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Buchanan rainfall for the month of September 2012

#### Monthly Climatological Summary for Sep 2012

Name: City: State: Elevation: 20 m Lat: N 56° 03' 59" Lon: W 004° 28' 12"

#### Temperature (°C), Rain (mm), Wind Speed (mph)

	Mean Temp	High	Time	Low	Time	Heat Deg Days	Cool Deg Days		Avg Wind Speed		Time	Dom Dir
1	14.8	18.0	14:26	12.7	06:04	3.5	0.0	3,3	3.6	15.2	12:35	SE
2	16.0	19.6	16:04	14.5	07:44	2.4	0.1	0.0	1.5	9.8	13:35	SE
3	16.0	20.3	14:34	13.0	26:23	2.4	0.1	3.9	2.6	10.7	12:14	SE
	14.8	18.6	15:13	12.3	25:35	3.5	0.0	0.0	2.8	13.6	16:43	ESE
5	13.0	19.0	14:04	10.2	03:44	4.5	0.0	0.0	0.9	40.0	22:06	SE
	14.5	16.2	09:43	12.8	12:35	3.B	0.0	2.7	2.4	15.2	11:35	SE
7	16.4	18.8	14:03	15.2	04:51	1.9	0.0	0.0	2.0	13.6	14:58	SE
8	15.1	17.4	13:13	12.7	06:33	3.2	0.0	0.0	1.4	8.3	12:13	SE
9	15.2	16.8	16:48	12.9	07:34	3.2	0.0	6.0	1.7	14.5	23:02	SSE
10	10.5	14.4		7.2	07:14				0.9	6.9	09:44	SE
11	10.3	13.8	14:34	8.8	21:54	8.1	0.0	6.3	1.6	11.4	14:12	ESE
12	11.3	16.0	15:44	7.7	23:44	6.9	0.0	0.6	1.0	6.9	12:24	ESE
13	12.9	15.3	18:35	11.2	10:04	5.3	0.0	4.2	3.3	24.4	21:34	SE
14	12.8	15.2	15:24	11.3	06:04		0.0			100.0	01:14	ESE
15	13.5	16.3	13:50	12.0	00:04		0.0			14.5	13:50	SE
16	11.5	15.2	10:54	9.0	96:44		0.0			13.€	09:31	SE
17	9.1	12.4	12:58	6.6	07:44		0.0	15,6		15.9	10:17	SE
16 17 18	9.3	15.1	15:14	4.5	07:04	9.0	0.0	0.3		7.6	15:44	E
19	10.7	14.7	13:38	8.9	02:25					8.3	11:28	SE
20	7.4	10.4	13:25	3.1	07:25	11.0	0.0	12.3		3.1	17:49	WSW
21	7.9	14.8	14:51	2.1	27:34	10.4	0.0			5.4	15:30	SSE
22	8.2	14.3	16:04	3.9	07:04		0.0				16:14	SSE
23	10.2	24.8	13:20	7.7	10:00		0.0			9.8	13:24	SSW
	9.8	10.9	12:02	8.7	04:05		0.0			15.9	02:45	SW
25	10.9	13.0	14:45	8.5	08:15		0.0		2.3	14.5	23:13	WSW
2€	11.0	17.4	15:24	5.8	27:34		0.0	100,000		5.4	10:51	14
27	11.2	12.7	16:16	9.5	10:00		0.0			9.8	18:22	SE
28	10.7	25.0	14:49	8.8	00:14		0.0			15.2	13:48	ESE
29	11.9	14.7	14:23		12:29		0.0			13.€	01:15	SE
30	12.1		15:15			6.2		3.0		15.9	15:32	SE
	12.0	20.3	3	2.1	21	190.1	0.2	127.5	1.8	100.0	14	SE

Max >= 27.0: 0 Max <= 0.0: 0 Min <= 0.0: 0 Min <= -18.0: 0

Max Rain: 18.9 on day 16
Days of Rain: 23 (>= 0.2 mm) 18 (>= 2.0 mm) 0 (>= 20.6 mm)
Heat Base: 18.3 Cool Base: 18.3 Method: Integration

Annex I
The Merchant Shipping (Inland Waters and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006 (Merchant Shipping Notice
(MSN) 1808)

#### MERCHANT SHIPPING NOTICE



**MSN 1808 (M)** 

# The Merchant Shipping (Inland Waterways and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006 – Structure and Requirements

Notice to all operators and masters of passenger ships and non-passenger vessels on inland waterways and on limited coastal operations.

This notice should be read in conjunction with the regulations above and with MGN 334 on local information and local knowledge. Further information is available in MGN 333 on transitional arrangements for Existing Masters, and MGN 264 on medical requirements. It supersedes M1525.

#### PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

#### Summary

- The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations come into force in early 2007 and introduce new requirements for those operating commercial vessels on inland waterways and in limited coastal areas.
- The new licence supersedes the previous passenger boatmasters' licence that was introduced in 1993 as was described in Merchant Shipping Notice M1525.
- "Inland Waterways" means waters of Category A to D as defined and listed in Merchant Shipping Notice (MSN) 1776, and any non-categorised inland waters.
- "Limited coastal area" means no more than 3 miles from land and no more than 15 miles from point of departure.
- This MSN gives information about the structure and requirements of the new Boatmasters' Licence for all passenger ship and non-passenger vessel operators within the UK.
- The new Boatmasters' Licence regulations apply only to the master of the vessel, not to other crew members.
- The licence does not apply to pleasure vessels or leisure users of self-drive hire boats.
- Transitional arrangements for those already working as masters when these regulations come into force, and requiring a licence for the first time under them, are set out in MGN 333.
- Information about the Hours of Work Code for self-employed boatmasters, and other working time regulations is in MSN 1778(M).

#### 1. Introduction/ Background

- 1.1 The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations come into force in early 2007 and introduce new requirements for those operating commercial vessels on inland waterways and in limited coastal areas. The new regulations introduce a new Boatmasters' Licence for all those commercially operating. It replaces the previous passenger boatmasters' licence that was introduced in 1993.
- 1.2 The aims of the new Boatmasters' Licence are to underpin safety standards whilst helping facilitate trade and movement of labour on the UK's inland waterways, and on those in other EC countries.
- 1.3 Boatmasters' Licence candidates who wish to be assessed for a licence after the regulations come into force will need to fulfil the training requirements, and undergo a practical and oral assessment, as set out in this and related notices. Existing boatmasters or skippers can apply for a new licence on the strength of their existing licence or, if they do not currently hold a licence, on the basis of their skills and recent experience. Marine Guidance Note (MGN) 333 "New Boatmaster's Licence Guidance on the Application Provisions for Existing Masters of Vessels" sets out the arrangements for this.

#### 2. Definitions

2.1 For the purpose of this MSN, the following definitions apply:-

"boatmaster" means the person in command of an inland waterways vessel.

"inland waterways" means:-

- Categorised Waters A, B, C and D as defined and listed in Merchant Shipping Notice (MSN) 1776, as amended; and,
- Any non-categorised inland waters.

"limited coastal area" means an area of no more than 3 miles from land and no more than 15 miles from point of departure (excluding waters of category A, B, C or D).

"limited coastal operations" means voyages within a limited coastal area.

"small commercial vessel" means a vessel certificated to operate under MCA's Small Commercial Vessel and Pilot Boat (SCV) Code(s).

#### Application and scope of the new Licence

- 3.1 The new Boatmasters' Licence (BML) is required for the masters of:-
- passenger ships (carrying more than 12 passengers)
- · non-passenger vessels of 24m and over, which includes:-
  - > cargo vessels;
  - > tankers:
  - > tugs and pusher craft engaged in cargo operations;
  - > workboats
  - dredgers

when they are operating in inland waterways or in limited coastal areas.

- 3.2 The new BML is also suitable for vessels carrying no more than 12 passengers in inland waterways and other small commercial vessels (under 24m) in the same operating areas as above. With a "sea" endorsement the BML is valid for operations up to 60 miles from a safe haven on a small commercial vessel.
- 3.3 Where local authorities' byelaws or other local legislation require those operating in their waters to hold a local licence or other master's qualification, the holder of a relevant BML is not subject to those local requirements. (Pilotage requirements are not affected).
- 3.4 The new BML is required only for the master of a vessel, not for other crew members.
- 3.5 The licence does not apply to those in charge of a pleasure vessel or hire boat being used as a pleasure vessel, or to fishing vessels.

#### 4. Alternative qualifications for small vessels

4.1 The regulations allow alternative equivalent qualifications to be used on vessels under 24m load line length or which carry no more than 12 passengers. These are listed at Annex 1.

- 4.2 These Regulations will supersede the recommendations at section 26 of the MCA/Association of Inland Navigation Authorities' Inland Waters Small Passenger Boat Code<sup>1</sup>, in respect of the qualification of the master of small passenger vessels (carrying no more than 12 passengers) which do not go to sea.
- 4.3 Small commercial vessels are not covered by the regulations, and may continue to operate in Category A to D waters and limited coastal areas with a skipper holding one of the qualifications stipulated under the Small Commercial Vessel and Pilot Boat (SCV) Code(s).

#### 5. Other alternative qualifications

- 5.1 The regulations provide for equivalent or higher sea-going qualifications to be used on suitable vessels in inland waters. These are:
  - (a) STCW Inshore Tug Certificate of Competency (Master), for inshore tugs.<sup>2</sup>
    (b) STCW (Category D waters) Certificate of Competency (Master II/3), for domestic vessels operating in Category C and D waters ie. which do not go to sea.

    (a) Any STCW compand qualification for vessels under 34m lead line length or
  - (c) Any STCW command qualification, for vessels under 24m load line length or carrying no more than 12 passengers.
- 5.2 Certain marine operations in harbour areas are subject to the Port Marine Safety Code, which specifies a suitable level of training for those working in such operations. For harbour towage (which is understood as "assistance to working self-propelled vessels while they are subject to the powers of/under the direction of the competent harbour authority"), the tug master is required to hold as a minimum the STCW Inshore Tug Certificate of Competency (see MGN 209(M)). (TGWU and BTA have agreed that this should apply to any vessel over 24m in length or with a bollard pull of more than 20 tonnes).
- 5.3 Every other vessel must be in the command of the holder of a BML.

#### 6 Two Tier System for the Boatmasters Licence (BML)

- 6.1 In order to reflect differing conditions and operations, a two-tier system has been developed for the new BML. Both Tier 1 and Tier 2 versions are based on the same overall competency standards, but the level of training and validation is higher for Tier 1.
- 6.2 The **Tier 1** BML is a national licence, which is transferable between different areas. Subject to any local knowledge requirements, Tier 1 is available for operating a vessel anywhere on the UK's inland waters (Categories A to D) and for limited coastal operations. Tier 1 can also be taken only for operation on non-tidal waters (Category A and B and non-linked Category C waters).
- 6.3 The Tier 1 BML also provides the basis for the Boatmasters' Certificate (issued under EC Directive 96/50/EC), which will be valid for operations on inland waterways in other member states. It is hoped that it will also provide a stepping stone to the wider maritime qualification structure through the proposed Maritime Studies Qualification under development by the Merchant Navy Training Board.

Available on MCA website, under Guidance and Regulations/Inland Waterways.

<sup>&</sup>lt;sup>2</sup> "Inshore" means tug operations up to 30 miles from a safe haven on the coast of the United Kingdom and Ireland

The **Tier 2** BML is restricted to the waters and type of operation specified on the licence. This may include a restriction to a local area. If a Tier 2 BML holder subsequently wishes to change the area or type of operation specified on their licence, they will normally require an assessment and a new licence. For new entrants, Tier 2 is valid <u>only</u> for operating within Category A and Category B, and on non-linked Category C waters (eq. lakes).

#### Section A - The Tier 1 Boatmasters' Licence

#### 7 Tier 1 Levels and Structure

- 7.1 There are two levels of the Tier 1, national BML: one valid for operations in Categories A to D and limited coastal areas (Level 2); and the other for Categories A and B and non-linked Category C waters only (Level 1). For both levels, the Tier 1 BML has a modular structure comprising the following elements:-
  - · a main generic section for all candidates;
  - · ancillary safety training for all candidates;
  - one or more specialist endorsements for the type/s of vessel or operation on which the candidate will be working;
  - a local knowledge endorsement for operation in specified areas only.
- 7.2 The generic licence covers the "core" competencies and boatmanship skills needed for operating in the relevant water category/ies. These generic competencies are divided into the following sections for all candidates:- Bridge watchkeeping; Meteorology; Ship manoeuvring; Vessel handling in extreme weather; Mooring and unmooring a vessel; Ropework and access; Ship knowledge; Basic engineering and machinery; Health and safety; Emergency action; Pollution prevention and waste management. In addition, depending on the categories of waters to be covered, there are sections on Generic chartwork; Compass work; Tides and currents; Anchor work and Locks and bridges. The syllabus is available from MCA.
- 7.3 On its own, the generic licence is a suitable qualification for operators of workboats and vessels carrying up to 12 passengers.
- 7.4 Please note that, when being examined for their generic licence, candidates will be expected to demonstrate familiarity with local regulations, byelaws and other navigational requirements for their area of operation and immediately adjacent waterways, to show that they understand the existence and importance of local rules and publications. MGN 334 "New National Boatmasters' Licence Local Information and Local Knowledge" lists port authorities, main regulations, byelaws etc. for their areas, together with details of where to obtain further information.
- 7.5 If/when a Tier 1 BML holder moves to a different area, it is their responsibility to contact the responsible port or navigation authority for the waters in question, and to find out about and ensure a similar familiarity with the local navigational requirements in the new area, as a matter of good practice and responsible seamanship.

#### 8 Ancillary Safety Training

8.1 Ancillary safety training is an integral part of the competency requirements for the new Boatmasters' Licence, and must be undertaken by all candidates. There are three basic safety courses:

- (1). Personal Survival;
- (2). First Aid;
- (3), Fire Safety.
- 8.2 Training to the appropriate standard in these topics may be covered by one-day courses for each of the three topics.
- 8.3 All ancillary training required for issue of an MCA Boatmaster's Licence must be completed at an MCA approved training centre or other organisation accredited by the MCA for delivery of the relevant course. Information will be placed on the MCA website.

#### 9 Specialist Endorsements

9.1 In addition to the generic licence, a Tier 1 BML candidate may need to obtain one or more of the following endorsements listed below, according to his/her type/s of operation.

Name	Limitations (if any)		
Cargo - General	Dry cargoes in bulk, packaged dangerous goods, ro-ro operations.		
Oil Cargoes	Oil and chemical cargoes in bulk		
Dredging			
Towing and Pushing			
Passenger operations - general	No more than 250 passengers		
Large Passenger Vessel	More than 250 passengers		
Fast craft	(for a specified type of vessel and route)		
Radar			
Sea operations	"To Sea" means not more than 60 miles from a safe haven. This endorsement is valid only for small commercial vessels operating under the SCV Code, and is not valid outside the UK.		

9.2 The practical competencies for each endorsement are listed in the Task Record Book, and the syllabus and any other qualifying criteria are published by MCA. Minimum ages and Qualifying Service Times for them are included in <u>Annexes 2a</u> and 3.

#### 10 Local Knowledge Endorsement

10.1 In the context of the new Boatmasters' Licence, "Local Knowledge" means knowledge of the features and characteristics within an area that present a hazard to safe navigation, and how to deal with them, beyond what might be expected under the Boatmaster's generic skills. It may also include knowledge of local byelaws, regulations or other requirements which are dealt with separately in <u>MGN 334</u> "New National Boatmasters' Licence - Local Information and Local Knowledge", under the section on Local Information.

- 10.2 Because of the comprehensive range of skills demanded by the Tier 1 generic licence, a local knowledge endorsement is not a general requirement. A Tier 1 BML holder would understand the need for knowledge of local rules, and would be able to interpret local charts etc. and will have the skills to allow for local tides, currents and other common navigational features. However, the MCA recognises that, for certain areas, local knowledge is essential for safe navigation. An endorsement is therefore required for operation in those areas where the relevant port or navigation authority has proposed local knowledge requirements to the MCA, and these have been agreed as reasonable and justified, in the interests of safe navigation.
- MGN 334 explains the criteria for proposing local knowledge requirements, and gives the general syllabus for the local knowledge endorsement. That MGN also lists those areas for which local knowledge requirements have been agreed, and an endorsement is therefore required.
- 10.4 For these areas, an MCA (or MCA-approved) examiner will conduct a test on local knowledge, leading to a formal endorsement on top of the generic Tier 1 Boatmasters' Licence. The current areas for which a local knowledge endorsement is needed, and any additional qualifying requirements, are shown in Annexes 2 and 3 of MGN 334.

#### 11 Qualifying Requirements

- 11.1 To obtain a Tier 1 BML, the candidate must also fulfil the following:-
  - be of the correct minimum age;
  - present their Task Record Book (TRB) completed for the relevant training tasks and other relevant requirements;
  - have completed the appropriate qualifying service time;
  - present evidence from an MCA approved examining body that they have the necessary theoretical and underpinning knowledge;
  - present a valid ML5 or ENG 1 medical certificate<sup>3</sup>;
  - payment of the statutory fee.
- 11.2 On fulfilling the above requirements, the candidate may apply to the MCA for a practical and oral on-board assessment by an MCA examiner.

#### 12 Minimum Age Limits

12.1 The minimum age limit for the Tier 1 Boatmasters' Licence varies according to the category of water and the type of operation. Details are at <u>Annex 2a of this notice</u>, and can also be found in the Task Record Book.

<sup>&</sup>lt;sup>3</sup> Under the Merchant Shipping (Medical Examination) Regulations 2002, a boatmaster in charge of a passenger vessel which proceeds to sea must hold a valid ENG1 certificate;

#### 13 Task Record Book

- 13.1 The Task Record Book (TRB) is an essential and integral part of a candidate's training and certification for the Tier 1 Boatmasters' Licence. It is designed to be kept by the candidate and is his/her personal record of skills mastered, and knowledge and experience gained. The TRB is also important in helping to ensure accountability and transparency in the training process.
- 13.2 The TRB must be completed in respect of the generic licence and any endorsements the candidate is to take. It lists a number of tasks that must be performed and mastered, and which, together with the relevant underpinning knowledge, will satisfy the competency requirements of the BML. When a task is satisfactorily performed, or an item of learning completed, it should be recorded in the TRB in the spaces provided.
- 13.3 The completed TRB must be submitted to the examiner for the candidate's on-board practical and oral assessment. The examiner will refer to the TRB in testing the candidate's skills and knowledge during the assessment.
- 13.4 The TRB is divided into the following main sections:-
  - generic requirements for all water categories A, B, C and D;
  - other generic requirements for categories A and B only;
  - further generic requirements for categories C and D and limited coastal operations;
  - specialist endorsement requirements.
- 13.5 Further details and guidance are given in the TRB itself, which can be viewed and downloaded from the MCA website (<u>www.mcga.gov.uk</u>) under Guidance and Regulations/Inland Waterways. If that is not possible, a copy is available on request; contact details are at the end of this notice.

#### 14 Qualifying Service Time

- 14.1 Candidates for the Tier 1 BML will have to complete a minimum period of Qualifying Service Time (QST) to be eligible for their licence. Details of QST requirements are set out at Annex 3, and in the Task Record Book.
- 14.2 For operation in some areas where a local knowledge endorsement is needed, Tier 1 BML candidates may also have to fulfil an additional service requirement. In most cases, this may run concurrently with QST for the generic part of the licence, so will mainly affect those moving areas. However, for the Thames local knowledge endorsement, the additional QST must be served on top of that for the generic licence.
- 14.3 Qualifying service time must be recorded in a work record see paragraph 27 below.

#### 15 Underpinning Knowledge

15.1 Candidates for the Tier 1 BML will need to be examined in the theoretical and underpinning knowledge which supports their practical skills. Examination of that underpinning knowledge will be carried out by an MCA-approved examining body. This is to ensure that the Tier 1 BML:-

- is a robust, accountable and transparent qualification, with an examination that is auditable and capable of validation;
- is of an equivalent standard to that required in other EC countries.
- 15.2 The full syllabus for underpinning knowledge for the generic licence and specialist endorsements is available from the MCA. Details of approved training and examining bodies will also be available from the MCA.

#### 16 On-board Assessment

- 16.1 Having met all of the above criteria, the candidate should apply to the appropriate MCA Marine Office (see paragraph 32 below) for an on-board practical and oral assessment by an MCA examiner. This assessment consists of a practical test of the candidate's seamanship and vessel handling competencies, under various circumstances, and an oral examination that will test the candidate's underpinning knowledge, as well as his/her awareness of local navigation rules (see paragraphs 7.4 and 10.2 above).
- 16.2 The examiner will normally refer to the candidate's Task Record Book and Work Record before and during the assessment, and may ask questions both relating to what has been entered in it, and to ensure that the candidate meets the competency requirements for any tasks that have not been completed.

#### 17 Validity of the BML

- 17.1 The Tier 1 BML has a maximum validity of five years. It needs revalidation every five years up to age 65, and annually thereafter. To enable the boatmaster to continue operating, the licence must be revalidated before its expiry date.
- 17.2 In order to get their Tier 1 licence revalidated, the holder must provide evidence of at least 12 months/120 days operation in a suitable deck capacity in the last five years.

#### 18 Validity on waterways of other Member States

- 18.1 In order to operate on the inland waterways of another Member State, a Tier 1 BML holder must apply for a Boatmaster's Certificate. There are two grades of Boatmaster's Certificate: Group A for all waterways except Rhine waterways (equivalent to the UK Tier 1 level), and Group B for all waterways except "waterways of a maritime character" tidal waters (equivalent to the UK Tier 1 level 1) and the Rhine waterways<sup>4</sup>.
- 18.2 The requirements for this are in Annex 4. <u>Please note</u> that a Boatmaster's certificate may NOT be accepted by other Member States for coastal operations.
- 18.3 A Boatmaster's Certificate (on its own) will not be valid for carrying dangerous goods in other EC countries. The holder will also need to be certificated under the European Provisions concerning the International Carriage of Dangerous Goods by Inland Waterway (ADN).

<sup>&</sup>lt;sup>4</sup> For operation on the Rhine a Rhine Patente is required. The current EC Directive (96/50/EC) is due for review, and one of the objectives of that review will be to bring the Rhine into the scope of certificates issued under the Directive. In the meantime, the UK will submit the UK Tier 1 licence for recognition on the Rhine under separate arrangements.

#### Section B - The Tier 2 Boatmasters' Licence

#### 19 Scope

19.1 The Tier 2 BML is restricted to UK operations and to the area and type of operation specified on the licence. It is available <u>only</u> for Category A or B (and certain nonlinked Category C) waters.

#### 20 Structure and Requirements

- 20.1 The Tier 2 BML is based on the same standards as Tier 1 but has no modular structure. Its requirements are as follows:-
  - · candidates must have reached the appropriate minimum age;
  - completion of the Task Record Book as appropriate to the candidate's vessel and operation/s;
  - · completion of sufficient service (to the satisfaction of the examiner);
  - · completion of ancillary safety training;
  - · an on-board practical and oral assessment.

#### 21 Minimum Ages

21.1 For the Tier 2 BML, there are separate minimum age requirements for passenger and non-passenger operators. The details are set out at <u>Annex 2b</u> and in the Task Record Book.

#### 22 Task Record Book

- 22.1 A Tier 2 BML candidate would not be expected to fulfil all of the Task Record Book (TRB) requirements as a Tier 1 candidate would. However, the TRB should be completed for Tier 2 candidates, as far as is appropriate for their area and type of operation and vessel, for the following reasons:-
  - it is a valuable personal record of training done and skills mastered, which may also be useful if a new Tier 2 boatmaster changes vessels or employers;
  - any training done and skills mastered which are recorded in the TRB can be used towards a Tier 1 licence if the holder wishes later to apply for a national licence;
  - it will improve accountability and transparency with regard to the candidate's training; and,
  - it will provide a useful quick reference for both the candidate and the examiner.
- 22.2 There are no endorsements for the Tier 2 BML because it is limited to particular areas and types of operation.

#### 23 Sufficient Service

23.1 There are no set qualifying service periods for the Tier 2 BML. Instead, a candidate must demonstrate that he/she has sufficient experience to be proficient in handling the vessel, and has adequate knowledge of navigation matters, local rules and any necessary, related skills.

