

**THE SAFETY OF SMALL VESSELS IN COMMERCIAL
USE FOR SPORT OR PLEASURE
OPERATING FROM A NOMINATED DEPARTURE POINT

A CODE OF PRACTICE**

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**THE SAFETY OF SMALL VESSELS IN COMMERCIAL
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A CODE OF PRACTICE**

**A CODE OF PRACTICE FOR THE CONSTRUCTION, MACHINERY,
EQUIPMENT, STABILITY, OPERATION, MANNING,
EXAMINATION, CERTIFICATION AND MAINTENANCE OF
VESSELS OF UP TO 24 METRES LOAD LINE LENGTH WHICH
ARE:**

IN COMMERCIAL USE FOR SPORT OR PLEASURE; AND

CARRY NO MORE THAN 12 PASSENGERS; AND

DO NOT CARRY CARGO; AND

**OPERATE ONLY IN FAVOURABLE WEATHER AND DAYLIGHT
FROM A NOMINATED DEPARTURE POINT.**

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Small Commercial Vessel Certificate

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1 FOREWORD

1.1 The Code has been developed for application to small United Kingdom motor or sailing vessels of up to 24 metres load line length which are in commercial use at sea for sport or pleasure in favourable weather and daylight, and which do not carry cargo or more than 12 passengers.

1.2 The Code is an acceptable Code of Practice for application to vessels in accordance with the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2000, from which it draws its authority.

1.3 Changes in the Regulations which make Load Line Certification Mandatory

Certain vessels were previously included in a list of specified types of vessels which were exempted from the provisions of the load line regulations and certification. However, an amendment to the load line regulations mean that load line certification is now mandatory for affected vessels.

The amendment affects vessels of under 80 tons register (net tons) which do not carry cargo and which are used in United Kingdom waters solely in the coasting trade. These vessels were previously exempt from load line certification as "ships carrying not more than 12 passengers for sport or pleasure on a voyage in the course of which they are at no time more than 3 miles from land nor more than 15 miles from their point of departure, unless the point of departure lies within category A, B, C or D waters when the distance of 15 miles shall be measured from the seaward boundary of such waters".

The effect of the amendment is to require all such non-cargo carrying vessels to have a valid load line certificate. **Any certificate issued in accordance with this Code of Practice is a legal alternative to an MCA load line certificate for small seagoing vessels in commercial use for sport or pleasure.**

1.4 Vessels to which this Code Applies

This Code applies to small vessels (ie those of less than 24 metres in length) which:

are in commercial use for sport or pleasure and carry no more than 12 passengers and do not carry cargo; and

go to sea from nominated departure point(s) in the United Kingdom; and

operate in favourable weather and daylight in designated areas of the sea which will be defined on the certificate.

Those designated areas may be:

up to 3 miles from the nominated departure point(s) named in the certificate but never more than 3 miles from land; or

up to 20 miles from the nominated departure point(s) named in the certificate, but note that safety considerations around the coast may mean that permitted operating areas may be less than the maximum suggested by the Code.

Owners/managing agents of small vessels in commercial use for sport or pleasure which seek to operate in areas greater than those described above are required to gain Certification under one of the two applicable existing Codes of Practice as appropriate, ie The Safety of Small Commercial Motor Vessels, or The Safety of Small Commercial Sailing Vessels. These were published in 1993, and apply to operations ranging from up to 20 miles to an unlimited distance from a safe haven.

1.5 Reference to Another Code of Practice

For vessels operating under this Code in area category 5 (up to 20 miles from a nominated departure point(s) in favourable weather and daylight), the safety standards relating to area category 4 of the 1993 Codes are applied.

In this respect this Code is not self sufficient, and a copy of the appropriate 1993 Code will be required in order to determine the safety standards which have to be met.

Paragraph 3.3.2 refers, but note that section 27 applies in every case for certification procedure, compliance examination and maintenance.

1.6 Development of the Code

Development of the Code by the Maritime and Coastguard Agency was agreed by Government. Annex 1 lists the membership of the Steering Committee, and of the Study Group which advised the Steering Committee, and the organisations involved in the development of this Code.

A primary aim in developing the Code was to set standards of safety and protection for all on board small commercial vessels. The level of safety it sets out to achieve is considered to be commensurate with the current expectations of the general public. The Code sets standards which apply to the construction of a vessel, its machinery, equipment and stability and to the correct maintenance and operation of a vessel, where the operational standards include the qualifications of the skipper and of the crew members.

The Code recognises that the operating areas around the coast of the United Kingdom are not identical, and provision is made within the Code for equivalency of the safety standard to be considered, so that comparable levels of safety are achieved. Annex 4 provides guidance on making an application for assessment of a variation to Code requirements, and the procedure which should be followed by the standard setting Certifying Authority to gain approval from the Maritime and Coastguard Agency for such a variation.

- 1.7 The use of the normal Merchant Shipping regulations to achieve load line certification, as an alternative to Code certification, remains an option which owners can choose to adopt. The Steering Committee responsible for developing this Code considers, however, that it will be easier to apply and understand a Code of Practice than to apply the many separate Merchant Shipping regulations which would otherwise need to be consulted. The Code offers certification which is an alternative to meeting those various regulations which would otherwise apply, and to the issue of a United Kingdom load line certificate.

Compliance with the Code in no way obviates the need for vessels and/or skippers to comply with relevant byelaws made by either the local authority or the port/harbour authority for the area in which the vessel is certificated to operate. In particular, local authorities have powers to require vessels to have passenger liability and third-party insurance cover and to set the level of cover. Also, local authorities may have powers over the use of the foreshore and landing places and to issue licenses for their use.

1.8 Local Authority Powers to Licence Vessels

Hitherto, local authorities have issued licences to vessels which are let for hire or which carry passengers for payment, and which are operated closer to shore than 3 miles and voyage no further than 15 miles from their point of departure. Generally, local authorities take their powers from the Public Health Act 1907 as amended in England and Wales and the Civic Government (Scotland) Act 1982 in Scotland, and exercise of the powers is optional.

The amendment to the load line regulations (see paragraph 13), however, affects this arrangement, since the regulations require small craft engaged in seagoing operations within this 3 and 15 miles sea area to comply with Merchant Shipping legislation.

Although existing boat licencing schemes may continue to apply to vessels which do not go to "sea" as defined in section 2, those boat licencing schemes may also continue to apply to small vessels which are operated **at sea** and are covered by Merchant Shipping certification. In these latter cases, any local authority requirements in respect of the condition of the vessel, the safety equipment aboard and the competence of the crew are to be waived for vessels for which a valid Merchant Shipping certificate, for example a Load Line or Load Line Exemption, or an acceptable Code of Practice Certificate as an equivalent, can be presented to the local authority.

1.9 Building and Repairing Vessels

Designers and builders of new vessels will need to pay special regard to the area of operation and the working conditions to which a vessel will be subjected when selecting the materials and equipment to be used in its construction.

The builder, repairer or owner/managing agent of a vessel, as appropriate, is to take all reasonable measures to ensure that a material or appliance fitted in accordance with the requirements of the Code is suitable for the purpose having regard to its location in the vessel and the area of operation of the vessel.

1.10 Impact of Government Reviews and the Adventure Activities Regulations

Government's objectives for sport were set out in the document "Sport and Active Recreation" which was published in 1991. The principle of self-determination for sports bodies has been encouraged to the extent that when it has been necessary to impose some form of control on such bodies, the policy has usually been to encourage the bodies to adopt voluntary codes or procedures which would have the same effect as regulation.

In 1990, Government commissioned a review into safety in water sports. The review concluded that the current system of self-regulation developed by the governing bodies of sport is sufficient to meet their responsibility for the safety of sports participants.

The Code makes requirements for commercial water based recreational activities which recognise the findings of the above review. National governing bodies for sea recreational activities which have developed safety standards and examination procedures to ensure the standards are upheld can apply to MCA to request assessment and authorisation to continue to regulate vessels complying with their scheme rather than with the provisions of this Code. The safety content of any certification will however be assessed and agreed formally before the certification is recognised.

1.11 Delegation of Survey and Certification to Certifying Authorities

The Maritime and Coastguard Agency (MCA) is an executive agency of the Department of the Environment, Transport and the Regions (DETR), and has responsibility and accountability for the United Kingdom Merchant Shipping regulations and their enforcement. The Agency has delegated to Certifying Authorities the examination (survey) and certification of vessels to which this Code applies, and the Certifying Authorities and the Maritime and Coastguard Agency have a written agreement which defines this relationship. MCA however retains the enforcement duties of the Code and is responsible for auditing the Certifying Authorities, although it remains an active Certifying Authority itself.

1.12 The appointment of Certifying Authorities has been influenced by the requirement to have a local capability for the efficient handling of the needs of owners/operators of vessels. Certifying Authorities appointed may charge owners/operators of vessels a fee appropriate to the effort which is needed from them for a vessel to be examined and certificated. Each Certifying Authority has freedom to set its fees at a competitive level.

Coastal local authorities which have been able to satisfy MCA criteria have been appointed Certifying Authorities, and are therefore able to issue certificates under this Code in addition to discharging their option with regard to their boat licencing schemes. Where local authorities have declined to take appointments as Certifying Authorities, MCA has approached those Certifying Authorities which are already actively engaged on the Agency's behalf in the examination and certification of vessels under the 1993 Codes, and these have, with their agreement, been appointed.

1.13 At the option of the local authority, the written agreement between the Maritime and Coastguard Agency and the local authority Certifying Authorities may include limited delegation of enforcement powers to the local authority. Such delegation will allow the local authority instant power to stop and detain vessels which would otherwise contravene certification in accordance with this Code.

1.14 European Communities' General Recognition Clause, Insurance and Value of Standards

The following important sections have been copied from the 1993 Codes of Practice. They are equally relevant to this Code:-

1.15 The Commission of the European Communities' general mutual recognition clause should be accepted. The clause states :-

Any requirement for goods or materials to comply with a specified standard shall be satisfied by compliance with:-

- .1 a relevant standard or code of practice of a national standards body or equivalent body of a Member State of the European Economic Area Agreement; or
- .2 any relevant international standard recognised for use in any Member State of the European Economic Area Agreement; or
- .3 a relevant specification acknowledged for use as a standard by a public authority of any Member State of the European Economic Area Agreement; or
- .4 traditional procedures of manufacture of a Member State of the European Economic Area Agreement where these are the subject of a written technical description sufficiently detailed to permit assessment of the goods or materials for the use specified; or
- .5 a specification sufficiently detailed to permit assessment for goods or materials of an innovative nature (or subject to innovative processes of manufacture such that they cannot comply with a recognised standard or specification) and which fulfil the purpose provided by the specified standard;

provided that the proposed standard, code of practice, specification or technical description provides, in use, equivalent levels of safety, suitability and fitness for purpose.

