

CIRCULAR NR. 55

PORTUGUESE MARITIME ADMINISTRATION

SUBJECT | Decree-Law nr. 93/2018 - Recreational Boating Legal Status, interpretation on the applicability of certain rules

To | Owners and Recreational Boating Associations, skippers and recreational sailors in general

DISCLAIMER | This document is for information only and is not intended to interpret or replace the legal referenced documents published by official sources

REFERENCES: *Decree-Law nr. 93/2018, of 13th November, which approves the new Legal Status for Recreational Boating; Decree-Law nr. 73/2007, of 27th March, which amends and republishes Decree-Law nr.190/98, of 10th July, establishing the licencing conditions of the national shipboard radiocommunication stations and the preconditions to be observed by the equipment integrating these stations*

1. OBJECTIVE

The aim of this Circular is the dissemination of the new procedures regarding both surveys in recreational boats (ER) and issuance of Ship Station Licences, the publication of Decree-Law nr. 93/2018, of 13th November establishing the new Recreational Boating Activity Legal Status, hereinafter referred as RNR.

2. PERIODICAL SURVEYS IN RECREATIONAL BOATS

The provisions of article 25º nr.2, concerning the time limits for ER surveys came into force in November 14th 2018, although most rules laid down in RNR will come to force in January 1st 2019.

Thus, the periodical survey is mandatory for all ER after the first registration date, with the following timetable:

- 2.1. For all ER in general - 10 years;
- 2.2. For ER of more than 24 metres in length and for those with wooden hulls of more than 12 metres in length - 5 years;
- 2.3. For ER over the age of 20 years after the first registration - 5 years.

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“First Registration” means the registration of a boat coming on the Portuguese Registry for the first time, allowing it from that date onwards to fly the Portuguese Flag.

According with RNR article 63° nr. 1 the above mentioned time limits for performing the surveys are applied to ER surveyed before the entry in force of the new legal status, thus extending the deadline to the next periodical survey in a way it will be performed after 5 or 10 years after the previous one, as per boat’s age.

Recreational boats which, on November 14th 2018 have their registration certificate endorsement overdue, have to apply for a periodical survey.

Whenever a dry dock and an on the water survey are needed, the competent authority will perform it on a unique working day, according to RNR article 25° nr. 5. DGRM also informs all services requested will be scheduled only after its payment and the applicant of the service has to ensure all the conditions required to accomplish to survey.

3. SHIP RADIO STATION LICENCE

DGRM issues a non-expiring date ship radio station licence until five days after its request (article 51° nr. 2). We inform ship radio station licences will be issued only after their payment is done and confirmed.

DGRM also informs the subject referred to in RNR article 51° is regulated by special legislation (Decree-Law nr. 190/98, of 10th July, amended and republished by Decree-Law nr. 73/2007, of 27th Mach), publishing the Maritime Mobile Service Legal Status (RSRE) for Portuguese vessels. RSRE article 43.° determines a ship radio station licence ceases to be valid whenever any of the following situation arises:

- 3.1. Change of the holder of the licence;
- 3.2. Change of the public correspondence category;
- 3.3. Change of any identification details of the ship or of the ship radio station;
- 3.4. Change of the station components.

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We also inform that recreational boats which are used for commercial activity (Maritime Tourism Activity) are excluded from the application of RNR article 51º having in mind that in accordance with RNR article 2º nr. 3 the use of recreational boats for commercial purposes is ruled by specific legislation.

Lisbon, 3rd January 2019

The General Director of Natural Resources, Safety, and Maritime Services

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