (4) does not apply in respect of a pleasure craft that was the subject of an initial transfer of ownership in Canada before the day on which these Regulations came into force.

(6) A compliance notice shall

(a) be in English and French;

(b) contain the information set out in section 802;

(c) be in the format set out in the examples provided in the construction standards;

(d) be in the form of a plate or label;

(e) be capable of withstanding — without loss of legibility — wear, environmental conditions (including salt water spray), and hydrocarbons and all other chemicals to which the vessel may be exposed during normal operation and maintenance; and

(f) be made in such a manner that any attempt to remove it or to alter its content will result in the destruction of the notice or in a clearly visible sign of the attempt to remove or alter it.

(7) Subsections (1) to (5) do not apply in respect of a vessel, other than a pleasure craft, whose date of construction, manufacture, rebuilding or importation is on or before the day on which these Regulations come into force or within one year after that day.

**802.** (1) A compliance notice shall contain at least the following information:

(a) the model of the vessel;

(b) the name of the builder, manufacturer, rebuilder or importer and the manufacturer's identification code;

(c) in the case of a vessel that is not more than 6 m in length, a statement declaring that the vessel met the construction requirements as they read on the date of construction, manufacture, rebuilding or importation of the vessel;

(d) in the case of a vessel that is more than 6 m in length, a statement declaring that the vessel met the construction requirements for pleasure craft as they read on the date of construction, manufacture, rebuilding or importation of the vessel;

(e) in the case of a vessel that is more than 6 m in length and that meets the construction requirements for a vessel other than a pleasure craft, instead of the statement set out in paragraph (d), a statement declaring that the vessel met the construction requirements for vessels other than pleasure craft as they read on the date of construction, manufacture, rebuilding or importation of the vessel;

(f) the design limitations of the vessel, if any;

(g) in the case of a vessel that is not more than 6 m in length, other than a personal watercraft that is constructed, manufactured or rebuilt in accordance with ISO 13590, the following recommended maximum safe limits and the circumstances in which the recommendations do not apply:

(i) the maximum gross load capacity for the vessel and the details of the capacity that are set out in the construction standards,

(ii) the maximum number of persons that the vessel may carry, and

(iii) if the vessel is designed to be fitted with an outboard engine, the maximum power of the engine.

(2) The recommended maximum safe limits of the vessel shall be calculated in accordance with the applicable methods set out in the construction standards. However, alternative methods may be used if

(a) the alternative methods are more accurate; or

(b) the alternative methods are more suited to the vessel, owing to its unique nature, and the methods set out in the construction standards would result in recommended maximum safe limits that are less safe or less suitable for the vessel.

#### *Declaration of Conformity*

**803.** (1) The builder, manufacturer, rebuilder or importer of a vessel shall prepare a declaration of conformity that

(a) is submitted in the form established by the Minister;

(b) contains the principal dimensions and specifications of the vessel, the details of the vessel's compliance with the construction requirements and the information appearing in the compliance notice;

(c) is signed by the person who prepares the declaration, if that person is a Canadian resident, or, in any other case, by a representative of that person who is a Canadian resident; and

(d) is witnessed by a person authorized to administer oaths under the laws of Canada or a province.

(2) The builder, manufacturer, rebuilder or importer who prepares the declaration of conformity shall provide a copy of it to the reseller or end user at the time of the initial transfer of ownership of the vessel and to the Minister at or before that time.

(3) In the case of a series of vessels of a single model, the builder, manufacturer, rebuilder or importer shall, not later than March 31 in a calendar year, provide to the Minister, instead of a declaration of conformity for each vessel, a single declaration of conformity for each model of vessel and a report indicating the number of vessels of that model constructed, manufactured, rebuilt or imported during the previous calendar year.

(4) The reseller of a vessel shall provide the declaration of conformity to another reseller at the time of the transfer of ownership of the vessel or to the end user at the time of the initial transfer of ownership of the vessel.

#### *Records*

**804.** (1) Before attaching a compliance notice to a vessel, the builder, manufacturer, rebuilder or importer of the vessel shall establish, in respect of the vessel or model of vessel, the following records:

(a) the technical documentation or information used — including the tests or calculations performed — to ensure compliance with the construction requirements; and

(b) a copy of the declaration of conformity.

(2) The builder, manufacturer, rebuilder or importer of the vessel shall keep the records for a period of seven years after the day on which they are established and shall, on request, provide the records to any person or organization authorized under the Act to carry out inspections.

#### **OWNER OF A VESSEL OTHER THAN A PLEASURE CRAFT**

##### *Compliance Notice — Required*

**805.** (1) Before operating or permitting another person to operate a vessel, other than a pleasure craft, that is not more than 6 m in length, the owner of the vessel shall ensure that the vessel is fitted with a compliance notice attesting that the vessel is in compliance with the construction requirements, and that the notice is permanently attached in a conspicuous location plainly visible from the operating position.

(2) Before operating or permitting another person to operate a vessel, other than a pleasure craft, that is more than 6 m in length, the owner of the vessel shall ensure that the vessel is fitted with a compliance notice attesting that the vessel is in compliance with the construction requirements for vessels other than pleasure craft, and that the notice is permanently attached in a conspicuous location plainly visible from the operating position.

(3) If a vessel other than a pleasure craft is not fitted with a compliance notice at the time of the initial transfer of ownership, the owner of the vessel shall request a compliance notice from the builder, manufacturer, rebuilder or importer of the vessel.

**806.** (1) Before operating or permitting another person to operate a vessel, other than a pleasure craft, that is not more than 6 m in length and that has undergone a change of use, the owner of the vessel shall ensure that the vessel is fitted with a compliance notice attesting that the vessel is in compliance with the construction requirements in force on the date of the change of use, and that the notice is permanently attached in a conspicuous location plainly visible from the operating position.

(2) Before operating or permitting another person to operate a vessel, other than a pleasure craft, that is more than 6 m in length and that has undergone a change of use, the owner of the vessel shall ensure that the vessel is fitted with a compliance notice attesting that the vessel is in compliance with the construction requirements for a vessel other than a pleasure craft in force on the date of the change of use, and that the notice is permanently attached in a conspicuous location plainly visible from the operating position.

#### *Compliance Notice — Not Required*

**807.** A compliance notice is not required for a vessel other than a pleasure craft in the following cases:

(a) the vessel's construction or reconstruction starts, or its importation or change of use occurs, within one year after the day on which these Regulations come into force;

(b) the vessel's construction or reconstruction starts, or its importation or change of use occurs, more than one year after the day on which these Regulations come into force, and

(i) the owner of the vessel has made reasonable efforts to obtain a compliance notice but has been unable to obtain one because of circumstances beyond the owner's control, and the document referred to in subparagraph (iii) is carried on board,

(ii) the builder, manufacturer, rebuilder or importer of the vessel has informed the owner that the compliance notice has been prepared but the owner has not yet received it, or

(iii) the vessel has been inspected by a person or an organization authorized under the Act to carry out inspections, or the owner of the vessel is participating in a compliance program authorized by the Minister in respect of that vessel, and a document indicating that the vessel has been inspected or that the owner is participating in the program is carried on board.

#### **OBTAINING A COMPLIANCE NOTICE — TEMPORARY PROCEDURE**



### *Application*

**808.** (1) For a period of one year beginning on the day on which these Regulations come into force, the builder, manufacturer, rebuilder or importer of a vessel may obtain a compliance notice by submitting an application in writing to the Minister in the form established by the Minister.

(2) In the case of a vessel that is not more than 6 m in length, other than a personal watercraft that is constructed, manufactured or rebuilt in accordance with ISO 13590, the application shall contain the information set out in the construction standards that is necessary to enable the Minister to calculate the recommended maximum safe limits for that vessel.

### *Issuance*

**809.** If the information provided with an application for a compliance notice is accurate, the Minister shall issue a compliance notice.

### PROHIBITIONS

**810.** No person shall

(a) remove or alter a compliance notice or the builder's plate on a personal watercraft except in accordance with section 811;

(b) deface a compliance notice;

(c) attach to a vessel, except in accordance with this Part, any form of notice, plate or label indicating that the vessel meets the construction requirements;

(d) attach to a vessel a compliance notice that contains untrue information;

(e) submit an application required under this Part that contains untrue information; or

(f) establish a document or record required under this Part that contains untrue information.

### REPLACEMENT OF A COMPLIANCE NOTICE

**811.** (1) A person may remove a compliance notice in order to attach a new compliance notice provided by the builder, manufacturer, rebuilder or importer to correct the information contained on a compliance notice.

(2) The owner of a vessel may, on informing the Minister, remove a compliance notice if the notice becomes illegible, or if its removal is necessary in order to conduct repairs, and replace it with a new one reproducing the same information. The owner shall retain the original compliance notice, or photographs or documents containing the information that appeared on the notice.

**812.** A person who obtains a new compliance notice for a vessel shall

(a) if the vessel has been fitted with a compliance notice in the form of a label, attach the new compliance notice over the existing compliance notice; or

(b) if the vessel has been fitted with a compliance notice in the form of a plate, remove and retain the plate before attaching the new compliance notice.

## PART 9

### HULL SERIAL NUMBERS

**900.** (1) This Part applies in respect of a vessel that is constructed, manufactured, rebuilt or imported in order to be sold or operated in Canada.

(2) Section 902 applies in respect of all vessels in Canada.

(3) This Part, except section 902, does not apply in respect of

(a) a vessel that is registered in another country as having the right to fly the flag of that country;

(b) a vessel that is registered under the Act, other than a vessel registered in the small vessel register;

(c) a vessel that is not licensed or registered under the Act and that is principally maintained and operated in another country;

(d) a tug; or

(e) a floating object that is less than 2 m in length and that is not designed to be propelled by an engine.

(4) Section 903 does not apply in respect of a vessel, other than a pleasure craft, whose date of construction, manufacture, rebuilding or importation is on or before the day on which these Regulations come into force or within one year after that day.

**901.** A person who operates or permits another person to operate a vessel shall ensure that the vessel is marked with a hull serial number in accordance with the requirements of this Part.