- 1.16 It is important to stress that, whilst all reasonable measures have been taken to develop standards which will result in the production of safe and seaworthy vessels, total safety at sea can never be guaranteed. As a consequence, it is most strongly recommended that the owner/managing agent of a vessel should take out a policy of insurance for all persons who are part of the vessel's complement from time to time. Such insurance must provide cover which is reasonable for claims which may arise. If a policy of insurance is in force, a copy of the certificate of insurance must be either displayed or available for inspection by persons on board the vessel.
- 1.17 The Organisations listed in Annex 1 were concerned that the ownership of a small commercial vessel by a club should not be seen as a loophole to circumvent the regulations. It is considered that any vessel owned by a proprietary club for use by the members is likely to fall within the scope of the Code.

The Organisations listed in Annex 1 also considered that the officers and committees of members' clubs with responsibility for the maintenance and operation of club owned vessels operated as pleasure yachts could usefully adopt standards set out in the Code as guidelines on safe practice, for the protection of their members.

1.18 Health and Safety Regulations

The owner/skipper of a vessel is responsible for the health and safety of anyone working on the vessel. When the owner/skipper employs crew, the Merchant Shipping health and safety regulations apply.

Every employer is to be aware of any risks affecting workers and ensure that appropriate measures are taken to minimise them through improving procedures or equipment where necessary. Employers must instruct those affected about the risks and how to ensure their own safety and the safety of others.

DEFINITIONS

In the Code:-

"Accommodation space" means any space, enclosed on all six sides by solid divisions, provided for the use of persons on board;

"Annual examination" means a general or partial examination of the vessel, its machinery, fittings and equipment, as far as can readily be seen, to ascertain that it has been satisfactorily maintained as required by the Code and that the arrangements, fittings and equipment provided are as documented for the vessel;

"Authorised person" means a person who by reason of relevant professional qualifications, practical experience or expertise is authorised by the Certifying Authority to carry out the examinations required by the Code;

"Bare boat charter" means a charter for which the charterer provides the skipper and the crew;

"Category C waters" means waters designated category C waters in the Merchant Shipping (Categorisation of Waters) Regulations 1992, SI 1992 No.2356 and Merchant Shipping Notice No. MSN 1719(M);

"Category D waters" means waters designated category D waters in the Merchant Shipping (Categorisation of Waters) Regulations 1992, SI 1992 No.2356 and Merchant Shipping Notice No. MSN 1719(M);

"Certificate" means the certificate appropriate to a vessel to which the Code is applied;

"Certifying Authority" means either the Maritime and Coastguard Agency or any local authority or other organisation authorised by the Maritime and Coastguard Agency to:-

- (a) appoint persons for the purpose of examining vessels and issuing and signing Declarations of Examinations; and
- (b) issue Certificates;

"Charter" means an agreement between the owner/managing agent and another party which allows that other party to operate the vessel, and the "Charterer" is that other party;

"Code" means this Code;

"Compartment" means all living and working spaces within the watertight or fire-
resisting boundaries on any one level which have inter-communicating access;

"Competent Authority" in respect of manning qualifications (Annex 6) means either the Maritime and Coastguard Agency or an organisation that issues Certificates of Competence which has applied for and been granted recognition by the Maritime and Coastguard Agency as having the appropriate technical and administrative expertise;

"Compliance examination" means an examination of the vessel, its machinery, fittings and equipment, by an authorised person to ascertain that the vessel's structure, machinery, equipment and fittings comply with the requirements of the Code or alternative written safety requirements which have been set by the Certifying Authority and agreed with the Maritime and Coastguard Agency. At least part of the examination must be conducted when the vessel is out of the water. The Certifying Authority is to decide the extent of examination based on the type, age and history of the vessel;

"Crew" means a person employed or engaged in any capacity on board a vessel on the business of the vessel;

"Daylight" means one hour before sunrise until one hour after sunset;

"Decked vessel" means a vessel with a continuous watertight weather deck which extends from stem to stern and has positive freeboard throughout, in any condition of loading of the vessel;

"Efficient" in relation to a fitting, piece of equipment or material means that all reasonable and practicable measures have been taken to ensure that it is suitable for the purpose for which it is used;

"Existing vessel" means a vessel which is not a new vessel;

"Favourable weather" means wind, sea and visibility conditions which are deemed by the skipper to be safe for a small vessel to operate within the limits applied to it; or, in any other case means conditions existing throughout a voyage or excursion in which the effects either individually or in combination of swell, height of waves, strength of wind and visibility cause no hazard to the safety of the vessel, including handling ability.

In making a judgement on favourable weather the skipper should have due regard to official weather forecasts for the service area of the vessel or to weather information for the area which may be available from the Maritime and Coastguard Agency or similar coastal safety organisation;

"Freeboard" means the distance measured vertically downwards from the lowest point of the upper edge of the weather deck to the waterline in still water or, for an open vessel, the distance measured vertically downwards from the lowest point of the gunwale to the waterline;

"Land" means the sea shore above the line of mean high water mark;

"Length" means the overall length from the foreside of the foremost fixed permanent structure to the aftside of the aftermost fixed permanent structure of the vessel;

"Load Line length" means either 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, whichever is the greater. In a vessel designed with a rake of keel, the waterline on which this length is measured is to be parallel to the design waterline;

"Maritime and Coastguard Agency" means the Maritime and Coastguard Agency (MCA), an executive agency of the Department of the Environment, Transport and the Regions (DETR);

"Member State of the European Economic Area Agreement" means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by the Protocol signed at Brussels on 17 May 1993;

"Merchant Shipping Act", "Merchant Shipping Order", "Merchant Shipping Regulations" and "Merchant Shipping Rules" referred to in the Code mean the reference specified and includes any document issued under the appropriate statutory power which either amends or replaces the reference specified;

"Merchant Shipping Notice" (MSN) means a Notice described as such and issued by the Maritime and Coastguard Agency, and reference to a specific Merchant Shipping Notice includes reference to any Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

"Mile" means a nautical mile of 1852 metres;

"Motor vessel" means a power driven vessel which is not a sailing vessel;

"Multihull vessel" means any vessel which, in any normally achievable operating trim or heel angle, has a rigid hull structure which penetrates the surface of the sea over more than one separate or discrete area;

"New vessel" means a vessel to which this Code applies, the keel of which was laid or the construction or lay-up was started on or after the 1 April 2000; or a vessel already constructed or being constructed before 1 April 2000 for which application for registration in accordance with the requirements of paragraph 3.5.2 in this Code is made on or after the 1 August 2000;

"Open boat" for the application of this Code means a vessel which within its length is :-

not fitted with a watertight weather deck; or

is fitted with a watertight weather deck over part of its length; or

is fitted with a watertight weather deck over the whole of its length but the freeboard to the deck does not meet the minimum requirement for freeboard (Section 12);

"Owner/managing agent" means the registered owner or the owner or managing agent of the registered owner or owner or owner ipso facto, as the case may be, and "Owners/managing agents" is to be construed accordingly;

"Passenger" means a person carried in a vessel except:-

- (a) a person employed or engaged in any capacity on board the vessel on the business of the vessel;
- (b) a person on board the vessel either in pursuance of the obligation laid upon the skipper to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the skipper nor the owner nor the charterer (if any) could have prevented; and
- (c) a child under one year of age;

Reference should be made to Annex 2 which is Merchant Shipping Notice No. M.1194 - The status of persons carried on United Kingdom ships;

"Person" means a person over the age of one year;

"Pleasure vessel" means a vessel so defined in the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998, as amended;

"Sailing vessel" means a vessel which is designed to be navigated under wind power alone and for which any motor power provided is an auxiliary means of propulsion and/or which possesses a non-dimensional ratio of (sail area) divided by (volume of displacement)^{2/3} of more than 9;

"Skippered charter" means a charter for which the skipper is provided by the owner/managing agent;

"Small vessel" means a vessel less than 24 metres in load line length;

SCV1 - means the form for an Application for Examination of a vessel;

SCV2 - means the report form for a Compliance Examination and Declaration;

"To sea" means beyond category D waters, or category C waters if there are no category D waters ;

"United Kingdom vessel" means a vessel as defined in chapter 21, section 85(2) of the
Merchant Shipping Act 1995;

"Watertight" means capable of preventing the passage of water in either direction;

"Weather deck" means the main deck which is exposed to the elements;

"Weathertight" means capable of preventing the admission of a significant quantity of water into the vessel when subjected to a hose test.

3 APPLICATION AND INTERPRETATION

3.1 Application

- 3.1.1 The Code applies from the date that the enabling Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2000 come into force. These Regulations enable the Code, and compliance with the Code satisfies the requirements of the Regulations.
- 3.1.2 The Code applies to any United Kingdom motor or sailing (monohull and multihull) vessel of less than 24 metres in length which is in commercial use for sport or pleasure around the coast of the United Kingdom within the areas defined in 3.2 and the conditions of operation corresponding to the area, and provided it does not carry more than 12 passengers and does not carry cargo.
- 3.1.3 Small vessels in commercial use for sport or pleasure which operate outside the areas and/or conditions defined in 3.2 must comply with the requirements of the appropriate Code of Practice for the safety of small commercial motor or sailing vessels.
- 3.1.4 This Code makes reference to the Codes of Practice for the safety of small commercial motor and sailing vessels, and applies the safety standards of those Codes to vessels which seek certification to operate in area category 5 (see paragraph 3.3.2).
- 3.1.5 The Regulations and the Code apply to a vessel registered or owned in another country when it operates from a United Kingdom port.
- 3.1.6 The Regulations apply the Code to vessels operated by proprietors' clubs and associations and when the owner/managing agent is either corporate or private.
- 3.1.7 Types of vessel to which the safety standards of the Code apply, but which are not of normal displacement vessel form and are not compatible with the standards, may be assessed by the Maritime and Coastguard Agency. The level of safety standards and any operating conditions will be appropriate to the type of vessel and its area of operation.
- 3.1.8 It is the responsibility of the owner/managing agent to ensure that a vessel is examined and properly maintained in accordance with the Code.

3.2 Area of Operation

A vessel may be considered for the issue of a certificate allowing it to operate within the following areas :-

Category 6 - to sea, within 3 miles from a nominated departure point(s) and never more than 3 miles from land, in favourable weather and daylight.

Category 5 - to sea, within 20 miles from a nominated departure point(s) in favourable weather and daylight.

Depending on the nature of the vessel and its use, a vessel may be restricted to less than the above specified limits. Such a restriction should be recorded on the small commercial vessel certificate for the vessel.