Examples of these are: methods of controlling and directing passengers (for a passenger operator); or the loading of cargo with regard to stability (for a freight operator).

23.2 In practice, this means that an employed candidate will have to satisfy firstly his employer that he/she should enter for the Tier 2 BML, and then the MCA examiner that he/she has sufficient knowledge and practical skills to gain the licence for operating the vessel in the area for the type of operation concerned.

#### 24 Safety Training Courses

24.1 All Tier 2 candidates will need to undergo training in Personal Survival, First Aid and Fire Safety. As for the Tier 1 BML, the necessary levels of training can be attained by attending one-day courses for each of the three topics. See Section 8 above.

#### 25 On board practical and oral assessment

- 25.1 The Tier 2 examination is an on—board practical and oral assessment by an MCA examiner. This assessment consists of a practical test of the candidate's seamanship and vessel-handling competencies, and an oral examination that will test the candidate's experience, skills, underpinning knowledge, knowledge of the area in which they are working, navigation rules, emergency arrangements and knowledge of the vessel. The syllabus is available from MCA.
- 25.2 The examiner will normally refer to the candidate's Task Record Book before or/and during the assessment, and may ask questions relating to what has been entered in it.

#### 26 Validity

- 26.1 The Tier 2 BML is valid for a maximum of five years up to age 65, and must then be revalidated annually. To enable the boatmaster to continue operating, it must be revalidated before the expiry date.
- 26.2 In order to get their licence revalidated, a holder must provide evidence of at least 50 days operation as a boatmaster in the last five years (10 days per year pro-rata for those over 65 years).

#### SECTION C - TIER 1 AND TIER 2 BOATMASTERS

#### 27. Work Record

- 27.1 All boatmasters should complete a Work Record, to record their service and experience. This Work Record must be submitted to the MCA when candidates first apply for the BML, and when boatmasters who already hold one apply to revalidate it. The record will also be an important personal document if a boatmaster changes employer.
- 27.2 The Work Record (Form MSF 4366) is reproduced at <u>Annex 5</u>. This is the recommended format but others will be acceptable <u>provided that they show all the details indicated.</u>

27.3 When a candidate is applying for an EC Boatmasters' Certificate, for use on community waterways outside the UK, the MCA will need to validate and endorse the work record.

#### 28. Medical Fitness

- 28.1 All Boatmasters' Licence candidates will need to show that their health is satisfactory, so as not to jeopardise their own and others' safety. A valid medical fitness certificate, as specified below, must be submitted when applying for a generic BML, for any endorsement and on applying for revalidation.
- 28.2 Any BML holder wishing to operate a passenger vessel which goes to sea must obtain an ENG1 seafarer medical certificate (or equivalent issued by a recognised country as specified in MSN 1798). These are issued following an examination by an MCA approved doctor (as listed in MSN 1797(M) or on the MCA's website at <a href="https://www.mcga.gov.uk">www.mcga.gov.uk</a> under the Seafarer Information/Health and Safety section). An ENG1 certificate is valid for 2 years up to the age of 65 and then for 1 year.
- 28.3 For all other applicants an ML5 Medical Certificate is required, which should be completed by the candidate's general practitioner or other General Medical Council registered medical practitioner. An ML5 form and certificate (MSF 4112) is available on request from any MCA Marine Office, or may be downloaded from the MCA website address above.
- 28.4 The ML5 Medical Certificate is valid for a maximum of 5 years. BML applicants operating on inland waterways need only obtain one when they first apply for a licence, until they reach age 45. From age 45 to 64 the ML5 must be renewed every five years, upon revalidation of the licence. From age 65 the ML5 must be renewed annually, upon revalidation of the licence.
- 28.5 For those operating at sea on non-passenger vessels the ML5 Medical Certificate needs to be renewed every five years, until the age of 65, and yearly thereafter.
- 28.6 The MCA may, at its discretion, call for a medical report at other times and has the power to suspend or revoke a licence on the grounds that, for health reasons, the holder is not fit enough to hold it.
- 28.7 MGN264 and the notes on the ML5 form explain the procedure for obtaining a medical certificate, and the referral procedure if a medical issue is identified.
- 28.8 All Boatmasters' Licence holders must notify the MCA issuing office about any changes or deterioration in health that might affect their medical fitness to operate a vessel.

#### 29 Penalties

29.1 It is an offence to operate a vessel on inland waterways (or to sea) without a Boatmaster's Licence that is valid for both the area and type of operation. Details of offences and penalties are shown in the Merchant Shipping (Inland Waterways and Limited Sea Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006.

#### 30 Fees

30.1 The fees for the Boatmasters' Licence (Tier 1 and Tier 2) are detailed in the Merchant Shipping (Fees) Regulations 2006 (S.I. No. 2006/2055), as amended.

#### 31 Exemptions

- 31.1 MCA has powers to issue an exemption from the Boatmasters' Regulations requirements for a specified vessel. These powers will only be exercised where there are strong grounds for why the requirements of the Regulations cannot be met in full, and safety is not jeopardised.
- 31.2 Exemptions will be time-limited, and conditional on the operator satisfying the MCA that the alternative arrangements proposed are equivalent, in terms of the safety of the crew and any passengers carried, to the vessel being manned in accordance with the regulations.

#### 32 How to apply for a Boatmaster's Licence

- 32.1 New entrants must fulfil the requirements explained below, and complete Application Form MSF 4364. This will be available from the MCA's website (www.mcga.gov.uk) under Guidance and Regulations/Inland Waterways, or on request from MCA. Candidates will need to decide whether they wish to apply for a Tier 1 or Tier 2 licence (explained above), and complete the Application Form accordingly.
- 32.2 The form should be sent to the nearest MCA Marine Office together with -
  - proof of identity (guidance is on the form)
  - a completed Task Record Book (section 13 or 22)
  - a completed Work Record (section 27)
  - · proof of medical fitness (section 28)
  - any certificates required for safety training and (Tier 1 only) underpinning knowledge
  - the required fee.

#### 33 Further Information

33.1 Further information on the contents of this Notice can be obtained from the MCA at the address given overleaf.

#### More Information

Inland Waterways Safety Team Shipping Safety Branch Maritime and Coastguard Agency Bay 2/16 Spring Place 105 Commercial Road Southampton SO15 1EG

Tel: Fax: +44 (0) 23 8032 9209/9507 +44 (0) 23 8032 9447

e-mail:

inlandwatersstds@mcga.gov.uk

General Inquiries:

24 Hour Infoline

infoline@mcga.gov.uk 0870 600 6505

MCA Website Address: www.mcga.gov.uk

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#### Annex 1

# Appropriate qualifications for small commercial vessels under 24m load line length and carrying no more than 12 passengers which do not go to sea (see Section 4 of this MSN.)

The possession of a Certificate of Competency or Service should not, on its own, be regarded as evidence of the ability to serve in a particular rank on a specific vessel. The owner(s)/managing agent(s) must ensure that there are sufficient trained personnel on board to work the vessel having due regard for the nature and duration of the voyage.

Certificate	Waters for which it is appropriate under these regulations		
RYA/DfT Certificate of Competency or Service Coastal Skipper *	Categories A, B, C, D and limited coastal operations  (Valid up to 20 miles from a safe haven on a Coded vessel)		
International Yachtmaster Training Master of Yachts 200 tons (Coastal)	(Valid up to 20 r	3, C, D and limited coastal operations miles from a safe haven on Coded vessel)	
RYA/DfT Advanced Powerboat Certificate *	2 years relevant experience	Categories A, B, C, D and limited coastal operations  (Valid up to 20 miles from a safe haven on a Coded vessel)	
	12 months relevant experience	Categories A, B, C, D and to sea, within 3 miles from a nominated departure point(s) named in the certificate and never more than 3 miles from land, in favourable weather and daylight.	
RYA/DfT Day skipper theory and practice *	12 months relevant experience	Categories A, B, C, D and limited coastal operations  (Valid within 20 miles from a nominated departure point named in the certificate in favourable weather and daylight, on a Coded vessel).	
Local Authority Licence for appropriate area	from a nominated the certificate and	D and to sea, within 3 miles departure point(s) named in never more than 3 miles from able weather and daylight;	
RYA/DfT Day Skipper Practical Certificate *	Categories A, B,C from a nominated the certificate and	D,D and to sea, within 3 miles departure point(s) named in never more than 3 miles from	
RYA/DfT Powerboat Level 2 Certificate *	land, in favourable weather and daylight  12 months Categories A, B, C, D relevant to sea, within 3 miles to sea,		

	point(s) named in the certificate and never more than 3 miles from land, in favourable weather and daylight;	
British Waterways	Category A and B waters only unless otherwise specified on the certificate	
National Community Boats Association Certificate of Boat Management	Category A and B waters only unless otherwis specified on the certificate	

<sup>\*</sup> RYA/DfT certificates of competency and/or service should carry the endorsement – "valid for vessels of up to 24m in length used for commercial purposes".

#### Annex 2a

#### TIER 1 BML - MINIMUM AGE REQUIREMENTS

#### Minimum Age

BML Component	Category	Age
Generic	A/B	18
Generic	C/D and limited coastal operations	18
Cargo – General endorsement	All	18 – for vessels under 40m overall length
Cargo – General endorsement	All	21 - for vessels of 40m and over, overall length
Sea operations (valid only for small commercial vessels)	-	18
Passenger operations – General endorsement	All	21
Large Passenger Vessel endorsement	All	22
Radar Endorsement	All	18
All other endorsements	All	21

#### Annex 2b

#### TIER 2 BML – MINIMUM AGE REQUIREMENTS (Categories A, B and <u>non-linked</u> C only)

Passeng	er Operations
Numbers	Age
- up to 100 passengers	18
- 101 to 250	20
- more than 250	21
Non-Passe	nger Operations
	18

#### Annex 3

#### Tier 1 BML - Minimum Qualifying Service Requirements

#### GENERIC LICENCE

Candidate must be working in a suitable deck capacity.

Category	Minimum Length of Experience (months)	Minimum Days service
A/B and non-linked Category C waters (Level 1)	12	120
C/D waters and limited coastal operations (Level 2)	24	240

#### SPECIALIST ENDORSEMENTS

Candidates for a specialist endorsement must complete the minimum number of days service in an appropriate deck capacity on a relevant vessel for the endorsement in question, in addition to their qualifying service for their generic licence.

However, the minimum length of experience may be completed within the same overall period (12 months for Category A/B waters, 24 months for Category C/D waters)

For example: To obtain a licence for Category C and D waters with cargo endorsement:

- The candidate must complete a minimum of 24 months experience, of which 6
  months must be on a cargo vessel.
- Within that period, the candidate must complete 240 days general service <u>plus</u>
   60 days on a cargo vessel.

There is no qualifying service period for the fast craft endorsement or the radar endorsement.

#### **Towing & Pushing Endorsement**

The candidate must be working in a suitable deck capacity on a vessel engaged in towing or pushing. At least half of the required number of days service should be undertaken in the relevant category of waters.

Minimum Length of Experience (months)	Minimum Days of service (additional to the minimum days for the generic licence)	
6	60	
12	120	
	Experience (months)	

#### **General Cargo Endorsement**

The candidate must be working in a suitable deck capacity on a cargo vessel. At least half of the required days service should be undertaken in the relevant category of waters.

Category	Minimum length of Experience (months)	Days of service within period	
Level 1	6	60	
Level 2	6	60	

#### **Dredging Endorsement**

The candidate must be working in a suitable deck capacity on a dredging vessel. At least half of the required number of days service should be undertaken in the relevant category of waters.

Category	Minimum length of Experience (months)	Days of service within period	
Level 1	6	60	
Level 2	6	60	

#### Oil Cargoes Endorsement

The candidate must be working in a suitable deck capacity on a vessel carrying oil, chemical or dangerous cargoes in bulk. At least half of the required number of days service should be undertaken in the relevant category of waters.

Category	Minimum length of Experience (months)	Days of service within period
Level 1	6	60
Level 2	6	60

#### General Passenger Operations endorsement

The candidate must be working in a suitable deck capacity on a passenger ship. At least half of the required number of days service should be undertaken in the relevant category of waters.

Category	Minimum length of experience (months)	Minimum days of service	
Level 1	6	60	
Level 2	12	120	

#### Large passenger vessel endorsement

The candidate must hold a general passenger operations endorsement, and have at least 12 months experience operating as the master of a passenger vessel carrying no more than 250 passengers. In addition, the candidate must meet the following QST requirement on a large passenger vessel working in a suitable deck capacity.

At least half of the required number of days service should be undertaken in the relevant category of waters.

Category	Minimum length of experience (months)	Minimum days of service
All	6	60

#### Sea endorsement

The sea endorsement is valid only for small commercial vessels, and up to 60 miles from a safe haven.

Category	Minimum length of experience (months)	Minimum days of service	
All	12	120	

#### Annex 4

## BOATMASTERS CERTIFICATE FOR OPERATION ON COMMUNITY WATERWAYS IN OTHER MEMBER STATES

#### Requirements:

Those who wish to operate a vessel for the carriage of goods or passengers on European waterways outside the United Kingdom will require a Boatmaster's Certificate. The qualifying criteria are:

For carriage of goods (except hazardous/dangerous cargoes<sup>5</sup>)

- A UK Tier 1 licence (Level 1 for a Group B Certificate; Level 2 for a Group A Certificate) with a general cargo endorsement and a towing and pushing endorsement;
- At least 48 months qualifying service;
- A current ML5 certificate;
- Underpinning Knowledge (UPK) on the European Code for Inland Waterways (CEVNI);
- UPK on the European inland waterway network;
- Knowledge of the technical standards for inland waterway vessels (Council Directive 82/714/EC).

For passenger operations: a General Passenger Operations endorsement.

For operation with radar: a Radar endorsement.

<sup>&</sup>lt;sup>5</sup> For carriage of packaged dangerous goods or dangerous cargoes in bulk on inland waterways in other member states, an ADN certificate is required.

Sample of WORK RECORD (Form MSF 4366)
Before you complete this Work Record, please take a few minutes to read through the brief Explanatory Notes on page 3.

	Personal details (See Note 1)
Surname	
Forenames	
Date of Birth	
Place of Birth	
National Insurance Number (UK applicants)	
Passport Number (if held)	
Boatmasters' Licence Number (if held)	
Address	
Address (change)	
Address (change)	
Photograph of Holder (Optional)	
Signature of Holder	I certify that the above details are true and accurate.
Date	
200	

Vessel Details
l ype/Operation   Length   (see Note 2)
* * X * * * *

	Function/Type of Work (see note 4)	No. of Days Service (See note 5)	Owner or Employer (See note 6)	Signature Official use only (See note 7)	Validation Official use only (See note 7)
_					
2					
3					
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#### EXPLANATORY NOTES FOR WORK RECORD

<u>General</u> – This is an important document. It is the official record of your work activities and experience which enable you to hold a Boatmasters' Licence. Please make sure that you complete it, have it signed and keep it safe.

Note 1. Please complete the Personal Details section as fully as possible.

Note 2. Please select from the list below - and use the abbreviations if you wish.

Passenger Ship (over 12 and up to 250)	PAX	Towing and /or Pushing	TP
Large Passenger Ship (Over 250)	LPAX	Dredging	DR
Non-seagoing Small Passenger Vessel (up to 12)	SPV	Non-seagoing Workboat	WB
General cargoes (including packaged dangerous goods)	GC	Operation as a boatmaster in another EC country	ECBM
Oil cargoes (including gas or liquid chemicals in bulk)	oc	Any other type of operation/vessel not listed here	Please describe

Note 3. In the UK, inland waters are categorised as A, B, C or D. "A" is the lowest category and includes narrow canals; "D" is the highest category and includes some estuaries and open stretches of water. These categories are explained in Merchant Shipping Notice (MSN) 1776 which is available on the MCA's website: <a href="https://www.mcga.gov.uk">www.mcga.gov.uk</a>.

Note 4. Enter your role on board the vessel eg. master, deckhand, mate etc.

Note 5. A "day's service" is a day on which you are physically present, working on the vessel, and for at least part of the day the vessel is in service.

Note 6. Where the Master/Skipper of the vessel was also the employer or owner, he should complete this column and the signature column.

Note 7. Please do not write in the final "Validation" column on page 2. This is provided to enable your record to be periodically verified by the MCA or relevant Navigation/Port Authority.

Annex C
MIN 421 - Approved Maritime and Coastguard Agency (MCA) Small Vessel Certifying Authorities

#### MARINE INFORMATION NOTE



MIN 421 (M)

## Approved Maritime and Coastguard Agency (MCA) Small Vessel Certifying Authorities

Notice to all Owners, Operators and Skippers of Small Vessels in Commercial Use and Certifying Authorities of this type of Vessel.

This notice should be read with the small commercial vessel codes and MGN 280. This notice replaces MIN 416 (M)

This MIN expires November 2012

#### Summary

The purpose of this Marine Information Note is to provide the revised contact details of the MCA approved Certifying Authorities undertaking survey and certification work against the standards of the Small Commercial Vessel Codes of Practice or MGN 280 (M).

#### 1. Introduction/ Background

- 1.1 Certifying Authorities undertake survey and certification work under the Small Commercial Vessel Codes of Practice or MGN 280. The Codes of Practice are as follows:
- The Safety of Small Commercial Sailing Vessels A Code of Practice (Blue Code)
- The Safety of Small Commercial Motor Vessels A Code of Practice (Yellow Code)
- The Code of Practice for the Safety of Small Workboats and Pilot Boats (Brown Code)
- The Code of Practice for the Safety of Small Vessels in Commercial use for Sport or Pleasure Operating from a Nominated Departure Point (NDP) (Red Code)
- 1.2 MGN 280 (M) Small Vessels in Commercial Use for Sport or Pleasure, Workboats and Pilot Boats Alternative Construction Standards is available as an equivalent standard to the Small Commercial Vessel Codes of Practice, until the new enabling Statutory Instrument has been completed. Once completed, the new standards will be produced as a Merchant Shipping Notice (MSN) and will supersede the current Small Commercial Vessel Codes listed above.

#### 2. List of Certifying Authorities

2.1 The following is a list of the head offices of Certifying Authorities authorised through formal agreement to conduct survey and certification of all types of small commercial vessels against the standards of the Small Commercial Vessel Codes or MGN280.

#### **Bureau Veritas**

Suite 1, Keel House Tyne Dock South Shields Tyne and Wear NE34 9PY

Tel: 0191 427 8170 Fax: 0191 427 8171

### Burness Corlett Three Quays (Southampton) Ltd.

Beresford House Town Quay Southampton SO14 2AQ

Tel: 023 80 33 9449 Fax: 023 80 33 9440

#### **Maritime and Coastguard Agency**

Bay 2/22, Spring Place 105 Commercial Road Southampton SO15 1EG

Tel: 023 80 32 9213 Fax: 023 80 32 9104

#### **Det Norske Veritas**

14 Mitchell Point Ensign Way Hamble Southampton SO31 4RF

Tel: 023 80 74 5940 Fax: 023 80 74 5941

## International Institute of Marine Surveying

Murrills House 48 East Street Porchester PO16 9XS

Tel: 023 92 38 5223 Fax: 023 92 38 5224

#### Lloyd's Register EMEA

5 Town Quay Southampton SO14 2AQ

Tel: 023 80 71 2915 Fax: 023 80 71 2956

#### **MECAL Ltd**

Ocean Building Queen Anne's Battery Marina Plymouth PL4 0LP

Tel: 01752 251211 Fax: 01752 251212

#### **Port of London Authority**

London River House Royal Pier Road Gravesend Kent DA12 2BG

Tel: 01474 562200 Fax: 01474 562277

#### **RINA UK Ltd**

North Wing, 1st Floor 2 Charlotte Place Southampton SO14 0TB United Kingdom

Tel: 023 80 33 2271 Fax: 023 80 33 1744

#### **Royal Yachting Association**

RYA House Ensign Way Hamble Southampton SO31 4YA

Tel: 08453 450400 Fax: 08445 569516

#### **Seafish Industry Authority**

Humber Seafood Institute Origin Way, Euro Parc Grimsby North East Lincolnshire DN37 9TZ

Tel: 01472 252300 Fax: 01472 268792

#### Society of Consulting Marine Engineers and Ship Surveyors

202 Lambeth Road

London SE1 7JW

Tel: 020 7261 0869 Fax: 020 7261 0871

## Yacht Designers and Surveyors Association

The Glass Works 3b Penns Road Petersfield Hampshire GU32 2EW

Tel: 01730 710490 Fax: 01730 710423

#### 3. NDP Certifying Authorities

3.1 The following are Local Authorities and Harbour Commissioners authorised through formal agreement as NDP Certifying Authorities to conduct survey and certification of small commercial vessels against the standards of The Code of Practice for the Safety of Small Vessels in Commercial use for Sport or Pleasure Operating from a Nominated Departure Point (NDP) or the standards for vessels wishing to operate in area category 5 or 6 within MGN280.

#### **Padstow Harbour Commissioners**

Harbour Office Padstow Cornwall PL28 8AQ

Tel: 01841 532239 Fax: 01841 533346

#### **Torridge District Council**

Environmental Health & Public Protection

Licensing Team Bridge Buildings Bideford, Devon EX39 2HT

Tel: 01237 428991 Fax: 01237 428901

#### **More Information**

External Monitoring and Assurance Maritime and Coastguard Agency Bay 1/01 Spring Place 105 Commercial Road Southampton SO15 1EG

Tel: +44 (0) 23 8032 9186 Fax: +44 (0) 23 8032 9388

e-mail: externalmonitoring@mcga.gov.uk

General Inquiries: infoline@mcga.gov.uk

MCA Website Address: www.dft.gov.uk/mca

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The Merchant Shipping Act 1995 (extracts)

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		(a)	unfit to rem	ain at sea witho	ut serious danger to h	uman life, or		
		(b)	unfit to go o	on a voyage with	out serious danger to	human life.]		
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		(a)	the condition	n, or the unsuita	ability for its purpose, o	of—		
			(i)	the ship or its r	machinery or equipme	nt, or		
			(ii)	any part of the	ship or its machinery o	or equipment;		
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		(c)	overloading	g or unsafe or im	proper loading;			
		(d)	any other m	atter relevant to	the safety of the ship;			
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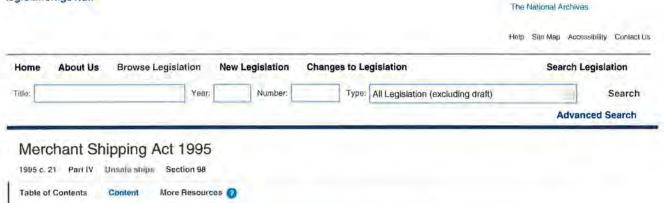
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98 Owner and master liable in respect of dangerously unsafe ship

Status: This is the original version (as it was originally enacted)

- (1) If a ship which-
  - (a) is in a port in the United Kingdom, or
  - (b) is a United Kingdom ship and is in any other port.

is dangerously unsafe, then, subject to subsections (4) and (5) below, the master and the owner of the ship shall each be guilty of an offence.

(2) Where, at the time when a ship is dangerously unsafe, any responsibilities of the owner with respect to the matters relevant to its safety have been assumed (whether wholly or in part) by any person or persons other than the owner, and have been so assumed by that person or (as the case may be) by each of those persons either—

**Next: Provision** 

(a) directly, under the terms of a charter-party or management agreement made with the owner, or

Previous: Provision

(b) indirectly, under the terms of a series of charter-parties or management agreements,

the reference to the owner in subsection (1) above shall be construed as a reference to that other person or (as the case may be) to each of those other persons.

