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**WATER VEHICLES AS A SUBJECT OF TRAFFIC RULES  
VIOLATION OR RAIL, WATER OR AIR TRANSPORT  
OPERATION (ARTICLE 276 OF THE CRIMINAL CODE  
OF UKRAINE)**

Water vehicles are one of the crime subjects, covered by the Article 276 of the Criminal Code of Ukraine 'Traffic rules violation or rail, water or air transport operation'. Sea and river vessels belong to water vehicles. Let us apply to the current legislation in order to consider its characteristics. So the notion of the traffic vessel contains in the Article 15 of The Code of Trade and Maritime Traffic

of Ukraine, in which it is defined that it is a self-propelled or nonself-propelled item, which is used for the following issues:

1) for transfer, human trafficking, luggage and post, fishery or any other deep sea fishing, exploration and extraction of minerals, rescuing people and ships in distress at sea, towing of other vessels and floating objects, carrying out hydro-technical works or lifting property sunken in the sea;

2) for the maintenance of a special state service (protection of crafts, sanitary and quarantine services, protection of the sea from pollution, etc.);

3) for scientific, educational and cultural purposes;

4) for sports;

5) for other purposes [1].

There are no sole idea regarding adding low-displacement vessel to the category of water vehicle, which can be the subject of Traffic rules violation or rail, water or air transport operation in the science of Criminal Law. Some authors consider they cannot be the subjects of hijacking or capturing of a railway rolling stock, an air, sea or river vessel, other authors - relate them to such.

The normative definition of the low-displacement vessel prescribed in the note to Article 116 of the Code of Ukraine on Administrative Offenses, which states that low-displacement vessels should be understood as self-propelled vessels with main engines of less than 75 hp (55 kW) and non-self-propelled vessels and sailing vessels with a gross tonnage of less than 80 register tons (or units), as well as motor vehicles regardless of engine power, but with a gross capacity of no more than 10 register tons (or units) and non-self-propelled vessels (rowing boats carrying capacity of 100 and more kilograms, canoes - 150 and more kilograms, and inflatable vessels - 225 and more kilograms) belonging to citizens [2].

We consider that, only those low -displacement vessels cannot be a subject of such crime, which do not have an engine and are driven by human muscular force (for example, boats, canoes, etc.).

Warships are not considered as the mentioned crime subject, because they belong to the Navy, have external identifying signs of

state ownership and are under the command of an officer (landlady) who is in military service in the Armed Forces of Ukraine [3] .

So, the precise identification of the characteristics of a water vehicle has important meaning for determining the subject of crime, which is provided in the Article 276 of the Criminal Code of Ukraine, for correct qualification of the committed crime and the imposition of punishment.

List of references:

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<http://zakon2.rada.gov.ua/laws/show/176/95-вр>.

2. Кодекс України про адміністративні правопорушення від 7 грудня 1984 року. URL:

<http://zakon2.rada.gov.ua/laws/show/80731-10/page6>.

3. Положення про корабельну службу у Військово-Морських Силах Збройних Сил України, затвержені Наказом Міністерства Оборони України від 25 листопада 2003 року № 415. URL: <http://zakon0.rada.gov.ua/laws/show/z1170-03>.