3.3 Standards

3.3.1 Vessels operating in area category 6

Vessels operating in area category 6 must comply with the standards set out in Sections 4 to 28 of this code and Annexes 2 to 8.

3.3.2 Vessels operating in area category 5

Motor (or sailing) vessels operating in area category 5 must comply with the standards for a category 4 vessel in the Code of Practice for the Safety of Small Commercial Motor (or Sailing) Vessels respectively.

For the purpose of the application of the small commercial motor or sailing vessel Codes to a vessel operating in category 5, reference to "existing vessel" should be an "existing vessel" as defined in Section 2 of this Code.

Section 26 and Annex 6 of this Code applies for manning requirements, and Section 27 of this Code applies for compliance procedures, certification, examination and maintenance.

3.4 Certification

3.4.1 To be issued with a certificate for a particular area of operation, a vessel must comply with all of the requirements of the Code for that operating area to the satisfaction of the Certifying Authority.

3.4.2 A certificate is not to be valid for not more than five years.

3.5 Phase in Period

3.5.1 A small vessel constructed new (see Section 2 for definitions of "existing vessel" and "new vessel") on or after the date upon which the Code comes into force (1 April 2000) should be built and equipped to comply with the Code requirements for a new vessel, and be registered with the MCA before it comes into operation.

3.5.2 The phase in period for an existing small vessel is from the date the Code comes into force until 1 April 2001, and the certification required by 3.4 will apply from 1 April 2001.

3.5.3 The owner/managing agent of an existing small vessel in commercial use for sport or pleasure, to which this Code and its certification will be applied from 1 April 2001, must register the vessel with the Maritime and Coastguard Agency before 1 August 2000.

3.5.4 In the event that an existing vessel is not registered with the Maritime and Coastguard Agency before 1 August 2000 and the owner/managing agent applies for a certification in accordance with the Code, the vessel will be treated as a new vessel for the application of Code requirements.

3.5.5 The form of the registration and the information it provides is to be in accordance with Annex 3, which contains the Maritime and Coastguard Agency address to which the registration should be returned. It is acceptable to submit a vessel registration on a copy of Annex 3.

3.5.6 During the period until 1 April 2001, an existing small vessel in commercial use for sport or pleasure, for which the owner/managing agent intends to seek certification in accordance with the Code, must have a valid certificate for its area of operation in accordance with regulations applicable to the area. The valid certificate may be:-

3.5.6.1 a licence to operate issued by a local authority (see paragraph 1.8); or

3.5.6.2 a Small Commercial Vessel Certificate, issued in accordance with the Codes of Practice for Small Commercial Motor or Sailing vessels.

However, in the case of a vessel which has operated without a licence because the local authority in the operating area has not used its powers to require a licence, the vessel may continue to operate until 1 April 2001, at which date it should be certificated in accordance with MCA requirements. Owners/managing agents should be aware that any vessel may at any time be subject to a random safety inspection by a Maritime and Coastguard Agency surveyor.

3.6 Interpretation

An assessment of variations to the standards applied by the Code may be made by the Maritime and Coastguard Agency upon application by the Certifying Authority. Annex 4 provides guidance on the procedure which should be followed.

For guidance on the application of safety standards which may be appropriate but are not explicit in this Code, reference should be made to the requirements of the Codes of Practice for the safety of small commercial motor or sailing vessels which are given power by the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998, as amended.

In any other case, when a question of interpretation of a part of the Code arises, or guidance is required on the standards to be applied for compliance with this Code, advice may be obtained on written application via the Certifying Authority to the Director of Maritime Standards and Pollution Prevention (MSPP) of the Maritime and Coastguard Agency, who may consult with others as deemed appropriate.

3.7 Certifying Authorities

3.7.1 The Maritime and Coastguard Agency is itself an active Certifying Authority. However, other organisations which are so authorised by the MCA may appoint persons for the purpose of examining vessels, and may issue Certificates.

3.7.2 A United Kingdom local authority which has in place a safety scheme which satisfies the requirements of this code may apply to be appointed as a Certifying Authority by the MCA for vessels which are seeking to be certificated to operate under this Code from a nominated departure point(s) within the local authority's area of the coast for which they have responsibility.

3.7.3 Such MCA authorisation permits local authorities, or organisations appointed by them, to carry out examinations and issue Code certificates for vessels meeting the requirements of the Code and operating in area categories 5 and 6; such appointments are covered by a formal agreement between the MCA and the local authority.

3.7.4 Local authorities so authorised, or organisations appointed by them, may also issue Code certificates for a specified radius of operation of less than 3 miles from a nominated departure point to sea, based on a standard of safety **judged by them** to be equivalent to that of the Code. Application for acceptance of equivalent standards for a particular operating area as described in paragraph 3.2 must be made formally by the local authority to the MCA and be based on local knowledge of the conditions under which vessels will be permitted to operate. The conditions under which a vessel is permitted to operate must be stated on its certificate.

3.7.5 The timetable for bringing the Code into operation is intended to allow sufficient time for local authorities to make their commitment to be Certifying Authorities and to agree the safety standards for their area with the Maritime and Coastguard Agency.

3.7.6 In exceptional cases where the arrangements have not been completed in time to meet the Code requirements on the day that it comes into force, the Maritime and Coastguard Agency may agree transitional arrangements with a local authority, based on previous (existing) arrangements followed by the authority.

3.7.7 In coastal areas where the local authority has declined an appointment as a Certifying Authority, the Maritime and Coastguard Agency has appointed Certifying Authorities to carry out examinations of vessels, and issue certificates to those vessels which comply with this Code.

3.7.8 When a water based recreation organisation operates within the sea area covered by the Code and is certificated for safety standards by its national sporting body, no other safety certificate will be required provided that the scheme is formally approved by the Maritime and Coastguard Agency. The safety certificate must carry text which recognises its authority from the Maritime and Coastguard Agency.

3.8 Marking of Vessels

A vessel certificated under this Code must be prominently marked with a standard marking to show compliance with the Code and the limits of the area of operation. This marking may be achieved by a suitable annual sticker issued by the Certifying Authority.

3.9 Updating of the Code

3.9.1 In addition to the arrangements for guidance on the application and interpretation of safety standards described in paragraph 3.3, the Code requirements will be reconsidered by a standing committee, comprising representatives from the Working Group organisations listed in Annex 1, not later than 1 April 2005, to take account of experience gained from its application.

- 3.9.2 Thereafter, the Code will be reviewed by the standing committee at intervals not exceeding five years to take into account experience and any new statutory requirements which apply to other vessels of a similar size or type, and which it might be considered reasonable to apply to vessels operating under the Code.
- 3.9.3 When new standards are developed and finalised by the British Standards Institution (BSI), European Committee for Standardization (CEN), International Maritime Organization (IMO), International Organization for Standardization (ISO) or any other international body which impact upon the requirements of the Code, amendment of the Code may be considered immediately.
- 3.9.4 The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2000 provide for any document amending the Code which is considered relevant from time to time to be specified by the Secretary of State.

4 CONSTRUCTION AND STRUCTURAL STRENGTH

The design of the hull structure and its construction must provide adequate strength and service life for the safe and effective operation of the vessel, to withstand the sea and weather conditions likely to be encountered in the area of operation at the vessel's service draught and maximum service speed.

5 WEATHERTIGHT INTEGRITY

A decked vessel must be designed and constructed in a manner which will prevent the ingress of sea water which might threaten the safety of the vessel and those onboard.

6 WATER FREEING ARRANGEMENTS

- 6.1 In a decked vessel which complies with the freeboard requirements of 12.1.1 or 12.1.2, provision is to be made to efficiently clear the deck of sea water which may be taken onboard.
- 6.2 When a deck is fitted with bulwarks such that shipped water may be trapped behind them, the vessel must be provided with a minimum of two efficient freeing ports fitted one port and one starboard each having a clear area of at least 225 sq.cm. Smaller ports may however be accepted in a vessel having only small side decks areas in which water can be trapped, the reduced area being based on the volume of water which is likely to become so trapped.
- 6.3 A decked vessel which does not comply with the freeboard requirements of 12.1.1 or 12.1.2 may be treated as an open boat and be provided with bilge pumping in accordance with 10.2.

7 MACHINERY

- 7.1 Where internal combustion machinery is installed in an enclosed compartment for propulsion or other purposes, generally it is to be of a diesel engine type complying with marine standards.
- 7.2 A proposal to accept a marine petrol engine installation in an enclosed compartment must be submitted by the Certifying Authority to the Maritime and Coastguard Agency. The installation may be accepted subject to the MCA being satisfied with the safety arrangements.
- 7.3 Marine outboard petrol engines must comply with recognised safety standards for their fitting and operation.
- 7.4 A vessel is normally expected to carry a sufficient reserve of fuel in its fuel tank(s) for the duration of a voyage or excursion. However, in vessels powered by petrol engines, spare petrol must not be carried onboard unless it is judged to be essential to assure the safe completion of a voyage or excursion.
- 7.5 If such spare petrol is carried on board in portable containers (including spare fuel tanks), the quantity of petrol and number of containers are to be kept to a minimum. The containers are to be clearly marked and stowed on the open deck where they can be readily jettisoned and where spillage will drain directly overboard. However, in small sailing vessels which have auxiliary outboard engines with very small integral fuel tanks, a 5-litre container of petrol may be stowed in a locker in cases where it is not practical to stow the container in the open, subject to the Certifying Authority being satisfied with the proposed arrangement.

8 ELECTRICAL INSTALLATION

The electrical installation is to be such as to minimise the risk of fire and electric shock.

9 STEERING GEAR

- 9.1 A vessel must be provided with an efficient means of steering.
- 9.2 The control position is to be located such that the person conning the vessel has a clear view for the safe navigation of the vessel.
- 9.3 When the steering control is remote from the means of steering, an emergency means must be provided for steering the vessel in the event of failure of the main steering control. Arrangements may take the form of a tiller to fit the head of the rudder stock or a steering oar as appropriate, taking into account the nature of the operation of the vessel concerned, and are to be to the satisfaction of the Certifying Authority.

10 BILGE PUMPING

10.1 In a fully decked vessel complying with the freeboard requirement of 12.1 or 12.2,

- .1 means must be provided to pump bilge water from each compartment;
- .2 as a minimum two bilge pumps are to be fitted, one of which may be power driven and capable of draining each compartment. The location of pumps is to be such that a single hazardous event cannot immobilise all pumping ability; and
- .3 when propulsion machinery is fitted in an enclosed watertight compartment, means must be provided to detect flooding and alert the skipper.