**902.** (1) No person shall alter, deface or remove a hull serial number.

(2) The builder, manufacturer or rebuilder of a vessel may alter a hull serial number in order to correct any error or omission that may have occurred when the number was first marked on the hull of the vessel.

(3) A hull serial number may be temporarily removed from a vessel if it is necessary to do so in order to repair or rebuild the vessel and if the number is replaced before the vessel is operated.

(4) A hull serial number may be removed by a rebuilder if it is replaced with a new hull serial number.

**903.** (1) The builder, manufacturer, rebuilder or importer of a vessel shall obtain a manufacturer's identification code from the Minister.

(2) The builder, manufacturer or rebuilder of a vessel shall permanently mark a hull serial number on the hull of the vessel before its first sale to a reseller or an end user.

(3) The importer of a vessel shall ensure that a hull serial number is permanently marked on the hull of the vessel before its first sale to a reseller or an end user.

(4) The builder, manufacturer or rebuilder of a vessel shall permanently mark the hull serial number in a second location on the hull, that is either beneath a fitting or an item of hardware or that is on the interior of the vessel and unexposed, or, in the case of an imported vessel, the importer of the vessel shall ensure that the hull serial number is permanently marked in such a location.

(5) The builder, manufacturer, rebuilder or importer of a vessel shall keep a record of the second location of the hull serial number and shall, on request, provide the information to any person or organization authorized under the Act to carry out inspections.

(6) If a vessel is imported from a country with which Canada does not have an agreement regarding the sharing of information respecting a manufacturer's identification code, the importer shall ensure that the country's alpha-2 code published by the Maintenance Agency for ISO 3166 is added to the hull serial number.

(7) A person who is engaged in the business of assembling kit vessels that have a hull serial number shall, before the initial transfer of ownership of the vessel to a reseller or an end user, add a suffix provided by the Minister to the hull serial number in a manner specified by the Minister.

(8) If the rebuilder of a vessel does not replace the hull serial number, the rebuilder shall, before the initial transfer of ownership of the vessel to a reseller or an end user, add a suffix provided by the Minister to the hull serial number in a manner specified by the Minister.

(9) The hull serial number shall be in the format set out in the construction standards and be located where it is clearly visible when the vessel is in the water, namely,

(a) on the upper starboard quarter of the outside surface of the transom; or

(b) if the vessel has no transom, on the uppermost starboard side at the aft end of the hull.

(10) If a vessel is not marked with a hull serial number, the owner of the vessel shall make a request for such a number to the builder, manufacturer, rebuilder or importer of the vessel.

(11) On receipt of a request for a hull serial number, the builder, manufacturer, rebuilder or importer of the vessel shall provide the applicant with a hull serial number on a plate or label, or shall permanently mark the hull serial number on the vessel if the applicant brings the vessel to them.

(12) On receipt of a plate or label, the applicant shall permanently attach it to the vessel.

(13) The builder, manufacturer or rebuilder of a vessel shall not use the same hull serial number on more than one vessel.

**904.** A vessel is not required to be marked with a hull serial number if

(a) despite reasonable efforts, the owner of the vessel is unable to obtain a hull serial number from the builder, manufacturer, rebuilder or importer of the vessel; or

(b) the vessel is constructed, manufactured, rebuilt or imported by an individual for personal use.

## PART 10

### SAFETY PRECAUTIONS AND OPERATIONAL REQUIREMENTS

## MUFFLERS

**1000.** (1) No person shall operate or permit another person to operate a power-driven vessel unless it is equipped with a muffler that is in good working order.

(2) No person shall operate or permit another person to operate a vessel equipped with a muffler cut-out or by-pass unless the muffler cut-out or by-pass is visibly disconnected in a manner that ensures it cannot be easily reconnected while the vessel is in operation.

(3) Subsections (1) and (2) do not apply in respect of a vessel that

(a) was constructed or manufactured before January 1, 1960;

(b) is engaged in formal training, in an official competition or in final preparation for an official competition;

(c) is propelled by an outboard engine or a stern-drive, if the exhaust gases are directed under water through the propeller hub or below the cavitation plate;

(d) is operated at five or more nautical miles from shore; or

(e) is propelled by gas turbines or by an aircraft-type propeller operating in air.

## ENGINE START-UP

**1001.** No person shall start a gasoline-powered vessel before the engine space blower has been operated for a period of not less than four minutes immediately before the engine is started.

## FUEL

**1002.** (1) No person shall permit leakage of fuel within or from a vessel.

(2) No person shall permit fuel or oil to be discharged from a vessel except in accordance with the provisions relating to discharges of oil or oily mixtures in the *Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals*.

(3) No person shall fuel a vessel that is at dockside or beached unless

(a) if the vessel is equipped with a portable fuel tank, the tank is first removed from it; or

(b) if the vessel is equipped with a fixed fuel tank, the person fuelling it is the only person on board.

(4) No person shall fuel a vessel that is equipped with a fixed fuel tank unless all electrical equipment is switched off, all doors, windows and ports are closed, all engines are shut off and all open flames, including pilot lights, are extinguished.

(5) No person shall carry gaseous fuel, naphtha, liquefied petroleum gas or compressed natural gas on board a vessel that is carrying passengers. However, liquefied petroleum gas may be carried on board the vessel if

(a) the quantity of liquefied petroleum gas does not exceed 30 kg;

(b) the gas cylinders are well secured and are protected from damage and from the effects of excessive variations in temperature;

- (c) the gas cylinders are stored in an open space or in a well-ventilated location; and
- (d) in a decked vessel, the gas cylinders are stored on an open deck in a manner that will not permit the ingress or accumulation of the gas below deck.

(6) No person shall carry fuel on board a vessel in a portable container that has not been designed to carry fuel.

**1003.** Any portable fuel-burning equipment or appliance used on a vessel shall be

- (a) used only in a well-ventilated location in an open space or on an open deck;
- (b) well secured to prevent its movement while in use; and
- (c) when not in use, stored in a well-ventilated location that can be isolated from heat sources and ignition sources.

**1004.** The owner or operator of a vessel, or the person responsible for its maintenance, shall ensure that the fuel system on the vessel is operated within the temperature and pressure parameters set out in the manufacturer's recommendations and instructions.

## WATER SPORTS

**1005.** (1) No person shall operate or permit another person to operate a vessel for the purposes of towing a person on the water or in the air

- (a) unless a person on board other than the operator is keeping watch on every person being towed and is communicating with the operator of the vessel;
- (b) unless there is seating space on the vessel to accommodate every person being towed;
- (c) unless every person being towed is wearing a personal flotation device or lifejacket or the vessel carries on board the personal flotation device or lifejacket that would be required under Parts 2, 4 or 5 if the person was on board; or
- (d) during periods of restricted visibility or in the period beginning one hour after sunset and ending at sunrise.

(2) Subsection (1) does not apply in respect of a vessel that is operated during formal training, in an official competition or in a skill demonstration if the vessel meets the safety requirements of a governing body respecting that training, competition or demonstration.

## REMOTE-CONTROLLED VESSELS AND PROPELLER-DRIVEN SURFBOARDS

**1006.** No person shall

- (a) tow themselves using a vessel that is operated by remote control; or
- (b) operate a propeller-driven surfboard-type vessel.

## PROHIBITION AGAINST CARELESS OPERATION

**1007.** No person shall operate a vessel in a careless manner, without due care and attention or without reasonable consideration for other persons.

## PART 11

## PLEASURE CRAFT ACCIDENT REPORTING

**1100.** (1) This section applies in a province whose government has reached an agreement with the Minister in respect of pleasure craft accident reporting procedures, if a notice confirming that agreement has been published in the *Canada Gazette*.

(2) If a pleasure craft is involved in an accident that results in injury to a person who requires medical treatment beyond first aid but not admittance to a hospital or that causes property damage estimated at more than \$2,500, the operator of the pleasure craft shall complete an accident report and submit it to the Minister within 14 days after the day of the accident.

(3) If a pleasure craft is involved in an accident that results in a fatality, injury to a person who requires admittance to a hospital, or property damage estimated at more than \$5,000, following a fire, an explosion or a collision with another vessel or other floating or fixed structure, the operator of the pleasure craft shall report the accident to the local police as soon as possible.

## PART 12

### REPEAL AND COMING INTO FORCE

#### REPEAL

**1200.** The *Small Vessel Regulations* ([see footnote 1](#)) are repealed.

#### COMING INTO FORCE

**1201.** These Regulations come into force on the day on which they are registered.

#### SCHEDULE

(Subsection 6(1))

### SAFETY EQUIPMENT STANDARDS AND TESTS

#### Life Rafts

**1.** The standards and tests for a SOLAS life raft are those for a life raft that are set out in sections 1.2, 4.1, 4.2 and 4.3 of the LSA Code, in section 5 of Part 1 of IMO Resolution MSC.81(70), and in the Canadian modifications set out in TP 14475.

**2.** The standards and tests for a reduced capacity life raft are those for a SOLAS life raft set out in sections 1.2, 4.1 (except paragraph 4.1.2.1), 4.2 (except paragraph 4.2.6.3.4) and 4.3 of the LSA Code, in section 5 of Part 1 of IMO Resolution MSC.81(70), and in the Canadian modifications set out in TP 14475.

**3.** The standards and tests for a coastal life raft are those set out in TP 14475.

#### Lifejackets

**4.** The standards and tests for a small vessel lifejacket are those set out in Canadian General Standards Board Standard CAN/CGSB-65.7-M88, *Lifejackets, Inherently Buoyant Type*.

**5.** The standards and tests for a standard lifejacket are those set out in Canadian General Standards Board Standard CAN/CGSB-65-GP-14M, *Life Jackets, Inherently Buoyant, Standard Type*.

**6.** The standards and tests for a Class 1 or Class 2 lifejacket are those set out in Canadian General Standards Board Standard CAN/CGSB-65.7-2007, *Life Jackets*.

**7.** The standards and tests for a SOLAS lifejacket are those set out in sections 1.2 and 2.2 of the LSA Code, in section 2 of Part 1 of IMO Resolution MSC.81(70), and in the Canadian modifications set out in TP 14475.

