

| Organisation | Comments | MCA response |
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| Canal and Rivers Trust | <p>Section 6</p> <p>C&RT also operates with our own C&RT Mandatory Standards for C&RT operated workboats. We believe this offers a suitable alternative standard for the operation of waterway maintenance floating plant operating on our particular waterways and navigations.</p> <p>In addition C&RT have continued to accept FFP certificates (Fitness For Purpose) done to the same format as the MCA FFP (withdrawn) but now delivered by MECAL, SCMS and YDSA.</p> <p>Inclusion and recognition by the MCA of our own inland waterway standard such as the C&RT Workboat Standard and the FFP.</p> <p>Section 7</p> <p>This section appears to apply to all craft operating on inland waterways.</p> <p>On first reading of this section it implies that any boat that is not a passenger boat can be inspected by the MCA at any time if the MCA believe there is a reasonable risk.</p> <p>If this section is inclusive of all craft including private vessels then this should be made very clear that this is the case.</p> <p>Section 12</p> <p>This section needs to distinguish between leisure craft and commercial craft. As it reads and following on from section 1.2 and section 7 this section could be read that all non-passenger carrying boats require a helmsman with a BML or</p> | <p>For this standard to be recognised in accordance with the General Exemption in Annex 3 of the MGN, the CRT standard will need to provide the same level of safety as set out in the MCA Alternative Standard.</p> <p>This MGN is intended to be applied to non-passenger vessels operating on a commercial basis, and not vessels used for private use.</p> <p>Paragraph 1.2 gives an indication of the types of vessels that this MGN is aimed at.</p> <p>A new paragraph 1.3 has been inserted to provide clarification.</p> <p>Please see comments above.</p> |

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| | <p>equivalent.</p> <p>Clarification of types of vessel covered by this section to distinguish from leisure craft and commercially operated craft.</p> <p>Annex 1</p> <p>C&RT are concerned that Annex 1 appears to be the old Class 9(A) rules for equipment added on. The opportunity could have been taken to rescind the early requirements (built before 1986) and harmonise to 1998 requirements for all vessels.</p> <p>We agree to the principle of including the requirements for all vessels to carry sufficient life jackets for each person. Use of life jackets would then be an operational matter under company H&S policy.</p> <p>The requirement for life rafts in category A&B waters for vessel built before July 1986 is not appropriate and should have been rescinded at this review.</p> <p>This section should be properly reviewed again and where possible old requirements be dropped and the use of latter requirements take precedence.</p> <p>Annex 1</p> <p>C&RT also believes that the requirement for flares to be carried for Cat A, B and C should have been rescinded. Their efficiency and effectiveness for inland water use is questionable and there is a disposal problem at end of life.</p> <p>Delete the requirement for flares for at least Cat A&B waters and review their effectiveness for use on Cat C rivers in the UK. Removal of flares for all waters except Cat D would</p> | <p>Annex 1 of the draft MGN lists the current statutory requirements for Class IX(A) vessels. It was not intended that a review of the relevant legislation would be carried out at the same time that this MGN was developed. Rather, that publication of the MGN would provide a summary of the current position into one document.</p> <p>Your point is understood and so it is our intention to move the statutory requirements in Annex 1 to Annex 3, thus giving greater prominence to the MCA Alternative Standard as the new Annex 1 (with the current Annex 3 becoming Annex 2).</p> <p>The subject of the carriage of flares is currently under review as a separate exercise.</p> |
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| | <p>remove the disposal problem and the safe use problem.</p> <p>Annex 1</p> <p>The fire fighting requirements are outdated for operational use on board what can be quite small vessels. C&RT believes an opportunity to update the requirements has been missed and there are serious flaws in the latest proposals.</p> <p>C&RT suggests that this whole section is rewritten to delete the need for fire hoses and manual fire pumps. Instead we propose the fitting of modern cartridge based fire fighting systems in high hazard locations backed up by the use of modern hand held fire extinguishers.</p> <p>Annex 2</p> <p>Delete radar reflector for Cat B non-metallic hull boats. The carrying of such items on UK Cat B waters serves no purpose as radar is not used for navigating on such waters in this country.</p> <p>We are not aware of any river radar navigation systems in operation on UK cat B operation vessels.</p> <p>Annex 2</p> <p>Also reduce the 13A\113B fire extinguisher size to 5A\35B as the other size is quite large for hand held units. The compartment spaces to operate hand held fire extinguishers in are quite small even on a large barge.</p> <p>Practical experience indicates that most fires can be knocked down quickly with small hand held units. The space available on what can be quite small vessels with small engines is very restrictive for the safe and effective</p> | <p>Please see earlier comment.</p> <p>Agreed. Requirement removed from the MCA Alternative Standard.</p> <p>The text has been amended to say that for vessels under 6m a rating of 13a/70b is acceptable.</p> |