10.2 In a vessel complying with the freeboard requirement of 12.3,

- .1 means must be provided to pump bilge water from each compartment;
- .2 in vessels of less than 6 metres in length a minimum of one hand powered bilge pump or a bailer or a bucket is to be provided; and
- .3 in vessels of length 6 metres and over a minimum of two pumps are to be provided, one of which may be power driven, together with a hand bailer.

11 STABILITY

11.1 Vessel stability is to be assessed and approved by the Certifying Authority in accordance with the appropriate standards detailed as follows.

11.2 Motor Vessels

11.2.1 New vessels

11.2.1.1 A vessel is to be tested in the fully loaded condition corresponding to the freeboard assigned, to ascertain the angle of heel and the position of the waterline which results when the total number of persons for which the vessel is to be certificated to carry are assembled along one side of the vessel. Each person may be substituted by a mass of 75 kg for the purpose of the test; the helmsman may be assumed to be at the helm.

11.2.1.2 The vessel will be judged to have an acceptable standard of stability if the test shows that the angle of heel does not exceed 7°, and in vessels fitted with a watertight weather deck (see Sections 2 and 12) extending from stem to stern the resulting freeboard is to be not less than 75mm at any point.

11.2.1.3 In the case of an open boat, it is to be additionally demonstrated by test or calculation that the boat when fully swamped is capable of supporting its full outfit of equipment, the total number of persons for which it is to be certificated and a mass equivalent to its engine and full tank of fuel.

11.2.2 Existing vessels

11.2.2.1 Generally, a vessel should be treated as a new vessel.

11.2.2.2 However, when a vessel fails to meet those standards, it may be assessed and accepted by the Certifying Authority provided that it is demonstrated to the satisfaction of the Certifying Authority that the vessel has a record of at least five years history of safe operation in the condition in which it is to be used and in the intended area of operation.

11.2.2.3 The Certifying Authority is to record the assessment in its report for the vessel (report form SCV2).

11.3 Inflatable boats (new and existing)

11.3.1 A stability test is to be carried out in still water with the engine and fuel tank fitted or replaced with an equivalent mass. Each person may be substituted by a mass of 75kg for the purpose of the test.

11.3.2 The number of persons for which an inflatable boat or rigid inflatable boat is to be certificated are to be crowded to one side, with half this number seated on the buoyancy tube. This procedure is then repeated with the persons seated on the other side and at each end of the inflatable boat or rigid inflatable boat. In each case the freeboard to the top of the buoyancy tube is recorded. Under these conditions the freeboard must be positive around the entire periphery of the inflatable boat or rigid inflatable boat.

11.3.3 The requirement for such a stability test may be waived if an inflatable boat or rigid inflatable boat is completed in accordance with a standard production type, for which the Certifying Authority is provided with a certificate of approval for the tests detailed above.

11.3.4 An inflatable boat or rigid inflatable boat which is not provided with a liferaft (see paragraph 13.3.5.3) must satisfactorily survive damage tests and a swamp test described as follows.

11.3.4.1 Damage tests - the tests are to be carried out with an inflatable boat or rigid inflatable boat loaded with the number of persons for which it is to be certificated. The engine, fuel tank and full fuel are to be fitted, or replaced by an equivalent mass, together with all equipment appropriate to the intended use of the boat. The tests will be successful if, for each of the following conditions of simulated damage in turn, the persons for which the boat is to be certificated are supported within the boat:-

- .1 with the forward buoyancy compartment deflated;
- .2 with the entire buoyancy on one side of the boat deflated; and

- 3 with the entire buoyancy on one side of the bow compartment deflated (where the division of the inflated tube is appropriate to this test).

11.3.4.2 Swamp test - it is to be demonstrated that an inflatable boat or rigid inflatable boat, when fully swamped, is capable of supporting its full outfit of equipment, the total number of persons for which it is to be certificated and a mass equivalent to its engine and full tank of fuel. In the swamped condition the boat must not be seriously deformed, and the adequacy of the drainage system is to be demonstrated at the conclusion of this test.

11.3.4.3 The requirement for such damage tests and swamp test may be waived if an inflatable boat or rigid inflatable boat is completed in accordance with a standard production type, for which the Certifying Authority is provided with a certificate of approval for the tests detailed above.

11.4 Sailing Vessels

11.4.1 New Vessels without an external ballast keel

- 11.4.1.1 A vessel without an external ballast keel must have a minimum range of stability, depending on its length, as determined from the following formula:

$$\text{Minimum range of stability (degrees)} = 90 + 60 \times \frac{(24 - \text{LOA})}{25}$$

- 11.4.1.2 Alternatively, it is to be demonstrated by test or calculation that an open sailing boat when fully swamped is capable of supporting its full outfit of equipment and the total number of persons for which it is to be certificated.

11.4.1.3 Sailing dinghies (small non-decked boats generally in the range of 2.5 to 4 metres in length which are not capable of being mechanically propelled) and small unballasted sailing dayboats are to be capable of being righted by their crew after a capsized.

11.4.2 New vessels with an external ballast keel

- 11.4.2.1 A vessel fitted with an external ballast keel should have its stability assessed by any one of the following methods:

by the formula as shown in 11.4.2.2; or

by the "STOPS" Numeral developed by the Royal Yachting Association (RYA), see

11.4.2.3.

- 11.4.2.2 The range of positive stability for a vessel fitted with an external ballast keel may be estimated from the following formula:

$$\text{Estimated range} = 110 + 400 / (\text{SV} - 10) \text{ degrees,}$$

$$\text{where SV} = \text{Beam}^2 / (\text{BR} \times \text{DCB} \times (\text{Displaced vol})^{1/3})$$

noting that:

Beam is the greatest beam measured (metres) excluding rubbing strips.

BR (ballast ratio) is the weight of ballast (tonnes) contained in the keel divided by the full displacement (tonnes).

DCB (draught of the canoe body) (in metres) is taken by measuring the maximum draught at a position 1/8 of the full beam from the centreline in way of the transverse section at greatest beam

Displaced volume is the volume of a vessel's displacement (metres³) at the operational draught.

- 11.4.2.3 The STOPS numeral for category 6 operations is to be greater than or equal to 14.

11.4.3 Existing Vessels

- 11.4.3.1 Generally, a vessel should be treated as a new vessel.

11.4.3.2 However, when a vessel fails to meet those standards, it may be assessed and accepted by the Certifying Authority provided that it is demonstrated to the satisfaction of the Certifying Authority that the vessel has a record of at least five years history of safe operation in the condition in which it is to be used and in the intended area of operation.

11.4.3.3 The Certifying Authority is to record the assessment in its report for the vessel (report form SCV2).

12 FREEBOARD

12.1 Motor Vessels

12.1.1 A vessel with a continuous watertight weather deck, which is neither stepped nor recessed nor raised, must have a freeboard measured down from the lowest point of the weather deck of not less than 300mm for a vessel of 7 metres in length or under and not less than 750mm for a vessel of 18 metres in length or over. For a vessel of intermediate length the freeboard is determined by linear interpolation.

12.1.2 A vessel with a continuous watertight weather deck, which may be stepped, recessed or raised, must have a freeboard measured down from the lowest point of the weather deck of not less than 200mm for a vessel of 7 metres in length or under and not less than 400mm for a vessel of 18 metres in length or over. For a vessel of intermediate length the freeboard is determined by linear interpolation. The raised portion(s) of the watertight weather deck is to extend across the full breadth of the vessel and the average freeboard over the length of the vessel must comply with 12.1 above for a vessel with a continuous watertight weather deck.

12.1.3 A vessel other than one complying with 12.1.1 or 12.1.2 above must have a clear height of side (i.e. a freeboard between the waterline and the lowest point of the gunwale) of not less than 400mm for a vessel of 7 metres in length or under and not less than 800mm for a vessel of 18 metres in length or over. Minimum freeboard for a vessel of intermediate length is to be determined by linear interpolation. The clear height of side is measured to the top of the gunwale or capping or to the top of the wash strake if one is fitted above the capping.

12.1.4 An existing vessel which does not meet the freeboard requirements given in 12.1.1 - .3 above but has an operational freeboard which has been shown to be adequate in use over a period of at least 5 years may be accepted by the Certifying Authority on the basis of a restriction of operations to the area and season(s) of the year on which its safe history has been accepted. The restrictions are to be recorded on the certificate for the vessel.

12.1.5 A vessel is to be permanently marked at amidships port and starboard with a freeboard mark comprising a horizontal line 300mm in length and 25mm in depth. The marking is to be permanent and painted black on a light background or white (or yellow) on a dark background. The top of the marking should be positioned at the waterline corresponding to maximum draught at which the stability of the vessel has been determined.

12.1.6 A vessel must not operate in a condition which will result in its freeboard marks being submerged when it is at rest and upright in calm water.

12.2 Inflatable Boats

12.2.1 The freeboard of an inflatable boat or rigid inflatable boat must not be less than 300mm measured from the upper surface of the buoyancy tubes and not less than 250mm at the lowest point of the transom, with the inflatable boat or rigid inflatable boat in the following conditions and with the drainage socks (if fitted) tied up:-

- .1 the inflatable boat or rigid inflatable boat with all of its equipment;
- .2 the inflatable boat or rigid inflatable boat with all of its equipment, engine and fuel (or replaced by items of equivalent mass);

- .3 the inflatable boat or rigid inflatable boat with all of its equipment and number of persons for which it is to be certificated, each person having an average mass of 75kg, so arranged that a uniform freeboard is achieved at the side buoyancy tubes; and
- .4 the inflatable boat or rigid inflatable boat with all of its equipment and number of persons for which it is to be certificated, engine and fuel (or replaced by items of equivalent mass) and the boat trimmed as necessary to represent a normal operating condition.

12.2.2 An inflatable boat or a rigid inflatable boat which does not meet the freeboard requirement of 12.2.1 above at the transom may still be accepted by the Certifying Authority provided it can be demonstrated that the boat is self-draining when moving ahead, and has a substantial reserve of buoyancy. The Certifying Authority should record such an acceptance in its report for the vessel (report form SCV2).

12.2.3 An inflatable boat or a rigid inflatable boat is not required to be provided with a freeboard mark.

12.3 Sailing Vessels

12.3.1 Vessels of 15 metres in length and over are to have a permanent freeboard mark of 300mm in length and 25 mm in depth placed on each side of the hull at amidships the top of the marking being positioned at the waterline corresponding to the maximum draught for which the vessel has been certificated.

12.3.2 The vessel is not to be operated in any condition which will result in its freeboard marks being submerged when it is at rest and upright in calm water.