#### Personal Flotation Devices

**8.** The standards and tests for a personal flotation device are those set out in

(a) Canadian General Standards Board Standard CAN/CGSB-65.11-M88, *Personal Flotation Devices*; or

(b) Underwriters Laboratories, Inc. Standard UL 1180, *Fully Inflatable Recreational Personal Flotation Devices*, and in the Canadian modifications set out in TP 14475.

**9.** The standards and tests for a personal flotation device intended for use by children are those set out in Canadian General Standards Board Standard CAN/CGSB-65.15-M88, *Personal Flotation Devices for Children*.

#### Lifebuoys and Self-Igniting Lights

**10.** A SOLAS lifebuoy has a nominal outside diameter of 800 mm, and the standards and tests for it are those set out in sections 1.2 and 2.1 of the LSA Code, in section 1 of Part 1 of IMO Resolution MSC.81(70), and in the Canadian modifications set out in TP 14475.

**11.** The standards and tests for a self-igniting light are those set out in

(a) section 1.2 and paragraph 2.1.2, without reference to “required by regulation III/7.1.3”, of the LSA Code;

(b) section 10 of Part 1 of IMO Resolution MSC.81(70); and

(c) the Canadian modifications set out in TP 14475.

**12.** A small vessel lifebuoy has a nominal outside diameter of 610 mm, and the standards and tests for it are those set out in sections 1.2 and 2.1 ( except paragraphs 2.1.1.1, 2.1.1.3, 2.1.1.4 and 2.1.1.7) of the LSA Code, in section 1 of Part 1 of IMO Resolution MSC.81(70), and in the Canadian modifications set out in TP 14475.

#### Pyrotechnic Distress Signals

**13.** The standards and tests for a rocket parachute flare are those set out in sections 1.2 and 3.1 of the LSA Code, in section 4 of Part 1 of IMO Resolution MSC.81(70), and in the Canadian modifications set out in TP 14475.

**14.** The standards and tests for a hand flare are those set out in sections 1.2 and 3.2 of the LSA Code, in section 4 of Part 1 of IMO Resolution MSC.81(70), and in the Canadian modifications set out in TP 14475.

**15.** The standards and tests for a buoyant smoke signal are those set out in sections 1.2 and 3.3 of the LSA Code, in section 4 of Part 1 of IMO Resolution MSC.81(70), and in the Canadian modifications set out in TP 14475.

16. The standards and tests for a hand smoke signal are those for a hand orange smoke distress signal that are set out in subpart 160.037 (except paragraphs 160.037–5 and 160.037–7) of Title 46, chapter I of the *Code of Federal Regulations* of the United States, and in the Canadian modifications set out in TP 14475.

17. The standards and tests for a multi-star flare are those set out in TP 14475.

## **REGULATORY IMPACT ANALYSIS STATEMENT**

*(This statement is not part of the Regulations.)*

### ***Executive summary***

**Issue:** Each year, between 120 and 150 Canadians die as a result of boating accidents aboard small vessels. The *Small Vessel Regulations* (the Regulations) are the principal means by which the Government of Canada regulates the safety of these vessels. As a part of a regulatory reform under the new *Canada Shipping Act, 2001* (CSA 2001), which replaced the former *Canada Shipping Act* (CSA) in July 2007, the Regulations are being modernized to address a number of outstanding issues respecting the safety of small vessels.

**Description:** The Regulations have been updated in order to

- Better reflect the nature of the small vessel fleet in Canada.
- Ensure consistency with international standards respecting lifesaving appliances, vessel construction and compliance notices (otherwise known as Capacity or Conformity Labels).
- Incorporate new requirements to enhance safety, especially operational requirements on small vessels that are not pleasure craft.
- Provide alternatives for the construction and stability of small vessels.

**Cost-benefit statement:** Compliance with the Regulations will reduce the number of small vessel accidents and incidents, resulting in fewer fatalities and injuries and reduced property damage to small vessels in Canada.

The quantifiable costs to manufacturers, owners and government are not excessive when compared to the benefits.

**Business and consumer impacts:** The Regulations will reduce the administrative burden for manufacturers and importers of small vessels by

- Transferring to them, from Transport Canada (TC), the responsibility for the production of compliance notices that certify that small vessels are constructed according to regulated standards.
- Harmonizing the construction requirements for pleasure craft and non-pleasure vessels six metres and less in length.

**Domestic and international coordination and cooperation:** The Regulations provide a number of alternatives (including references to United States and European standards) for the construction and stability of small vessels that were not previously permitted. The Regulations also specify processes for certification of small vessel construction that are



consistent with the United States and Europe. Consequently, it will be easier to build and certify small vessels for both domestic and foreign sales.

**Performance measurement and evaluation plan:** Transport Canada uses a number of sources, such as the Canadian Coast Guard (CCG), Canadian Red Cross, Lifesaving Society and Transportation Safety Board (TSB) databases to assess the efficacy of prevention and enforcement activities related to small vessels. Since injuries and property damage are difficult to measure, TC has focused on fatalities as the key indicator of the success of its programs.

Annual information and trends are easily extracted from these databases, and regulatory programs focused in order to address the portion of the population most at risk.

Transport Canada vessel registration systems and inspection databases are also an important source of information. As these systems are further developed and more universally inclusive, they will provide higher quality information with which to target safety programs.

### ***Issue***

There is a significant cost associated with boating accidents, most of which are preventable. Each year, between 120 and 150 Canadians die as a result of accidents and incidents aboard pleasure craft and small non-pleasure vessels.

The Canadian Red Cross estimates the cost to our society of all water-related injuries (including non-boating related incidents) is approximately \$500 million per year. Analysis of its 2006 publication “Drownings and other water-related injuries in Canada — 10 Years of Research” (available at [www.redcross.ca/article.asp?id=4601&tid=024](http://www.redcross.ca/article.asp?id=4601&tid=024)) shows that of the 5 900 water-related deaths in Canada during the period 1991 to 2000, 1 865 (32%) were directly attributable to small vessel incidents, not including 139 deaths resulting from commercial fishing. Occupational incidents other than commercial fishing accounted for 3% of boating incidents.

Another study commissioned by the Canadian Safe Boating Council in 2003 estimated the indirect cost of lost productivity resulting from recreational boating fatalities to be \$30 million annually, with total societal costs likely as high as \$80 million or more due to boating-related drownings.

According to the Lifesaving Society of Canada Drowning Report for Ontario, the fatality rate for powerboating and canoeing dropped by 30% in the 1990s, but for the years 2000 to 2004, it dropped only by 3% over the previous five-year period. This levelling off of the fatality rate appears to be similar in other parts of Canada.

It is estimated that in Ontario, the rate of boating injury per 100 000 population is approximately 6.5 times the fatality rate, of which approximately 20% require overnight hospitalization.

The *Small Vessel Regulations* are the primary regulatory mechanism by which TC manages the safety equipment and construction requirements for small vessels in Canada. The Regulations also provide the regulatory framework for the Pleasure Craft Licensing System and contain certain operational requirements for small vessel safety. Transport Canada regulates the construction and operational procedures on small vessels in order to reduce the likelihood of accidents and incidents and regulates the carriage of safety equipment and pleasure craft licensing to make incidents more survivable when they do occur. Operator

competency and proficiency are also essential in preventing accidents and incidents, but these issues are managed through other regulations made under the CSA 2001.

With the coming into force of the CSA 2001, in July 2007, it became necessary to review and reform the Regulations to make them consistent with the new legislation, and to modernize the Regulations to address changes in the industry to better reflect the reality of the Canadian fleet of small vessels and to harmonize, where possible, with international standards.

These Regulations, made under the new CSA 2001, completely replace the Regulations made under the former CSA. The Regulations apply to pleasure craft and human-powered vessels of all sizes and small non-pleasure vessels of 15 gross tonnage or less that do not carry more than 12 passengers.

The Regulations do not apply to fishing vessels, survival craft, commercial river rafts or air cushion vehicles more than 4 500 kg all up weight.

### ***Objectives***

The objectives of the CSA 2001 that are advanced by the Regulations are to protect the health and well-being of individuals; to promote safety in marine transportation and recreational boating; and to encourage viable, effective and economical marine transportation, commerce and recreational boating.

Specifically, these objectives are achieved by making the Regulations consistent with the CSA 2001, by modifying carriage requirements for safety equipment to be more appropriate for the type of vessel and activity, by extending the small vessel compliance notice program to include manufacturers of small non-pleasure vessels, by improving the accuracy of licensing information to facilitate search and rescue efforts, and by reducing the compliance burden of requirements where it is possible to do so without compromising safety.

### ***Description***

The Regulations have been updated in order to better reflect the nature of the small vessel fleet in Canada and to ensure consistency with international standards respecting lifesaving appliances, vessel construction and compliance notices (otherwise known as Capacity or Conformity Labels).

Changes were necessary in order for the Regulations to be consistent with the provisions of the CSA 2001:

- To provide an alternative to the first inspection of new non-pleasure vessels that was a requirement under the former CSA but which does not appear in the CSA 2001. Instead, owners of small non-pleasure vessels (other than human-powered) are required to inform the Minister when entering the vessel into service, thus giving TC the information it needs in order to focus its inspection and monitoring resources on those vessels that are at the highest risk.
- To bring the provisions governing the Pleasure Craft Licensing System and enforcement into conformity with the CSA 2001. Many of these provisions are now found in the CSA 2001, and, therefore, they have been removed from the Regulations or modified in order to become consistent with the wording in the CSA 2001. The licensing provisions that remain in the Regulations also reflect the electronic licensing system administered by Service Canada on behalf of TC. The information in this

database is used regularly by Rescue Coordination Centres to contact the owners of vessels in distress and by police for enforcement purposes.

- The Regulations also set out the circumstances in which the Minister may cancel a pleasure craft licence, such as when false or misleading information is supplied by the applicant or when the licence is issued in error.