- (3) A person guilty of an offence under this section shall be liable-
  - (a) on summary conviction, to a fine not exceeding £50,000;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (4) It shall be a defence in proceedings for an offence under this section to prove that at the time of the alleged offence—
  - (a) arrangements had been made which were appropriate to ensure that before the ship went to sea it was made fit to do so without serious danger to
    human life by reason of the matters relevant to its safety which are specified in the charge (or, in Scotland, which are libelled in the complaint, petition
    or indictment); or
  - (b) it was reasonable for such arrangements not to have been made.
- (5) It shall also be a defence in proceedings for an offence under this section to prove-
  - (a) that, under the terms of one or more charter-parties or management agreements entered into by the accused, the relevant responsibilities, namely—
    - (i) where the accused is the owner, his responsibilities with respect to the matters relevant to the ship's safety, or
    - (ii) where the accused is liable to proceedings under this section by virtue of subsection (2) above, so much of those responsibilities as had been assumed by him as mentioned in that subsection,

had at the time of the alleged offence been wholly assumed by some other person or persons party thereto; and

(b) that in all the circumstances of the case the accused had taken such steps as it was reasonable for him to take, and exercised such diligence as it was reasonable for him to exercise, to secure the proper discharge of the relevant responsibilities during the period during which they had been assumed by some other person or persons as mentioned in paragraph (a) above;

and, in determining whether the accused had done so, regard shall be had in particular to the matters mentioned in subsection (6) below

- (6) Those matters are-
  - (a) whether prior to the time of the alleged offence the accused was, or in all the circumstances ought reasonably to have been, aware of any deficiency in the discharge of the relevant responsibilities; and
  - (b) the extent to which the accused was or was not able, under the terms of any such charter-party or management agreement as is mentioned in subsection (5)(a) above—
    - (i) to terminate it, or
    - (ii) to intervene in the management of the ship,

in the event of any such deficiency, and whether it was reasonable for the accused to place himself in that position.

- (7) No proceedings for an offence under this section shall be instituted—
  - (a) in England and Wales, except by or with the consent of the Secretary of State or the Director of Public Prosecutions;
  - (b) in Northern Ireland, except by or with the consent of the Secretary of State or the Director of Public Prosecutions for Northern Ireland.
- (8) In this section-

"management agreement", in relation to a ship, means any agreement (other than a charter-party or a contract of employment) under which the ship is managed, either wholly or in part, by a person other than the owner (whether on behalf of the owner or on behalf of some other person); and "relevant responsibilities" shall be construed in accordance with subsection (5) above.

(9) References in this section to responsibilities being assumed by a person under the terms of a charter-party or management agreement are references to their being so assumed by him whether or not he has entered into a further charter-party or management agreement providing for them to be assumed by some other person.

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- 100 Owner liable for unsafe operation of ship.
  - (1) It shall be the duty of the owner of a ship to which this section applies to take all reasonable steps to secure that the ship is operated in a safe manner.
  - (2) This section applies to-
    - (a) any United Kingdom ship; and
    - (b) any ship which-
      - (i) is registered under the law of any country outside the United Kingdom, and
      - (ii) is within United Kingdom waters while proceeding to or from a port in the United Kingdom,

unless the ship would not be so proceeding but for weather conditions or any other unavoidable circumstances.

- (3) If the owner of a ship to which this section applies fails to discharge the duty imposed on him by subsection (1) above, he shall be liable—
  - (a) on summary conviction, to a fine not exceeding £50,000;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (4) Where any such ship-

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- (a) is chartered by demise, or
- (b) Is managed, either wholly or in part, by a person other than the owner under the terms of a management agreement within the meaning of section 98, any reference to the owner of the ship in subsection (1) or (3) above shall be construed as including a reference—
  - (i) to the charterer under the charter by demise, or
  - (ii) to any such manager as is referred to in paragraph (b) above, or
  - (iii) (if the ship is both chartered and managed as mentioned above) to both the charterer and any such manager,

and accordingly the reference in subsection (1) above to the taking of all reasonable steps shall, in relation to the owner, the charterer or any such manager, be construed as a reference to the taking of all such steps as it is reasonable for him to take in the circumstances of the case.

- (5) No proceedings for an offence under this section shall be instituted—
  - (a) in England and Wales, except by or with the consent of the Secretary of State or the Director of Public Prosecutions;

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(b) in Northern Ireland, except by or with the consent of the Secretary of State or the Director of Public Prosecutions for Northern Ireland.

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MCA Prohibition Notice



Glasgow Marine Office Navy Buildings Eldon Street Greenock STRATHCLYDE PA16 7QY

Tel:

+44 (0) 1475 553370

Fax: E-mail: +44 (0) 1475 553357 Glasgow\_mo@mcga.gov.uk

Your ref:

Our ref:

LLARD/26/2012

21 June 2012

### Statutory Instrument 3223 of 2006, Boatmaster Qualifications

Dear sir, please find enclosed: MSF 1705 Prohibition notice. This document is served on you with regard to the Boatmaster Qualifications (MSN 1808) SI 3223 2006, and following an inspection of one of your vessels at Ardlui Marina, Loch Lomond 19 June 2012.

I would bring to your attention the schedule to the notice and the remedial action required.

Should you require clarification of any of the enclosed documentation please do not hesitate to get in contact with any marine surveyor at the address above.

### Marine Surveyor

Docs enclosed: MSF 1703 1705 1707











### **PROHIBITION NOTICE**

Merchant Shipping Act 1995, Section 262

Name and Address of person on whom this Notice is served	То				
Trading as (*)		Ardlui Hotel			
nspector's full name	I,				
nspector's Official Address	of Glas	gow Marine office , Maritime and Coastguard Agency, Navy Buildings Eldon Street Greenock PA16 7QY			
Official Telephone		01475 553370			
	hereby giv	ve you notice that I am of the opinion that the following activities,			
	Comn	nercial boat operations , Small passenger boat in Loch Lomond			
	which are	(*) being carried out by you / likely to be carried out by you/ under ol aboard			
Name of Ship	0	VIXEN			
Official Number		N/A			
	involve, or will involve (*) -a risk / an imminent risk, of (*) serious personal injury / serious pollution of navigable waters.				
	(*) I am fu following	rther of the opinion that the said matters involve contraventions of the statutory provisions			
Provisions contravened		ation 8 of SI 2006 number 3223 The Merchant Shipping Inland Waterway imited Coastal Operations Boatmasters Qualifications and Hours of work reg			
	The reaso	ns for my opinion are			
Reasons for opinion		Inspection, at Ardlui Marina 19 June 2012, skipper in charge of vessel has no commercial qualification.			
		eby direct that the said activities shall not be carried out by you or ir control (*) immediately / after			
Date & time	20 June 2012 09:00 hrs				
	(*) unless	the ship shall not go to sea the said contraventions have been remedied in the lated in the schedule which forms part of the Notice			
		21 June 2012			

Official Number

N/A

### **Schedule to Prohibition Notice**

1, Vessels owner must not operate the vessel on page one without an appropriately qualified master onboard.



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Civic Government (Scotland) Act (Extracts)



### Civic Government (Scotland) Act 1982

### 1982 CHAPTER 45

An Act to make provision as regards Scotland for the licensing and regulation of certain activities; for the preservation of public order and safety and the prevention crime; for prohibiting the taking of and dealing with indecent photographs of children; as to certain powers of constables and others; as to lost and abandoned property and property in the possession of persons taken into police custody; as to the rights and duties of the owners and users of certain land, buildings and other structures; as to the making by local authorities of byelaws; and to enable them to make management rules applying to land or premises under their control; as to certain other functions of local authorities and their officers; as to the time when the Burgh Police (Scotland) Acts 1892 to 1911 and certain local statutory provisions cease to have effect; and for connected purposes.]

### Annotations:

### **Extent Information**

E1 Act (except s. 16 which applies to England and Wales) applies to Scotland only see %. 137(9).

### Modifications etc. (not altering text)

C1 Act excluded (19, 12, 1991) by City of Edinburgh District Council Order Confirmation Act (c. xix), ss. 1, 12(2), Sch. Pt. V

### Commencement Information

Act partly in force at Royal Assent see s. 137(2); Act wholly in force at 1, 1, 1985 see S.I. 1983(20) as amended by S.I. 1984/573 and 744.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Civic Government (Scotland) Act 1982, Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

### PART I

### LICENSING—GENERAL PROVISIONS

### Annotations:

### Modifications etc. (not altering text)

- C2 Pt. 1 modified (3.6.1991) by S.I. 1991/1253, art. 3(2), Sch. (which S.I. was revoked (7.6.2000) by S.S.I. 2000/177, art. 9)
- C3 Pt. I applied (with modifications) (7.6.2000) by S.S.I. 2000/177, art. 4, Sch.

### Application of Parts I and II of this Act.

This Part of this Act shall have effect with respect to the licensing of the activities for which licences are required under Part II of this Act.

### 2 Licensing authorities.

- For the administration of licensing in relation to the activities in connection with which
  licences are required under Part II of this Act there shall be a licensing authority for
  [FI the area of each local authority].
- (2) The licensing authority shall be the [F2]local authority]within whose area the activity is, or is to be, carried on.
- (3) Notwithstanding subsection (2) above, a [F2]local authority]shall not be exempt from any requirement to have a licence or any other obligation under this Part or Part II of this Act and a licensing authority shall have power to entertain and dispose of an application by a [local authority] for a licence or in respect of a licence held by them.

### Annotations:

### Amendments (Textual)

- F1 Words in s. 2(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 129(2)(a); S.I. 1996/323, art. 4(1)(c)
- F2 Words in s. 2(2)(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Seh. 13 para. 129(2)(b); S.I. 1996/323, art. 4(1)(c)

### 3 Discharge of functions of licensing authorities.

- (1) For the purpose of the discharge of their functions under this Part of this Act, every licensing authority shall consider, within 3 months of its having been made to them under paragraph 1 of Schedule 1 to this Act, each application so made and, subject to the following provisions of this section, reach a final decision on it within 6 months.
- (2) On summary application by the licensing authority within the 6 month period referred to in subsection (1) above, the sheriff may, if it appears to him that there is good reason to do so, extend that period as he thinks fit.
- (3) The applicant shall be entitled to be a party to a summary application under subsection (2) above.

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- (4) Where the licensing authority have failed to reach a final decision on the application before the expiry of—
  - (a) the 6 month period referred to in subsection (1) above, or
  - (b) such further period as the sheriff may have specified on application under subsection (2) above,

the licence applied for shall be deemed to have been granted or, as the case may be, renewed unconditionally on the date of such expiry and shall remain in force for one year, but this subsection is without prejudice to the powers of revocation under section 7(6)(a) of this Act, of variation under paragraph 10 of Schedule 1 to this Act and of suspension under paragraphs 11 and 12 of that Schedule and to the provisions of paragraph 8(5) of that Schedule.

(5) The licensing authority shall make out and deliver the licence to the applicant to whom it has been deemed to have been granted under subsection (4) above.

### 4 Further provisions as to licensing.

Schedule 1 to this Act (which contains further provisions as to licensing and regulation in relation to the activities in connection with which licences are required under Part II of this Act) shall have effect.

### 5 Rights of entry and inspection.

- (1) Without prejudice to any other provision of this Act, an authorised officer of the licensing authority or the fire authority or a constable may, for the purposes specified in subsection (2) below, at any reasonable time—
  - (a) enter and inspect any premises, vehicle or vessel used or to be used for an
    activity in relation to which a licence is in force or has been applied for under
    this Act;
  - (b) require production of and inspect any equipment, plant, apparatus or stockin-trade which is or is to be kept or used in connection with any such activity;
  - (c) require production of and inspect any records or other documents required by or under this Part or Part II of this Act to be kept by the holder of the licence and take copies of or extracts from any such record or document.
- (2) The purposes referred to in subsection (1) above are—
  - (a) where a licence is in force—
    - (i) seeing whether the terms of the licence are being complied with and, if they are not, obtaining information in respect of such noncompliance;
    - (ii) obtaining information relevant to the question whether the terms of the licence should be varied under paragraph 10 of Schedule 1 to this Act or whether the licence should be renewed or, under paragraph 11 or 12 of that Schedule, suspended; or
  - (b) where the grant of a licence has been applied for, obtaining information relevant to the question whether the application should be granted.

### (3) Any person who-

(a) being a person for the time being in charge of any premises, vehicle or vessel, fails without reasonable excuse to permit a constable or an authorised officer of a licensing authority or a fire authority who, in pursuance of subsection (1)

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- above, demands to do so to enter or inspect the premises, vehicle or vessel or obstructs the entry thereto of a constable or such an officer, in pursuance of that subsection;
- (b) being a person in respect of whom powers are exercised under subsection (1) above, on being required under that subsection to do so by a constable or an authorised officer of the licensing authority or the fire authority, fails without reasonable excuse to produce any equipment, plant, apparatus or stock-in-trade or to permit a constable or such an officer, in pursuance of that subsection, to inspect any equipment, plant, apparatus or stock-in-trade;
- (c) being a holder of a licence, on being required by a constable or an authorised officer of the licensing authority or the fire authority, in pursuance of subsection (1) above, to produce any records or other document required by or under this Part or Part II of this Act to be kept by the holder of a licence, fails without reasonable excuse to produce them;

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [F3] level 3 on the standard scale].

- (4) An authorised officer of a licensing authority or a constable may require any person who the officer or constable has reasonable ground to believe is carrying on an activity which requires to be licensed to produce his licence within 5 days of being required to do so.
- (5) Any person who, having been required under subsection (4) above to produce a licence, fails without reasonable excuse to do so within the period of 5 days specified in that subsection shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [F3] level 1 on the standard scale].
- (6) An authorised officer of a licensing authority or the fire authority shall not be entitled to exercise the powers which he may exercise under subsection (1) or (4) above until he has produced his authorisation—
  - in relation to the exercise of powers under subsection (1)(a) above, to the person for the time being in charge of the premises, vehicle or vessel; and
  - (b) in any other case, to the person in respect of whom the powers are to be exercised.
- (7) A constable who is not in uniform shall not be entitled to exercise the powers which he may exercise under subsection (1) or (4) above until he has produced his identification
  - (a) in relation to the exercise of powers under subsection (1)(a) above, to the person for the time being in charge of the premises, vehicle or vessel; and
  - (b) in any other case, to the person in respect of whom the powers are to be exercised.

### **Annotations:**

### Amendments (Textual)

F3 Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 2), SIF 39:1), s. 289G

### 6 Powers of entry to and search of unlicensed premises.

(1) If a justice of the peace or sheriff is satisfied by evidence on oath that there is reasonable ground for suspecting that—

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- (a) an activity in respect to which a licence under this Act is required is being carried on in any premises, vehicle, or vessel; and
- (b) no such licence is in force,

he may grant a warrant authorising any constable to enter and search the premises, vehicle or vessel specified in the warrant.

- (2) A constable may use reasonable force in executing a warrant granted under subsection (1) above.
- (3) A constable who is not in uniform shall produce his identification if required to do so by any person in or upon any premises, vehicle or vessel which the constable is about to enter, is entering or has entered under the powers conferred under subsection (1) above, and if he has been so required to produce his identification, he shall not be entitled to enter or search the premises, vehicle or vessel or, as the case may be, remain there or continue to search the premises, vehicle or vessel until he has produced it.
- (4) Any person who fails without reasonable excuse to permit a constable in pursuance of a warrant granted under this section to enter and search any premises, vehicle or vessel or who obstructs the entry thereto or search thereof by a constable shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [F4] level 3 on the standard scale].

### Annotations:

### Amendments (Textual)

F4 Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

### 7 Offences, etc.

- (1) Any person who without reasonable excuse does anything for which a licence is required under Part II of this Act without having such a licence shall be guilty of an offence and liable, on summary conviction
  - [F5(a) in a case where the licence so required is a public entertainment licence, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both; and
    - (b) in any other case,], to a fine not exceeding [F6] level 4 on the standard scale].
- (2) If a condition attached to a licence is not complied with, the holder of the licence shall, subject to subsection (3) below, be guilty of an offence and liable, on summary conviction
  - |F7(a) in a case where the licence is a public entertainment licence and the condition is attached under section 41(3)(b) of this Act, to such fine or imprisonment as is mentioned in subsection (1)(a) above (or to both); and
    - (b) in any other case,], to a fine not exceeding [F6] evel 3 on the standard scale].
- (3) It shall be a defence for a person charged with an offence under subsection (2) above to prove that he used all due diligence to prevent the commission of the offence.
- (4) Any person who, in making an application under this Part of this Act to the licensing authority, makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [F6] evel 4 on the standard scale].

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- (5) Any person who, being the holder of a licence-
  - fails without reasonable excuse to notify the licensing authority of a material change of circumstances in accordance with paragraph 9(1) of Schedule 1 to this Act;
  - (b) without reasonable excuse makes or causes or permits to be made any material change in any premises, vehicle or vessel in contravention of paragraph 9(2) of Schedule 1 to this Act;
  - (c) fails without reasonable excuse to deliver his licence to the licensing authority in accordance with paragraph 13(2) of Schedule 1 to this Act,

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding, in the case of an offence under paragraph (a) or (b) above, [F6] evel 3 on the standard scale], and in the case of an offence under paragraph (c) above, [F6] evel 1 on the standard scale].

- (6) Where a holder of a licence is convicted of an offence under section 5 (other than subsection (5) thereof), 6 or this section, the court by which he is convicted may, in addition to any other penalty which the court may impose, make an order in accordance with one or both of the following paragraphs—
  - (a) that the licence shall be revoked;
  - (b) that the holder of the licence shall be disqualified from holding a licence for a period not exceeding 5 years.
- (7) Where the holder of a licence is convicted of an offence under this section, an extract of such conviction and sentence (if any) shall, within 6 days after the date of the conviction, be transmitted by the clerk of the court to the licensing authority which granted the licence.
- (8) A person may appeal against an order under subsection (6) above in the same manner as against sentence and the court which made the order may, pending the appeal, suspend the effect of the order.
- (9) A person may, at any time after the expiry of the first year of his disqualification under subsection (6) above, apply to the court which ordered the disqualification to remove it, and, on such application, the court may by order remove the disqualification as from such date as may be specified in the order or refuse the application, and, in either case, may order the applicant to pay the whole or any part of the expenses of such application.
- (10) Where an offence is alleged to have been committed under subsection (2) above by an employee or agent named in a licence, proceedings in respect of that offence may be instituted against the joint licence holder who is the employer of the employee or principal of the agent, whether or not proceedings have been instituted against the employee or agent.

### Annotations:

### Amendments (Textual)

- F5 S. 7(1)(a)(b) inserted by Entertainments (Increased Penalties) Act 1990 (c. 20, SIF 45A), s. 2(1)
- F6 Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G
- F7 S. 7(2)(a)(b) inserted by Entertainments (Increased Penalties) Act 1990 (c. 20, SIF 45A), s. 2(2)

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### 8 Interpretation of Parts I and II.

In this Part and in Part II of this Act except where the context otherwise requires—

"chief constable" means, in relation to a licensing authority's area, the chief constable for the area which includes the area of the licensing authority;

"fire authority" means, in relation to a licensing authority's area, the authority discharging in that area the functions of fire authority under the Fire Services Acts 1947 to 1959;

"licence" means a licence granted under this Part and Part II of this Act, and cognate expressions shall be construed accordingly;

"premises" includes land.

### PART II

### LICENSING AND REGULATION—PARTICULAR ACTIVITIES

### 9 Application of sections 10 to 27 and 38 to 44.

- (1) Sections 10 to 27 (except section 20), any regulations made under the said section 20, and sections 38 to 43 [F8 (except section 41A)] of this Act and any order made under section 44(1)(a) of this Act (which sections regulations and order are in this section called the "optional provisions") shall have effect in the area of a licensing authority only if and insofar as the authority have so resolved in accordance with subsections (2) to (8) below.
- (2) A licensing authority may, in accordance with this section, resolve that, as from a day specified in the resolution (which must not be before the expiration of the period of nine months beginning with the day on which the resolution was made) any activity provision for the licensing and regulation of which is made by the optional provisions shall require to be licensed in accordance with the provisions of this Act relating to that activity and shall be regulated by those provisions.
- (3) Subject to subsections (4) and (5) below, a resolution under this section may be made
  - (a) in relation to all or any of the activities referred to in subsection (2) above;
  - (b) in relation to the whole or any part of the area of the licensing authority;
  - (c) in relation to—
    - (i) all classes of an activity referred to in any of the optional provisions; or
    - (ii) all such classes subject to exceptions; or
    - (iii) any particular such class or classes.
- (4) A licensing authority may not make a resolution under this section relating to any of the activities provision for the licensing and regulation of which is made in sections 10 to 23 of this Act (that is to say the operation of a vehicle as a taxi, the operation of a vehicle as a hire car, the driving of a taxi and the driving of a hire car) unless it relates to all these activities.
- (5) A resolution made under this section by the licensing authority relating to—
  - (a) the activity provision for the licensing and regulation of which is made in sections 24 to 27 of this Act (that is to say the carrying on of business as a

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- second-hand dealer) shall specify the particular class or classes of that activity which shall thereby fall to be licensed and regulated;
- (b) the activity provision for the licensing of which is made in section 41 of this Act (that is to say the use of premises as a place of public entertainment) shall specify the place or places, or class or classes thereof, which shall thereby fall to be licensed.
- (6) A licensing authority shall not make a resolution under this section unless they have
  - (a) published in a newspaper or newspapers circulating in their area the terms of the proposed resolution together with a notice stating—
    - (i) that they intend to make the resolution; and
    - (ii) that representations about the resolution may be made in writing to the authority within 28 days of the first publication of the notice; and
  - (b) considered any representations so made.
- (7) A licensing authority, before proceeding to make a resolution under this section, may make such modifications to the proposed resolution as they think fit in the light of representations made to them about it provided such modifications do not extend its scope.
- (8) The licensing authority shall, as soon as they have made a resolution under subsection (2) above, publish in a newspaper or newspapers circulating in their area—
  - (a) the terms of the resolution so made; together with
  - (b) a notice stating-
    - (i) that with effect from the date specified as that on which the resolution comes into effect it will be an offence under section 7(1) of this Act to do without a licence whatever the resolution specifies as being an activity requiring to be licensed; and
    - (ii) that applications for licences in respect of the activity will be considered by the authority after the expiry of one month after the date of the making of the resolution.
- (9) A resolution under this section may be varied or rescinded by a subsequent resolution made in like manner except that, in relation to the time when it takes effect, a resolution under this subsection—
  - (a) varying a resolution under this section so as to reduce its scope; or
  - (b) rescinding a resolution under this section

shall take effect on such date as may be specified in it being any date subsequent to the making of the resolution.

(10) Anything which must or may be done under or by virtue of Part I or this Part of this Act may, at any time after the making by the licensing authority of the resolution, be done so far as may be necessary or expedient for the purpose of giving full effect to the resolution at or after the time it takes effect but no application for a licence in respect of an activity requiring to be licensed in consequence of the resolution shall be considered by the authority until the expiry of one month after the making of the resolution.

### Annotations:

### Amendments (Textual)

F8 Words inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 81:2), s. 44(4)

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### 38 Boat hire licences.

- Subject to the provisions of this section, a licence under this Act, to be known as a
  "boat hire licence", shall be required for the use of a vessel, in the course of a trade
  or business carried on in or from any place within the area of a licensing authority,
  for the purpose of—
  - (a) letting it on hire; or
  - (b) carrying for reward 12 or fewer passengers,

for pleasure, recreational, educational or sporting purposes.