13 LIFE-SAVING APPLIANCES

13.1 The following life-saving appliances are the minimum which are to be provided onboard :-

Liferaft(s) for 100%

2 Lifebuoys (1 with a light & 1 with a buoyant line)

Lifejackets for 100%

2 Red hand flares

2 Buoyant or hand held smoke signals

VHF radio requirements (Section 16.1)

Life-saving Signals Table (2 x SOLAS No. 2 or 1 x SOLAS No. 1)

Instruction manual

13.2 Inflatable liferafts, hydrostatic release units (other than the types which have a date limited life and are test "fired" prior to disposal) and gas inflatable lifejackets must be serviced annually at a service station approved by both the manufacturer and the Maritime and Coastguard Agency.

13.3 Liferafts

13.3.1 Liferafts are to be of either a DETR approved type (non-SOLAS including reversible or SOLAS) or Offshore Racing Council (ORC) type. A liferaft need not be fitted with an insulated floor or canopy. The liferaft equipment is to be to DOT approved standard and comprise either a "SOLAS B PACK" for the ORC type or the contents of a "DOT(UK)E PACK" (as provided for open reversible liferafts on Class VI(A) passenger ships which do not proceed more than 3 miles from land) as follows:-

- .1 one buoyant rescue quoit attached to at least 30 metres of buoyant line;
- .2 two non-folding safety knives with buoyant handle secured to the liferaft by a line and stowed in a pocket on the upper buoyancy tube adjacent to the painter;
- .3 one buoyant bailer plus lanyard;
- .4 two sponges ;
- .5 one sea anchor permanently attached to the liferaft for ready deployment when the liferaft inflates ;
- .6 two buoyant paddles;
- .7 one first aid outfit in a waterproof case;
- .8 one whistle or equivalent sound signal;
- .9 one waterproof electric torch suitable for Morse signalling;
- .10 two red hand flares;
- .11 one repair outfit for repairing punctures in buoyancy compartments; and
- .12 one topping-up pump or bellows.

13.3.2 For each liferaft, the equipment which is not attached to the liferaft may be either packed into the liferaft by the liferaft manufacturer and the contents listed on the certificate for the liferaft or listed and stowed in a suitable protective grab bag which is sited in a prominent position for ready transfer to the liferaft in an emergency.

13.3.3 For vessels of load line length less than 12 metres, an acceptable liferaft must be provided. Acceptable in this context means either of the DETR approved type, or the Offshore Racing Council (ORC) type with float free arrangements.

13.3.4 A liferaft may be either:-

- .1 preferably stowed on the weather deck in an open space in an approved glass re-inforced plastic container and fitted with a float free arrangement (Hydrostatic Release Unit) so that the liferaft floats free and inflates automatically; or alternatively
- .2 stowed in a glass re-inforced plastic container or valise in a readily accessible and dedicated weathertight locker or enclosure opening directly onto the weather deck.

13.3.5 Equivalent arrangements

13.3.5.1 For both new and existing motor and sailing vessels, the Certifying Authority may consider waiving the requirement for a liferaft in the case of a non-decked or partially decked vessel of less than 6 metres in load line length, provided that the boat is fitted with sufficient solid buoyancy to keep her afloat when flooded to the gunwales in the fully loaded condition, and that adequate and suitable grab lines or rails, or bilge keels are provided and maintained.

13.3.5.2 For such vessels, it must be demonstrated by test or by calculation that the vessel when fully swamped is capable of supporting its full outfit of equipment, the total number of persons for which it is to be certificated and a mass equivalent to its engine and fuel tank (where fitted).

13.3.5.3 In the case of both new and existing inflatable boats, the Certifying Authority may consider waiving the requirement for a liferaft in the case of an inflatable boat or rigid inflatable boat which can satisfactorily survive a damage test and a swamp test as described in paragraph 11.3.4.

13.4 Lifejackets

13.4.1 Lifejackets must be Maritime and Coastguard (DETR) approved or comply with BS EN 396 of 150N or BS EN 399 of 275N. No more than two different types of lifejacket are permitted on any vessel, to limit any confusion in use. Lifejackets which comply with BS 3595 and with a current servicing certificate as appropriate may continue to be used on existing vessels. DETR approved 100N buoyancy aids and modified Civil Aviation Authority (CAA) lifejackets are not acceptable.

13.4.2 If the lifejackets are inflatable an additional 10% or 2, whichever is the greater, must be provided.

13.4.3 A sufficient number of lifejackets must be provided for children carried on the vessel.

13.4.4 A lifejacket must be fitted with a whistle and retro-reflective tape, but need not be provided with a light.

13.4.5 Vessels used exclusively for dive charter, where divers wearing an immersion suit are carried on board together with their equipment, may be accepted with lifejackets carried only for the crew and non-diving personnel (eg dive supervisors), subject to the Certifying Authority being satisfied with the proposed arrangements.

13.5 Lifebuoys

If the lifebuoys provided are of the horseshoe light weight type, the horseshoe lifebuoy fitted with a light is also to be fitted with a drogue (the drogue is required to prevent the horseshoe lifebuoy being blown across the sea surface at high speed).

13.6 Retro-Reflective Marking

All life-saving equipment must be marked in accordance with the guidelines in Merchant Shipping Notice No. M.1444 - Use and fitting of retro-reflective material on life-saving appliances.

13.7 Life-Saving Signals Table

In a non-decked vessel, where it is not practicable to provide onboard a signals table then this requirement may be waived.

13.8 Instruction Manual

This must contain instructions for onboard maintenance of the life-saving appliances, which may be kept ashore by the owner/managing agent in the case of an open boat. It is to include the following where applicable:-

- .1 a check list for use when carrying out the required inspections;
- .2 maintenance and repair instructions (including a list of replaceable parts and sources for spare parts, and a log of records of inspection and maintenance);
- .3 schedule of periodic maintenance;

14 FIRE SAFETY

- 14.1 Machinery compartment boundaries must be of an adequate standard, such that a fire fighting medium released/injected into the compartment can be retained sufficiently to extinguish a fire.
- 14.2 Insulation within the machinery compartment must be non-combustible (not readily ignitable can be accepted in existing vessels) and be impervious to impregnation by oil or oil vapour.
- 14.3 Suitable means are to be provided such that a machinery compartment may be kept clean, and to contain any oil spillage for discharge to a disposal facility ashore. Oily water must not be discharged into the sea.
- 14.4 Installation of equipment using liquid petroleum gas (LPG) or similar gas must be specially considered and approved by the Certifying Authority. All LPG installations must comply with BS 5482 Part 3.
- 14.5 In general, at least two means of escape are to be provided from compartments (machinery or accommodation) within the vessel which could otherwise be a fire trap. In existing vessels, in special circumstances a single means of escape may be accepted provided smoke and/or heat detectors with alarms are provided as appropriate to give early warning of a fire.

15 FIRE APPLIANCES

15.1 As appropriate to the vessel configuration, the following are to be provided.

15.1.1 One manual fire pump (outside the engine space) or one power driven fire pump (outside the engine space)*, with sea and hose connections, capable of delivering one jet of water to any part of the ship through hose and nozzle. One fire hose of adequate length with 10mm nozzle and suitable spray nozzle;

or

One multi-purpose portable fire extinguishers certified and marked with EN 3 by an accredited certification body within their scope of accreditation or equivalent standard, with minimum fire rating of 13A/113B, or smaller extinguishers giving the equivalent fire rating (in addition to that required below).

15.1.2 Not less than two portable multi-purpose fire extinguisher certified and marked with EN 3 by an accredited certification body within their scope of accreditation or equivalent standard, with minimum fire rating of 5A/34B. In vessels fitted with accommodation spaces, not less than one such extinguisher must be provided at each exit from the accommodation spaces to the open deck.

15.1.3 At least two fire buckets with lanyards. Buckets may be of metal, plastic or canvas and should be suitable for their service.

15.1.4 One fire blanket to BS 6575 (light duty type) or EN 1869, which should be positioned such that it is available for immediate use in the event of a fire in the galley or cooking area.

15.1.5 For any enclosed engine space, a fixed fire extinguishing system which is remotely operated from outside that space. Such a system may consist of a portable fire extinguisher arranged to discharge into the space from a safe location outside.

15.2 In a vessel of length less than 6 metres which is not fitted, or is only partially fitted, with a watertight weather deck and with no cooking appliances, a single extinguisher capable of discharging into the engine space is to be fitted.

15.3 In a non-decked (or partially decked) sailing vessel with no engines and no cooking appliances, no fire extinguisher is required.

15.4 Notes

15.4.1 With regard to the fire pump asterisked in paragraph 15.1.1 (*), this may be one of the pumps required by Section 10 when fitted with a suitable change over arrangement which is readily accessible. The source of power for the fire pump must be sited outside the engine space.

15.4.2 Multi-purpose fire extinguishers have a capability to deal with both category A fires involving solid materials and category B fires involving liquids or liquefiable solids and are marked with the multipurpose rating e.g. 13A/113B in 15.1.1 above; and 5A/34B in 15.1.2 above.

15.4.3 One of the multi-purpose fire extinguishers required above can also be the extinguisher required for discharge into the engine space (15.1.5), providing it is a suitable type and its stowage location is appropriate to its dual use.

15.4.4 BS EN 3:1996 - Portable fire extinguishers, became a national standard in August 1996. The previous standard, BS 5423:1987, was withdrawn on 1 January 1997. The principal difference between the two standards is the colour coding of the body of the extinguisher which, for BS EN 3, is red.

15.4.5 BS EN 3 allows a zone of colour of up to 5% of the external area of the extinguisher body to be used to identify the extinguishing agent. Manufacturers have complied with this by printing the operating instructions in the appropriate extinguishing agent colour.

15.4.6 Manufacturers producing extinguishers certified and marked to BS EN 3 cannot revert to the colour schemes contained in the withdrawn BS 5423:1987. Owners of vessels must not overpaint red BS EN 3 extinguishers to the "old" colours.

16 RADIO EQUIPMENT

- 16.1 A vessel must be fitted with a fixed VHF radio preferably with DSC, or be provided with a waterproofed portable VHF radio.
- 16.2 The battery supply to a radio must either have charging facilities or be provided with a duplicate battery. The battery supply must be located in a space protected against swamping/flooding and which is adequately ventilated. In small non-decked vessels which transit only short distances, the requirement for charging facilities or the provision of a duplicate battery may be waived subject to the owner ensuring that the radio is provided with one fully charged battery and the Certifying Authority being satisfied with the arrangement.
- 16.3 A card(s) giving a clear summary of the radio distress, urgency and safety procedures is to be displayed in full view of the radio operating position.