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| | <p>stowage of fire fighting equipment.</p> <p>Annex 2</p> <p>Delete from Cat C the need for two hand flares and two smoke flares</p> <p>C&RT does not believe such devices are effective for use on river navigations. Mobile phones and vhf offer better solutions to requesting assistance. There is also the matter of disposal of pyrotechnics. At present there is no effective scheme for inland waterway vessels and the increased risk of mis-use by such lack of a safe scheme must increase.</p> <p>Annex 2</p> <p>Stowage of LSA lifebuoys is a problem with a number of Cat A&B waters C&RT craft including tugs and hoppers. C&RT welcomes the alternative to the full size life buoy of the small rescue quoit and line as fitted already to our own craft. We would suggest another suitable addition to this list is the floating rescue strop which is easy to hang up within easy reach and is ready for use.</p> <p>Add to the annex the use of the modern floating rescue strop as an alternative to life buoys aboard vessels with restrictive space for safe stowage of rescue equipment.</p> <p>Annex 3</p> <p>Alternative industry standards approved by the MCA</p> <p>C&RT welcomes the opportunity by the MCA to get approval and acceptance for alternative suitable standards in lieu of Class 9(A).</p> | <p>The carriage of flares is currently under review as a separate exercise. Therefore, requirement retained in the Alternative Standard.</p> <p>Agreed. Text amended accordingly.</p> <p>Please see earlier comment.</p> |
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| <p>British Marine Federation</p> | <p>In response to the consultation document sent with regards to MGN 469 "Standards for Non Passenger Vessels operating solely on Inland Waterways in the United Kingdom", industry would respectfully suggest that the requirement for non-metallic hulled vessels operating in Cat B waterways as listed in MGN 469 Alternative Standards seems redundant. Given the definition of Category B waterways within MSN 1776:</p> <p>"Category B: Wider rivers and canals where the depth of water is generally 1.5 metres or more and where the significant wave height could not be expected to exceed 0.6 metres at any time."</p> <p>It is industry's opinion that a very limited number of other vessels operating in these waterways will be installed with a radar system, and few of those fitted are likely to be in operation due to the close proximity of other vessels. In addition, the costs associated with the provision of this equipment to large fleets would be a significant financial burden to these fleets where the risk does not warrant the expense.</p> <p>It is also industry's opinion that vessels operating under these conditions would fall out of the scope of SOLAS Regulation 19: 2.1.7 as they could not be classified as vessels operating on international voyages, therefore removing the onus on the MCA to comply with IMO Convention.</p> <p>Given the difficulties (as detailed below) in gaining compliance to either the requirements of the Statutory Instruments listed in MGN 469 or meeting the requirements of other codes to implement the General Exemption listed in Annex III, the industry requests that the specification of the fitting of radar reflectors on Cat B vessels is removed.</p> | <p>Agreed. Requirement removed from the MCA Alternative Standard.</p> |
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| | <p>To deal with the issue via other avenues of compliance:</p> <p>MGN 469 Statutory Instruments: The requirements of the SI's that form the foundation of MGN 469 have clearly been written for a remit to include non-passenger vessels with professional crews.</p> <p>1) The requirement for any vessel; regardless of size and category of operation, built before 1986 to carry 6 rocket flairs is overly onerous. The stipulation for the carriage of these flares on Cat A/B would appear to be redundant as many users of these waterways will be unfamiliar with both the operation and significance of this equipment. There is also an inherent health and safety risk associated with equipping vessels, which will often have an inexperienced crew, with potentially dangerous pyrotechnics.</p> <p>2) In addition, the requirements for vessels built before 1986, operating on Cat A/B waterways to carry a liferaft also seems overly burdensome. In the case of navigating on canals or narrow rivers, crews could potentially lose valuable time familiarising themselves with the operation of a liferaft when the safest method of evacuation is most likely to be to make for the nearest bank.</p> <p>Hire Boat Code (HBC): Although the current requirements for Life Saving Apparatus (LSA) within the HBC is practical and appropriate, the implementation of the code means this method of compliance could be difficult for operators.</p> <p>In its current format, the HBC has been introduced as a requirement for licensing only on the Norfolk Broads, however work is ongoing between the Boat Safety Scheme and a number of stakeholders to implement sections of the code into the BSS syllabus for hire vessels operating on Environment Agency and Canal & River Trust waterways.</p> | <p>As stated previously, the carriage of flares is currently under review as a separate exercise.</p> <p>Your point is understood. However, it was not intended that a review of the relevant legislation would be carried out at the same time that this MGN was developed. Rather, that publication of the MGN would provide a summary of the current position into one document.</p> <p>The Hire Boat Code is intended to be used as a coherent document. However, we recognise that uptake has been limited and would therefore prefer to see parts of it implemented rather than none at all, but only partial compliance would not be enough to qualify for the General Exemption.</p> <p>The Code is intended to provide a framework for licensing authorities and operators to use in determining appropriate standards taking into account local circumstances. MCA does not</p> |