New requirements incorporated in the Regulations in order to enhance safety include

- Protection of passengers and participants in guided excursions from hypothermia and cold shock.
- Upgrades to first aid kits and other safety equipment on non-pleasure vessels.
- Identification of critical safety requirements (e.g. the proper maintenance of underwater penetrations of the hull, ignition protection of electric components, and maintenance of gasoline fuel systems to prevent fire and explosion) that set an absolute minimum safety standard for the maintenance of small vessels that were not captured by a construction standard at the time of construction.
- Operational requirements for vessels that engage in towing (except when towing another vessel in order to respond to a distress or other emergency).
- Requirements to ensure crew are proficient in the use of the vessel's lifesaving and firefighting equipment at all times.
- Reporting the number of passengers on board a passenger-carrying vessel to a person on shore who is responsible for alerting search and rescue authorities in case of emergency.
- Relaxation of the prohibition of the carriage of liquefied petroleum gas (propane) on board a vessel carrying passengers.

The Regulations also incorporate amended provisions to control the noise produced by high-performance vessels when operating close to shore. The "silent choice" option for quickly engaging or disengaging a muffler by-pass is no longer an option. Instead, operators of these vessels will have to visibly disconnect a muffler by-pass (instead of simply flipping a switch when operating within five nautical miles of the shore).

The Regulations incorporate a fundamental shift in the manner in which TC will manage the builders' and importers' compliance notice program. Requirements for compliance notices and hull serial numbers (currently applicable only to pleasure craft) will be extended to non-pleasure vessels one year after the coming into force of the Regulations. Currently, compliance notices are issued by TC on application by the builder or importer. Under the Regulations, printing and attaching compliance notices to vessels (and for ensuring their accuracy) becomes the responsibility of the builder or importer. This will ensure that all new vessels are certified by their builders or importers as meeting the construction requirements.

The Regulations include some of the construction requirements previously found in the 2004 edition of the TC publication *Construction Standards for Small Vessels* (TP 1332) which is incorporated by reference in the Regulations. This publication contains the technical detail necessary for the construction requirements set out in Part 7 of the Regulations and has been re-written in order to clarify those technical details. In addition, a number of substantive

changes have been incorporated into the construction requirements that serve to relax, rather than tighten, the construction requirements.

Amendments to the previous Regulations in 2005 made it mandatory for the first time for small non-pleasure vessels to comply with TP 1332. Existing vessels were to meet the requirements of the 2004 edition of the construction standards as far as it was “reasonable and practicable” to do so. The Regulations now specify that the construction of a vessel built prior to 2005 must provide a level of safety at least equivalent to that provided by the construction standards unless the required modifications would not provide a significant increase in safety. The Regulations provide new options for vessels that fail to meet the required standards. The Regulations also clarify the application of stability standards to the construction of various types of vessel and provide alternative standards for demonstrating stability in the case of unusual vessels or situations.

The 2009 edition of TP 1332 has been published and is now available from the TC Web site.

### ***Regulatory and non-regulatory options considered***

The CSA 2001 is fundamentally different from the former CSA, in that it does not contain a large number of specific rules of conduct. Therefore, the Regulations required amendments to maintain consistency with the new Act. Otherwise, numerous provisions in the previous Regulations would have ceased to be effective. The previous *Small Vessel Regulations* were identified early as a high priority for reform due to their direct relevance to the safety of small vessels — the largest grouping of vessels in Canada.

In scoping the extent of the regulatory project, it was determined that a large number of changes to the Regulations were necessary. Though the pleasure craft portions of the Regulations had been reformed in 1999, the construction requirements and non-pleasure vessel safety equipment requirements were outdated and required fundamental reform, as simple policy changes would not be adequate.

The early stages of consultation with stakeholders focused on the format of the Regulations and the fundamental principles to be observed in the Regulations, rather than providing a finished product for comment. Consequently, the format of the Regulations is significantly different from the previous Regulations. For example, many of the safety equipment requirements are in tabular format, not in the form of lists for vessels of certain sizes, in order to facilitate the enforcement of the Regulations with the ticketing regime under the *Contraventions Act*.

Alternate approaches to the regulation of small vessels were considered but abandoned in response to stakeholder concerns. Initially, the regulatory proposal included two separate sets of regulations, one for pleasure craft and one for non-pleasure vessels (excluding fishing vessels). However, stakeholders were virtually universal in their insistence that “a boat is a boat,” meaning that small vessels are fundamentally the same whatever their use. Since pleasure craft are defined in the CSA 2001 by their use and not by any physical characteristic of the vessel, it is impossible to establish if a vessel is a pleasure craft until after it has been built and is in operation. This makes it almost impossible to enforce the construction requirements at the manufacturing stage unless the requirements for pleasure craft and non-pleasure vessels are written as a cohesive whole. Enforcement of the Regulations would be especially difficult if the requirements were placed in separate regulations and had the tendency to drift apart over time. Therefore, in 2005, it was decided

that pleasure craft and non-pleasure vessels requirements would be combined in a single regulation.

During the consultation period, a number of issues were discussed with stakeholders. Initial proposals included numerous prescriptive requirements that were not acceptable to industry. Numerous meetings occurred with stakeholders during which proposals were modified or, in some cases, completely removed.

Since consultations began in 2002, TC has continually modified its proposals in response to stakeholder input in a similar manner. The remaining amendments are those that have been modified in accordance with the consultations, or those for which alternatives were considered and found unacceptable.

### ***Benefits and costs***

#### **Cost-benefit statement**

<b>A. Quantified Monetary Impacts</b>	<b>Total value</b>
<b>Benefits</b>	
<b>Owners and Operators</b>	
• Repeal of requirement to obtain compliance notices from TC.	\$3,000 K
• Recovery of stolen vessels due to universal application of hull serial numbers.	\$6,000 K
• Relaxation of requirements for pleasure craft between 8 and 9 m.	\$1,500 K
<b>Total five-year Benefit</b>	<b>\$10,500 K</b>
<b>Costs</b>	
<b>Manufacturers and Importers</b>	
• Compliance notices for non-pleasure vessels.	\$70 K per yr
• Hull Serial Numbers.	\$10 K per yr
<b>Government</b>	
• Loss of revenue for compliance notices issued by Minister.	\$200 K per yr
<b>Five-year cost to government and manufacturers / importers</b>	<b>\$1,360 K</b>
<b>Owners and Operators</b>	
• New safety equipment requirements and hypothermia protection for non-pleasure vessels.	\$8,500 K
<b>Total five-year Cost</b>	<b>\$9,860 K</b>

**Net five-year Benefit**

**\$640 K**

## **B. Quantified Non-Monetary Impacts**

### **Positive Impacts**

- Reduction of fatalities and injuries / property damage as a result of new requirements. (5 to 10 lives saved annually as a result of compliance with new requirements.)

#### **Manufacturers and Importers**

- Reduced administrative burden and elimination of delays in obtaining compliance notices affects approximately 41 000 vessels annually.
- Harmonization of construction requirements for pleasure craft and non-pleasure vessels not more than 6 m (affects 86.2% of small vessels — 35 000 vessels).

#### **Owners**

- Relaxation of prohibition on the carriage of propane (affects up to 50 000 guide outfitters).

### **Negative Impacts**

#### **Owners**

- Requirements to report number of persons on board, familiarity with lifesaving appliances and fire fighting equipment and for protection from hypothermia will take time to incorporate into daily operations.

## **C. Qualitative Impacts**

#### **Manufacturers and Importers**

- Increased flexibility to engage in cross-border sales.
- Increased ability to target non-pleasure vessel market.

#### **Owners**

- Increased certainty regarding compliance of vessel with construction requirements.
- Improved stability of non-pleasure vessels.
- Increased survivability of accidents and incidents.

#### **Government**

- Improved enforceability of construction requirements.
- More efficient use of search and rescue resources.
- Greater harmonization of requirements with European and United States standards.

## **Police**

- Improved enforceability of equipment carriage requirements.

The majority of new provisions in the new Regulations are related to alterations in operational practices (i.e. requirements for reporting numbers of passengers to a person on shore), clarification of certain provisions, or re-wording of existing requirements. Consequently, the financial impact on the Government and industry will be limited.

The benefits to be realized from the Regulations are expected to be a reduction in the likelihood of marine accidents and an increase of the survivability of the accidents that do occur. The accident reduction benefit depends on the proportion of accidents that can be prevented by the Regulations. Although the Regulations are entirely new, the benefits and costs were estimated based on the difference between requirements set out in these Regulations and the previous Regulations. The requirement was then evaluated to determine how many vessels or what sector of the industry would be affected.

In valuing the benefits, it was concluded that 25% to 50% of fatalities on non-pleasure vessels could have been prevented by compliance with the new Regulations. The main features of the Regulations with respect to pleasure craft are to modernize the Pleasure Craft Licensing System and to facilitate universal compliance with requirements for construction and compliance notices. This will have a small but statistically noticeable impact on pleasure craft fatalities. It is expected that the total will be five to ten lives saved annually. No reliable data is available with respect to total numbers of injuries or property damage resulting from small vessel incidents.

Additional benefits (cost reductions) are to be realized from the reduction or relaxation of regulatory requirements, especially for non-pleasure vessels. It is difficult to estimate the reductions in cost associated with these changes, but they will certainly offset some of the increased costs resulting from other regulatory changes.

In order to estimate costs to stakeholders, it is necessary to estimate the percent of the fleet that is represented by various length categories. The Small Vessel Register provides some information as to the number of vessels of various sizes, but it is unreliable because large numbers of existing non-pleasure vessels continue to be licensed under the pleasure craft licensing system and have not yet migrated to the new Small Vessel Register.

Currently, the best estimates are that there are 50 000 small non-pleasure vessels in Canada, but this estimate does not include an additional estimate of 50 000 guide/outfitters with small power-driven vessels. Therefore, the number of small power-driven non-pleasure vessels in Canada may be as high as 100 000. To estimate the relative abundance of vessels in different length categories, TC uses the Boat Identification and Safety System (BIASS) database, which holds the records of every model of manufactured vessel that has been issued compliance notices. These compliance notices are normally issued to pleasure craft, so the total number is much higher than the estimated number of non-pleasure vessels in Canada. In

addition, the BIASS system only identifies models issued compliance notices, not total number of vessels. However, it is the best estimate available of the distribution of size categories in the existing fleet. Since 2001, the BIASS system shows the following numbers of models in the following length categories. This allows the calculation of the estimated number of vessels in the existing fleet.