- (2) A boat hire licence may relate to one or more vessels or classes of vessel and shall specify—
  - (a) the vessels or the classes of vessels to which it relates; and
  - (b) the maximum number of vessels or of each class of vessel which may be used under the licence.
- (3) A boat hire licence shall extend to the use of any vessel added to or substituted for a vessel to which the licence relates if—
  - the additional or substitute vessel is of identical type to a vessel of a class to which the licence relates; and
  - (b) the maximum number referred to in subsection (2)(b) above is not exceeded.
- (4) A boat hire licence shall not be required in respect of the use-
  - (a) of any vessel in respect of which there is in force a passenger certificate, load line certificate or load line exemption certificate under the [F36]Merchant Shipping Act 1995];
  - (b) for a continuous period of over 24 hours, of any vessel having overnight sleeping accommodation;

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- (c) of any vessel for the purpose of instruction or training in seamanship;
- (d) of any vessel exclusively for fishing in non-tidal waters;
- (e) of any vessel—
  - (i) on any inland waterway; or
  - (ii) at any harbour

owned or managed by the British Waterways Board; or

- (f) of any vessel with the consent of the harbour authority (within the meaning of the M13 Harbours Act 1964) in any harbour owned or managed by them.
- (5) Before granting an application to grant or renew a boat hire licence a licensing authority may require the applicant to produce a certificate in respect of each vessel to which the application relates issued by a person appearing to the authority to be suitably qualified for the purpose of issuing such a certificate stating that the vessel is suitably designed, constructed, maintained and equipped and in a safe condition for the purpose for which, and the place or waters in which, it is to be used.
- (6) Without prejudice to paragraphs 5(3), 11 and 12 of Schedule 1 to this Act a licensing authority shall—
  - (a) refuse an application to grant or renew a boat hire licence;
  - (b) suspend a boat hire licence in accordance with the said paragraph 12, to the extent that it relates to any vessel which is in their opinion not in a safe condition for the purpose for which, and the place or waters in which, it is to be or, as the case may be, is being used.
- (7) Without prejudice to paragraph 5 of Schedule 1 to this Act, a licensing authority, on granting an application for the grant or renewal of a boat hire licence, shall attach conditions—
  - (a) fixing the maximum number of persons which may be carried in the vessel;
  - (b) specifying inland waters in their area, the inland waters adjacent to inland waters in their area and the tidal waters within which each vessel or class of vessel to which the application relates may be used.
- (8) The holder of a boat hire licence shall effect and maintain in force in relation to every vessel to which the licence relates a policy of insurance to the satisfaction of the licensing authority and complying with subsection (9) below, and shall not reduce the amount or extent of the cover specified in the policy without the prior approval of the authority.
- (9) A policy of insurance complies with this subsection if it insures such person, persons, or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by, or arising out of, the use of the vessel.
- (10) Any person who, being the holder of a boat hire licence, uses or causes or permits any other person to use a vessel to which the licence relates without having in force in relation to that vessel a policy of insurance in accordance with subsection (8) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [F37] level 4 on the standard scale].
- (11) Where—
  - (a) a vessel in respect of which a boat hire licence is in force is used—
    - (i) within the territorial waters of the United Kingdom adjacent to Scotland; and

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- (ii) within any inland waters or waters specified in the licence under subsection (7)(b) above; but
- (iii) outwith the area of the licensing authority which granted or last renewed the licence; and
- (b) all persons carried in the vessel embark initially from places within the area of the authority,

it shall not be necessary to have in force in respect of that use of the vessel a boat hire licence granted by any other licensing authority and the conditions subject to which the licence is held shall continue to apply to such use.

### Annotations:

### Amendments (Textual)

- F36 Words in s. 38(4)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), Sch. 13 para, 67 (with s. 312(1))
- F37 Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

### **Marginal Citations**

M13 1964 c, 40,

Argyll and Bute - Boat hire licence requirements

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### Boat Hire Licence

### Licence summary

Where a person uses or hires a boat to carry for reward 12 or fewer persons for pleasure, recreational, educational or sporting purposes, a Boat Hire Licence is required



### Eligibility Criteria

In order to make application you must not be disqualified from holding a licence, and you must be fit to be the holder of the licence.

The premises or vehicle you use in order to carry out the work must be suitable for that purpose.

You must not have applied for the same licence within the last year, unless there has been a material change in your circumstances since your last application.

You will be required to produce a certificate issued by a suitably qualified person stating that the vessel is suitably designed, constructed, maintained and equipped and in a safe condition for its intended use.

A Boat Hire Licence is not required in respect of the use:-

- Of any vessel in respect of which there is in force a passenger certificate, load line certificate or load line exemption certificate under the Merchant Shipping Act 1995;
- 2. For a continuous period of over 24 hours, of any vessel having overnight sleeping accommodation;
- 3. Of any vessel for the purpose of instruction or training in seamanship;
- 4. Of any vessel exclusively for fishing in non-tidal waters;
- 5. Of any vessel on any inland waterway or at any harbour owned or managed by the British Waterways Board, or
- Of any vessel with the consent of the harbour authority (within the meaning of the Harbours Act 1964) in any harbour owned or managed by them.

### Regulation Summary

### A summary of the regulation relating to this licence

### Schedule of Conditions

The attached document gives details of the schedule of conditions (pdf 27 KB) that relate to this licence.

### **Application Evaluation Process**

### Applications must:

- · be in writing (including by electronic means)
- · be signed by the applicant (including by electronic means)
- contain the applicant's name and address, and those of any employee who will manage the activity on a day-to-day basis,
   and the area in which the activity is to be carried out
- You must have an insurance policy with Public Liability Insurance with Indemnity of £5,000,000
- include the remittance fee

### The local authority will:

- · send a copy of the application to the Chief Constable
- place a notice within the local authority office (for the area the applicant wishes to trade) notice board which states the
  premises and applicant details contained in the application, that any objections or representations may be made to the
  local authority, and how such representations should be made
- keep a register of applications in which they will enter the details of the receipt of the application, their final decision and
  reasons for the decision, the details of the terms of each licence granted and a note of any suspension, variation of the
  terms, or surrender, of a licence

The register must be available for inspection by any member of the public at reasonable times and places and any member of the public must be permitted to make a copy of it. A fee will be required for this service.

Applications will not be granted if the Local Authority believe the vessel is not safe or suitable for the proposed purpose of use-

### Will Tacit Consent Apply?

Letter from Argyll and Bute Council

### Argyll and Bute Council Comhairle Earra Ghaidheal agus Bhóid

### **Customer Services**

Director:



<<name>>

<<address>>

<<town>>

<<POSTCODE>>

### Governance and Law

Kilmory, Lochgilphead PA31 8RT
Tel: 01546 - 604128 Fax: 01546 - 604373
DX No: 599700 LOCHGILPHEAD
e-mail:licensing@argyll-bute.gov.uk
Website: www.argyli-bute.gov.uk/all\_licences

Our Ref:

GF/JW/4632

Your Ref:

Date:

Dear Sir/Madam

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 38 BOAT HIRE LICENCES

I write to you regarding the provisions relating to boat hire and the implications of these provisions for those operating boats on Loch Lomond.

Argyll and Bute Council is a licensing authority for the purposes of the Civic Government (Scotland) Act 1982. The Act provides for the issue of boat hire licences by licensing authorities. The Act stipulates that a boat hire licence shall be required for the use of a vessel, in the course of a trade or business carried on in or from any place within the area of the licensing authority, for the purpose of letting it on hire or carrying for reward 12 or fewer passengers. This section of the Act is an optional provision which means that it is for each licensing authority to decide whether or not it will require boat hire within its area to be licensed. Argyll and Bute Council resolved on 1st July 1997 that boat hire would be a licensable activity. Accordingly, from the date, any vessel being used in that part of Loch Lomond falling within the Argyll and Bute Council area and falling within the categories set out above requires to be licensed.

Argyll and Bute Council understands that Stirling Council and West Dunbartonshire Council do not require that boat hirers be licensed. A licence issued by Argyll and Bute Council is therefore necessary for use of any relevant vessel in parts of Loch Lomond which fall within Argyll and Bute.

It is an offence to operate a vessel which falls into the relevant categories without holding a boat hire licence.

I enclose a map of Loch Lomond which shows that part of the Loch which lies within the Argyll and Bute Council area.



If you wish to apply for a boat hire licence for use of a vessel on the Argyll and Bute sector of Loch Lomond please visit Argyll and Bute Council's Licensing website at www.argyll-bute.gov.uk/all\_licences, or call our Licensing Section on 01546 – 604128.

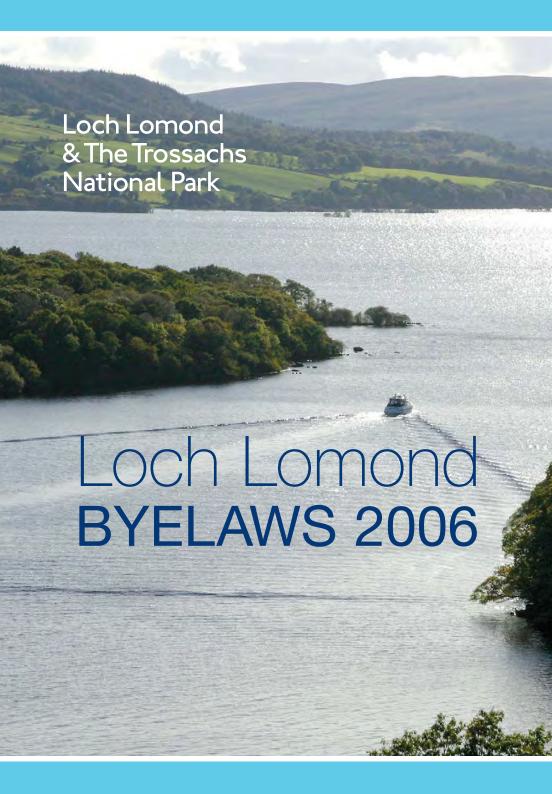
Yours faithfully,

Head of Governance and Law



		Annex I

Loch Lomond and the Trossachs National Park Byelaws - 2006





## BYELAWS 2006









**Navigation** 

You should take care when navigating Loch Lomond. Many known hazards are marked with IALA recognised cardinal, lateral and isolated danger marks, which are explained in a separate leaflet available free of charge from the National Park Authority at the address on the back of this booklet.

location and nature of the navigational hazards before using a boat on Loch Lomond. You are strongly advised to read and familiarise yourself with these byelaws and the Admiralty Chart Number 5077 and Loch Lomond – A Guide to Navigation (available from The National Park Authority), are also essential reading.

## Shores and Islands

and these same areas can be visited by large numbers of loch users. When boating on Many parts of the loch shore and the islands have conservation designations because Loch Lomond have consideration for others using the loch and its shore. In particular of their natural heritage importance. People live and work in many of these places be aware of your wake and its effect. Leave things as you find them and take your litter away with you.

# National Park Countryside Rangers

people and visitors and promote safety. A dedicated team of National Park Rangers The Loch Lomond Byelaws were introduced to reduce disturbance to wildlife, local operates two patrol boats every day during the season, to encourage compliance. Police Officers regularly accompany and support the Rangers in this work.

to them when you see them out on the water. Or call in to their office at the address The National Park Ranger Service is here to help you on the loch. Feel free to speak on the back of this booklet where they will be happy to answer any questions you may have.

### Registration

National Park Authority. You can get a registration form from our website or address on the back of this booklet. from the registration office at the Boat users must register with the



## Introduction

Loch Lomond is the largest body of freshwater in mainland Britain. It has been used by generations of Scots and visitors for boating, water skiing, bathing and other less active pleasures such as picnicking or just enjoying the unique atmosphere and scenery.

## The Byelaws

The Loch Lomond Byelaws were introduced in 1996 by the Loch Lomond Regional Park Authority. Since July 2002 Loch Lomond and The Trossachs National Park Authority has been responsible for the byelaws and submitted proposals for revisions in 2006, following extensive consultation. These proposals were approved by Scottish Ministers in March 2007.

The byelaws set out on the pages of this booklet are effective from 21 May 2007.



SECTION I	GENERAL
=	Title
1.2	Application
1.3	Definitions and Interpretations
SECTION 2	REGISTRATION
2.1	Registration - Power Driven Boats
2.2	Method of Registration
2.3	Effective Date of Registration
2.4	Transfers
2.5	Inspection of Boats
2.6	False Information
2.7	Exemption from Registration
SECTION 3	RULES OF NAVIGATION
3.1	Rules of Navigation
3.2	Lights - All Boats
3.3	Conduct in Restricted Visibility
3.4	Steering and Sailing Byelaws
3.5	General Byelaws Relating to Navigation & Behaviour
3.6	Speed Limits
3.7	Recreational Towing
3.8	Parascending
3.9	Noise and Silencers - All Boats
3.10	General Rules Relating to Boats
3.11	Notification of Accidents - All Boats
3.12	Investigation - All Boats
3.13	General Byelaws Relating to the Loch and Shore
3.14	Interference with Boats
3.15	Trolling
3.16	Direction of Authority Personnel or Police
3.17	Defence of Due Diligence
3.18	Penalties

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Made by Loch Lomond & The Trossachs National Park Authority under Section 121 of the Civic Government (Scotland) Act, 1982, Paragraph 8 of Schedule 2 to the National Parks (Scotland) Act 2000 and Section 12 of the Land Reform (Scotland) Act 2003.

## GENERAL

PAGE 2 2 5

## TITLE Ξ

The Byelaws may be cited as The "Loch Lomond Byelaws 2006".

## **APPLICATION** 7.

- Irossachs National Park, all as shown delineated in red on plan I annexed. These Byelaws shall be applicable to the waters, shores and banks of Loch Lomond and its navigable rivers within Loch Lomond & The Ξ 7.
- a right vested in him as owner of that land. Riparian and other proprietors extent as all other users of the waters, shores and banks of Loch Lomond. as owner of land in Loch Lomond or adjacent thereto from exercising shall otherwise be subject to these byelaws to the same manner and Nothing in these Byelaws shall prevent a riparian or other proprietor (2)

1.2

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## Exemption

boat being a passenger ship of Class IV, Class V or Class VI as specified in Regulation 2 of the Merchant Shipping (Fire Protection: Small Ships) Except for Byelaw 3.6 these Byelaws shall not apply in respect of any (3) 1.2

Regulations 1998 (SI 1998/1011). Where exempt from these Byelaws such boats shall be regulated in all other matters covered by these Byelaws by the Maritime and Coastguard Agency.

## **DEFINITIONS AND INTERPRETATIONS** <u>.</u>

printed in bold wherever they appear and they have the Interpretations In these Byelaws the following words, phrases and expressions are meaning hereby assigned to them respectively:

> 4 5 9 9 9

- "Annual Mark" means a mark of the size, colour and shape prescribed by the Authority in its registration documents for the purpose of indicating that a power-driven boat has been registered in any year. Ξ .7
- "the Authority" means the Loch Lomond and The Trossachs National Park Authority. (5)٣.

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boat primarily propelled by sails [larger than a dinghy] with a fixed keel or or cabin), motor sailer (a boat propelled by engine or sails with a keel and cabin), motor yacht (a boat largely propelled with an engine either steam "Boat" means every description of water craft, including sailing yacht (a dinghy including rowboats and small sailing vessels without a fixed keel or internal combustion including cabin cruisers), dinghy (all types of (3)

- "fairway" means a navigable channel running between two areas of shallow water.
- "Loch Lomond" or "the loch" means the area of water and rivers described in 1.2 above.
- (6) "Master" shall mean the person aboard having the control or charge of a boat, and in the case of any young person in control or charge of a power-driven boat it shall mean the adult on the boat supervising the young person in terms of Byelaw 3.5(4).

.3

- "Owner" means any individual, firm or body corporate which owns the boat from time to time.
- 1.3 (8) "Power-driven boat" means any boat fitted with propelling machinery.
- (9) "Recreational towing activities" means the activities of towing or being towed whilst taking part in water-skiing, wake-boarding, kneeboarding, parascending or being towed in or towing inflatable structures including but not limited to bananas, biscuits and ringos.

2

- 1.3 (10) "Registration Number" means the number allocated by the Authority to the owner of any powerboat, and being of a size, design and colour as may be prescribed by the Authority in its registration documents from time to time.
- (II) "Restricted visibility" means any condition in which visibility is restricted by fog, mist, smoke, falling snow, heavy rain, restricted light or any other similar causes.

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- 1.3 (12) "Sailing boat" means any boat under sail provided that propelling machinery, if fitted, is not being used.
- (13) "Small passenger boat" means a power-driven boat in commercial use for sport or pleasure capable of carrying a maximum of 12 passengers in addition to the Master of the boat, and includes power-driven boats used for excursion trips, hotel boats and water taxis.

.3

- 1.3 (14) "Trolling shape" is a round, orange coloured ball approximately 200mm in diameter fixed to a pole or rod .75 metres long and positioned in an appropriate part of the fishing boat where it is clearly visible.
- 1.3 (15) "Young person" means any person under the age of 16 years, and in connection therewith the word "adult" means any person of 18 years of age or over.

- 1.3 (16) A boat under mechanical power, whether also under sail or not, shall be deemed for the purposes of these Byelaws to be a power-driven boat.
- 1.3 (17) A boat is underway within the meaning of these Byelaws when it is not at anchor, made fast to the shore, aground, or attached to a mooring or other fixed object.

## 2 REGISTRATION

# 2.1 REGISTRATION – POWER DRIVEN BOATS

Subject to the provisions contained in Byelaw 2.5 no **owner**, or other person having the use or management of a **power-driven boat** shall knowingly, cause it to be brought on to, kept, let for hire or used on the loch unless it is registered with **the Authority** as provided by Byelaw 2.2.

## 2.2 METHOD OF REGISTRATION

A power-driven boat shall be registered by its owner with the Authority in the following manner:

## 2.2 (I) Application Form

An application for registration, or renewal of registration shall be made on a form supplied by **the Authority** and shall contain such information as may from time to time be prescribed by **the Authority**.

## 2.2 (2) Registration Number

Upon receipt of the form of application, the Authority shall allocate to the power-driven boat a Registration Number and it shall notify the same to the applicant.

## 2.2 (3) Annual Marks

Upon registering the **power-driven boat** in the manner specified in this Byelaw, **the Authority** shall also issue in respect of the powerdriven **boat** two **Annual Marks**.

## 2.2 (4) Display of Registration Number

The **owner** shall cause the **Registration Number** allocated to the powerdriven **boat** to be displayed on both sides of the **power-driven boat** in such a manner as may be prescribed by **the Authority** and in such a position as to be clearly visible.

## 2.2 (5) Display of Annual Marks

The **owner** shall cause the **Annual Marks** to be displayed on both sides of the **power-driven boat** without obscuring the **Registration Number** referred to in Byelaw 2.2(4) and so as to be clearly visible.

## 2.3 EFFECTIVE DATE OF REGISTRATION

Except as stated in Byelaw 2.4 (1) below, registration shall take place when the allocated **Registration Number** is notified to the applicant together with the supply of the **Annual Marks** and shall lapse on the 31st January following.

## TRANSFERS OF OWNERSHIP & NUMBERS

7.4

## 2.4 (1) Transfer of Ownership

Upon every transfer of ownership of a **power-driven boat** which is registered with **the Authority**, the transferor shall within fourteen days of the date of transfer notify **the Authority** in writing of the Number of the **power-driven boat** transferred and the name and address of the transferee.

(2) No Number or Annual Mark shall be transferred to another power-driven boat without the prior written consent of the Authority.

2.4

## 2.5 INSPECTION OF BOATS

The Authority shall have the right to inspect a **power-driven boat** prior to registration and at any other time to confirm the details given on the registration application form.

## 2.6 FALSE INFORMATION

No person shall knowingly provide **the Authority** with false information or fail to disclose any material information when making an application for registration or renewal of registration as provided in Byelaw 2.2 or when notifying **the Authority** of a transfer of ownership as provided in Byelaw 2.4 (1)

## 2.7 EXEMPTION FROM REGISTRATION

Any police or fire officer or other member of the emergency services in circumstances necessary to the proper execution of his or her duty, may use on **the loch** a **power-driven boat** which is not registered with the Authority.

## RULES OF NAVIGATION

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## 3.1 RULES OF NAVIGATION

Any person being the Master of a boat from time to time shall be responsible for ensuring compliance with the Rules of Navigation contained in Byelaw 3 and where any power-driven boat is under the control or charge of a young person, the adult supervising that young person in terms of Byelaw 3.5(4) shall be responsible for ensuring compliance with the requirements of Byelaw 3.

## 3.2 LIGHTS – ALL BOATS

The provisions of Byelaw 3.2 shall not apply to sailboards, canoes or kayaks or seaplanes.

3.2 (1) The Master of every boat shall comply with the provisions of Byelaw3.2. concerning lights in all weathers from sunset to sunrise. The lights prescribed by said Byelaw shall also be exhibited from sunrise to sunset in restricted visibility.

- (a) "Masthead Light" means a white Light placed over the fore and aft centre Line of the **boat** showing an unbroken Light over an arc of the horizon of 225 degrees and so fixed as to show the Light from right ahead to 22.5 degrees abaft the beam on either side of the **boat**.
- (b) "Sidelight" means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side.
- (c) "Sternlight" means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the **boat**.
- (d) "All round light" means a light showing an unbroken light over the whole circumference of the horizon of 360 degrees.
- 3.2 (2) A power-driven boat of 12 metres or more in length, when underway, shall carry lights of an intensity so as to be visible at the following minimum ranges:
- (a) A masthead light, 4.83 kilometres, 2.5 metres above sidelights.
- (b) Sidelights, 3.22 kilometres.
- (c) A sternlight, 3.22 kilometres.
- (d) All round light, 3.22 kilometres.
- 3.2 (3) A power-driven boat of less than 12 metres in length, when underway, shall carry lights of an intensity so as to be visible at the following minimum ranges:
- (a) A masthead light, 3.22 kilometres.
- (b) Sidelights, I.61 kilometres.
- (c) A sternlight, 3.22 kilometres.
- (d) All round light, 3.22 kilometres, or, in lieu of the foregoing, an all round white light and side lights, minimum visibility 3.22 kilometres and 1.61 kilometres respectively.
- 3.2 (4) A power-driven boat of less than 7 metres whose maximum speed does not exceed 10 kilometres per hour may, in lieu of the lights prescribed in Byelaw 3.2(3) exhibit an all-round white light and shall, if practicable, also exhibit sidelights, minimum visibility 3.22 kilometres and 1.61 kilometres respectively.
- 3.2 (5) The masthead lights or all round white light on a power-driven boat of less than 12 metres in length may be displaced from the fore and aft centre line of the boat if centre line fitting is not practicable, provided that the side lights are combined in one lantern, which shall be displaced from the fore and aft centre line of the boat by the same amount and in the same direction.
- 3.2 (6) A power-driven boat when towing another boat shall carry, in addition to the Lights prescribed in Byelaws 3.2(2) to 3.2(5) (as the case may be) an additional masthead Light of similar intensity in a vertical Line above or below that Light.

- A **boat** being towed shall exhibit: 6 3.2
- Sidelights, minimum intensity 1.61 kilometres.
- (ii) A sternlight, minimum intensity 3.22 kilometres.
- A sailing boat of greater than 7 metres in length underway shall exhibit: 8

3.2

- Sidelights, minimum intensity 1.61 kilometres.
- (ii) A sternlight, minimum intensity 3.22 kilometres.
- Byelaw 3.2 (8) may be combined in one lantern carried at or near the top In a sailing boat of less than 20 metres in length the lights prescribed in of the mast where it can best be seen. (6)

3.2

3.2

- paddle shall, if practicable, exhibit the lights prescribed in Byelaw 3.2 (8) or 3.2 (9) but, if not, an electric torch or lighted lantern showing a white light A sailing boat of less than 7 metres in length or a boat under oars or which shall be exhibited in sufficient time to prevent collision. <u>(</u>)
- permanent recognised moorings, if those moorings are out of the fairway. best be seen, a white light visible all round the horizon at a distance of at least 1.61 kilometres. This Byelaw shall not apply to **boats** when at their A boat at anchor in or near a fairway shall carry forward, where it can  $\widehat{\Xi}$

3.2

Between sunset and sunrise no boat shall show lights, other than those specified in Byelaws 3.2(2) to 3.2(11) inclusive, which are liable to be confused or mistaken for lights so specified. (12) 3.2

## CONDUCT IN RESTRICTED VISIBILITY 3.3

## Safe Speed – all boats 3.3 (1)

The Master of a boat shall, in restricted visibility, only go at such speed as the boat, all persons on the boat, and all other person using the loch and shall, if necessary, slacken speed or stop or reverse in order to avoid risk appropriate to the circumstances and necessary to ensure the safety of of collision, or injury.

## Sound Signal – all boats (3) 3.3

The Master of a boat shall ensure that, if practicable, at all times the boat carries a horn, whistle or other means of making an efficient sound signal

## Sound Signal – power-driven boats 4 3.3

The Master of a power-driven boat making way in restricted visibility, shall sound or cause to be sounded at intervals of not more than two minutes one prolonged blast of its sound signal of at least five seconds duration.

no way through the water in restricted visibility shall sound or cause to be sounded at intervals of not more than two minutes two prolonged blasts The Master of a power-driven boat under way, but stopped and making of its sound signal each of at least five seconds duration in succession with an interval of about two seconds between them. (2)

3.3

Boat aground – all boats 3.3 (6)

shall, instead of the signals prescribed in Byelaws 3.3 (4) and 3.3 (5) sound or cause to be sounded at intervals of no more than two minutes, three blast of The Master of a boat at anchor or aground in a fairway, a boat restricted in its ability to manoeuvre, a sailing boat or a boat engaged in towing

ts sound signal in succession, namely one prolonged blast, of at least five seconds duration, followed by two shorter blasts.