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| | <p>Initial views from the MCA suggest that compliance to the HBC as a whole would be required in order to benefit from the general exemption listed in Annex III, which would see vessels utilising the HBC forced to meet requirements outside the remit of the SI's and Alternative Standards laid down in MGN 469</p> <p>Given the current lack of harmonised standpoint towards implementation, combined with the evolving nature of the codes future this option could prove ineffectual for operators.</p> <p>Inland Water Small Passenger Boat Code(ISPBC): Again the requirements for LSA within ISPBC seems appropriate, however if the MCA were to require adherence to the code as a whole, those operators utilising this method to gain compliance to the General Exemption would also be examined to requirements outside of the remit of the SI's supporting MGN 469.</p> | <p>therefore object, if only certain sections are used when implementing requirements on particular waterways. However, in doing so, MCA would not want to see the introduction of lesser standards than can be found in the HBC, and any variations should be subject to a documented risk assessment beforehand.</p> <p>MCA is prepared to provide input to any future amendment of the HBC. However, for resource reasons, the MCA is not presently able to take the lead in this process.</p> <p>If an operator is following the requirements of the ISPBC, then they will be meeting the requirements to qualify for the General Exemption, and hence there would be no need to comply with the relevant mandatory provisions.</p> |
| <p>British Tug Owners Association/UK Chamber of Shipping</p> | <p>The summary indicates that the MGN is merely serving as a reminder of existing requirements. As such nothing in it should be new. It is therefore questioned whether any consultation is needed at all, since any comments can only address drafting style rather than the substance. I am nevertheless pleased to make some points.</p> <p>To ensure there is no confusion with any new standards yet to be published, perhaps the title should include the words 'A Summary of Standards ...' at the start.</p> <p>MGNs, and the like, are remiss in not having a date at the start of the document. A date immediately helps the reader identify whether it is recent and thus likely to be in date. This particular draft does not have a date, even at the end.</p> | <p>Your point is understood, however the consultation provided an opportunity for consultees to raise other issues which had not been included in the draft version.</p> <p>Title amended to make it clearer that the MGN is concerned with inland waterways and non-passenger vessels in accordance with the MCA house style.</p> <p>A date will be inserted into the document at the time of publication.</p> |

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| | <p>The first heading entitled 'Background' does not give any background, but rather a couple of definitions.</p> <p>Should it be clarified that the vessels being described are 'commercial' vessels only and the standards do not apply to pleasure craft?</p> <p>The definitions of the Class IX(A) and IX(A)(T) in 2.1 would sit better under a new heading of 'Definitions'.</p> <p>Para 2.5 would appear to contradict itself in that it states vessels are not subject to survey by the MCA in one sentence, but then says they may be subject to inspection. Most people would regard inspection and survey as the same thing. Para 2.5 does not fit well under the heading in any case and the statement is almost repeated in para 7. Suggest 2.5 is deleted and in para 7.1 the sentence be added at the end to the effect '.... Vessels are not, however, subject to formal survey or certification by the MCA.' (the addition of 'formal', perhaps distinguishes from an ad hoc inspection).</p> <p>Para 5 / Annex 4; the reference to 'as amended' is understood, but the wording 'as amended' does need to appear in Annex 4, in case the Annex is detached and used separately.</p> <p>Para 7.2 completely repeats what is in para 7.1</p> | <p>The title of the section has been renamed "Definitions".</p> <p>Paragraph 1.2 provides an indicative list of the types of vessels the MGN is aimed at. Further clarification is provided in a new paragraph 1.3.</p> <p>Noted, but no change made.</p> <p>Agreed – paragraph 2.5 is now deleted and paragraph 7.1 is revised (and is now published as para 6.1).</p> <p>Title of Annex 4 amended accordingly.</p> <p>Agreed. The old paragraph 7.2 is therefore deleted.</p> |
| <p>Commercial Boat Operators Association</p> | <p>The contents of Annex 1, Annex 2 and Annex 3 appear to be exactly as previously published though we feel that this opportunity should be taken to regularise the disparate length/tonnage categories used.</p> <p>Our greatest concern relates to the 21.3m length category used in Annex 1 for LSA and FFE. It is not clear where this length standard originated as it is neither a 'Workboat' or EU</p> | <p>Please see earlier comment. The intention of this MGN is to provide a summary of the current position but not to amend the statutory</p> |