**Table 1**

<b>Length</b>	<b>Number of vessels in BIASS</b>	<b>% of total number of vessels in BIASS</b>	<b>Estimated total number of non-pleasure vessels in the existing non-recreational fleet</b>
≤ 6 m	220 968	86.2%	82 800
> 6 m, ≤ 8 m	26 748	10.4%	10 400
> 8 m, ≤ 9 m	3 811	1.5%	3 000
> 9 m, ≤ 12 m	3 280	1.3%	2 600
> 12 m	1 590	0.6%	1 200
Total for all lengths	256 397	100%	100 000

*Safety equipment requirements for non-pleasure vessels*

The new requirements, which will result in direct costs to owners of small vessels, are

- Increased requirements for first aid kits for all non-pleasure vessels (approximately \$20 per vessel).
- Increased requirements for portable fire extinguishers on non-pleasure vessels between 6 and 8 m in length, representing approximately 10.4% of non-pleasure vessels (approximately \$75 per vessel).
- Manual bilge pumps instead of bailers are required on non-pleasure vessels more than 9 m in length, since a bailer is not likely to be useful on any vessel over 9 m. The cost of a simple, hand-held manual bilge pump suitable for an open vessel is less than \$50, while a high-output hand-operated fixed bilge pump suitable for a decked vessel and the associated plumbing and installation would be closer to \$200. Since many non-pleasure vessels in this size range already comply with this requirement, it is likely that less than 2% of the fleet (2 000) would be required to purchase new equipment.
- Re-boarding devices are now required on vessels less than 6 m in length in which a person must climb more than 0.5 m in order to re-board the vessel from the water. A re-boarding device may be improvised from a short piece of rope or may be built into a vessel's structure. The cost of a pre-made boarding ladder suitable for a small vessel starts at approximately \$30. It is not clear how many vessels will be affected by this requirement, because it is unknown how many vessels less than 6 m in length have



such high sides. But the alternative is to permit small vessels to operate without any mechanism for bringing back on board a person who has fallen overboard into cold water, an often fatal circumstance.

Costs to non-pleasure vessels will be variable, since many already comply with these requirements and owners have three years after the coming into force of the Regulations to comply with the new requirements for first-aid kits and six years after the date of manufacture for fire extinguishers. Most costs will be one-time costs, though increased requirements for certain types of equipment may result in repeat costs when equipment needs replacement.

First-aid kits and fire extinguishers must be replaced or maintained in accordance with the manufacturer's instructions or recommendations, and consequently these costs should be amortized over a number of years. It is difficult to estimate the frequency of maintenance or replacement costs because this equipment deteriorates at very different rates in different environments. For instance, in salt water, a fire extinguisher may need replacement every five years if it is not well protected. For a vessel in this situation, the new requirements will pose no additional cost initially except for the additional cost due to the larger size required.

New operational requirements include the requirement for owners and operators of passenger-carrying vessels and persons responsible for guided excursions on human-powered vessels to make provision for the protection of passengers and participants from cold shock and hypothermia in case of accidental capsizing or swamping when the water temperature is less than 15°C. Most enterprises engaged in human-powered guided excursions already have operational procedures in place to provide this level of protection; however, this is not true of a significant number of passenger-carrying vessels that currently are without life rafts due to their size or area of operation. These vessels will be required either to purchase additional hypothermia protective equipment or to establish operational procedures to achieve protection. Should owners wish to meet this requirement with the purchase of specialized equipment such as thermal protective lifejackets or suits, the cost may be \$200 to \$300 per passenger. However, if the owner establishes procedures based on industry best practices, such as the wearing of existing personal flotation devices, the cost could be minimal. Owners and operators are free to decide what mechanism of protection they will provide, so long as it provides a reasonable level of protection for participants or persons on board. It is TC's intention to work with the various segments of the industry to establish guidelines for providing this protection at minimum cost.

If 50% of all non-pleasure vessels are passenger vessels, then the estimated direct costs of new safety equipment for non-pleasure vessels would be as follows:

**Table 2**

<b>Length grouping</b>	<b>Estimated total number of non-pleasure vessels</b>	<b>Cost per vessel</b>		<b>% requiring new equipment</b>	<b>Total cost (K\$)</b>
		<b>Safety equipment</b>	<b>Protection from hypothermia and cold shock *</b>		
≤ 6 m passenger	41 400		\$200*	50%	\$4,140 K

≤ 6 m workboat	41 400			N/A	
> 6 m, ≤ 8 m passenger	5 200	\$525	\$200*	65%	\$2,451 K
> 6 m, ≤ 8 m workboat	5 200	\$125		65%	\$422 K
> 8 m, ≤ 9 m passenger	1 500	\$650	\$400*	65%	\$1,024 K ***
> 8 m, ≤ 9 m workboat	1 500	\$100		65%	\$98 K ***
> 9 m, ≤ 12 m passenger	1 300	\$100	**	65%	\$84 K
> 9 m, ≤ 12 m workboat	1 300	\$100		65%	\$84 K
> 12 m passenger	600	\$250	**	65%	\$98 K
> 12 m workboat	600	\$250		65%	\$98 K
Total	100 000				\$8,499 K

\*Note: Assuming 50% of operators will adopt procedures instead of purchasing equipment.

\*\*Note: Assuming most vessels in these length groupings are already equipped with life rafts and therefore will not be required to provide protection against hypothermia.

\*\*\*Note: These costs will be partially offset by the transfer of these vessels from the 8 to 12 m length grouping to the 6 to 9 m length grouping.

N/A: Not applicable.

### *Compliance notices*

Manufacturers and importers of small non-pleasure vessels will have additional requirements to meet with respect to compliance notices. The costs associated with these requirements will be limited to the effort expended to certify the vessel's compliance with the construction requirements and for the calculation of recommended maximum safe limits. Certain United States manufacturers offer a Canadian compliance notice as an option on their vessels for a cost of \$35. This can be assumed to be the cost of measuring the vessel and managing the application to TC. The impact of the new requirements is expected to be minimal once manufacturers and builders are able to generate their own compliance notices because the cost of performing their own calculations and printing their own labels (or plates) will probably be similar. Therefore, the monetary cost of the Regulations is probably neutral.

There will be some costs to manufacturers and importers as a result of the extension of the requirements for compliance notices and hull serial numbers (otherwise known as Hull Identification Numbers or HINs) to non-pleasure vessels. It is not clear how many non-pleasure vessels are brought into service each year. However, it is known how many new pleasure craft are issued compliance notices each year.

**Fiscal Year Total compliance notices issued**

2005/2006 39 797

2006/2007 47 657

2007/2008 37 302

Total 124 756

Average 41 585

If the total size of the non-pleasure fleet is approximately 3% to 5% of this amount, then it is safe to assume that the number of non-pleasure vessels coming into service each year is approximately 1 300 to 2 000. The additional annual cost to manufacturers of the new requirement for compliance notices on small vessels is approximately \$52,500 to \$70,000.

However, delays in obtaining compliance notices from the Minister have been a constant source of frustration for builders and TC alike. Therefore, there is a net non-monetary benefit to manufacturers as a result of producing their own compliance notices.

Under the previous Regulations, owners of pleasure craft that did not have a compliance notice for any reason were required to obtain one from TC for their vessels at a cost of \$5. Current estimates are that at least 30% of all pleasure craft currently in service do not have compliance notices. If there are approximately two million licensed pleasure craft in Canada, not including this provision in the Regulations represents a saving to owners of approximately \$3,000,000. The new requirements will also provide greater clarity to purchasers of new vessels as to the suitable uses for the vessels they purchase.

Over time, these requirements are expected to reduce the need for TC to inspect vessels individually; instead, TC will monitor and audit manufacturers and importers for compliance with their own self-certification. This will result in a reduced demand for TC to conduct routine inspections of small vessels and an increased ability to focus inspection and monitoring resources on higher-risk operations.

*Hull serial numbers*

The Regulations also contain new provisions for hull serial numbers to be marked on non-pleasure vessels and for secondary (hidden hull serial numbers) to be marked on all vessels. Manufacturers are required to permanently mark the hull serial number using an international format that is unique to each vessel. In addition to the safety advantages, hull serial numbers are used extensively by police to facilitate the recovery of stolen vessels. A 2001 survey estimated that the value of small vessels stolen in Canada and not returned was conservatively estimated to be approximately \$120,000,000. If 5% of those vessels will be recoverable as a result of the new requirements, the savings could amount to as much as \$6,000,000. These new requirements represent an insignificant cost to manufacturers (probably less than \$5 per

vessel) but an increased savings over-all to industry, vessel owners and insurance companies as a result of increased efficiency in the recovery of stolen vessels.

#### *Critical safety requirements*

New critical safety requirements will apply to a small number of vessels that are not subject to the construction requirements and thus have been subject to no minimum safety requirements, such as antique pleasure craft, tugs not more than 5 gross tonnage and foreign vessels operating in Canada. The costs associated with compliance with these critical safety requirements may be significant when assessed against an individual vessel, but the overall cost will be minimal due to the small number of vessels that do not meet the requirement. This will establish an absolute minimum standard for safety that is expected of all vessels that are operated, maintained or repaired in Canada.

#### *Pleasure craft*

There will be no increase in the cost of licensing for pleasure craft owners as a result of the requirement to re-license the vessel every 10 years. This program was free of charge to the user and will continue to be so.

The cost to pleasure craft owners will be minimal and will be limited to a very small number of vessels less than 6 m in length, but with a freeboard greater than 0.5 m, that will be required to obtain a re-boarding device under the Regulations. Consequently, these costs have not been evaluated.

The relaxation of requirements for pleasure craft between 8 and 9 m as a result of adjustment of length categories will affect approximately 30 000 vessels.

#### *Search and rescue*

Safety benefits and operational requirements will translate directly into financial benefits to the taxpayer as a result of decreased requirements for search and rescue resources and greater efficiency in their deployment. Operational provisions such as the requirement to report the number of passengers will clearly identify for search and rescue authorities how many persons are the subjects of a search. When that number of persons has been accounted for, resources will be available for re-deployment instead of continuing to search for an unidentified number of survivors. The financial benefit due to saved lives and/or reduction in injury will far outweigh the minimal cost associated with the changes to passenger vessel operations.