## Steering and Sailing – all boats 5 3.3

required to be carried on a **boat** of that type by virtue of Byelaw 3.2 The Master of a boat shall, in restricted visibility, display the lights

## STEERING AND SAILING BYELAWS 3.4

## Avoiding Risk of Collision – all boats Ξ 3.4

lookout by sight and hearing as well as by all available means appropriate relating to steering and sailing and shall at all times maintain a proper The Master of a boat shall navigate in accordance with Byelaw 3.4. in the prevailing circumstances.

## Avoiding Risk of Collision – sailing boats (2) 3.4

of collision, one of them shall keep out of the way of the other as follows: When two sailing boats are approaching one another, so as to involve risk

- (a) When each has the wind on a different side, the sailing boat which has the wind on the port side shall keep out of the way of the other.
- to windward shall keep out of the way of the sailing boat which is to leeward. (b) When both have the wind on the same side, the sailing boat which is
- the purpose of this Byelaw, the windward side shall be deemed to be the with the wind on the port side shall keep out of the way of the other. For windward and cannot determine with certainty whether the other sailing (c) If a sailing boat with the wind on the port side sees a sailing boat to boat has the wind on the port or on the starboard side, the sailing boat side opposite to that on which the mainsail is carried.

## Avoiding Risk of Collision - power-driven boat (3) 3.4

When two power-driven boats are meeting head on, or nearly head on, so as to involve risk of collision, each shall alter its course to starboard so that each may pass on the port side of the other.

- collision, the power-driven boat which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case When two power-driven boats are crossing so as to involve risk of admit, avoid crossing ahead of the other power-driven boat. 4 3.4
- directions as to involve risk of collision, the power-driven boat shall keep When a power-driven boat and a sailing boat are proceeding in such out of the way of the sailing boat. (2) 3.4

## **Under Oars** 9 3.4

machinery or carrying sails) is being manually propelled solely by the use of oars or paddles, and proceeding in such direction as to involve risk of collision, the **boat** which is not under oars or paddles shall keep out of When two **boats**, one of which (whether or not fitted with propelling the way of the other.

## 3.4 (7) Avoiding Risk of Collision – all boats

Where, by any of the provisions of Byelaw 3.4 one of the two **boats** is to keep out of the way, the other shall keep its course and speed. When, from any cause the **Master** of the latter **boat** finds himself so close that collision cannot be avoided by the action of the giving-way **boat** alone, he shall also take such action as will best avert a collision.

(8) A boat which is directed by any of the said provisions to keep out of the way of another boat shall, so far as possible, take positive early action so as to ensure a safe passing distance.

3.4

3.4

(9) A power-driven boat which is directed by any of the said provisions to keep out of the way of another boat shall, on approaching the other boat, if necessary, slacken speed, stop or reverse or take such other actions as would avoid a collision.

## 3.4 (10) Avoiding Risk of Collision – Seaplanes

Seaplanes landing and taking off from the water must do so in a manner designed to ensure that the seaplane keeps clear of all other loch users.

## 3.4 (II) Inability to Manoeuvre – all boats

If a **power-driven boat** is in any circumstances unable to manoeuvre in compliance with any of the said provisions the **Master** shall sound the letter 'D' in Morse Code (that is to say one long blast followed by two short blasts of its sound signal) to indicate 'I am unable to give way'. It shall then be the duty of the other **boat** to keep clear.

- 3.4 (12) Notwithstanding anything contained in any of the said provisions, every boat overtaking any other boat shall keep out of the way of the overtaken boat.
- (13) When two power-driven boats are approaching from approximately northerly and southerly directions respectively a pier or landing stage preparatory to going alongside it and both boats are at nearly equal distance therefrom, the boat which is to the northward of the other shall give way and allow the other boat to go alongside first.

3.4

3.4 (14) If necessary to attract attention in the interests of safety, one prolonged blast of its sound signal shall be sounded by a power-driven boat when starting from any pier or landing stage.

## 3.4 (15) Boat Engaged in Trolling – all boats

No **boat** shall approach within 100 metres astern of a fishing **boat** engaged in trolling and displaying a "trolling shape".

- 3.4 (16) When navigating in an channel or area where there is less than 150 metres between one area of shore or island and another area of shore or island, the Master shall navigate the boat so as to be on the starboard (right) side of mid channel so as to permit boats to pass port (left) side to port side.
- (17) In a channel or area where there is less than 150 metres between one area of shore or island and another area of shore or island, so as to avoid the likelihood of collision, Masters of boats shall keep on special lookout and be prepared to stop and go astern.

3.4

3.4 (18) No boat shall impede the passage or block any channel for boats passing through any of the restricted areas.

## 3.5 GENERAL BYELAWS RELATING TO NAVIGATION & BEHAVIOUR

## 3.5 (I) Reckless Navigation – all boats

No Master of any boat shall navigate or permit any boat to be navigated recklessly.

## 3.5 (2) Drunken Navigation – all boats

No **Master** of any **boat** or any other person shall navigate while under the influence of drink or drugs.

# 3.5 (3) Navigating Without Due Care and Attention – all boats

No Master of any boat shall navigate or permit the boat to be navigated without due care and attention or without reasonable consideration for other boats or persons using the loch.

## 3.5 (4) Young persons – power boats

No **power-driven boat** with a greater engine power than 5 horse power (3.7 kilowatts) shall be under the control or charge of a **young person** unless supervised by an adult who is present on the **boat** at the same time.

# 3.5 (5) Securing a Boat and tying up, anchoring and mooring – all boats

(a) Save as in an emergency, no **Master** shall moor, anchor or tie up a **boat** in any part of Loch Lomond where it is likely to cause nuisance, injury or damage to individuals or property.

(b) Save as in an emergency, no Master shall tie or otherwise secure a boat to any buoy, beacon or pole marking a navigation hazard or instruction.

## 3.5 (6) Lifejackets – all boats

The provision of byelaw 3.5.6 shall not apply to seaplanes.

- (a) The master of a boat (other than a personal water craft including a jet ski or jet bike) shall ensure that at all times the boat is carrying sufficient lifejackets or buoyancy aids of the standard specified in sub section (d) of an appropriate size and weight for each person on board at any one time;
- (b) The master of a **boat** shall ensure that a person wears a suitable lifejacket or buoyancy aid at all times when being towed by a **boat** or on board an object of any kind which has been towed by a **boat**, except where a person is being towed whilst bare foot skiing and is wearing an adapted wet suit which aids buoyancy;
- (c) Every person on a personal water craft shall wear a lifejacket or buoyancy aid of the type described at sub section (d) at all times while on board the personal water craft including a jet ski or jet bike, or being towed by another boat;
- (d) A personal floatation device means any lifejacket or personal buoyancy aid complying with British Standards BS/EN393, 395, 396 or 399.

## 3.6 SPEED LIMITS – ALL BOATS

- 3.6 (1) Subject to Byelaw 3.6 (2), and except with the written approval of the Authority complying with any conditions therein, the maximum speed of any boat using the loch shall be 90 kilometres per hour or such lower speed as is consistent with the safety of the boat, its passengers and other users of the loch considering the conditions prevailing on the Loch from time to time.
- (2) Notwithstanding Byelaw 3.7(1), and except with the prior written approval of **the Authority**, the **Master** of a **power-driven boat** shall not permit his **boat** to travel at a speed greater than 11 kilometres per hour in any of the following areas all as shown dark blue on the plan 1 annexed:

3.6

- (a) The whole area of water lying on the south side of an imaginary line drawn from Rhu point (OS GR NS 3608 9382) at Luss camp site to the most westerly point on Inchlonaig (OS GR NS 37389303);
- (b) The whole area of water lying on the south side of an imaginary line drawn from the most south westerly point on Inchlonaig (OSGR NS 3744 9286) to a point 150 metres north of the northerly point of Ceardach island (OS GR NS 3911 9198);
- (c) The whole area of water lying on the south side of an imaginary line drawn from the peninsula on the eastern shore of Inchcruin (OS GR NS 3902 9122) to the most northerly point on the western shore of Inchfad (OS GR NS 3947 9090)
- (d) The whole area of water lying on the north side of an imaginary line drawn from Rossdhu House Point (OS GR NS 3625 8972) to the most southerly point of Inchfad (OS GR NS 3976 9048);
- (e) The whole area of water lying on the south side of an imaginary line drawn from Cameron House Marina Clubhouse (OS GR NS 3788 8275) to the **boat** house on the east shore at Balloch Castle Country Park (OS GR NS 3867 8299);
- (f) The whole area of water lying on the east side of an imaginary line drawn from Ross Priory jetty (OS GR NS 4145 8776) to the most southerly point of Inchcailloch (OS GR NS 4068 8963);
- (g) The whole area of water lying on the east side of an imaginary line drawn from the most north westerly point of Inchcailloch (OS GR NS 4080 9069) to the most northerly point of Inchfad (OS GR NS4048 9141); and
- (h) The whole area of water lying on the east side of an imaginary line drawn from the most northerly point of Inchfad (OS GR NS 40489141) to Strathcashell Point (OS GR NS 3929 9310)

- (i) Within 150 metres off all shores, both mainland and island, the
  distance to be measured at right angles from the water's edge other than in
  the following areas:
- (i) from Cameron House Marina Clubhouse OS GR NS 37888275) to a point fifty metres south of the peninsula from the north end of Cameron House estate (OS GR NS 3765 8334);
- (ii) from the South Lodge of Lomond Castle (OS GR NS 3677 8398) to Burnfoot boathouse (OS GR NS 3628 8483);
- (iii) from Culag Farm (OS GR NS 353S 9524) to 100 metres south of Rubha Mor Point (OS GR NS 3466 9992);
- (iv) from north of Tarbet Isle (OS GR NN 3292 0559) to 200 metres south of Inveruglas camp site jetty (OS GR NN 3216 0884);
- (v) from Pulpit Rock (OS GR NN 3267 1371) to Stuckendroin, south of Ardlui Bay (OS GR NN 3239 1443);
- (vi) from Strathcashell point (OS GR NS 3929 9310) to 200 metres south east of Carraig Rock (OS GR NS 3870 9496);
- (vii) from the most southerly point on the east shore of Inchlonaig (OS GR NS 3850 9327) to the most northerly point of the east shore of Inchlonaig (OS GR NS 3833 9394); and
- (vi) from the most south easterly pier on Inchmurrin Island (OS GR NS 3777 8638) proceeding north-easterly to a point on the most northern tip of Inchmurrin (OS GR NS 3861 8822).

## 3.7 RECREATIONAL TOWING

## Water Skiing, Wakeboards, Knee Boards, Airchairs – power-driven boats

3.7 (1) The Master of a power-driven boat shall not knowingly cause or permit it to be used for the purposes of recreational towing activities except in accordance with the following paragraphs.-

## Observer

(a) When towing a person engaged in a **recreational towing activity**, the **power-driven boat** shall carry two competent persons, one of whom shall navigate the **boat** and the other of whom shall watch the person being towed and relay his signals to the navigator.

## Mirror

(b) The power-driven boat shall be equipped with a mirror so constructed and fixed as to enable the navigator of the boat to observe the person being towed and boats to the rear of his boat.

## 3.7 (2) Paddle

No **power-driven boat** shall be used for a recreational towing activity unless it has a paddle or other alternative means of propulsion in the event of engine failure so as to enable the retrieval of a person being towed from the waters of **the loch**.

## Nuisances

3.7

(3) No water skier shall ski in such a manner as to cause a nuisance or to be a danger to any **boat** or to any other person using **the loch**.

3.7

3.7

## Maximum Numbers and Speed

- (5) The Master of a power-driven boat shall not knowingly cause or permit it to tow at any time more than two water skiers, provided that this Byelaw shall not apply to any person who has first obtained the written approval of the Authority.
- (6) The Master of a power-driven boat shall not knowingly cause or permit it to tow at any time more than one structure or boat which has no independent means of propulsion or mechanical directional control.
- (7) No boat shall tow at a speed above 30 kilometres per hour any structure or boat which has no independent means of propulsion or mechanical directional control.

3.7

3.7

## 3.8 PARASCENDING

No person shall knowingly cause or permit to be used any **boat** for the purposes of parascending unless the prior written approval of the Authority has first been obtained.

## NOISE AND SILENCERS – ALL BOATS

3.9

- 3.9 (1) The Master of a boat propelled by an internal combustion engine shall comply with byelaws 3.9 (2), (3) and (4) relating to the emission of noise and the fitting of silencers.
- (2) A boat propelled by an internal combustion engine shall be fitted with a silencer expansion chamber or other contrivance suitable and sufficient to prevent the occurrence of noise amounting to a nuisance caused by the escape of the exhaust gases from the engine.

3.9

(3) A boat propelled by an internal combustion engine shall be used on the loch so that the exhaust gases from the engine do not escape into the atmosphere without first passing through the silencer, expansion chamber or other contrivance required by these Byelaws to be fitted.

3.9

(4) Every such silencer expansion chamber or other contrivance shall at all times, while the **boat** is used on **the loch**, be maintained in good and efficient working order and shall not have been altered in such a way that the noise caused by the escape of the exhaust gases is made greater by the alteration.

3.9

## 3.10 GENERAL RULES RELATING TO BOATS

## 3.10 (1) General Rules Relating to Boats

No person shall navigate, or cause to be navigated any **boat** which, by reason of its construction, or fitting out, could be liable to cause a hindrance to free navigation or danger to persons, other **boats** or property.

**3.10 (2)** No person shall operate a **boat** on **the loch** in such a manner or for such a time as to give any other person reasonable cause for annoyance.

## 3.10 (3) Drifting, Unattended Boat

Where a **boat** has been found drifting or abandoned, whether or not it is for the time being a hazard to navigation, it shall be taken to the nearest suitable safe place at the discretion of an authorised officer of **the Authority**. **the Authority** shall levy such charges on the **owner** of the **boat** necessary to cover cost thereby incurred, and in the case of a powerdriven **boat** the person last registered with **the Authority** as the **owner** shall be liable for such charges. No responsibility of any kind whatsoever can be attached to **the Authority** for any damage to or loss of any **boat** or

# 3.11 NOTIFICATION OF ACCIDENTS – ALL BOATS

for inconvenience caused when such action has been taken.

- 3.II (I) If in any case owing to the presence of a **boat** in or on **the loch** an accident occurs whereby a **boat** is damaged or personal injury is caused to any person, each and every **boat** involved shall stop as soon as is practicable and the **Master** of each **boat** shall, if required to do so by any person having reasonable grounds for so requesting, give his name and address, and also the name and address of the **owner** and the name and, if a powered **boat**, **Registration Number** of the **boat**.
- 3.II (2) The owner or Master of a boat which through accident or other cause has sunk or is stranded in the loch shall at the earliest reasonable opportunity give notice to the Authority or to the Police of the position of such boat.

## 3.12 INVESTIGATION – ALL BOATS

# 3.12 Responsibility of Owner and Master to co-operate with investigation

The **owner** (whether or not he was the **Master** of the **boat**), and the **Master** (where the **owner** was not the **Master** at the time) of a **boat** shall each co-operate in any investigation that is carried out into any accident or incident involving that **boat** at the time of such accident or incident.

# 3.13 GENERAL BYELAWS RELATING TO THE LOCH AND SHORE

## 3.13 (1) Trade or Business

No person shall conduct any activity by way of trade or business with, or in expectation of personal reward from members of the public on the shore, without the prior written permission of **the Authority**.

## 3.13 (2) Damage to natural and cultural heritage

- (a) No person shall damage or through their actions cause to be damaged either the flora and fauna of the banks and shore of **the loch**, or the amenity or any physical features on or forming part of **the loch** or its banks and shore.
- (b) No person shall deposit or leave any litter, rubbish or waste in **the Loch** or on its banks or shore, including any hook, line, weight or other item of fishing tackle.

- 3.13 (4) No person shall overcome any such structure as described in 3.13 (3) above by driving over it or by any other means, other than an authorised officer of the Authority.
- 3.13 (5) No person shall remove or damage a sign or instruction erected by the Authority.

## 3.14 INTERFERENCE WITH BOATS

- 3.14(1) Except in an emergency no person other than an authorised officer of the Authority or a Police Constable shall cast off the mooring line or lines of any secured boat without the consent of the owner or the Master of the boat.
- 3.14 (2) No person shall start the engine or in any way interfere with the machinery, equipment or accessories of a boat without the permission of the owner or Master of the boat.

## 3.15 TROLLING

- 3.15 (1) When trolling, the Master of the **boat** shall ensure that a trolling shape is displayed to indicate that the **boat** has a troll line or lines behind it.
- **3.15 (2)** Notwithstanding any provision made elsewhere all trolling **boats** must conform to Byelaw "Lights" Section 3.2.

# 3.16 DIRECTION OF AUTHORITY PERSONNEL OR POLICE

## **Enforcement of Byelaws**

- 3.16 (1) A person on land or water owned or managed by the Authority in those areas described in Byelaw I.2 (1) shall obey and conform to the directions of a Ranger, Police Constable or any other person authorised by the Authority and identified as such on matters relating to provisions in these Byelaws.
- 3.16 (2) Any person suspected of being in breach of these Byelaws shall provide their name and address to a Ranger, Police Constable or other authorised person when asked to do so.
- 3.16 (3) Where it is suspected that there has been a breach of the Rules of Navigation in Byelaw 3 the owner of a boat shall provide the name and address of the person having use or control of the boat where such person was not the owner at the material time when asked to do so by a Ranger, Police Constable or other authorised person.
- 3.16 (4) Where a request for the information specified in Byelaw 3.16 (2) or Byelaw 3.16 (3) is refused or the person gives a name or address which is false or misleading that person shall be guilty of an offence.

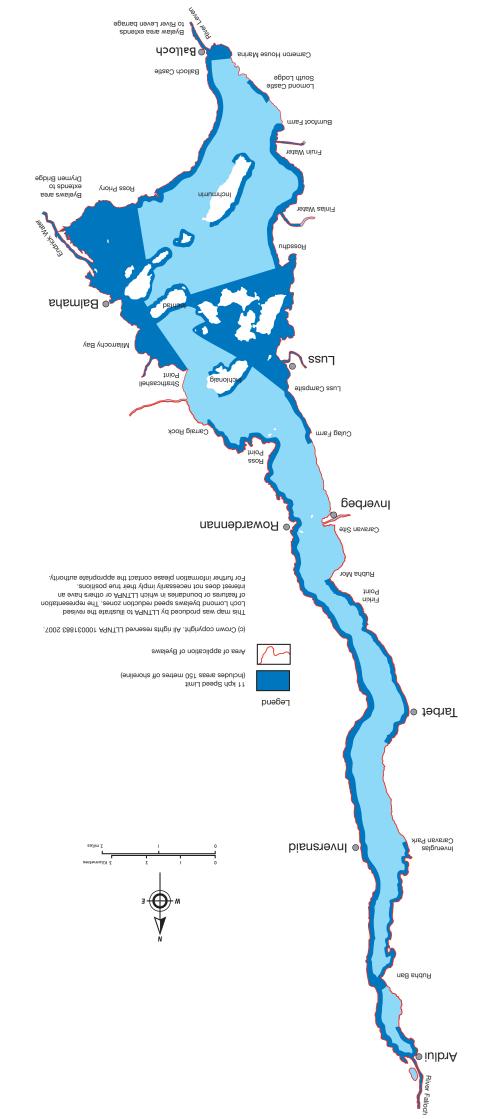
## 3.17 DEFENCE OF DUE DILIGENCE

In any proceedings for an offence under these Byelaws, other than an offence arising from Contravention of Byelaw 3.5 (1) and (3), it shall be a defence for any person charged to show that he used all due diligence to avoid the commission of the offence, or that in all the circumstances it was not reasonably practicable or necessary for him to act in accordance with the requirements of the Byelaw which he is charged with contravening.

## 3.18 PENALTIES

Any person contravening any of the provisions of these Byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale.

## Speed Reduction Zones LOCH LOMONG BYELAWS 2006



## **EMERGENCIES**

In an emergency on Loch Lomond dial 999 and ask for the police. The police will alert the Loch Lomond Rescue Boat if it is required The Loch Lomond Rescue Boat is manned by volunteers and funded by public donation.

### Police

Central Scotland Police **0I360 440220** Strathclyde Police **0I389 822000** 

### Pollution

If you discover pollution or witness an incident please call SEPA's pollution report line:

0800 80 70 60

Please take your litter home

## NATIONAL PARK CONTACTS

## Boat Registration and Countryside Ranger Service

Loch Lomond & The Trossachs National Park Authority Registration Office Duncan Mills Memorial Slipway Pier Road Balloch G83 8QX Tel 01389 722030 Fax 01389 757295

National Park Centre, Balmaha

National Park Centre, Luss 01389 722120

Launch facilities

Duncan Mills Memorial Slipway
(as above)

Milarrochy Bay

Visitor enquiries
National Park Gateway Centre
Loch Lomond Shores
Balloch

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The Inland Waters Small Passenger Boat Code



The Maritime & Coastguard Agency The Association of Inland Navigation Authorities

## Sound practice, safer waters

Inland Waters Small Passenger Boat Code





## INLAND WATERS SMALL PASSENGER BOAT CODE

A CODE OF PRACTICE FOR VESSELS OPERATING IN CATEGORY A, B, C and D WATERS, AND OTHER INLAND WATERS

A CODE OF PRACTICE FOR THE CONSTRUCTION, EQUIPMENT, STABILITY, OPERATION, MANNING AND MAINTENANCE OF VESSELS, TAKING INTO ACCOUNT THE AREA AND TYPE OF OPERATION WHICH ARE:

- IN COMMERCIAL USE FOR SPORT OR PLEASURE; AND
- CARRY NO MORE THAN 12 PASSENGERS; AND
- DO NOT CARRY CARGO; AND
- DO NOT GO TO SEA.

## Association of Inland Navigation Authorities (AINA)

The Association of Inland Navigation Authorities (AINA) was set up in December 1996 with strong encouragement from Government to provide, for the first time ever, a single voice on waterway management issues. The broad purpose of AINA is to facilitate the management, maintenance and development of the inland waterways for navigation as an economic, environmental, recreational and social resource.

AINA has 30 members including the three large navigation authorities – British Waterways, the Environment Agency, the Broads Authority – and also local authorities, drainage commissioners, property development companies, port and harbour authorities, original canal companies, national parks, the National Trust, and other charitable trusts.

Between them, AINA members own, operate and manage some 5,000 km of waterway representing almost a complete UK coverage. Each member has its own constitution, aims and objectives and, in many cases, Acts of Parliament regulating the operation of their waterways.

## Maritime and Coastguard Agency

The Maritime and Coastguard Agency is responsible throughout the UK for implementing the Government's maritime safety policy. That includes co-ordinating search and rescue at sea by Her Majesty's Coastguard and checking that ships meet UK and international safety rules.

The MCA is the national competent authority for ship standards, crew competency and health and safety. As such, it is responsible for national standards for inland waterway vessels and training for boatmasters. MCA has provided the secretariat to the working group on the development of the Inland waters small Passenger Boat Code.



## **Inland Waters Small** Passenger Boat Code

## Sound practice, safer waters

Until now, there has been no national standard for small commercial vessels (carrying up to 12 passengers) using the UK's inland and estuarial waters.

The Association of Inland Navigation Authorities (AINA) and the Maritime and Coastguard Agency (MCA), however, have published these best practice guidelines, which could be relevant to you.

The Inland Waters Small Passenger Boat Code was developed by a team of industry experts and modified following extensive public consultation. Allowing for each operator's experience and own interpretation of risk, the Code gives safety advice to operators, licensing authorities and regulators.

The Code is available via the MCA's website: www.mcga.gov.uk under Guidance and Regulations, and then Inland Waterways and also www.aina.org.uk.

The Maritime and Coastguard Agency Spring Place, 105 Commercial Road, Southampton, SO15 1EG Telephone: 023 8032 9507 Facsimile: 023 8032 9251

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## Introduction

PLEASE NOTE: Clauses which apply specifically to vessels operating in Category A & B waters are displayed in blue type and those operating in C & D waters are displayed in grey type. Clauses in normal type apply to all categories.

This Code is a Best Practice Guide for the use of 1.1 operators, designers, builders, competent authorities and users. It is not a statutory Code, but may be applied under mandatory licensing regimes by local competent authorities. The standards it contains should be applied in accordance with the level of risk identified by operators and competent authorities.