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| | <p>standard. We suspect that it is supposed to relate to the maximum length of vessels used on UK 'narrow' canals but in this case it should be 72.5ft or 22.1m. We would urge that this limit is changed to reflect this. An alternative would be to use the 24m 'workboat' limit.</p> <p>We are also concerned in Annex 1 Table 2 where, as well as the length limit already referred to above (which we would like to see changed to 22.1m or 24m), reference is made to 150GT and 500GT. You will be aware following our recent discussions that many existing UK and all European inland waterways craft do not have a relevant 'tonnage certificate'. We would therefore like a footnote to be added that where a vessel does not have a GT the equivalent limits should be treated as: 150GT = 270DWT 500GT = 850DWT Alternatively it could be done on a maximum loaded volume displacement basis.</p> <p>Further comments on Annex 1 Table 1: Category ABC pre 1/7/1986 – There should be no requirement to carry a liferaft/boat or rocket flares though I think this is partly due to formatting errors. Category D pre 1/7/1986 – vessels <12.2m have no LSA requirement but ABC do!</p> <p>Overall we would also suggest that there is no longer any purpose in having the three age categories and the LSA standard for post 1/7/1998 should now be the definitive standard for all vessels but note 4 should only apply to D waters.</p> | <p>requirements (such as the 21.3m length category). Many requirements in the Alternative Standard are related to the area of operation of the vessel rather than its size. We do recognise of course, that the Workboat Code is aimed at vessels up to 24m length.</p> <p>As already stated, Annex 1 in the draft MGN summarises the mandatory requirements.</p> <p>As these are mandatory requirements, this MGN will not be making any changes to these standards.</p> |
| Nautilus | It is acknowledged that the Inland Waterways of the United Kingdom are somewhat more limited than those in mainland Europe, however, Nautilus believes that such vessels should | |

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| | <p>be operated to and maintained at the highest levels of safety. This is in both the interests of other shipping, marine users and the protection of the marine environment.</p> <p>With respect to Section 7 MCA Surveyors' Powers – Nautilus expects the MCA to carry out a sufficient number of targeted inspections so as to ensure that vessels are maintained to an adequate safety standard and deter sub-standard operations.</p> <p>Nautilus believes that waiting until a vessel's condition or manner of operation poses an unacceptable risk to safety of the crew or other waterway users or waiting until the condition or manner of operation poses an unacceptable risk to the environment is unacceptable and that a sufficient number of targeted inspections should be carried out as necessary.</p> <p>Referring to Section 13 Vessels from other EU Member States operating in the UK – whilst it is noted that other vessels cannot be compelled to meet higher standards, nor would that be necessary, the reality would appear that vessels operating within Europe, particularly those with the Union Inland Navigation Certificate (UINC) or a Rhine Navigation Certificate, issued by the Central Commission for the Navigation of the Rhine (CCNR) needs to satisfy many more requirements and therefore begs belief as to the adequacy of the standards of vessels in the United Kingdom capable of operating on the same Waterways.</p> <p>Referring to Section 14 UK Vessels wishing to operate on EU Waterways in mainland Europe – Nautilus seeks verification as to the oversight of the Royal Yachting Association (RYA) with respect to the administration of the European Union Inland Waterways issuance of European Vessel Identification Numbers (ENIs).</p> | <p>MCA carries out a national inspection regime of vessels visiting UK ports in accordance with the requirements of the EU Port State Control Directive. In addition to this, during 2012/13 MCA carried out 66 inspections of Class IX(A) vessels, against a target of 55. If a vessel's condition is found to be unsatisfactory during such an inspection, action is taken.</p> <p>MCA takes the view that the safety requirements needed to obtain a Union Inland Navigation Certificate or Rhine Navigation Certificate are disproportionate to the costs and safety benefits to be gained in the context of the UK. The inland waterway system of mainland Europe is on a much larger scale and if we were to implement the requirements of the Inland Waterway Directive in full, this would have a significant negative economic effect to the UK inland waterways transport sector.</p> <p>MCA would refer you to MIN 411 which provides information concerning the role undertaken by the RYA with respect to issuing ENI's on behalf of the MCA.</p> |
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| Royal Yachting Association | The RYA seeks assurance from the MCA that it will continue to recognise the Hire Boat Code as a means of general exemption for self-drive hire boats. | MCA confirms that this remains the case. |
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