In addition, the modernization of the Pleasure Craft Licensing System will result in earlier identification of the specifics of vessels in distress and, consequently, more rapid resolution of distress situations.

#### *Stability*

The Regulations require that all small non-pleasure vessels that are more than 6 m in length and constructed since April 1, 2005, meet the stability requirements set out in the International Organization for Standardization (ISO) standard 12217-1. The ISO method of assessing stability is unfamiliar to many builders, especially small boat shops; consequently, the Regulations now include reference to a more familiar method for assessing stability. This alternative method may not be cheaper in and of itself and is more conservative than the ISO approach, but because the industry is more familiar with this alternative approach, it should be

more useful to small boat shops. Since the cost of errors in assessing stability at the construction stage can be significant, the Regulations will reduce the overall cost to the boat building industry by reducing the potential for mistakes.

### **Strategic environmental analysis**

A preliminary scan for environmental impacts has been undertaken in accordance with the criteria of TC's Strategic Environmental Assessment Policy Statement — March 2001. The preliminary scan has led to the conclusion that a detailed analysis is not necessary. Further assessments or studies regarding environmental effects of this initiative are not likely to yield a different determination.

### *Consultation*

Consultations for the Regulations have been extensive, reaching every sector of the industry and every region of Canada. Consultations began in February 2002, with a joint team from the CCG and TC. In British Columbia alone, over 1 500 invitations were mailed to boat builders, marine retailers, industry associations, boating associations, paddle sport associations, yacht clubs, marinas, municipalities and First Nations. The purpose of these consultations was to discuss with stakeholders the issues that were most important to them and to identify basic principles for the reform of the Regulations. Three fundamental principles that emerged from these consultations were as follows:

- “A boat is a boat is a boat” meaning that small vessels may be divided into different categories by their use, but in general they are built in the same facilities and should meet the same standards. This principle is reflected in the new requirement that all small vessels that are 6 m or less in length are to be built to the same standards. Also, requirements for hull serial numbers and compliance notices will apply to all small vessels.
- Pleasure craft should not be subjected to different requirements for different areas of operation — this principle is respected in the Regulations.
- A division of the fleet of small vessels at 9 m in length is more appropriate than at 8 m — this principle is reflected in the Regulations, except in certain circumstances. For instance, the requirement for life rafts to be carried on passenger-carrying vessels becomes effective for vessels more than 8.5 m in length because this is the length equivalent of five gross tonnage and therefore represents the status quo with respect to the previous Regulations.

Following the 2002 round of consultations, TC and the CCG continued to meet with industry groups and organizations and presented various proposals for discussions. Following the transfer of the responsibility for the regulation of pleasure craft from CCG to TC in early 2004, these discussions continued. Organizations consulted included guide/outfitter associations, industry associations, yacht club organizations, marinas, marine trade associations, boat builders, safety organizations, other government departments, police and other enforcement agencies and regional and national meetings of Recreational Boating Advisory Councils and the Canadian Marine Advisory Council (CMAC). Numerous meetings were held at both the regional, provincial and national levels in order to ensure the scope of consultations was truly national and to address specific regional issues that arose.

Given the variability of the Canadian fleet of small vessels and the vast differences in the type of operation, each consulted group had different concerns. In each case, efforts were

expended to develop a regulatory requirement that was most appropriate to that particular group and that did not pose undue hardship on the group as a whole or have significant unintended effects on other groups. Repeat consultations either in person or through email provided the opportunity to present modified proposals to stakeholder groups and evaluate their acceptability and effectiveness. In numerous cases, alternatives needed to be considered and options reviewed as set out above. The result was a regulatory proposal that had been extensively modified in response to stakeholder concerns and that represents a consensus approach to the safety of small vessels in Canada.

### *Pre-publication*

The Regulations were pre-published in the *Canada Gazette*, Part I, on April 25, 2009, followed by a 30-day public comment period. Thirty-three comments were received from a variety of industry organizations, sporting organizations and individuals, with the following distribution of subject matter:

<b>Kiteboards</b>	1 5
<b>Sailboards</b>	7
<b>Rowing shells</b>	2
<b>General</b>	6

### **Requests for further information 3**

#### Kiteboards

Kiteboarding is a new sport that has significantly increased in popularity in recent years. Under the previous Regulations, kiteboards were subject to the same safety equipment carriage requirements as any other vessel of the same size and were not able to take advantage of the exceptions to the carriage requirements provided to sailboards. The proposed Regulations, as pre-published in the *Canada Gazette*, Part I, provided that a sailboard was permitted to dispense with all safety equipment (except for a whistle) during the daytime, if the operator wore a personal flotation device (PFD).

In these Regulations, kiteboards are specifically identified as being eligible for the same reduced requirements as sailboards, where previously they had not been referred to by name. For these and other reasons, many stakeholders mistakenly reached the conclusion that kiteboards were being regulated for the first time and that the wearing of PFDs was being made mandatory. In addition, certain stakeholders were confused as to whether the prohibition of automatically inflatable PFDs also extended to manually inflated PFDs.

Some members of the kiteboarding community believed that an exception in the application section of the previous Regulations, specifically that “these Regulations do not apply to floating devices that measure less than 2 m in length and that are not designed to be fitted with a motor” exempted kiteboards from the application of the Regulations. However, according to the definition of “vessel” in the CSA 2001, kiteboards are “vessels” not “floating devices” and thus the exception did not apply.

These misunderstandings were perpetuated through a number of electronic fora and an online petition that stated “The Ministry of Transport is looking to make it mandatory for kiteboarders to wear PFDs in Canada.” The petition was delivered to TC on July 9, 2009, at which time it contained 597 entries. Though the petition contained some duplicate or anonymous entries and did not indicate if the respondent was a resident of Canada, many signatories made it clear that they believed the proposed exceptions did not go far enough in reducing the impact of the requirements.

Many kiteboarders responded that the greatest risk to kiteboarders is not drowning but impact injuries, and that because there are no PFDs approved in Canada that incorporate impact protection, PFD use should be a matter of choice for the individual. However, this opinion was not universal; online fora and some comments received contained arguments supporting the mandatory use of PFDs on kiteboards.

As a result, the Regulations have been modified to more clearly set out the regulatory requirement and also to provide that PFDs designed for the sport may be used in kiteboarding, even if they are not approved in Canada, if they can be shown, under the circumstances of the sport, to provide a level of safety that is equal or greater than that provided by the standards incorporated in the Regulations.

#### Sailboards

Although the proposed Regulations did not contain any changes to the requirements for sailboards, a number of respondents commented specifically that the carriage of a PFD on a sailboard should be a matter of choice, instead of being mandated by the Regulations. This argument mirrors the arguments made by kiteboarders. However, the risks a sailboarder is subject to are significantly different from those of a kiteboarder. Therefore, sailboards are still required to carry PFDs but the regulatory requirements have been re-written to provide greater clarity.

In addition, a prohibition on the use of auto-inflatable PFDs on sailboards or kiteboards has been removed because it was determined to be unnecessary.

#### Rowing shells

As a result of a request from Rowing Canada, the requirement that an inflatable PFD must be worn to be acceptable has been removed for sealed-hull rowing shells engaged in independent training. Athletes cannot train properly in rowing shells when wearing PFDs, and the construction of modern style of rowing shell does not allow the stowage of an inherently inflatable PFD. The activities of these vessels are managed in accordance with safety guidelines and procedures established by the relevant governing body, which provide an adequate level of safety for the sport.

#### General

In addition, other minor changes have been made as a result of comments received:

- providing that substitute safety equipment may be used if it can be shown that in the circumstances they provide an equal or greater degree of safety than the lifesaving appliances set out in the Regulations;
- removing the requirement for a buoyant heaving line on sit-on-top kayaks;

- clarifying the applicability of recommendations in the American Boat and Yacht Council Standards to the manufacture of small vessels in Canada;
- allowing a person to operate a pleasure craft without an updated licence for 90 days after a transfer of ownership or a change of name or address;
- clarifying that the requirements for protection from hypothermia and cold shock apply to all passenger vessels, whether they are human-powered vessels or otherwise;
- clarifying that operational requirements for safety briefings and reporting of passenger numbers also apply to human-powered passenger carrying vessels;
- clarifying the exceptions to safety equipment requirements for paddleboats, watercycles, kayaks, canoes, rowing shells and personal watercraft;
- clarifying the requirements for alternate steering arrangements, batteries and means of charging batteries on small vessels; and
- relaxing the requirements for alarm systems on non-pleasure vessels not more than 6 m in length.

#### Pleasure craft licensing

Transport Canada will also be implementing a new mail-in system for pleasure craft licence applications that was not feasible under the proposed Regulations, as pre-published in the *Canada Gazette*, Part I. The proposed Regulations required that owners apply to the Minister for a transfer of licence immediately on the transfer of ownership of a pleasure craft and were prohibited from operating the vessel until the licence was transferred. Under the current system, owners must attend a Service Canada Center in person to transfer a licence, and the new licence documents are issued immediately. In order to facilitate a mail-in system for applications, the Regulations still require owners to apply for a transfer of licence immediately on the change of ownership, but they are given 90 days to obtain new licence documents by mail, and they are permitted to operate their craft during this period.

#### **Selected options and cooperation**

##### *Report on entering into service*

Under the previous CSA, owners of non-pleasure vessels were required to submit their vessels for a first inspection prior to placing the vessel in service. This requirement does not appear in the CSA 2001 because of the practical impossibility of inspecting this large number of non-pleasure vessels. Instead, TC intends to focus its inspection and monitoring resources on those vessels that are at the highest risk. However, in order to ensure that TC is aware of the existence of these vessels, the Regulations include a requirement that, before placing a vessel (that is not human powered) into commercial service, the owner must inform TC.

This report will initiate the owner's long-term relationship with TC and will include both the application for registration and the tombstone data required for the management of TC's Small Vessel Monitoring and Inspection Program. This will ensure that TC has the information it needs in order to evaluate relative risk for the purposes of targeted inspections, while minimizing the administrative burden for small vessel owners.