### 1.2 **Background**

The safety of vessels carrying no more than twelve passengers in inland waters was a concern raised at the 1999 meeting of the Maritime Safety Co-ordinating Committee (MSCC) by the South of England District Marine Safety Committee (DMSC). An informal survey revealed that up to 600 such vessels were operating in the UK. It was proposed that a working group be established, involving all interested parties, to develop national standards for these vessels. The organisations involved in this working group are listed at Annex 1.

### **Audience** 1.3

The Code, agreed by the Working Group and published jointly by the Association of Inland Navigation Authorities (AINA) and the Maritime and Coastguard Agency (MCA), is designed to assist:

- those operating such vessels, who have duties under health and safety legislation to ensure the safety of their passengers and crew (see paragraph 3.5), by laying down industry best practice;
- those with powers to license or register these vessels and protect public safety, by setting out a national standard which can be used as the basis for vessel licensing/inspection.

### 1.4 **Amendments**

The Code will be kept under continuous review to ensure that it remains compatible with other relevant codes and standards. Amendments may be published from time to time. There will be a formal review of the Code not later than five years from the date of publication, and thereafter at intervals not exceeding five years. The most recent amendments will be available via the MCA and AINA websites

www.mcga.gov.uk (under 'Guidance and Regulations' then 'Inland waterways') and www.aina.org and published in relevant boating and waterway magazines.

### 1.5 **Definitions**

Definitions of terms in **bold type** used in this Code are defined in Annex 2. A list of the Regulations and Publications referred to in this Code, as well as where to obtain copies of them, is listed in Annex 3.

### 2 How to use this code

- 2.1 It is the responsibility of the **operator** to ensure that a vessel is properly maintained, equipped and manned so that it can be operated safely. This Code aims to set out best practice for vessel standards, equipment and operation, as determined by the Working Group and through public consultation, for different areas of operation.
- 2.2 The primary aim in developing the Code has been to establish standards of safety and protection for all on board, particularly passengers. The level of safety it sets out to achieve is considered to be in line with the current expectations of the general public. The Code relates especially to the construction of a vessel, its machinery, equipment and stability, and to the correct operation of a vessel so that safety standards are maintained.

### 2.3 **Local variations**

However, given the range of vessels, operating environments and types of operation that are covered by the Code, it is not possible to cover every situation. This Code is therefore not mandatory, but provides a framework for licensing authorities and operators to use in determining the appropriate standards for the vessels with which they are concerned. In particular, competent navigation or harbour authorities may make variations from this Code which take account of local circumstances.

### 2.4 **Individual discretion**

Individual operators may, in the particular circumstances of their operation, be able to achieve an equivalent or higher level of safety using means other than the specified standards. Such departures from the Code should however be based on an adequate risk assessment (see paragraph 3.5 below), and in waterways for which there is a navigation or

harbour authority, should be agreed with the competent authorities.

## 2.5 Determining factors

Although not an exhaustive list, the following factors should be taken into consideration:

- 1. area of operation, and likely weather conditions;
- 2.the ready availability of dedicated emergency rescue (this should not assume the availability of public rescue services or the RNLI);
- 3. operations wholly within sight of the supervising body and means of emergency rescue;
- 4. seasonal operations only, such as between 1 April and 31 October or some lesser period, or daytime operations only, in non-flood river flow conditions;
- vessels operating in close proximity to one another, and equipped to provide efficient safety back-up to each other in an emergency;
- the provision or wearing of additional (special) individual personal survival equipment or clothing which will protect lives in an emergency;
- 7. enhanced communications between the vessel(s), and a constantly-attended shore base with readily available emergency rescue craft at the base;
- 8. the nature of the sport or pleasure activity involves very low risk of participants accidentally entering the water or causing the vessel to capsize;
- 9. inherent safety of the vessel by design, test and experience;
- 10. the ratio of suitably trained crew to other persons onboard;
- 11. enhanced provisions for distress alert and rescue;
- 12. means provided for "dry" evacuation from a vessel in emergency situations.

## 2.6 Management

It is recommended that operators use a simple safety management system of the type that is mandatory for **Class V** passenger ships. The purpose of this system is to

- 1. ensure safety on board for passengers and crew;
- 2. prevent human injury and loss of life, damage to property or the environment;
- 3. comply with applicable regulations and rules; and
- 4. keep documentary evidence of risk assessments and the safety procedures in place.

Guidance is at Annex 4.

## 2.7 Other Local requirements

In addition to the guidance in the Code, the local authority or the port/harbour authority for the area in which the vessel operates may lay down requirements for vessels and/or skippers under relevant by laws. In particular, local authorities may require vessels to have **passenger** liability and third party insurance cover, and 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.

## 2.8 Licensable activities

In particular, the appropriate Local Authority is also the Licensing Authority for alcohol and public entertainment. If licensable activities are carried out on the vessel, a premises licence must be in force. Licensable activities are

- Retail sale of alcohol (which includes provision of alcohol as part of a wider entertainment)
- Public entertainment (ie organised dancing, music, theatre, sports)
- Sale of late night refreshments (hot meals or hot drinks between 11pm and 5pm).

If alcohol is provided on board, then in addition someone responsible for the premises must hold a personal licence issued under the Licensing Act 2003. Further information is available from the Department of Culture Media and Sport website <a href="https://www.culture.gov.uk">www.culture.gov.uk</a> and from the relevant Licensing Authority, which will publish a statement of its licensing policy.

2.9 Where a vessel is certificated or licensed under a local licensing regime for passenger carrying vessels which lay down different standards for the vessel in operation, this code may be used as additional guidance to the operator.

## Does the Code apply to you?

## 3. APPLICATION AND **INTERPRETATION**

### 3.1 General

- 3.1.1 This Code is intended to apply to vessels operating in the UK which do not go to sea and carry no more than 12 passengers. In determining the number of passengers, a passenger is "any person carried on a ship except:
  - 1. a person employed or engaged in any capacity of the vessel's business;
  - 2. 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;
  - 3. a child under one year of age"

### 3.2 **Type of Operation**

- 3.2.1 This Code is intended to apply to vessels operating commercially with a skipper or crew, and which only carry passengers. For the purposes of this Code, any vessel that is not a pleasure vessel is deemed to be operating commercially (refer to annex 2 for a definition). Examples of relevant vessels include, but are not limited to, an angling or dive vessel operating in estuarial waters, a skippered sailing vessel taking passengers out on a lake, a water taxi, a hotel boat and a narrow boat on a canal doing trips in aid of a restoration project.
- 3.2.2 Vessels operated by proprietor's clubs and associations, whether the operator is corporate, private or of a charitable nature, should comply with the Code.
- 3.2.3 The Code is <u>not</u> intended to apply to:
  - Self-drive hire craft or bareboat charters (where there is no work activity being carried out by those

hiring the vessel);

- Pleasure vessels, as defined in Annex 2 and the Merchant Shipping (Small Commercial Vessels and Pilot Boats) Regulations 2004;
- Vessels operated by establishments licensed by the Adventure Activities Licensing Authority (AALA); For more information about AALA, contact them at

17 Lambourne Crescent Cardiff Business Park Llanishen **CARDIFF** CF14 5GF 029 2075 5715 www.aala.org

 Vessels operating as part of Royal Yachting Association recognised training establishments; for further information contact the Royal Yachting Association at

**RYA House Ensign Way** Hamble Southampton SO31 4YA 023 8062 7400 www.rya.org.uk

• canoes, kayaks, white water rafts, bell boats, dragon boats or similar, which are covered by guidance issued by the national sports governing bodies. For further information contact the British Canoe Union at

John Dudderidge House Adbolton Lane West Bridgford Notts NG2 5AS 0115 982 1100 www.bcu.org.uk

• Beach craft - There are guidelines for beach craft at Annex 5.

3.2.4 For sports bodies, the Government encourages the principle of self-determination to the extent that when it has been necessary to impose some form of control, the policy has been to encourage the bodies to adopt voluntary codes or procedures which would have the same effect as a regulation. A review of safety in water sports in 1990 concluded that the current system of self-regulation developed by the governing bodies of sport was sufficient to meet their responsibility for the safety of sports participants.

### **Area of Operation** 3.3

- 3.3.1 Different safety standards may apply for vessels operating in different types of waters. This Code is intended only for vessels operating in UK inland waters. Most UK waters used for commercial operations are designated with a Category -Categories A to D - under the Merchant Shipping (Categorisation of Waters) Regulations 1992. These are listed in Merchant Shipping Notice 1776(M). The Code may also be applied to vessels operating on inland waters which are not listed -such as enclosed lakes and gravel pits.
- 3.3.2 Categories A, B, C and D are defined as follows:
- Category A: Narrow rivers and canals where the depth of water is generally less than 1.5 metres. (Corresponding to EU inland waterway zone 4).
- Category B: Wider rivers and canals where the depth of water is generally more than 1.5 metres and where the significant wave height could not be expected to exceed 0.6 metres at any time. (Corresponding to EU inland waterway zone 3).
- Category C: Tidal rivers and estuaries and large, deep lakes and lochs where the significant wave height could not be expected to exceed 1.2 metres at any time. (Corresponding to EU inland waterway zone 2).
- Category D: Tidal rivers and estuaries where the significant wave height could not be expected to exceed 2.0 metres at any time. (Corresponding to EU inland waterway zone 1).

- Operators should ensure that their vessel meets the appropriate standards for the waters in which it operates, and that the skipper and crew members are instructed as to the operating limits. See Annex 6 for guidance for vessels which make a short transit through waters of a higher category.
- Where a vessel operates in UK waters that are not 3.3.5 listed in any of the categories (ie such as enclosed lakes and gravel pits), the standards applying to the most appropriate category, as defined above, should be followed. Advice may be obtained from the local Marine Office or navigation authority.
- 3.3.6 This Code is not intended for vessels that go to sea. "go to sea" means to operate seaward of Category A, B, C or D waters. Commercial Vessels that go to sea are required to comply with the Merchant Shipping (Small Commercial Vessels and Pilot Boats) Regulations [2004] or with Load Line Regulations and associated regulations.

### 3.4 **Standards**

- 3.4.1 Where European (EN) or International (ISO) standards are quoted, these are associated with the European Recreational Craft Directive (Council Directive 98/25/EC), as implemented in the UK by the Recreational Craft Regulations 1996 S.I. 1996/1353.
- Where this guidance refers to a British standard, 3.4.2 equivalent standards approved by other Member States of the European Community may be followed. See Annex 7 for a statement of mutual recognition of national standards approved by other Member States.
- Where a new vessel carries a CE marking attesting to compliance with the EC Recreational Craft Directive (94/25/EC), it can be assumed to comply with the standards laid down in sections 4, 5, 6, 9, 10, 11 and 12 of this Code. In addition it can be assumed to comply with the technical standards quoted in sections 7, 8.1-8.3 and 14, but these sections also contain operational provisions which will apply to an RCD vessel. Moreover, it is the responsibility of the operator to ensure that the vessel is used in accordance with its design Category, and is maintained to the appropriate standards.

- 3.4.4 In the Categorisation of Waters (see paragraph 3.3 above)
  - Categories A and B are generally coincident with the Recreational Craft Directive design category D - which refers to small lakes, rivers and canals where a significant wave height of up to, and including, 0.5m may be experienced.
  - Categories C and D are generally coincident with the Recreational Craft Directive (94/25/EC) design category C - which refers to estuaries, large and deep lakes, lochs and tidal rivers where a significant wave height of up to, and including, 2m may be experienced.
- 3.4.5 Where a vessel has been issued with a **Boat Safety** Scheme Certificate, this means that it meets the minimum construction and maintenance standards set out by the participating Navigation Authorities relating to the prevention of fire starting and spreading, prevention of explosion and prevention of pollution. Whilst the BSS requirements are generally harmonised with relevant International Standards (quoted in this Code) in some respects they reflect existing UK practice which may be less onerous that the respective BS/EN/ISO requirement. The Boat Safety Scheme is primarily intended to protect against third party risks and does not cover other important areas such as stability and hull integrity.
- Neither the Recreational Craft Directive nor the Boat Safety Scheme cover the safe operation of the vessel, and operators should follow the operational guidance which ensures that safety standards are maintained.

### 3.5 **Health and Safety Regulations**

- The operator of a vessel is responsible for the health 3.5.1 and safety of anyone working on the vessel. When the operator employs a skipper/crew, the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (SI 1997/2962) apply.
- 3.5.2 Every employer is to be aware of any risks affecting workers and ensure that appropriate measures are taken to minimise these risks through improving

- procedures or equipment where necessary and high levels of crew competence. Employers must instruct those affected about the risks and how to ensure their own safety and the safety of others.
- 3.5.3 The concept of risk assessment is relatively simple, and follows these basic steps:
  - Identify the hazards
  - Assess the chances of a hazardous event occurring
  - Assess the severity or consequences, and
  - If the combined risk and severity is too great, take action to:
  - remove the risk, or if not possible,
  - reduce the risk to as low a level as reasonably practicable (ALARP).
- Applying the principles of the health and safety requirements to vessels covered by this Code means that the operator or skipper should take a proactive approach to safety and consider what particular hazards are likely to arise in the context of work activities on board. They should then take appropriate measures to reduce the risks in so far as reasonably practicable. The goal is to provide, as far as reasonably practicable, for a safe working environment, with crew following safe working practices. It may be helpful to record the results of the risk assessment to refer to when the risk assessment is reviewed. Workers must be given appropriate health and safety instruction and information, taking account of the findings of the risk assessment.

## The Vessel

## Does your boat meet Code requirements?

## 4. CONSTRUCTION AND STRUCTURAL STRENGTH

- 4.1 The design of the hull structure, its construction, and the materials and equipment used should be suitable for the service intended, and provide adequate strength and service life for the safe operation of the vessel at its service draught and maximum speed. The design should also withstand the conditions likely to be encountered in the intended area of operation.
- 4.2 **New vessels** should comply with an appropriate standard such as *ISO 12215 Small Craft Hull Construction and Scantlings*. Alternatively, for canal operation they may comply with the *Canal Boat Builders Association Code of Practice for Steel Inland Waterways Craft and Narrow Boat Construction*.

This can be obtained from:

Canal Boatbuilders Association Marine House, Thorpe Lea Road Egham, Surrey, TW20 8BF Tel: 0844 8009575 Email: cba@britishmarine.co.uk

- 4.3 A vessel may be built to an equivalent standard of safety to the standards in paragraph 4.2 above, but it is recommended that full information (including calculations, drawings, details of materials and construction) is retained for reference.
- 4.4 Inflatable or **rigid inflatable boat**, in any category, should comply with *ISO 6185-1 Inflatable Boats:*Boats with a maximum motor rating of 4.5kW; *ISO 6185-2: Inflatable Boats: Boats with a maximum motor rating of 4,5kW to 15kW inclusive; ISO 6185-3 Inflatable Boats: Boats with a maximum motor rating of 15kW and greater, or equivalent standards.

  Alternatively, rigid inflatable craft or craft over 8 meters may be constructed in compliance with paragraph 4.2 above.*

- 4.5 For existing vessels, constructed before these standards came into effect, the operator should be able to demonstrate a recent history of safe operation in a similar or more onerous operating category by this vessel or a vessel of similar construction.
- 4.6 A weed hatch, or rope cutters on the shaft may be fitted where there is a risk of weed and debris fouling the propeller. Where fitted, weed hatches should be at least 150mm above normal laden waterline, and watertight when the vessel is both static and in motion.
- 4.7 The operator should be satisfied themselves as to the soundness and integrity of the vessel's hull, including an appropriate out-of-water examination of the hull, at least every five years (more frequently for wooden hulls), and this should be documented.
- 4.8 The hull, shell fittings, external steering and propulsion components of the vessel should be examined out of the water. A lesser interval maybe appropriate in consideration of hull construction material or the age or the type and service of the vessel.

## 5. WEATHERTIGHT INTEGRITY

- 5.1 A vessel should be constructed so that in the most extreme conditions expected in the area of operation, openings do not allow ready ingress of water, which might threaten the safety of the vessel and those onboard.
- 5.2 Open boats should comply with bilge pumping or draining provisions set out in Section 10, and freeboard as set out in Section 12 and Annex 9.

## WATER FREEING 6. ARRANGEMENTS/DECK DRAINAGE

- Decked vessels (See definitions in annex 2). 6.1
- 6.1.1 In a decked vessel, which complies with the freeboard provisions of Section 12 and Annex 9 of this Code, efficient provision is to be made to clear the deck of water which may be taken onboard. Where water may get trapped, the vessel should have a minimum of two efficient freeing ports - one fitted port and one starboard.
- 6.1.2 These ports should each have a clear area of:

**CATEGORY A AND B** 65 sq cm 135 sq cm **CATEGORY C CATEGORY D** 225sq cm.

These figures are based on maximum expected wave heights. Smaller ports may be suitable in a vessel having only small side deck areas, in which water can be trapped, the reduced area being based on the volume of water that is likely to become so trapped.

- 6.1.3 A motor vessel fitted with a watertight weather deck, which does not meet the freeboard provisions of Section 12 and Annex 9 of this Code, but which possesses adequate reserves of buoyancy above the weather deck, such as landing craft, should satisfy the following conditions:
  - 1. Freeboard to the gunwale edge should be as in Annex 9 of this Code.
  - 2. The recess bounded by the reserve buoyancy and gunwales should meet the standard for quickdraining cockpits, within ISO 11812 Small Craft -Watertight Cockpits and Quick-draining Cockpits, or equivalent.
  - 3. The vessel should meet the relevant intact stability criteria for transverse stability, and should display positive longitudinal stability for the duration of the drain time.

- 6.1.4 Alternatively, it may be treated as an open vessel.
- 6.2 **Open Vessel** CATEGORY C and D WATERS: in an open vessel provision should be made to clear water from any deck areas not draining into the bilge.

### **MACHINERY** 7.

### 7.1 General

- 7.1.1 Machinery, fuel tanks and associated piping systems and fittings should be fit for purpose and be of a design and construction adequate for the service for which they are intended. Moving parts, hot surfaces and other hazards should be installed and protected so as to minimise danger to persons during normal movement about the vessel. Materials should be fire resistant or otherwise protected from fire. Plastic fittings at the Hull are not recommended.
- 7.1.2 A vessel should be provided with a fuel tank of sufficient capacity for the main engines, and its area of operation. All fuel tanks vents should be fitted with a flame gauze as required by BS/EN/ISO 10088, and carried to at or above tank filling plate level and where there should be no danger from escaping fuel or vapour.
- 7.1.3 Where the machinery is in its own dedicated **compartment** and remote from the operator, means should be provided to isolate a source of fuel, which may feed a fire. A valve or cock, which can be shut from a position outside the engine space should be fitted in the fuel-feed pipe, as close to the fuel tank as possible. Where the machinery is situated directly below the operator, and within easy reach for control and isolation in event of emergency, these conditions need not apply. Petrol tanks for outboards motors should have quick connection shut off devices.
- 7.1.4 Measures should be taken to prevent spillage and build up of flammable vapours in any part of the vessel, including bilges during fuelling.
- 7.1.5 Vessels should have an efficient and reliable starting mechanism. Where the means of starting is by battery, charging facilities for the battery should be available.
- 7.1.6 In CATEGORY C and D WATERS: where the sole means of starting is by battery, there should be a duplicate battery connected to the starter motor by a "change over switch" so that either battery or other means of obtaining power can be used to start the engine.

7.1.7 All inflatable boats, boats fitted with buoyant collar, and open boats that achieve planing speed, when fitted with remote throttle controls, should be fitted with a kill cord, to be used at all times during navigation.

### 7.2 **Diesel engines**

- 7.2.1 A vessel fitted with either an inboard or an outboard diesel engine should be provided with an efficient engine suitable for marine use and with sufficient fuel tankage for its area of operation. Where a vessel is fitted with a fuel tank that has a sight glass, selfclosing valves should be fitted to prevent spillage in the event of a breakage.
- 7.2.2 When storing diesel fuels in portable tanks or containers, consideration should also be given to the following:
  - 1. a secure and robust storage unit, cupboard, bin, cabinet etc. should be provided which is metal and fitted with a means to contain leaks/spills from containers and with direct overside drainage of any spillage;
  - 2. the storage unit should be located on deck away from direct sources of heat, and should be fire-resistant;
  - 3. containers should be stored upright and secured, such that they are not likely to shift or fall over with movement of the vessel;
  - 4. the unit should be suitably labelled according to contents (eg materials stored, hazards signs, no smoking/ignition sources etc);
  - 5. storage should be suitably distanced from potential sources, or situations where build up of vapours may occur;
  - 6. diesel type fuels should be stored separately from LPG;
  - 7. storage locations should not restrict or impede normal movement of people about the vessel or be on escape routes;

8. the storage unit should house both full and empty spare fuel containers (empty containers will contain liquid dregs and vapours).

### 7.3 **Petrol engines**

- 7.3.1 Petrol engines should be a suitable outboard type. The engine, its fuel systems and tanks should comply with BS/EN/ISO10088 Permanently installed fuel systems and fixed fuel tanks, and the following:
  - 1. Fuel tank filling pipes should be arranged so as to ensure that any overflowing fuel will not be discharged into the vessel, including the bilges. Filling pipes should be adequately supported and connected to the fuel tank with leakproof joints. Flexible filling pipes should be suitable for use with petrol and meet the fire resistance test of BS/EN/ISO 7840 Small Craft Fire resistant fuel hoses (as amended), or equivalent.
  - 2. Fuel tanks should be properly secured and be installed as low as is practicable. They should be constructed of a non-corrosive material suitable for use with petrol. Fuel tanks should have a fire resistance of 30 minutes in accordance with BS 476-20 Fire tests on building material and structures. Methods for determination of the fire resistance of elements of construction (General Principles) and have sustained a pressure test of 0.25 kgf/sq cm.
  - 3. All fuel tank joints and seams should be efficiently welded, brazed or close rivetted.
  - 4. No fixed petrol fuel tank of more than 2.5.litres should be installed within 1 metre of any engine or heating appliance, unless insulated and protected by an efficient baffle of fire resistant material.
  - 5. Glass or plastic fuel sight gauges should not be used. Fuel level indicators, if fitted, should be of a type which do not allow fuel to escape in the event of damage. Fuel tank dipsticks, when fitted, should only be used via gas-tight fittings.
  - 6. All fuel tank connections should be readily accessible for inspection.

- 7. Fuel tanks should be effectively bonded by a low resistance metallic conductor to their deck filling plate, and also be effectively bonded to an earth point in direct contact with the water surrounding the hull.
- 8. The fuel supply should be drawn through the top of the fuel tank, or as near the top of the tank as possible. Only in the case of a gravity feed system should there be a connection from a cock or valve screwed directly in near the bottom of the tank, so that damage to the valve or fuel line cannot dump petrol into the machinery space.
- 9. Fuel tank balance pipes should not be used in petrol or paraffin engine installations.
- 10. All fixed fuel feed pipes should be of a metallic material suitable for use with petrol and/ or paraffin.
- 11. Flexible fuel pipes should be of a material suitable for use with petrol and/or paraffin and meet the fire resistance requirements of BS/EN/ISO 7840 Small Craft fire resistant fuel hoses, or equivalent.
- 12. All fuel pipes should be adequately supported to minimise vibration and strain, and fixed clear of exhaust systems and heating apparatus.
- 13. All fuel pipe connections should be made with efficient screwed, compression, cone, brazed or flanged joints. Soft solder joints should not be used.
- 14. All fuel filters should be suitable for marine use, and be of fire resistant quality.
- 15. Carburettors (other than down-draught type) should be fitted so as to allow any overflowing fuel to drain into a spirit tight metal drip tray - the top of which should be covered with a flame-arresting copper or brass gauze which is mesh-soldered all around the tray. The tray should be removable, or fitted with a cock for emptying.
- 16. A flame trap or air filter should be fitted to the air intake of any engine.