17 NAVIGATION LIGHTS, SHAPES AND SOUND SIGNALS

- 17.1 A vessel must comply with the requirements of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996, SI 1996 No.75.
- 17.2 A vessel which operates only between sunrise and sunset is not required to carry navigation lights.
- 17.3 Sound signalling equipment must comply with the Regulations. A vessel of less than 12 metres in length is not obliged to carry the sound signalling equipment required by the Regulations on the condition that some other means of making an efficient sound signal is provided.
- 17.4 Requirements for shapes and sound signalling equipment are summarised in the tables for power driven and sailing vessels in Annex 5. In the case of a particular vessel where full compliance with the Regulations is impracticable, then application should be made to the Maritime and Coastguard Agency via the Certifying Authority for consideration of equivalent arrangements, taking into account the nature of the operation of the vessel concerned.

18 NAVIGATIONAL EQUIPMENT

A vessel must be provided with an efficient magnetic compass, which is suitably adjusted or fitted with a deviation card.

19 MISCELLANEOUS EQUIPMENT

- 19.1 A vessel must carry charts, nautical publications and a note of tide times, appropriate to the area of operation.
- 19.2 A vessel is to be provided with an efficient radar reflector. Reference is to be made to Merchant Shipping Notice No. M.1638 - Radar reflectors for small vessels - with respect to the provision of a radar reflector. Small vessels, where it is not practicable for an efficient radar reflector to be fitted, must not put to sea in fog, and if visibility starts to deteriorate they are to return to shore.
- 19.3 A sailing vessel must carry appropriate wire cutting equipment for use in the event of dismasting.
- 19.4 A vessel must carry a water resistant torch, a suitable boat hook (except in a very small vessel where it may be impracticable so to do) and a heaving line of at least 10 metres in length.

20 ANCHORS AND CABLES

20.1 Anchors and Cables

20.1.1 An anchor of sufficient mass for the size and type of vessel must be provided, and as a minimum be of a kedge type.

20.1.2 Cable is to be provided sufficient for the area of operation, but generally should be not less than 4 x the vessel length.

20.1.3 Provision is to be made for the secure storage of the anchor and its cable and due consideration must be taken concerning the method of rapid deployment when needed.

20.1.4 The cable may be of chain or rope; when the cable is of rope there should be not less than 10 metres of chain between the rope and the anchor.

20.1.5 The anchor and cable are to be sized in accordance with the following table.

$\frac{loa+lw}{2}$ (m)	Anchor Mass (kedge) (kg)	Anchor Cable Diameter	
		Chain (mm)	Rope (mm)
6	4	6	10
7	4	6	10
8	5	6	10
9	5	6	10
10	6	6	10
11	7	6	10
12	9	8	12
13	10	8	12
14	12	8	12
15	13	8	12
16	15	8	12
17	17	8	14
18	19	8	14
19	21	10	14
20	23	10	14
21	26	10	14
22	28	10	16
23	31	10	16
24	34	10	16

Note:

- 1 The chain cable diameter is given for short link chain.
- 2 The rope diameter is for nylon construction. When rope of another construction is proposed, the breaking load must not be less than that of the nylon rope specified in the table.
- 3 When anchors and cables are manufactured to imperial sizes, the metric equivalent of the anchor mass and the cable diameter is not to be less than the table value.

20.2 Towline

A vessel should be provided with a rope towline of not less than the length and diameter of the anchor cable.

21 ACCOMMODATION

21.1 There must be sufficient hand holds and grab-rails within the accommodation to allow safe movement around the accommodation.

- 21.2 Heavy items of equipment, such as batteries, cooking appliance etc., must be securely fastened in place to prevent movement.
- 21.3 Stowage lockers containing heavy items are to have lids or doors with secure fastening.
- 21.4 Means of escape from accommodation spaces must be satisfactory (see 14.5).
- 21.5 Effective means of ventilation must be provided to enclosed spaces which may be entered by persons.

22 PROTECTION OF PERSONNEL

22.1 Deckhouse

A deckhouse used for the accommodation of persons must be constructed of adequate strength to withstand the forces of weather and sea to which it will be subjected in use.

22.2 Bulwarks, Guardrails and Handrails

22.2.1 Motor Vessels

22.2.1.1 The perimeter of an exposed deck must be fitted with bulwarks, guard rails or guard wires of sufficient strength and height for the safety of persons on deck. The height of the bulwarks, rails or guard wires is not to be less than 1000mm. Intermediate courses are to be evenly spaced, and the distance between deck and the lowest course must not exceed 230mm.

22.2.1.2 On small motor vessels with narrow side decks alongside a deck house, a handrail on the side of the deckhouse may be fitted. On the foredeck, a centreline handrail may be considered more workable.

22.2.1.3 Where it is impractical and unnecessary to fit guardrails, alternative arrangements may be acceptable subject to the Certifying Authority being satisfied as to the adequacy of the proposed arrangements.

22.2.2 Sailing Vessels

22.2.2.1 To protect persons from falling overboard, and when the proper working of the vessel is not impeded, bulwarks or three courses of rails or taut wires are to be fitted around the working deck, and the bulwark top or top course must be 1000mm above the deck. Intermediate courses are to be evenly spaced, and the distance between the deck and the lowest course must not exceed 230mm.

22.2.2.2 When the proper working of a vessel may otherwise be impeded, bulwarks or two courses of rails or taut wires of sufficient strength are to be fitted around the working deck and the height of the protection must be not less than 600mm above the deck. Rails or wires are to be supported at intervals not exceeding 2.2 metres.

22.2.2.3 When the proper working of a vessel of less than 9 metres in length may otherwise be impeded, and for vessels in which the crew do not leave the cockpit, bulwarks or a single rail or taut wire may be fitted around the working deck with the height of the protection being not less than 450mm above the deck but with no vertical opening greater than 560mm.

22.3 Toe Rail

A toe rail of not less than 25mm in height is to be fitted around the working deck.

22.4 Safe Seating

In a non-decked vessel, safe seating is to be provided for all persons onboard.

22.5 Safety Harnesses

Except in cases where there is a no need for people to move around the vessel for the purpose of its safe operation, a vessel must be provided with 2 safety harnesses and a means for securing lifelines. The arrangement is to be to the satisfaction of the Certifying Authority.

22.6 Surface of Working Decks

22.6.1 The surface of a working deck must be non-slip.

22.6.2 In an inflatable boat or rigid inflatable boat the upper surface of the inflated buoyancy tube is to be provided with a non-slip finish.

22.7 Recovery of Persons from the Water

Suitable means are to be provided for the recovery of a person from the water, the arrangement being to the satisfaction of the Certifying Authority.

23 MEDICAL STORES

A vessel must carry Category C medical stores in accordance with Merchant Shipping Notice No. M.1726 (M+F).

24 TENDERS (DINGHIES)

- 24.1 When a ship's tender is provided (towed or carried by a vessel) for use in transferring persons between the vessel and the nearby shore, the tender must be clearly marked with the number of people of mass 75kg that it can safely carry and with the name of the parent vessel.
- 24.2 A tender is to be fit for the purpose, regularly inspected by the owner/managing agent and maintained in a safe condition.

25 CLEAN SEAS

25.1 A vessel complying with the Code must meet national and local requirements for the prevention of marine pollution which are applicable to the area in which the vessel is operating.

25.2 Responsibility for the vessel to be properly equipped and maintained to meet the requirements prevailing rests with the owner/managing agent.

25.3 The disposal of garbage into the sea is prohibited.

25.4 Means to prevent pollution by oil is to be acceptable to the administration/authorities in the area in which a vessel operates.

26 MANNING**26.1 Vessels Other than those on Bare Boat Charter/Hire**

Safe manning requirements are detailed in Annex 6.

26.2 Vessels on Bare Boat Charter/Hire

A vessel on bare boat charter/hire is not subject to the safe manning requirements detailed in Annex 6.

The owner/managing agent is to be satisfied that the bare boat charter/hire skipper and crew are competent for the declared voyage or excursion.

26.3 Safety Briefing

Annex 7 sets the standards required to be met by a safety briefing which must be given to persons onboard a vessel to which the Code applies. The scope of the briefing is to be appropriate to the vessel and its operation and to include the location and proper use of all safety equipment onboard.

It is recommended that the vessel owners/managing agents and charterers/hirers formally record that the safety briefing has been given to their mutual satisfaction.

27 CERTIFICATION PROCEDURE, COMPLIANCE EXAMINATION AND MAINTENANCE

27.1 Certification Procedure

27.1.1 Application for a certificate for a vessel is to be made to the Certifying Authority on form SCV1. The application fee set by the Certifying Authority is to be forwarded as appropriate.

27.1.2 Prior to issue of the certificate by the Certifying Authority the vessel must have satisfactorily completed a compliance examination by an authorised person as defined in section 2.

27.2 Compliance Examination

27.2.1 Compliance examination means an examination as defined in section 2.

27.2.2 At least part of the examination must be conducted when the vessel is out of the water.

27.2.3 The Certifying Authority may decide the extent of the examination based on the type, age and history of the vessel. In deciding the extent of an examination the Certifying Authority may give credit for any recent and detailed competent examination of a vessel for which a report is available.

27.2.4 A formal written report (on form SCV2) of the examination must be prepared by the authorised person and retained on the vessel, with a copy being forwarded to the Certifying Authority. As a minimum, the report is to record the extent of the examination and the principal findings.

27.3 Annual Examination

27.3.1 The owner/managing agent must carry out, or arrange for, an annual examination of a vessel once in each calendar year at intervals not exceeding 15 months, to confirm that the arrangements, fittings and equipment provided on board are in a satisfactory condition and remain as documented in the report form SCV2.

27.3.2 The owner/managing agent is to enter details of a successful examination on the form SCV2 and report the results of the examination to the Certifying Authority.

27.3.3 In the case of an examination revealing that the vessel, its machinery, fittings or equipment are not sound or do not comply with those documented on form SCV2, the situation must be reported immediately to the Certifying Authority for action as necessary (see also paragraph 27.7.2).

27.4 Other examinations by the Certifying Authority

27.4.1 In addition to the above, an examination equivalent to the annual examination must be carried out on behalf of the Certifying Authority by an authorised person at least once during life of the certificate, in order that the interval between successive examinations by an authorised person does not exceed 3 years. The owner/managing agent must arrange with the Certifying Authority for this examination to be carried out.

27.4.2 On satisfactory completion of the examination, the authorised person must enter details of the examination on the report form SCV2 and report the results of the examination to the Certifying Authority.

27.5 Certification

27.5.1 A certificate issued to a vessel is valid for not more than five years from the date of examination of the vessel out of the water by the authorised person. The certificate must be available for inspection by users of the vessel. Annex 8 shows the typical form and content of a certificate, the reverse side of which contains a summary record of certain safety particulars.