##### *Pleasure craft licensing*



Certain provisions respecting the Pleasure Craft Licensing System and enforcement now appear in the CSA 2001 and, therefore, they do not need to be duplicated in the Regulations. The licensing provisions that remain in the Regulations also reflect the electronic licensing system administered by Service Canada on behalf of TC. This information is used regularly by Rescue Coordination Centres to contact the owners of vessels in distress and by police for enforcement purposes. In order to ensure that information in the database is accurate, the changes include conversion to licences with a 10-year expiry and mandatory reporting of a change of name or address. Existing licences will not expire in 10 years, but owners are required to ensure that the information on the licence is accurate. Any updated licence will then expire 10 years after the date of the change of information.

### *Operational requirements*

Towing other vessels or objects can be an extremely hazardous experience. High stress comes onto the towline causing the towline to snap with sometimes fatal effect and a towing vessel may be run down or capsized by a large tow. In collaboration with the towing industry, TC is developing standards for the construction of tugs (defined as vessels designed for the primary purpose of towing) and, consequently, construction requirements for tugs do not appear in the Regulations. However, it was agreed that safety equipment requirements for tugs would not be removed from the Regulations and also that small workboats that were not designed as tugs, but which are engaged in towing, should be subject to very basic operational requirements.

Consequently, the Regulations contain new requirements that apply to all vessels that engage in towing, including provision of a means of quick release of the tow-line in case of emergency, deck drainage and positive buoyancy at the stern of the towing vessel, and means of escape from the wheelhouse in case of sudden capsizing. Vessels carrying passengers will be prohibited from towing. However, these provisions will not apply to a vessel that is towing another in order to respond to a distress or other emergency.

Due to the nature of their operations and their small size, small West Coast tugs (boom boats or dozer boats) find it difficult to comply with equipment carriage requirements for vessels of their size. The Regulations relax the requirements for certain safety equipment when operating in recognized booming grounds. These booming grounds are located in protected waters immediately adjacent to active land-based operations and, consequently, there is no reduction in safety for the operators of these vessels.

At the present time, small vessels are generally exempt from the requirements to conduct fire and boat drills. Yet numerous incidents over recent years have resulted from unfamiliarity with lifesaving appliances. Consequently, a new section requires that the operator of a non-pleasure vessel ensure the crew is proficient in the use of the vessel's lifesaving appliances and firefighting equipment and that the crew must engage in sufficient practices to ensure they are proficient at all times. There is no requirement to conduct drills at any specific interval, but the crew must maintain its familiarity with the use of the vessel's lifesaving appliances.

Passenger-carrying vessels must report the number of passengers on board to a person on shore who is responsible for alerting search and rescue authorities in case of emergency. In remote situations where it is not possible to report to a person, the information is to be left in a known location on shore.

All these operational requirements result from recent incidents that have demonstrated that failure to follow safety procedures will eventually result in an incident. These issues have been raised in a number of TSB investigations, and these changes will result in both reduced numbers of incidents and increased survival when an incident does occur.

### *Guides/outfitters*

Initial proposals included prescriptive requirements for the carriage of life rafts and thermal protective lifejackets. In discussion with the Canadian Federation of Outfitter Associations (representing tens of thousands of operators), it became apparent that the original proposals were far too restrictive and that the proposed Regulations contained provisions that were extremely problematic for small guide/outfitter operations, such as a complete prohibition on the carriage of propane on any vessel that carries passengers.

Guides/outfitters carry passengers between campsites and to observe the prohibition, they must return with no passengers aboard and make a second trip to transport a propane bottle between camps. Consideration of options and a review of accident statistics led TC to modify proposals for the carriage of propane on board small vessels which were acceptable to the outfitter community and which did not diminish safety. Consequently, small vessels will be permitted to carry up to 30 kg of propane so long as it is stowed appropriately and protected from the elements.

### *Protection from hypothermia and cold water shock*

Investigation of drowning and fatality statistics shows that most person who die in cold water do not die of hypothermia, but drown due to the incapacitating effects of cold water shock. Some investigators claim that 40% to 60% of those who die as a result of sudden immersion in cold water die of cold shock or swimming failure in the first 5 to 15 minutes, long before hypothermia becomes a significant problem.

The primary mechanism for protecting persons from cold-water shock is to evacuate dry into a life raft without entering the water. However, many vessels are unable to carry life rafts or are not required to do so because of the area or nature of their operations. The Regulations ensure that every passenger or participant in a guided excursion is protected to some degree from the effects of cold water, whether or not the vessel they are in carries a life raft.

The initial proposal included prescriptive requirements for the wearing of thermal protection lifejackets on small non-pleasure vessels and on human-powered vessels engaged in guided excursions, whenever the water temperature is lower than 15°C. Certain exemptions were provided if a vessel carried a life raft. However, stakeholders were strongly opposed claiming that this would require the wearing of thermal protection in the middle of the summer and that clients would be more at risk from heat shock than cold water shock in those circumstances. It became clear that the Canadian fleet of small vessels is a highly diverse fleet with a huge variety of operational situations, making it impossible to place a single prescriptive requirement on every operation.

Operators as diverse as kayak tour guides and charter fishing skippers were able to articulate combinations of operational procedures and specialized equipment for dealing with the cold shock resulting from accidental immersion. Therefore, in recognition of industry's best practices and in the interest of focusing the attention of the rest of the small vessel industry on the hazards of cold water shock, the Regulations maintain the status quo with respect to life rafts. However, a provision has been included that sets a standard for responsibility for the

owner and operator to make the necessary arrangements that are most suitable to the vessel's operational situation in order to provide an appropriate level of protection to passengers and participants. This provision makes owners and operators ultimately responsible for the efficacy of the procedures they adopt. However, should they wish to follow a prescriptive standard instead, TC will establish guidelines for meeting the requirement.

#### *Compliance notices and hull serial numbers*

The Regulations incorporate a fundamental shift in the manner in which TC will manage the builders' and importers' Compliance Notice program. Requirements for compliance notices and hull serial numbers (currently applicable only to pleasure craft) will be extended to non-pleasure vessels built or imported one year after the coming into force of the Regulations to ensure that all vessels are certified by their builders as meeting the construction requirements. For vessels not more than 6 m in length, the compliance notice also contains recommended safe limits for numbers of persons, gross load in kilograms, and engine power (if outboard powered).

Under the new system, builders and importers will be required to affirm in a Declaration of Conformity that the vessel is built to the appropriate standard and will also be required to calculate the recommended maximum safe limits in a manner set out by the Regulations.

The new approach to the management of compliance notices and hull serial numbers was discussed extensively with various classes of stakeholders. Continuing frustration with delays in the delivery of compliance notices to builders and owners of vessels led stakeholders to recommend a significant change to the original proposals. As a result, TC's new approach was to transfer the responsibility for actual production of compliance notices to builders and importers. This proposal was brought to consultations with industry groups and regional and national meetings of CMAC.

Administrative burden will be significantly reduced for builders and importers of small vessels when they begin to develop their own compliance notices. Under the Regulations, the builder or importer will not be required to submit a lengthy application to TC for each model of boat but will instead only be required to submit a copy of the Declaration of Conformity and an annual report setting out the number of identical vessels produced or imported in that calendar year and itemizing the information they have printed on the compliance notice for that model. The format of these notices is fixed by TP 1332 but the physical medium is not. Consequently, a number of different options exist for builders, which could include the incorporation of the information directly into the fibreglass construction of a small vessel or by welding a plate inscribed with the information directly onto an aluminum vessel.

For the individual, the new approach has important impacts. Builders of home-built boats, whether used for pleasure or commercial purposes, will no longer be required to obtain compliance notices or hull serial numbers and the owner of a pleasure craft will no longer be responsible for ensuring the presence of a compliance notice and subject to fines for failing to do so. Instead, the responsibility for attaching compliance notices and hull serial numbers to a vessel is the builder's or importer's. If the builder or importer fails to attach a compliance notice at the time of construction, they will be required to provide it when requested by the owner. If the builder or importer is unable to supply the notice or is out of business, the owner need take no further action but may be asked to demonstrate that they have made reasonable attempts to obtain one and would be encouraged to report the manufacturer to TC.

At this time, the Canadian and European standard for the weight of a person is 75 kg, whereas the United States uses a factor equivalent to a weight of 141 lbs (64 kg) when assessing the capacity of a vessel in terms of numbers of persons (the United States Coast Guard is currently reviewing this factor). Thus, the recommended maximum number of persons set out on a compliance notice will differ between a Canadian compliance notice and that required by the United States Coast Guard. Otherwise, there is very little difference between the requirements of the two countries. Even though it will be necessary to print the labels in English and French and certain country-specific information will be required, it should be possible to print the information required by the two countries on a single label for use in either country, thus resulting in reduced administrative burden for producers of imported and exported boats. In addition, since both domestic and foreign builders will be able to produce their own compliance notices, wait times for the issuance of government-printed compliance notices should be eliminated, thus improving the efficiency of the process.

The current requirement for hull serial numbers to be attached to pleasure craft will be extended to non-pleasure vessels one year after the coming into force of the Regulations and all new vessels will be required to bear a secondary or “hidden” hull serial number. However, most builders have been marking hull serial numbers on all the vessels they build. Not only is it a requirement for any vessel sold in the United States, but the presence of hull serial numbers greatly aids police in the recovery of stolen boats. Consequently, there will be very little additional impact on industry.

#### *Construction requirements*

Both the previous Regulations and the new Regulations incorporate by reference TP 1332, which makes the construction standards essentially a part of the Regulations. Transport Canada recognizes that the industry is familiar with using a single document as a reference and that stakeholders wish to continue to use a single document that contains all the information necessary to meet the requirements for the construction of a small vessel. In order to facilitate the integration of the regulatory provisions and the modifications to TP 1332, the published standard will contain unofficial references to and quotes from the Regulations.