- 7.3.2 A vessel may be fitted with a small auxiliary engine (usually not more than 5 horse power) manufactured with an integral fuel tank, provided a safety warning sign is displayed with details of the appropriate precautions to be taken when filling the fuel tank.
- 7.3.3 Vessels should supply fuel to the engine from either:
  - 1. (other than inflatable boats) a permanently installed fuel tank constructed to an appropriate standard and, in the case of vessels fitted with a weathertight deck, should have arrangements such that spillage during fuel handling will drain directly overboard; or
  - 2. a portable tank of 27 litres or less in capacity complying with an appropriate standard.
- A suitable hydrocarbon gas detector should be fitted in any enclosed location where an accumulation of hydrocarbon vapours is likely to occur - e.g. under or adjacent to the fixed tank. The detector components in the vapour area should not be capable of causing ignition.
- 7.3.5 Spare portable petrol containers should not be carried onboard unless it is judged to be essential to assure the safe completion of a voyage or excursion. Should this be the case, the containers should be fit for purpose and soundly constructed. They should be clearly marked as containing petrol, and should normally be stowed either:
  - 1. on the deck where they can be readily jettisoned, and where spillage will drain directly overboard; or
  - 2. in a fire-resistant deck locker with overside drainage.
- 7.3.6 When spare petrol is carried on-board in portable containers, for any purpose, the quantity should be kept to a minimum, the containers should be clearly marked and should normally be stowed on the weather deck where they can readily be jettisoned and where spillage will drain directly overboard.

- 7.3.7 In small vessels where Section 7.3.6 is not practicable, a 5-litre container of petrol may be stowed in a deck locker which meets the requirements of Section 7.3.8
- 7.3.8 Alternatively it may be stowed in a deck locker or protective enclosure which meets the following requirements:-
  - 1. vapour tight to the vessel's interior;
  - 2. not openable from the vessel's interior; and
  - 3. adequately drained overboard and ventilated to atmosphere.
- 7.3.9 When storing petrol fuels in portable tanks or containers, consideration should also be given to the following:
  - 1. a secure and robust storage unit, cupboard, bin, cabinet etc. should be provided, which is metal and fitted with a means to contain leaks/spills from containers and with direct overside drainage of any spillage;
  - 2. the storage unit should be located on deck away from direct sources of heat, and should be fire-resistant;
  - 3. containers should be stored upright and secured, such that they are not likely to shift or fall over with movement of the vessel;
  - 4. the unit should be suitably labelled according to contents (eg materials stored, hazards signs, no smoking/ignition sources etc);
  - 5. storage should be suitably distanced from potential sources, or situations where build up of vapours may occur. (Note: petrol vapour is heavier than air);
  - 6. petrol type fuels should be stored separately from LPG;
  - 7. storage locations should not restrict or impede normal movement of people about the vessel or be on escape routes;

8. the storage unit should house both full and empty spare fuel containers (empty containers will contain liquid dregs and vapours).

### 7.4 Steam powered engines

- 7.4.1 A steam powered propulsion engine installation may be used provided that:
  - 1. pressure systems are of appropriate design and manufacturing standard and should have a current "Pressure Systems Inspection Certificate" issued by a recognised competent person. A written scheme of examination describing the exact nature of the examination and the examination frequency should be in place and the system installation should be covered for all risks by a current insurance policy.
  - 2. where the boiler is fuelled by liquid petroleum gas (LPG), the LPG installation should comply with the relevant parts of BS 5482 -3 Domestic Butane and Propane Gas burning installations in boats, vachts and other vessels or BS/EN/ISO 10239 (amendment no.1) Small Craft.-Liquefied Petroleum gas (LPG) systems.
  - 3. where the boiler is fuelled by diesel petrol paraffin or similar fuel, the fuel installation should comply with the relevant parts of this code.
  - 4. in the case of a dual fuel installation, no flame failure device should be necessary provided the boiler, when in use, is being constantly attended.

### 7.5 LPG powered engines

- 7.5.1 An LPG powered propulsion engine should comply with The Liquid Petroleum Gas Association Code of Practice No. 18.
- 7.5.2 Conversions of engines to dual fuel operation, where LPG constitutes one of the fuels used, are not considered appropriate.

### 7.6 **Electrically powered engines**

7.6.1 An electrically powered propulsion engine may be used provided that:

- 1. the installation complies with the provisions of Section 8 of this Code in so far as they are applicable, and to The Institution of Electrical Engineers (IEE) Regulations for the electrical and electronic equipment of ships as is appropriate to the size of the installation.
- 2. the arrangement of batteries, including in particular their stowage and adequate ventilation, should comply with the IEE regulations - Section 15.
- 3. a manually operated master switch, which can be operated from the steering position, should be fitted. It should be capable of cutting off the electrical supply to the propulsion motor.
- 4. the connection from the battery charger on board the vessel to the charging point ashore should be by means of a 3-core flexible cable of adequate current carrying capacity, suitably constructed and graded, complying with the slash-proof category of BS/EN/ 6030-2, IEC60309-2, Plugs, socket outlets and couplers for industrial purposes - Dimensional interchangeability requirements for pin and contact tube accessories. The battery charging panel of the vessel should be adequately ventilated and have a positive switch and an indication light to show when charging of the vessel's batteries is taking place.
- 5. the battery charging arrangement should incorporate control of the battery compartment exhaust ventilation fan, if fitted, so that the fan is automatically switched ON when battery charging commences and continues for one hour after charging is completed.
- 6. the motor and controller compartments should be adequately ventilated.
- 7.6.2 Small electrically powered outboards may be used in the event of an emergency

### **ELECTRICAL INSTALLATION** 8.

- 8.1 The electrical installation is to be such as to minimise the risk of fire and electrical shock. Tanks, machinery or other metallic objects, which do not have good electrical continuity with the water surrounding the vessel, should have special earthing arrangements to reduce such risks. Cables should meet a recognised small craft standard suitable for the intended use. BS/EN/ISO 10133 Electrical systems -Extra-lowvoltage d.c. installations and BS/EN/ISO 13297 Electrical systems – Alternating current installations give details.
- 8.2 Reference should also be made to the latest BMEA Code of Practice for electrical installations
- 8.3 As far as practicable, electrical equipment should not be installed in a space where petroleum vapour or other hydrocarbon gas is likely to accumulate. Where equipment is installed in such a space it should comply with a recognised standard for prevention of ignition of a flammable atmosphere. Refer to BS/EN28846 (ISO 8846) (Amendment 1) Electrical devices - Protection against ignition of surrounding flammable gas.
- 8.4 Where lighting within a vessel is provided by a centralised electrical system, an alternative source of lighting (which may include suitable torches if practical) should be provided, sufficient to:
  - 1. enable people to make their way to the open deck
  - 2. deploy life saving appliances safely
  - 3. Illuminate man-overboard rescue equipment and rescue areas
  - 4. permit work on essential machinery.

## 8.5

- 8.5.1 Batteries should be firmly secured in position.
- Where the maximum charging power output exceeds 0.2 kW the batteries should be located in a well-ventilated space. Where the charging capacity exceeds 2.0 kW it should be located in a wellventilated, dedicated compartment within the vessel or on the open deck.

- 8.5.3 Where there is environmentally-friendly technology used – e.g. in solar powered vessels – these should comply with current industry best practice and currently recognised safety standards. Where vessels use natural ventilation of battery spaces, and there is a proven record of safe operation, a risk assessment should confirm that there is little risk to life.
- 8.5.4 Attention should be paid to any battery-operated safety critical equipment to ensure continuous operation in the event of an emergency - e.g. a spare battery and charging facilities where necessary. Safety critical equipment includes, but is not necessarily limited to, communications and navigation lights.
- 8.5.5 Batteries used to power an emergency outboard motor can be charged ashore when no charging facility is provided onboard

## STEERING GEAR/STEERING 9. **POSITION**

- 9.1 A vessel should be provided with an effective means of steering.
- 9.2 The control position should be located so that the person steering the vessel has a clear view for safe navigation.
- A risk assessment should consider the consequences 9.3 of steering failure. Emergency steering arrangements should be provided, where there would be a risk to the safety of passengers.
- Arrangements may take the form of a tiller to fit 9.4 to the head of the rudder stock, or a steering oar as appropriate, taking into account the nature of the operation of the vessel concerned.

## 10. BILGE PUMPING/DRAINING

- 10.1 All vessels should be fitted with a powered or handoperated bilge pumping system adequate for the size of the vessel, so that any compartment can be drained. Auto start bilge pumps are recommended, provided they are inspected regularly. To prevent water pollution from oily bilges, a holding tank or similar is recommended.
- In CATEGORY A and B WATERS, small open vessels 10.2 may carry one or more buckets or bailers instead of a bilge pump.
- 10.3 To prevent pollution, compartments containing potential pollutants should not be fitted with auto-start bilge pumps. No fixed bilge pump should draw from an oil tight area beneath any engine or gearbox.

## 10.4 Bilge Alarms

- 10.4.1 Consideration should be given to the fitting of bilge alarms in compartments likely to accumulate bilge water (excluding void spaces), and where the rising water would not be obvious to the skipper, or where propulsion machinery is fitted in an unmanned, enclosed, watertight compartment.
- 10.4.2 If fitted, the alarm should provide an audible warning, and preferably a visual warning also, at the control position.

## 11. STABILITY

All vessels should comply with the stability requirements given in Annex 8. Guidance on practical stability tests for motor vessels is given in **Annex 10**.

## 12. FREEBOARD

All vessels should comply with the freeboard requirements given in Annex 9. Guidance on practical stability tests for motor vessels is given in Annex 10.

## 13. LIFE-SAVING APPLIANCES (LSA)

## 13.1 Lifebuoys

- 13.1.1 For the recovery of persons from the water, vessels should carry lifebuoys.
- 13.1.2 In CATEGORY A AND B WATERS one suitable lifebuoy should be carried with a buoyant line of at least 18m in length. If operating at night, the lifebuoy should also be fitted with a light. Quoits or throw lines maybe used as an alternative.
- 13.1.3 In CATEGORY C AND D WATERS a minimum of two suitable lifebuoys should be carried, at least one with a buoyant line of at least 18m in length. If operating at night one suitable lifebuoy should have a light.
- 13.1.4 On vessels where all passengers and crew wear a lifejacket, no lifebuoys are needed. [NB: See Annex 5 - Beach Craft Guidelines].

## 13.2 Lifejackets and buoyant apparatus

- 13.2.1 In CATEGORY A and B WATERS, lifejackets for use in an emergency are not required. Exceptionally, where vulnerable passengers are carried, a risk assessment should be carried out to establish whether, and in what circumstances, lifejackets or buoyant apparatus should be available to assist in the event of an evacuation.
- 13.2.2 IN CATEGORY C and D WATERS, vessels should carry enough lifejackets for all persons on board for use in the event of an emergency.
- 13.2.3 Lifejackets can be of a solid buoyancy or inflatable type, and should be approved by MCA (DfT) or under the Marine Equipment Directive (MED) approved "Wheelmarked", or should comply with BS/EN 396: Life Jackets and personal buoyancy aids of 150N, or BS/EN 399: Life Jackets and personal buoyancy aids of 275N. Lifejackets that comply with BS 3595: Specification for Life Jackets, and with a current servicing certificate where applicable, may for the time being continue to be used where already fitted on a vessel. Lifejackets relying entirely on oral inflation are not appropriate for emergency use, unless they are inflated at all times during operation.

13.2.4 Where vessels operate at night, lifejackets should be fitted with lights.

## 13.3 Liferafts

- 13.3.1 In CATEGORY D WATERS, vessels should carry a liferaft with capacity to accommodate at least the total number of passengers onboard.
- 13.3.2 Liferafts are to be of either a DfT approved type (SOLAS or non-SOLAS, including open reversible) or built to the International Sailing Federation (ISAF), Offshore Special Regulations (OSR) Appendix A Part 2 requirements. A liferaft need not be fitted with an insulated floor or canopy.
- 13.3.3 The liferaft equipment is to be to DfT approved standard and comprise either a "SOLAS B PACK" for the OSR type or the contents of a "DfT (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 with 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 signaling;
  - 10. two red hand flares;

- 11. one repair outfit for repairing punctures in buoyancy compartments; and
- 12. one topping-up pump or bellows.
- 13.3.4 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.

## 13.3.5 A liferaft may be either: -

- 1. preferably stowed on the weather deck in an open space in an approved fibre reinforced plastic (FRP) 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 FRP container or in a valise in a readily accessible and dedicated weathertight locker or enclosure opening directly onto the weather deck.

## 13.4 Instructions

- 13.4.1 An instruction manual should be carried for onboard maintenance of the life-saving appliances. The manual may be kept ashore by the operator in the case of an open boat. It is to include the following where applicable:
  - 1. Check list for use when carrying out 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.

## 13.5 Maintenance

All life saving appliances should be serviced at the manufacturer's recommended service station at recommended intervals.

## 14. FIRE SAFETY

- Machinery compartment boundaries should be of an adequate standard, such that a fire fighting medium released or injected into the compartment can be retained sufficiently to extinguish a fire.
- 14.2 Sound proofing insulation within the machinery compartment should 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 so that a machinery compartment may be kept clean, and able to contain any oil spillage for discharge to a disposal facility ashore. Oily water should not be discharged overboard.
- 14.4 LPG installations should comply with ISO 10239: Small Craft - Liquefied Petroleum Gas (LPG) systems or BS 5482-3 Domestic Butane and Propane gas burning installations in boats, vachts and other vessels, (obsolete but still in use within BSS and UK generally). Installations should be inspected annually by a competent person, as defined under The Gas Safety Installations and Use Regulations (GSIUR).
- It is recommended that fire resistant or fire retardant 14.5 materials are used for furnishings and fittings.
- 14.6 On any vessel, where an area is identified as posing a fire risk to either passengers or crew (e.g. galleys, sleeping accommodation), fire detection equipment shall be installed to protect that area.
- The fire detectors should be appropriate to the hazard identified (generally smoke detectors) and should give an audible warning that can be heard in the space concerned and in the control position when the vessel is in operation.

### 14.8 Means of Escape

14.8.1 The means of escape should be such that a single hazardous event will not cut off all possible escape routes. Two means of escape should be provided in:

- 1.each compartment used for sleeping or rest; and
- 2.other compartments used for accommodation affected by a fire risk, and
- 3.machinery spaces affected by a fire risk except:
  - a) those spaces visited only occasionally, and where the single access gives ready escape, at all times, in the event of fire; or
  - b) those spaces where any person entering and moving about the space is within 5 metres of the single entrance, at all times.
- 14.8.2 In existing vessels which have only a single means of escape from accommodation spaces, efficient fire detectors should be provided as necessary to give early warning of a fire emergency that could cut off that single means of escape.
- 14.8.3 A vessel should be provided with an efficient escape route or routes, taking into account the passengers to be carried and any restrictions on use of the routes.

## 15. FIRE FIGHTING APPLIANCES

- 15.1 In a non-decked or partially decked vessel without engine, cookers, heating, lighting or other fuel burning appliances, no fire extinguisher is necessary.
- Any inboard engine space should be fitted with a fixed fire extinguishing system which is remotely operated (whether manually or automatically) from outside that space. Such a system may consist of a portable fire extinguisher arranged to discharge into the space, operable without entering the space, eg through a fire hole. This should be suitable for the size of the engine space, but should have a minimum rating of 5A/34B (shown on the extinguisher).
- 15.3 In CATEGORY A WATERS, vessels with an outboard engine should carry a suitable fire extinguisher
- In CATEGORY B, a vessel of more than 6m in length 15.4 should carry a hand-powered or power driven fire pump with sea and hose connections capable of delivering one jet of water to any part of the vessel through a hose and nozzle, or at least one multipurpose fire extinguisher to a recognised standard with a minimum fire rating of 13A/113B, or smaller extinguishers giving the equivalent fire rating. These should be kept outside the engine space. In addition to the provisions of 15.2 above, one or more fire buckets with lanyards should be provided. Buckets may be of metal, plastic or canvas and suitable for intended use.
- 15.5 In CATEGORY C and D WATERS: a vessel of more than 6m in length should carry a hand-powered or power driven fire pump with sea and hose connections capable of delivering one jet of water to any part of the vessel through a hose and nozzle, or at least one multi-purpose fire extinguisher to a recognised standard with a minimum fire rating of 13A/113B, or smaller extinguishers giving the equivalent fire rating. These should be kept outside the engine space. In addition to the provisions of 15.2 one or more fire buckets with lanyards should be provided. Buckets may be of metal, plastic or canvas and suitable for intended use.

- In addition, for all vessels other than those covered by 15.1, there should be at least one multi-purpose fire extinguisher to a recognised standard with minimum fire rating of 5A/34B provided at each exit from accommodation spaces to the open deck. In no case should there be less than two such extinguishers.
- If there is a galley or cooking area, a fire blanket of a recognised standard should be provided and located between the door and stove.
- Any portable fire extinguisher should be of a type 15.8 approved by BSI and/or British Approvals of Fire Equipment, European Standard EN3 or under the Marine Equipment Directive and maintained in good condition.

# 16. COMMUNICATIONS **EQUIPMENT**

- 16.1 Communications equipment should be carried for the following purposes, as applicable to the area of operation:
  - Navigation: in some areas, there will be local requirements laid down by the harbour authority or navigation authority;
  - Emergency communications with local emergency services.
- The local navigation authority and local rescue services should be consulted in order to establish the most effective form of communication, whether VHF or other means. Emergency procedures for establishing contact in an emergency should be prepared. It should be noted that a mobile phone may be sufficient in some areas, but if mobile phone coverage is poor, alternative means should be agreed.
- 16.3 Mobile phones or portable VHF should be contained in a waterproof pouch, or be waterproof in their own right.
- A card(s) giving a clear summary of the distress 16.4 communications, urgency and safety procedures is to be displayed in full view of the radio operating position or where mobile communications equipment is carried. It should be in a prominent place where it can be easily reached in the event of an emergency.
- The Global Maritime Distress and Safety System 16.5 (GMDSS) was implemented on 1 February 1999. The implementation of the GMDSS has involved the adoption of Digital Selective Calling (DSC) for distress alerting in maritime radio frequency bands - e.g. VHF. While the United Kingdom Coastguard will continue coverage of VHF Channel 16 for the foreseeable future, from 1 February 2005, the Coastguard watch on Channel 16 will be downgraded from a dedicated headset watch to a loudspeaker watch. Also, from this date, ships that are currently obliged to keep a listening watch on Channel 16 where practicable,

will no longer be obliged to do so. Where it is considered that VHF should be fitted, with reference to Section 16.2, it is strongly recommended that vessels are equipped with VHF DSC with its significant benefits in distress situations by February 2005.

# 17. NAVIGATION LIGHTS, SHAPES AND SOUND SIGNALS

- 17.1 Vessels should comply with the requirements of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996, SI 1996 No.75. In some areas these will be modified by local bylaws, which will be published by the navigation or other local authority - e.g. British Waterways, General Canal Byelaws 1965, Thames Navigation Licensing and general bylaws.
- 17.2 A vessel which operates only between sunrise and sunset is not required by the international regulations to carry navigation lights. However, in areas where there is a risk of collision in poor visibility, it is advisable to use navigation lights. The local Navigation Authority should be consulted if in doubt.
- 17.3 Vessels operating through tunnels should also carry a white spotlight or headlight.
- Sound signalling equipment should comply with the Regulations. A vessel of less than 12 metres in length is not obliged, unless required by local byelaws, to carry the sound signaling equipment required by the Regulations on the condition that some other means of making an efficient sound signal is provided.

# 18. MISCELLANEOUS EQUIPMENT **CATEGORY A and B WATERS**

- 18.1 Appropriate local navigation authority publications should be carried.
- 18.2 In all vessels, a water-resistant torch and a suitable boat hook should be provided.
- 18.3 An emergency response plan should be carried detailing procedures for calling emergency services, ambulance, fire brigade and coast guard etc. This may form part of the Safety Management System (see paragraph 2.1 and 2.2).

# 19. APPROPRIATE NAVIGATIONAL **EOUIPMENT**

### **CATEGORY C and D WATERS**

- Suitable navigation equipment should be carried for 19.1 the area of operation. This should include an efficient magnetic compass, which is suitably adjusted and provided with a deviation card where appropriate.
- Alternatively, a fluxgate compass with suitable electrical back-up supply may be fitted. Where a fluxgate compass incorporates a capability to measure magnetic deviation by undertaking a calibration routine, and where the deviation figures are recorded within the device, a deviation card is not required.
- 19.3 Current or corrected nautical charts, nautical publications and tide time-tables for the area of operation should be carried where appropriate.
- 19.4 Radar reflectors or transponders should be fitted in order to enhance radar visibility. These should be approved to current IMO performance standards, or other means. On small vessels, where it is not practicable for an efficient radar reflector to be fitted, they should not operate in fog, and if visibility starts to deteriorate they should return to their mooring.
- A sailing vessel should carry appropriate means of clearing rigging for use in the event of dismasting.
- In all vessels, a water-resistant torch (suitable for signalling) and a suitable boat hook should be provided.
- An emergency response plan should be carried detailing procedures for calling emergency services, ambulance, fire brigade and coast guard etc. This may form part of the Safety Management System (see paragraph 2.1 and 2.2), and may be in the form of a simple flow chart.

## 20. ANCHORS AND CABLES

- 20.1 In tidal or flowing water, a suitable anchor and cable or equivalent should be carried, maintained and rigged ready for use (local bylaws may specify requirements).
- In still water, appropriate mooring arrangements should be provided. Mooring lines of adequate length for all possible moorings (including in an emergency) should be carried. The vessel should be fitted with bollards or cleats of adequate strength.

## 21. ACCOMMODATION

- 21.1 Sufficient handholds and grab-rails should be fitted within the accommodation, for the safety of passengers when moving around the accommodation. In CATEGORY A WATERS, this will mainly be limited to the side of stairs.
- 21.2 Furniture and heavy items of equipment, such as batteries, cooking appliances etc., should be securely fastened in place to prevent movement. This is not necessary for ordinary furniture on Category A waters, where the risk of severe vessel movement is low.
- 21.3 Stowage lockers containing heavy items are to have lids or doors with secure fastening.
- 21.4 Means of escape from accommodation spaces should be free from obstruction, and clearly marked for their purpose unless they are obvious.
- Enclosed spaces which persons may enter should be effectively ventilated. Due regard should be paid to ISO 10239 Small Craft – Liquefied Petroleum gas (LPG) systems or BS5482- 3 Domestic Butane and Propane gas burning installations in boats, yachts and other vessels, for gas installations, requiring permanently open vents for open flame devices. For other types of fuel burning appliances refer to the manufacturer's recommendations for ventilation.

## 22. PROTECTION OF PERSONNEL

- 22.1 To protect persons from falling overboard, and where proper working of the vessel is not impeded, areas where passengers are frequently on deck should be enclosed. Alternatively, guardrails or guard wires to a height of at least 1000mm should be fitted.
- 22.2 In CATEGORY A and B WATERS, where passengers remain seated throughout the trip, and no other contributory risks are identified, this height may be reduced, except around access points to and from the vessel. Where a vessel has narrow side decks, a handrail should be provided on the side or roof of the vessel. On the foredeck, a centreline handrail may be more workable.
- 22.3 When application of such measures would impede the proper working of the vessel, alternative arrangements should be made which provide an equivalent level of safety; for guidance see ISO 15085: Man overboard prevention and recovery.
- 22.4 In a non-decked vessel, a safe location within the vessel is to be provided for all persons onboard. If vulnerable passengers may move around open or narrow decks, a risk assessment is recommended to determine whether personal protective equipment (lifejackets, harnesses) should be worn.
- In CATEGORY C and D WATERS, if crew members 22.5 need to move around exposed decks for the safe operation of the vessel, two safety harnesses should be provided, together with a means for securing lifelines. These could also be used in a man-overboard situation to prevent the rescuer falling overboard. A risk assessment is recommended if passengers may move around open or narrow decks to determine whether other personal protective equipment (e.g. lifejackets) should be provided.
- The surface of a working deck should be non-slip. 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.

## 23. FIRST AID KIT

An appropriate first aid kit suitable for crew and passengers, in the area of operation, should be carried and stored in an accessible place.

## 24. TENDERS (DINGHIES)

If a tender is carried, it should be marked with its carrying capacity and the name of the vessel.