27.5.2 In addition to the certificate, the Certifying Authority must issue annually a clear and distinctive self-adhesive label to be prominently displayed on the vessel as a ready indication to vessel users that the named vessel has been examined and issued with a safety certificate valid for the period of time stated on the label.

27.6 Maintaining and Operating the Vessel

27.6.1 The Certifying Authority, and the MCA if not the same, may examine a certificated vessel at any time.

27.6.2 It is the responsibility of the owner/managing agent to ensure that at all times a vessel is maintained and operated in accordance with the requirements of the Code. If for any reason the vessel does not continue to comply with any of these requirements, the owner/managing agent must notify the Certifying Authority immediately.

27.6.3 In cases where the vessel suffers major damage, for example as a result of a collision, grounding, fire or other event, the owner/managing agent must notify the Certifying Authority immediately, explaining the circumstances by which the vessel became damaged. The nature and extent of major repairs are subject to the approval of the Certifying Authority. Minor damage must also be reported to the Certifying Authority, together with the measures proposed to effect repairs, who may take action as it may deem appropriate which may include a full or part examination of the vessel.

27.6.4 In addition, the owner/managing agent has a statutory requirement to report accidents.

27.7 Other Condition Applying to Certificates

27.7.1 The validity of a certificate issued under the Code is dependent upon the vessel being maintained, equipped and operated in accordance with requirements.

27.7.2 When the vessel is found not to have been maintained or equipped or operated in accordance with the requirements, the certificate may be cancelled by the Certifying Authority which issued the certificate.

27.7.3 When a vessel has had its certificate cancelled, the Certifying Authority is to report the circumstances to the Maritime and Coastguard Agency for action to be taken as deemed necessary.

27.8 Appeal Against the Findings of an Examination

27.8.1 If an owner/managing agent is dissatisfied with the findings of an examination and agreement can not be reached with the authorised person who carried out the examination, the owner/managing agent may appeal to the Certifying Authority to review the findings. At this review, the owner/managing agent may call a representative or professional adviser to give opinions in support of the argument against the findings of the examination.

27.8.2 In the event that the above procedures fail to resolve the disagreement, the owner/managing agent may refer the disagreement to the Director of Maritime Standards and Pollution Prevention (MSPP) of the Maritime and Coastguard Agency for arbitration.

28 VESSELS OPERATING UNDER RACE RULES

28.1 A vessel chartered or operated commercially for the purpose of participating in a race under National rules need not comply with the provisions of the Code.

28.2 The relief from compliance with the provisions of the Code which is permitted by 28.1 above does not apply to a vessel taking part in a sail training race, or an event created and organised with an intent to avoid the provisions of the Code.

ANNEX 1**(see section 1.6)****DEVELOPMENT OF THE CODE****Members of the Steering Committee**

Association of District Councils
 British Marine Industries Federation
 Maritime and Coastguard Agency (Chairperson)
 National Federation of Charter Skippers
 National Federation of Sea Anglers
 Professional Boatmans Association Limited
 Royal Yachting Association

Members of the Study Group which advised the Steering Committee

Association of District Councils (Chairperson)
 Members of the Steering Committee
 Regional Representatives from-
 East Coast of England
 North East of England
 Northern Ireland
 Solent & South Harbour Masters' Association
 South West of England
 South West Regional Standing Committee on Safety of Small Craft
 Wales & North West of England

Members of the Working Group which contributed to the development of the Code

American Bureau of Shipping
 Association of Bonded Sailing Companies
 Association of District Councils
 British Marine Industries Federation
 British Sub-Aqua Club
 British Waterways Board
 Bureau Veritas
 Burness Corlett & Partners Limited
 Marine Engineers Certifying Authority Limited
 Maritime and Coastguard Agency (Chairperson)
 Members of the Steering Committee
 National Federation of Charter Skippers
 National Federation of Sea Anglers
 National Federation of Sea Schools
 Ocean Youth Club
 Professional Boatmans Association Limited
 Royal Yachting Association
 Society of Consulting Marine Engineers & Ship Surveyors
 South West Ports Association
 Yacht Brokers, Designers & Surveyors Association
 Yacht Charter Association

ANNEX 2

(see section 2)

**DEPARTMENT OF TRANSPORT MERCHANT SHIPPING
NOTICE NO. M.1194
THE STATUS OF PERSONS CARRIED ON UNITED
KINGDOM SHIPS**

**This Notice is addressed to Shipowners, Charterers, Masters
and Persons in charge of United Kingdom Ships**

1. During an appeal case ^{**} heard in the High Court in 1983, the legal status of persons on board a United Kingdom ship came under close scrutiny; in particular the distinction between "persons engaged on the business of the vessel" and "passengers". As a result of the judgement made in this case it has been decided to give the following guidance regarding the status of persons when carried on board United Kingdom ships.

2. The current legal definition of a passenger is given in Section 26 of the Merchant Shipping Act 1949 which states:

(1) In Part II of the principal Act (ie, the Merchant Shipping Act 1894), in the Merchant Shipping (Safety and Load Lines Conventions) Act, 1932, and in this Act, the expression 'passenger' means any person carried in a ship, except

- (a) a person employed or engaged in any capacity on board the vessel on the business of the vessel;
- (b) a person on board the vessel either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled; and
- (c) a child under one year of age.

(2) In the Merchant Shipping (Safety and Load Lines Convention), Act 1932, and in this Act, the expression 'passenger steamer' means a steamer carrying more than twelve passengers. (This definition of a passenger steamer was subsequently amended by Section 17(2) of the Merchant Shipping Act 1964).

3. After carefully studying the Court's judgement of the case it is the Department's view that the only persons who can be considered as being lawfully 'employed or engaged on the business of the vessel' are those over the minimum school leaving age (about 16 years) who:

- (i) have a contractually binding agreement to serve on the vessel in some defined capacity and which could include carrying out such duties under training, or are
- (ii) duly signed on members of the crew.

^{**} The appeal case referred to in this Notice was: Secretary of State for Trade v. Charles Hector Booth (master of the yawl "Biche") [1984] 1 All E.R.;[1984] L1.L.Rep p 26.

~~4. In addition to noting the foregoing, it is recommended that whenever the carriage of passengers is contemplated on any vessel the contents of Merchant Shipping Notice No. 913 should be carefully studied.~~

Department of Transport
Marine Directorate
London WC1V 6LP

October 1985

[Explanatory note: paragraph 4 of the Notice has been deleted because it is not valid. Merchant Shipping Notice No. 913 refers to legislation which has been revoked since the above Notice was issued in October 1985.]

ANNEX 3

(see section 3.5)

PHASE IN REGISTRATION

**SMALL VESSELS IN COMMERCIAL USE FOR SPORT OR PLEASURE
OPERATING FROM A NOMINATED DEPARTURE POINT
A CODE OF PRACTICE**

Please complete this form and return it to the MCA (* delete as appropriate)

Name of owner*/managing agent*

Address

Telephone number:

Facsimile number:

Name of vessel:

Vessel type: motor* **OR** sailing*

Year of build:

Hull construction material:

Overall length of vessel:

metres*/feet*

Nominated point(s) of departure to sea: (proposed for year 20__)

in the local authority area: (name of local authority)

Required area of operation in year 20__ : **Category 6** (3 miles to sea)* **OR**
Category 5 (20 miles to sea)*

Details of vessel licence:

issued by

valid until (date) / /

Details of skipper's licence:

issued by

Maximum number of passengers:

Number of crew:

Signed _____

Date _____

PLEASE RETURN THIS REGISTRATION FORM TO:

**Maritime and Coastguard Agency
MSPP1(D) Codes Section
Bay 1/22 Spring Place
105 Commercial Road
Southampton SO15 1EG
Telephone: 01703-329100 Facsimile: 01703-329161**

ANNEX 4

(see Section 3.6)

GUIDANCE ON THE ASSESSMENT OF VARIATIONS

TO THE STANDARDS APPLIED BY THE CODE

- 1 Section 3.6 recognises that variations to the standards applied by the Code can be considered on the basis that the variations provide equivalent standards of safety by taking into account specific local conditions which are certain to exist.
- 2 Applications for the acceptance of alternatives must be supported by justifications and be formally made via the Certifying Authority to the Director of Maritime Standards and Pollution Prevention (MSPP) at the Maritime and Coastguard Agency's headquarters.
- 3 Variations are expected to be either a direct alternative to a requirement or a reduced requirement based upon factors which compensate for the reduction.
- 4 Justifications made formally in support of an application for acceptance of a reduced requirement are to be arranged in priority order, according to the judgement of the applicant.
- 5 Although not an exhaustive list, factors which will be considered individually and combined by the Director of MSPP will include:
 - .1 area of operations significantly reduced from the maximum 3 miles from land and 3 miles radius to sea;
 - .2 a guaranteed control of vessel which restricts operations to sea and weather conditions such that there is a very low risk of an accident;
 - .3 the certainty of readily available means of emergency rescue;
 - .4 operations wholly within sight of the supervising body and means of emergency rescue;
 - .5 seasonal operations only, such as between 1 April and 31 October or some lesser period;
 - .6 vessels operating in close proximity to one another and equipped to provide efficient safety back-up to each other in an emergency;
 - .7 provision/wearing of additional (special) individual personal survival equipment/clothing which will protect lives in an emergency;
 - .8 enhanced communications between the vessel(s) and constantly attended shore base with readily available emergency rescue craft at the base;
 - .9 the nature of the sport or pleasure activity involves very low risk of participants accidentally entering the water or causing the vessel to capsize;
 - .10 very restricted operations to sea from a safe beach;
 - .11 inherent safety of the vessel by design, test and experience;
 - .12 a high ratio of professional skipper and crew numbers to the number of other persons onboard;
 - .13 the number of safety craft provided to protect the vessels operating commercially for sport or pleasure;
 - .14 enhanced provisions for distress alert and rescue;
 - .15 means provided for "dry" rescue from a vessel in emergency situations.

ANNEX 5
(see section 17)
POWER DRIVEN AND SAILING VESSELS

Shapes and sound signalling equipment

Vessels less than 12 metres overall:

shapes are required when at anchor;

a means is required to make an efficient sound signal.

Vessels of length 12 - 24 metres overall:

shapes are required when at anchor, and
when not under command (NUC), and
when aground;

a whistle and bell are required.

Notes:

When at anchor - one black ball (0.6 metres in diameter) in the fore part.

When NUC - two black balls (0.6 metres in diameter) in a vertical line, 1.5 metres apart.

When aground - three black balls (0.6 metres in diameter) in a vertical line, 1.5 metres apart.

Size of daytime shapes and distances apart may be reduced commensurate with the size of the vessel.