The end result is that although the revised construction standard will appear somewhat different, it will contain substantively the same information as the 2004 edition of TP 1332. A vessel that is built today to meet the current (2004) edition of the standard should meet the requirements of the 2009 edition because most changes serve to relax rather than tighten the requirements. Changes to TP 1332 are limited to explanatory material in the introduction, correction of non-technical errors, the addition of provisions required to support the new approach to compliance notices, and the wording and formatting changes that are necessary to maintain the consistency of the standard with respect to the CSA 2001 and the Regulations.

The substantive changes that have been made to the construction requirements include the following:

- Construction requirements for non-pleasure vessels not more than 6 m in length are now identical to the pleasure craft requirements in order to harmonize the construction requirements for all vessels not more than 6 m in length and to simplify the extension of the compliance notice program to non-pleasure vessels with minimum difficulty and cost for builders.

- Relaxation of the ventilation requirements that reflect current boat building practice and harmonize the Canadian ventilation requirements with those of the United States' American Boat and Yacht Council (ABYC) and Europe's ISO.
- Changes to testing of fuel systems to be consistent with the United States' ABYC requirements.
- Provision of alternate means for flooding an enclosed engine space with fire suppressant by the use of a small port through which a portable fire extinguisher may be discharged.
- New requirements for automatic bilge pumps and high bilge-water alarms on small vessels more than 6 m in length in order that bilge spaces which are unobserved will not accumulate enough water to sink a vessel without warning.

#### *Critical safety requirements*

The Regulations also specify certain critical safety requirements (e.g. the proper maintenance of underwater penetrations of the hull, ignition protection of electric components, and maintenance of gasoline fuel systems to prevent fire and explosion) for vessels that are not required to be built according to the construction requirements of Part 7 (i.e. tugs, foreign vessels and pleasure craft that were built prior to the existence of the construction standards).

These requirements establish an absolute minimum level of safety and are intended to address a very few vessels at the highest risk. Most vessels that are subject to these requirements already far exceed this minimum level of safety and thus will not be affected.

#### *Large pleasure craft*

The previous Regulations required large pleasure craft to be built according to TP 1332. This standard has never been appropriate for large vessels of any type and, in fact, builders of large pleasure craft have generally ignored the requirement, preferring instead to build to the much higher requirements of marine classification societies. Since these vessels are normally very expensive to build, insurance companies and industry associations have historically ensured that there are very few safety issues. Therefore, in order to incorporate industry best practices, the Regulations exempt pleasure craft more than 24 m in length from the requirements for compliance notices in Part 8 and requires they be built according to "the recommended practices and standards for marine use issued by a marine classification society, standards development organization, industrial or trade organization, government, government agency or international body" that are recognized by the marine industry for that type of vessel.

#### *Application of construction standards to existing non-pleasure vessels*

The Regulations also contain revised criteria for the application of the construction requirements to non-pleasure vessels built prior to the introduction of construction requirements for those vessels in 2005. The previous Regulations provided that any vessel constructed prior to April 1, 2005, must be brought into compliance with the 2004 edition of TP 1332, as far as it is reasonable and practicable to do so, within three years of its first inspection by a steamship inspector. This requirement has proven difficult to administer due to the subjectivity of the term "reasonable and practicable" and due to the fact that a vessel could avoid the need to comply if it could avoid inspection, creating a significant disincentive to compliance.

The Regulations modify this approach to older non-pleasure vessels in two ways:

- By removing the disincentive to compliance and encouraging communication between the vessel owner and TC.
- By introducing the concept of “critical safety elements” in which a series of vessel systems are identified as being critical to safety. A vessel need not comply with the requirements that are not critical to safety if it is fundamentally sound with respect to the systems that are critical and the modifications required in order to meet the non-critical requirements would be so extensive as to make it “unreasonable or impractical” to comply. In addition, the Minister may take certain measures such as restricting the area of operation to match the vessel’s design limitations or requiring additional safety equipment.

These provisions will ensure that existing non-pleasure vessels built before the application of TP 1332 will be safe for their intended purpose.

### *Stability*

Lack of stability has been identified in a number of high-profile cases in both Canada and the United States in recent years. The Regulations clarify the application of stability standards to the construction of various types of vessels and also provide alternative mechanisms for demonstrating stability in the case of unusual vessels or situations. These provisions do not apply to vessels constructed before April 1, 2005, if they have not changed the nature of their service since that time.

The Regulations further require that all non-pleasure vessels must possess adequate stability to safely carry out their intended operations and must not operate in conditions or under circumstances that exceed their design criteria. This provision may require a small number of owners to modify their vessels or the nature of their operation in order to operate safely. In each of the five TC regions, there are only a few handfuls of vessels that have been identified as deficient in this manner, generally as a result of after-market modifications. However, these vessels are at the highest risk and are over-represented in the fatality statistics. This requirement will give marine safety inspectors the tool they need to ensure that these vessels are assessed for stability and either the vessel or its operations modified if they are deficient.

### ***Implementation, enforcement and service standards***

Transport Canada engages in extensive outreach activities for pleasure craft and non-pleasure vessels, both directly and through partnerships with other agencies such as the Canadian Coast Guard Auxiliary (CCGA), Canadian Red Cross, Lifesaving Society and others. In addition, TC publishes, in both official languages, the *Safe Boating Guide* for pleasure craft and the *Small Commercial Vessel Safety Guide* for non-pleasure vessels. In 2008, 626 000 copies of a new edition of the *Safe Boating Guide* were published and distributed to regional TC offices for distribution to stakeholders. Transport Canada has also distributed 25 000 copies of the *Small Commercial Vessel Safety Guide*. In 2009, new editions of these two guides (including at least 25 000 copies of the *Small Commercial Vessel Safety Guide* and 750 000 copies of the *Safe Boating Guide*) containing the relevant information from the Regulations will be available in advance of the boating season. Also, TC will publish documents in print and on its Web site outlining the differences between the previous Regulations and the new Regulations.

Requirements for compliance notices and hull serial numbers to be attached to non-pleasure vessels and for builders of all vessel types to prepare their own compliance notices will come into force one year after the Regulations in order to provide time for builders and importers to learn about and prepare for their responsibilities. Information will be distributed through boat builder associations, marine trades associations and the National Marine Manufacturer's Association.

For the first year after the coming into force of the Regulations, the Minister will continue to issue compliance notices as is currently the practice, though builders who wish to develop their own compliance notices immediately will be encouraged to do so.

Once the new requirements come into effect, TC officials will no longer be engaged in calculating safe limits for vessels as a service to builders and importers. Instead, their efforts will be redirected to ensuring compliance with the construction requirements. Marine safety inspectors will focus more of their attention on inspections of boat building facilities instead of first inspections of individual vessels, thus resulting in more effective use of TC resources.

Police and other enforcement agencies, such as certain provincial conservation officers, are currently designated under the CSA 2001 to ensure compliance with and enforce regulations pertaining to pleasure craft. In addition, numerous police agencies conducting marine enforcement have been authorized under section 12 of the CSA 2001 to ensure compliance with and enforce the Regulations with respect to non-pleasure vessels not more than 24 m in length. Transport Canada has historically sought out enforcement partners in order to carry out enforcement of regulations pertaining to small vessels. The ongoing challenge will not be to find new enforcement partners, but to ensure that existing partners are conversant with the new requirements. No increase in the cost of enforcement is expected.

To this end, TC is developing a guide for police for enforcing all CSA 2001 regulations that apply to small vessels. Transport Canada officials are being trained in the new requirements and will engage local and regional police agencies to provide regulatory training and guidance.

Enforcement is by way of summary conviction and ticketing under the *Contraventions Act* and its regulations. The *Contraventions Regulations* provide for the issuance of tickets with prescribed fine amounts for contraventions of the Regulations. Simultaneously with the Regulations, new fines schedules are being developed for the *Contraventions Regulations* in order to ensure that when the Regulations come into force, efficient enforcement is made possible.

Transport Canada is also developing schedules of violations relating to the *Small Vessel Regulations* so that enforcement may also be conducted by marine safety inspectors under the CSA 2001 *Administrative Monetary Penalties Regulations* with respect to non-pleasure vessels.

When proceeding by way of summary conviction, the CSA 2001 provides for maximum penalties upon conviction of \$1,000,000 or 18 months imprisonment or both, for non-pleasure vessels. For pleasure craft, the maximum penalty is \$10,000, except for offences relating to the manufacture or sale of a pleasure craft, in which case the maximum penalty is \$100,000 or one year imprisonment, or both.

### ***Performance measurement and evaluation***

Transport Canada uses a number of sources of information to assess the efficacy of prevention and enforcement activities related to small vessels. Since injuries and property damage are difficult to measure, TC has focused on fatalities as the key indicator of the success of its programs.

Accidents and incidents on non-pleasure vessels are required by law to be reported to the TSB of Canada, but incidents that do not result in fatality often go unreported. However, TC is confident that all fatalities resulting from incidents on small non-pleasure vessels are reported. Consequently, the TSB database has become one of the primary sources of information. By focusing on non-pleasure vessels fatalities and following trends in fatality rates, the information allows for a reasonably accurate trend analysis. Transport Canada is continuing to develop sources of information for injury and property damage.

The Canadian Red Cross and the Lifesaving Society produce annual drowning reports, partly funded by TC. Though the focus of these reports is drowning, they also include non-drowning boating deaths and, consequently, annual information and trends are easily extracted from these reports, and regulatory programs focused in order to address the portion of the population most at risk.

Other sources of information are the CCG search and rescue database and TC's own BIASS database which provides information about all vessels built or imported for sale in Canada, and which provides important information about the distribution of vessel sizes and types. Once the new requirements for non-pleasure vessels are in force, the BIASS database will be a valuable resource for predicting the evolution of vessel types and sizes.

The TC Small Vessel Monitoring and Inspection System is being populated with information from the inspection of small vessels by marine safety inspectors, and soon will also include the reports from owners of vessels being placed into service. This information will assist TC in evaluating the vessels at greatest risk for targeted risk-based inspections.

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### **[Footnote a](#)**

S.C. 2001, c. 26

### **[Footnote 1](#)**

C.R.C., c. 1487



**NOTICE:**

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with extensible hypertext markup language (XHTML 1.0 Strict).

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