If a sailing vessel is using its engine as well as sails, then the vessel should display a cone, apex downwards in the fore part.

ANNEX 6

(see section 26.1)

THE MANNING OF SMALL VESSELS

**THE MANNING OF SMALL MOTOR VESSELS
IN COMMERCIAL USE FOR SPORT OR PLEASURE**

This Annex gives information relating to the manning and operation of small motor and sailing vessels in commercial use for sport or pleasure purposes, carrying not more than 12 passengers and operating in favourable weather from a nominated departure point to sea in the areas defined in paragraph 1 below.

Paragraph 1 -	Areas of application
Paragraph 2 -	Minimum qualifications of the person in charge of the vessel
Paragraph 3 -	Existing DOT Boatman's Licences
Paragraph 4 -	Revalidation of certificates
Paragraph 5 -	Responsibility of the owner/managing agent for the safe manning of the vessel
Paragraph 6 -	Keeping a safe navigational watch
Paragraph 7 -	Withdrawal of certificate
Paragraph 8 -	Phasing in arrangements

General

All references to DOT and MCA should be taken as applying to the Maritime and Coastguard Agency.

References to RYA are to the Royal Yachting Association.

Vessels of less than 24 metres in length carrying not more than 12 passengers, being commercially operated Motor Vessels as defined in section 1 of the Code, and which comply with the requirements of the Code will be exempt from the need to comply fully with the Merchant Shipping (Training and Certification) Regulations 1997, SI 1997 No.348, as amended and the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997, SI 1997 No.1320, provided the manning of the vessel is in accordance with the standards given in paragraph 2 below when operating in the areas described in paragraph 1 below.

All Certificates and Licences of Competency or Service are to be appropriate to the type of vessel in which they are used.

Any vessels that do not readily fit the description of "conventional sailing or power-driven vessels" will be considered upon their merits.

1 Areas of Application

Commercially operated motor and sailing vessels operating within the following area should carry at least the qualified personnel shown in 2 below:-

- Category 6 - to sea, within 3 miles from a nominated departure point(s) and never more than 3 miles from land, in favourable weather and daylight.
- Category 5 - to sea, within 20 miles from a nominated departure point(s) in favourable weather and daylight;

2 Minimum Qualifications of the Person In Charge of the Vessel (Skipper)

2.1 Endorsement of Certificates

All RYA/DOT certificates of competency and/or service should carry the endorsement - "*valid for vessels of up to 24 metres in length used for commercial purposes*".

2.2 Qualifications Required

- 2.2.1 Area category 6 to sea, within 3 miles from a nominated departure point and never more than 3 miles from land, in favourable weather and daylight.**

The skipper must hold at least a:-

- .1 RYA/DOT Certificate of Competency or Service as Coastal Skipper, or

- .2 MCA Boatmasters' Licence Grade 3 (if already modified for the appropriate area prior to this Code coming into force), or
- .3 Certificate of Competency for the appropriate area, issued by a Competent Authority as defined in Section 2 of this Code, or
- .4 RYA Advanced Powerboat certificate, or
- .5 RYA Day Skipper practical certificate, or
- .6 RYA Powerboat Level 2 certificate.

2.2.2 Area category 5 to sea, within 20 miles from a nominated departure point in favourable weather and daylight.

The skipper must hold at least a:-

- .1 RYA/DOT Certificate of Competency or Service as Coastal Skipper, or
- .2 MCA Boatmasters' Licence Grade 3 (if already valid for the appropriate area prior to this Code coming into force), or
- .3 Certificate of Competency for the appropriate area, issued by a Competent Authority as defined in Section 2 of this Code, or
- .4 RYA Advanced Powerboat certificate, or
- .5 RYA Day Skipper theory and practical certificate.

2.2.3 Controllers of organised activities

The controllers of organised activities such as Sailing Schools may submit alternative qualifications to those listed above. Any such submissions to the Maritime and Coastguard Agency will be considered upon their merits.

2.3 Radio Qualifications

Every vessel must carry at least one person holding a Radio Operator's Certificate suitable for the radio equipment on board.

2.4 Medical Fitness Certificates

The skipper must provide any of the following items of evidence of medical fitness; a DOT Medical Report (ML5), on application for a boatmasters' licence or a Department of Transport Medical Fitness Certificate (ENG1) issued under the provisions of the Merchant Shipping (Medical Examination) Regulations 1983 or a certificate of medical fitness issued by the Civil Aviation Authority.

Alternatively, a DOT Medical Report (D4) on application for a licence to drive large goods and passenger carrying vehicles or a Health and Safety Executive Medical Report for a commercial diver may be accepted but in addition a colour vision test will then be required.

2.5 Basic Sea Survival Course

Skippers of vessels that are required to carry inflatable liferafts under this Code are required to hold an approved Basic Sea Survival Course Certificate.

2.6 First Aid Courses

The Skipper or another member of the crew must hold either a:-

- .1 MSA/MCA First Aid at Sea Certificate, or
- .2 Certificate issued by a voluntary society following the successful completion of a first aid course approved by the Health and Safety Executive. Such courses are to have extra emphasis on the treatment of hypothermia and casualty evacuation, or
- .3 RYA Small Craft First Aid Certificate

3 Revalidation of Certificates and Licences

All RYA/DOT Yachtmaster Certificates (whether of competency or service), Boatmasters' Licences and Local Authority Licences must be revalidated every five years. To revalidate, the applicant must prove at least 150 days of actual sea service on appropriate vessels during the previous 5 years and be in possession of a valid Medical Fitness Certificate.

Applicants for revalidation who are not able to prove the requisite sea service but are able to demonstrate that during at least half of the 5 year period they have been employed on duties closely associated with the management and operation of one or more of the appropriate types of vessels, may have their Certificates or Licences considered for revalidation.

4 Responsibility of the Owner/Managing Agent for Safe Manning of the Vessel

It is the responsibility of the owner/managing agent to ensure that the skipper and where necessary the crew of the vessel have, in addition to any qualifications required in paragraph 2 above, recent and relevant experience of the type and size of vessel, the machinery on the vessel, and the type of operation in which the vessel is engaged. The owner/managing agent must also ensure that there are sufficient additional crew on board having regard to the type and duration of voyage being undertaken.

5 Keeping a Safe Navigational Watch

It is the responsibility of the skipper to ensure that there is, at all times, a person with adequate experience in charge of the navigational watch. In taking this decision the skipper must take into account all the factors affecting the safety of the vessel, including:-

- .1 the present and forecast state of the weather, visibility and sea,
- .2 the proximity of navigational hazards,
- .3 the density of traffic in the area.

6 Withdrawal of Certificates of Competency or Service

The Yachtmaster Qualifications Panel reserves the right to withdraw a RYA/DOT Certificate of Competency or Certificate of Service at any time if due cause is shown.

7 Phasing in Arrangements

7.1 First Aid Qualification

Applicants for Certificates of Service must have obtained the appropriate qualification in First Aid.

7.2 Certificate of Service based on Previous Experience

Until 1 April 2000, existing skippers who do not already hold the Certificates of Competency required by the Code will be eligible to be issued with a Certificate of Service appropriate to their previous experience. Any such Certificates of Service may be limited as to area of operation.

The Certificates of Service will be issued by the RYA to the applicant upon satisfactory documentary proof of sea service.

7.3 Coastal Skipper Certificate of Service

Applicants for Coastal Skipper Certificate of Service must have a total of at least two years experience of which at least 100 days should have been spent actually at sea. Included in this two years at least one year (which includes at least 50 days actually at sea), must have been served as skipper of a small commercial vessel.

ANNEX 7**(see Section 26.3)****SAFETY BRIEFING****1 Bare-boat charter****1.1 Recommendations**

1.1.1 Vessel owners/managing agents and charterers/hirers are recommended to discuss and agree their respective responsibilities for safety before the vessel goes to sea.

1.1.2 It is recommended that the terms of insurance cover which is provided is explained and a copy of the conditions made available for inspection by charterers/hirers.

1.2 Hand over procedures

1.2.1 Before the commencement of the trip the skipper or owner/managing agent or their appointed representative (with intimate knowledge of the vessel) must ensure that all persons onboard are briefed on:-

- .1 the stowage and use of personal safety equipment such as lifejackets, thermal protective aids and lifebuoys, and the procedures to be followed in cases of emergency; and
- .2 the limits of the sea area for the trip and the conditions to be expected during the trip (such as tide, currents, hazardous areas - for whatever reasons);

and ensure:-

- .3 that persons onboard have adequate protective clothing and non-slip footwear for the prevailing weather and air and sea temperatures.

2 Skippered charter

2.1 In addition to the requirements of 1.2 above, the skipper and at least one other person who will be on the trip are required to have a fuller appreciation of the following, as appropriate to the vessel:-

- .1 Location of liferafts and the method of launching;
- .2 Procedures for the recovery of a person from the sea;
- .3 Location and contents of the first aid kit;
- .4 Location and use of pyrotechnics;
- .5 Procedures and operation of radios carried on board ;
- .6 Location of navigation and other light switches;
- .7 Location and use of firefighting equipment;
- .8 Method of starting, stopping, and controlling the main engine;
- .9 Method of setting, sheeting and reefing each sail;
- .10 Method of navigating to a suitable port of refuge; and
- .11 Deployment and retrieval of the anchor, and use of associated equipment.

Safety cards are considered to be an acceptable way of providing the above information.

ANNEX 8

(see section 27.1)

(Seal/Crest and Name of Issuing Certifying Authority)

Issued under the authority of the Maritime and Copastguard Agency of the United Kingdom
Department of the Environment, Transport and the Regions (DETR)

SMALL COMMERCIAL VESSEL CERTIFICATE
SCV1
- SPORT OR PLEASURE USE -

NOMINATED DEPARTURE POINT(S) -

LIMITS OF AREA OF OPERATION -

Name of Vessel	Name & Address of Owner/Managing Agent.....
Description of Vessel.....
.....
.....
Maximum No. of Persons Aboard...	Length Overall.....
Date of Build	Identification No.....

This is to certify that the above named vessel was examined by

..... of

..... at on20__

and found to be in accordance with the requirements of the Code of Practice for Small Commercial Vessels Operating from a Nominated Departure Point.

This certificate will remain valid until20__ subject to the vessel, its machinery and/or equipment being efficiently maintained and being manned in compliance with the Code of Practice, and to the following conditions :-

.....
.....
.....

Issued at
Name Signature
For and on behalf of (OFFICIAL STAMP)
Date20__.

SCV1
(Reverse side of the SCV1 Certificate)

Record of Safety Equipment

1 Certificate of competency required to be held by the skipper

2 Radio communications equipment provided onboard

3 List of life-saving appliances provided onboard

4