## 25. PREVENTION OF POLLUTION

- 25.1 The vessel should comply with local bylaws relating to the discharge of waste water. All rubbish should be disposed of at designated and suitable facilities ashore.
- 25.2 No sanitation system capable of discharging sewage overside should be fitted in the vessel unless it is capable of being sealed or rendered inoperable.
- Sealed sanitation systems should comply with the 25.3 requirements of BS MA101 Specification for toilet retention and re-circulation systems for the treatment of toilet waste on small craft or equivalent .
- An oil-tight tray made of metal or other suitable 25.4 material should be fitted beneath every engine and gearbox so as to prevent leakage of oil escaping into any part of the vessel or overside. The sides of the tray should be carried as high as practicable. A tray is not needed if oil-tight structural members are fitted fore and aft of the engine. No fixed bilge pump should draw from an oil-tight area.

# Manning/crew

#### 26 MANNING – THE SKIPPER

- Minimum qualifications general
- 26.1.1 Operators should satisfy themselves that the person in charge of the vessel is competent both to handle the vessel and to deal confidently with passengers. Operators should take account of the following recommendations and the level of risk identified in their operation including considering the worst case scenario. Any certificates and licences of competency or service are to be appropriate to the type of vessel and area of operation in which they are used.
- 26.1.2 In CATEGORY A and B WATERS, the minimum age of the skipper should be 17 years.
- 26.1.3 In CATEGORY C and D WATERS, the minimum age of the skipper should be 18 years.

### 26.2 Boat-handling, knowledge, etc

- 26.2.1 Operators should satisfy themselves that the skipper has both the appropriate level of competence and relevant practical experience in local operation of the relevant or a similar vessel operating commercially.
- 26.2.2 In CATEGORY A and B WATERS, the skipper should either hold an appropriate qualification or be able to demonstrate to the operator that he/she is competent for the appropriate area.
- 26.2.3 The following certificates or courses are recommended:
  - MCA Boatmaster's Licence for a local passenger vessel (BML) grade 3 or 2 for the appropriate area;
  - British Waterways Boatmanship Licence;
  - National Community Boats Association Certificate in Community Boat Management;
  - Waterman's Licence issued by a competent authority for the appropriate area, where available.
  - Royal Yachting Association (RYA) Powerboat (level 2) with 12 months relevant experience;
  - RYA Inland Helmsman's certificate with 12 months relevant experience

- 26.2.4 In CATEGORY C and D WATERS, the following certificates or courses are recommended:
  - MCA Boatmasters' Licence for a local passenger vessel grade 2 for the appropriate area;
  - Waterman's Licence issued by a competent authority for the appropriate area, where available.
  - RYA Coastal or Day Skipper with 12 months relevant experience;
  - RYA Powerboat Level 2 with 12 months relevant experience;

#### 26.3 Communications

- 26.3.1 The level of training qualifications will depend on the type of communications equipment fitted or carried on board the vessel.
- 26.3.2 A one-day short-range (approved SRC) VHF radio course would be expected for vessels which are fitted with VHF equipment (see Section 16: Communications Equipment).
- 26.3.3 Where there is no radio, the skipper should know how to use the available equipment to contact assistance from any point on the route – e.g. a mobile phone, PA, loud hailer, or mega-phone for use on rivers and canals.

#### **Medical Fitness**

- 26.4.1 The skipper should be medically fit, bearing in mind that he or she is responsible for the passengers in the case of an emergency.
- 26.4.2 In order to obtain an MCA Passenger BML or RYA Certificate endorsed for commercial purposes, the individual must provide proof of fitness, through completion by a medical practitioner of a medical report form (the ML5).
- 26.4.3 If the skipper does not hold one of these certificates, the following will be accepted as evidence of medical fitness:
  - 1. Seafarers Medical Fitness Certificate (ENG1 or acceptable non-UK equivalent);
  - 2. Civil Aviation Authority Commercial Pilot's Licence,

- 3. Health and Safety Executive (HSE) Diving Medical Certificate,
- 4. DVLA Group 2 Driver's Licence.

For 2. to 4. above, the following will also apply:

- 1. The validity of the evidence of medical fitness would be that of the "parent" licence - e.g. one year in the case of a CAA commercial pilot's licence.
- 2. In the case of the HSE diving medical and the DVLA Group 2 licence, evidence of satisfactory colour vision should be checked by an optician (but see paragraph 26.5.3).
- 3. In the case of the above named equivalent medicals, a declaration should be required, signed by the applicant confirming the following:
- 1. the contact details of the examining doctor, their consent for the administration to obtain further medical information if required, and the date of the examination; and
- 2. that they have not had any medical conditions requiring hospital admission, regular prescribed medication, or continuing medical surveillance, since the alternative medical was carried out; and
- 3. that they have no conditions limiting strength, stamina, or flexibility, such that they could not cope with emergencies on board, such as recovering someone who has fallen overboard or fighting a fire; and
- 4. that they will seek revised medical fitness certification and submit this to the Administration if the licence accepted as evidence of medical fitness is revoked for any reason, or if they suffer any illness or accident affecting their fitness to operate the vessel, during the period of the licence/certificate.
- 26.4.4 Otherwise the skipper should provide his or her employer with a self-declaration of fitness for the operation, confirming that he or she suffers from none

of the conditions listed in Annex 11. Where any of the listed conditions are present, this may indicate a high risk of incapacity. This would be inappropriate for the skipper, who is responsible for passengers at all times. It is therefore recommended that medical advice is sought on the fitness of the individual to carry out his or her duties.

#### **Eyesight Standards** 26.5

- 26.5.1 Satisfactory eyesight standards are included in the arrangement for the medical certificates and reports mentioned above.
- 26.5.2 For those who do not hold a medical certificate, the employer should carry out a test, such as reading a notice - e.g. a numberplate at a set distance of 20.5 metres (67ft) using glasses or contact lenses if necessary. If glasses or contact lenses are required to meet this standard, they should be worn on the vessel at all times.
- 26.5.3 Evidence of satisfactory colour vision is needed where navigation lights may be encountered, but this does not apply in Category A canals.

#### 26.6 Basic Sea Survival Course/Water Safety

- 26.6.1 It is recommended that those operating a vessel under this Code should attend a basic training course on water safety, including personal survival and rescuing others from the water.
- 26.6.2 For CATEGORY A and B WATERS, appropriate training courses, not currently requiring MCA approval, are available for inland and inshore vessels. **Courses run by the Royal Life Saving Society would** be suitable for river or canal boats.
- 26.6.3 For CATEGORY C and D WATERS, approved courses for seafarers are widely available at many maritime colleges. Contact details are available from the Seafarer Standards Branch, MCA. Other training providers, including the RYA, also provide appropriate courses.

#### 26.7 **Life Saving Appliances (LSA)**

The skipper should be able to demonstrate knowledge of the location and use of LSA on board, and be able to demonstrate to passengers, where appropriate, how to obtain and put on a life jacket/buoyancy aid.

#### 26.8 Fire Fighting

The skipper should be able to demonstrate knowledge of the location and use of fire fighting appliances on board, and the procedure for summoning assistance and evacuating the vessel.

# 27. RESPONSIBILITY OF THE **OPERATOR FOR SAFE** MANNING OF THE VESSEL

- It is the responsibility of the operator to ensure that 27.1 the skipper and, where necessary, the crew of the vessel have, in addition to any qualifications, 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 operator should also assess whether additional crew are needed, and what training or expertise they may need, having regard to the type and duration of voyage or trip being undertaken.
- In some cases, vessels will operate in higher risk areas - e.g. through locks and tunnels - and also have higher risk passengers on board. In these instances, it is recommended that a risk assessment be carried out. The operator should ensure that there are sufficient persons on board with relevant experience to cope in the case of an emergency.
- The following factors should be taken into consideration: 27.3
  - 1. Locks where additional crew may be needed to control the vessel and operate the lock.
  - 2. Tunnels where additional crew may be needed to summon assistance in the event of an emergency occurring within the tunnel.
  - 3. Passengers where additional crew may be needed to assist disabled passengers.
  - 4. Children where additional crew may be needed to supervise unaccompanied children.
- At all times there should be a person with adequate experience in charge of steering the vessel. The following factors must be taken into account:
  - 1. the present and forecast state of the weather and visibility,
  - 2. the proximity of navigational hazards,
  - 3. the density of traffic in the area,
  - 4. and the present and forecast water level and flow conditions.

#### 28 ADDITIONAL CREW MEMBERS

- 28.1 Additional crew members should be able to demonstrate knowledge of emergency procedures, how to contact assistance, and life-saving appliances carried, including how to put on a life jacket/buoyancy aid where appropriate.
- 28.2 It is also important that additional crewmembers are given familiarisation training for the vessel, and are capable of starting and stopping the vessel in the case of an emergency.
- It is recommended that 'emergency cards' are 28.3 displayed at all times with clear instructions on how to act in an emergency. These cards should be placed in one area of the vessel – e.g. at the steering console, and remain there at all times. Pocket-style laminated "emergency cards" may be carried by each crew member.
- 28.4 For additional crewmembers, the minimum age is 16 years. If the skipper or any crewmember is under 18 years of age, health and safety regulations require that a risk assessment is carried out. (See Marine Guidance Note (MGN) 88 and Merchant Shipping and Fishing vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998).

# 29. FATIGUE - WORKING TIME **REGULATIONS**

- 29.1 Fatigue is a serious safety issue and operators should ensure that all vessels operating under the Code are sufficiently manned to avoid the need to work excessive hours.
- 29.2 The Merchant Shipping (Working Time: Inland Waterway) Regulations 2003, implementing an EC Directive (93/104/EC as amended by 2000/34/EC) make provisions for mobile workers on inland waterway transport. The rules are based on a 48-hour week, but allow for this to be calculated as an average over a 17-week reference period. Workers are entitled to adequate rest and to 4 weeks paid annual leave. Guidance is available on the MCA website. The regulations are due to come into force on 30 November 2003.

## 30. FIRST AID COURSES

- 30.1 The skipper or another member of the crew should hold either a valid
  - 1. Elementary First Aid Certificate, or
  - 2.RYA Small Craft First Aid Certificate, or
  - 3. Certificate issued by the ambulance service or a voluntary society following the successful completion of a first aid course approved by the Health and Safety Executive\*
  - \*This course must be adapted to have extra emphasis on the treatment of hypothermia and casualty evacuation.
- 30.2 First Aid certificates are valid for 5 years from the date of issue. Refresher training is recommended after 3 years, otherwise it may be necessary to retake a full course.

## 31. SAFETY BRIEFING

At the start of every voyage or trip, the skipper should give a safety briefing to all passengers and crew. See Annex 12 for topics to be covered. If this is not appropriate (eg short, regular trips), a safety notice could be prominently displayed at the boarding place, giving brief emergency instructions for passengers.

## 32. DRUG AND ALCOHOL POLICY

The operator should have in place a Drug and Alcohol Policy which should include a statement that no crew member is to be under the influence of alcohol or drugs while in charge of the vessel, or when preparing to take charge of the vessel.

# 33. REVALIDATION OF **CERTIFICATES AND LICENCES**

The skipper should ensure that they keep their 33.1 knowledge and skills up to date, including having any certificates of competency revalidated by the issuing authority, by undertaking sufficient actual service on a relevant vessel each year. They should continue to skipper the vessel only if they remain medically fit. After a prolonged period of absence, a suitable period of refresher training (which could include working alongside a colleague with recent experience or a current certificate) should be undertaken.

## DEVELOPMENT OF THE CODE

### Organisations involved in the Working Group;

Association of Inland Navigation Authorities (AINA)

Association of Chief Police Officers (ACPO)

Association of Pleasure Craft Operators (APCO)

**British Ports Association** 

Rushton Marine Surveys

British Marine Federation (BMF)

**British Waterways** 

**Broads Authority** 

Chamber of Shipping

The Chief and Assistant Chief Fire Officer's Association (CACFOA)

National Community Boats Association

**Environment Agency** 

Health and Safety Executive (HSE)

Inland Waterways Association

Maritime and Coastguard Agency

Northern Ireland Tourist Board

Port of London Authority

Rail Maritime Transport (RMT)

Royal Yachting Association (RYA)

Scottish Executive

Transport and General Workers Union (TGWU)

**UK Harbour Masters Association** 

Upper Thames Passenger Association

Wales Tourist Board

Yacht Designers & Surveyors Association (YDSA)

## **DEFINITIONS**

**Bare boat charter** – a charter for which the charterer provides the skipper and crew

Boats fitted with a buoyant collar – a rigid inflatable vessel, or a vessel of similar hull form, where the inflatable tubes are replaced by solid, or hollow, buoyant sections.

Class V – a ship carrying more than 12 passengers and engaged in voyages in Category A, B and C waters.

Code – means this Code unless another Code is specified;

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

Competent Authority – for this Code means a local or statutory navigation or harbour authority which has statutory powers to regulate vessels operating within their area.

Contract of employment – whether expressed or implied and if expressed, whether oral or in writing.

Crew - a person employed or engaged in any capacity onboard a vessel on the business of the vessel.

**Decked Vessel** – a vessel with a weathertight deck at gunwale height or above from stem to stern, but which may have a recesses cockpit provided it is self draining.

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 intended.

**Existing vessel** – a vessel that is not a new vessel;

Foreshore - Area on shore immediately landward of the water's edge, between low and high watermarks.

Freeboard - 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.

Freeboard to downflooding - the distance measured downwards from the lowest point of any downflooding opening to the waterline in still water.

Hazard - a source of potential harm or damage or a situation with potential for harm or damage to people, equipment or property.

**Inflatable Boat** – a vessel with attains its form through inflatable tubes only, which are not attached to a solid hull.

**K G of the Vessel** – height of the centre of gravity above the keel. Relates to stability of the vessel.

**Length** – the overall length from the foreside of the foremost fixed permanent structure to the aftside of the aftermost fixed permanent structure of the vessel.

**Members Club** – a non-profit distributing members' sports club whose rules, in all material respects, would satisfy the requirements of Schedule 7 of the Licensing Act 1964 (even if it has no bar,) and which is affiliated to a national governing body of sport recognised by one of the Sports Councils of England, Wales, Scotland and Northern Ireland.

Mobile worker - a person employed as a member of the travelling personnel of a ship by an undertaking which operates services for passengers or goods, but does not include persons who are training in a sail training vessel or persons who are engaged in the navigation of, or have no emergency safety responsibility on, such a vessel.

Multihull vessel - 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 - a vessel to which this Code applies, the keel of which was laid or the construction of lay-up was started on or after the date of publication of this Code (14 February 2004);

Open boats – any vessel which is not a decked vessel.

Operator – the owner or managing agent of the vessel, or any other organisation or person such as the manager, or bare boat charterer, who has assumed the responsibility for operation of the ship from the owner.

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

### **Pleasure Vessel means:**

- (A) any vessel which at the time it is being used is:
- in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
- (ii) in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
- (iii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (B) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and

(C) in the case of any vessel referred to in paragraphs (a) or (b) above no other payments are made by or on behalf of users of the vessel, other than by the owner.

In this definition immediate family means, in relation to an individual, the husband or wife of the individual, and a relative of the individual or the individual's husband or wife; and "relative" means brother, sister, ancestor or lineal descendant.

\*as defined in the Merchant Shipping (Vessels in Commercial Use for Sport and Pleasure) Regulations 1998 - to be superseded by the Merchant Shipping (Small Commercial Vessels and Pilot Boats) Regulations 2004.

**Rigid inflatable boat** – a vessel with inflatable tubes, attached to a solid hull. The tubes are inflated during normal craft operation.

Risk - the likelihood that a hazard may occur combined with the consequences of the hazardous event.

Sailing vessel – a vessel which is designed to be navigated under wind power alone and for which any motor 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 7.

Ship - includes every description of vessel used in navigation

Watertight – capable of preventing the passage of water in either direction

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

Worker - any person employed by an employer under a contract of employment including trainees or apprentices.

## **REGULATIONS AND PUBLICATIONS**

British, European and International Standards referred to in the Code

BS EN and ISO standards are reviewed and updated from time to time. The most recent standard should always be used. Those quoted in this Annex are current at the time of publication.

BS/EN/ISO 7840:1995 Small Craft Fire resistant fuel hoses

BS 476 - 20:1987 Fire tests on building material and structures. Methods for determination of the fire resistance of elements of construction (General Principles)

BS 5482 – 3:1999 Domestic Butane and Propane Gas burning installations in boats, yachts and other vessels

BS/EN/ISO 10239:2000 Small Craft. Liquefied Petroleum gas (LPG) systems.

BS/EN/ISO 10088:2001 Permanently installed fuel systems and fixed fuel tanks

BS/EN/ISO 10133:2001 Electrical Systems - Extra-low-voltage d.c. installations

BS/EN/ISO 11547:1996 Small Craft - Start-in-gear protection

BS/EN/ISO 13297:2001 Electrical Systems - Alternating current installations

BS/EN 28846:1993 Electrical Devices - Protection against ignition of surrounding flammable gas

BS/EN 6030-2:1998, IEC60309-2:1997, Plugs, socket outlets and couplers for industrial purposes. Dimensional interchangeability requirements for pin and contact tube accessories

BS/EN 396:1994: Life Jackets and personal buoyancy aids of 150N

BS/EN 399:1994: Life Jackets and personal buoyancy aid of 275N

BS 3595:1981: Specification for Life Jackets

BS/MA101:1986 Specification for toilet retention and re circulation systems for the treatment of toilet waste on small craft

ISO 9094- Part1:2002 Fire protection Craft with a Hull length of up to and including 15m

ISO 9094- Part2:2002 Fire Protection Craft with a hull length of over 15m and up to 24m

ISO 6185- Part1:2001 Inflatable Boats: Boats with a maximum motor rating of 4.5kW

ISO 6185-Part2:2001 Inflatable Boats: Boats with a maximum motor rating of 4.5kW to 15kW inclusive

ISO 6185-Part3:2001 Inflatable Boats: Boats with a maximum motor rating of 15kW and greater

ISO 8846:1990 Electrical Devices - Protection against ignition of surrounding flammable gas

ISO 10239:2000 Small Craft – Liquefied Petroleum Gas (LPG) system

ISO 11812:2001 Small Craft - Watertight Cockpits and Quick-draining Cockpits

ISO 12215-1:2000 Small Craft Hull Construction - Scantlings - Part 1: Materials:Thermosetting resins, glass fibre reinforcement, reference laminate

ISO 12215-2:2002 Scantlings – Part 2: Materials: Core materials for sandwich construction, embedded materials

ISO 12215-3:2002 Scantlings - Part 3: Materials: Steel, aluminium, wood, other materials

ISO12215-4:2002 Scantlings - Part 4: Workshop and manufacturing

ISO 12217-Part1:2002 Small craft - Stability and buoyancy assessment and categorisation - Non-sailing boats of hull length greater than or equal to 6 metres ISO 12217- Part2:2002 Small craft - Stability and buoyancy assessment and categorisation -Sailing boats of hull length greater than or equal to 6 metres

ISO 12217-Part3:2002 Small craft - Stability and buoyancy assessment and categorisation - Boats of hull length less than 6m

ISO 15085: 2003 Man overboard prevention and recovery

PrEN ISO/DIS 12215-5: Scantlings Part 5: Design pressures, allowable stresses (not yet published)

British Standards are available from: www.bsi-global.com

British Standards HO 389 Chiswick High Road London, W4 4AL United Kingdom

Tel: +44 (0) 20 89969000

ISO Standards are available from: www.iso.org

International Organization Standardization 1, rue de Varembe Case Postale 56 CH1211, Geneva 20 Switzerland

Tel: +41 227490111

### Merchant Shipping Regulations referred to in the Code

Merchant Shipping (Categorisation of Waters) Regulations 1992 (SI 1992/2687)

Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (SI 1996/75)

Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (SI 1997/2962)

Merchant Shipping (Load Line) Regulations 2000 (SI 2000/1335)

UK Regulations are available from the Stationary Office and on line at www.hmso.gov.uk/stat.htm Merchant Shipping Notices are available from the MCA website at www.mcga.gov.uk

### Other Legislation and Codes referred to in this Code

European Recreational Craft Directive (Council Directive 98/25/EC)

Recreational Craft Regulations 1996 (SI 1996/1353)

Canal Boat Builders Association Code of Practice for Steel Inland Waterways Craft and Narrow Boat Construction

The Liquid Petroleum Gas Association Codes

Contact Address: Pavilion 16

Headlands Business Park

Salisbury Road Ringwood Hants BH24 3PB

The Institution of Electrical Engineers (IEE) Regulations

Contact Address: Savoy Place

London WC2R 0BL

Tel: +44 (0) 20 72401871

The Gas Safety Installations and Use Regulations (GSIUR) (SI 1998/2451)

The Working Time Directive (93/104/EC as amended by 2000/34/EC)

Licensing Act 2003 - See Houses of Parliament Website

UK Regulations and Acts are available from the Stationary Office and on line at www.hmso.gov.uk/stat.htm

# **GUIDANCE ON SAFFTY** MANAGEMENT SYSTEM

(Based on MGN 158 (M) - Safety Management Code For Domestic Passenger Ships of Classes III - VI (A))

#### **INTRODUCTION**

- 1. The purpose of this Annex is to provide guidance on how to develop and implement an effective safety management system such as the Safety Management Code for Domestic Passenger Ships.
- The Code for Inland Waters Small Passenger Vessels covers a wide variety of operational locations and conditions. This guidance is therefore kept brief and simple, so that it can be applied to a wide variety of ships, and developed by each operator to meet the needs of that operation.

#### **GENERAL**

- 3. As part of a safety management system, each operator should create a safe working environment, which should include the following:
- A health and safety protection policy. This must address the issues of health, safety and the environment as they affect the operator and his staff, both ashore and afloat. Such a policy might read along the following lines:

"The policy of (name of Operator) is to conduct its activities taking full account of the health and safety of its employees and of all persons using or connected with the Operator. In implementing this policy, (name of operator) will ensure that the [ship] is, at all times, properly maintained and operated by qualified personnel in full compliance with relevant legislation. In particular the [operator] will carry out an assessment of the risks to the health and safety of workers and others affected by [the undertaking], and will take the necessary measures to minimise the risks identified."

Under the Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1998 (S.I. 1998/1377) Each operator of a ship of 12 metres or more in overall length should display placards to notify the crew and passengers of the ship's disposal requirements. MSN 1720(M+F) is relevant and should be consulted.

6. It is an offence under section 131 of the Merchant Shipping Act 1995 for a ship in U.K. national waters, navigable by sea-going ships, to discharge any oil or oily mixture into those waters. The operator of such a ship is recommended to develop and implement an oil management plan to the same standard as the garbage management plan and to integrate it with the Health and Safety Protection Policy.

### Procedures to ensure safe operation of ships in compliance with the regulations and rules.

- 7. The regulations and rules which apply to the domestic passenger ships include but are not limited to:
  - Categorisation of Waters;
  - The Merchant Shipping Distress Signals and Prevention of Collisions Regulations;
  - Local Navigation Rules;
  - The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations;
  - Merchant Shipping Notices and Marine Guidance Notes.
- 8. The operator should draw up simple procedures to ensure that safe working practices are carried out in the operation of the ship. These may be in the form of checklists that can be followed by all personnel.
- 9. For some ships, it might be appropriate to have permanently exhibited checklists, e.g. in the wheelhouse for navigational items. Alternatively, in a smaller ship, the record could take any suitable form such as a diary as distinct from a specially printed logbook. Whatever form the record takes, such entries should be accepted as evidence of compliance with the **ONBOARD PROCEDURES** requirements.

### 10. Lines of communication between personnel, ashore and afloat.

Responsibility and authority of each employee should be clear. This may be best illustrated in a simple diagram, showing who reports to whom.

### 11. Procedures for reporting accidents.

The requirement for reporting accidents should be well understood by all personnel and in so doing improve the safety culture practised on board.

### 12. Procedures for responding to emergency situations.

There should be clearly stated procedures for responding to emergency situations. These may include but not be limited to: fire; collision; grounding; violent act; main propulsion or steering failure; and man overboard. Checklists may be useful in this regard.

#### **HEALTH AND SAFETY PROTECTION POLICY**

- 13. The Merchant Shipping and Fishing Vessel (Health and Safety at Work) Regulations, specifically require the appointment of one or more competent persons to take responsibility for health and safety. That person/persons should be identified. It is the responsibility of the owner/operator to ensure that the policy is complied with, and
- 14. that the responsibilities are understood.
- 15. The operator should develop a policy on prevention of alcohol and drug abuse, in the light of the very strong comments made in the THAMES SAFETY INQUIRY Report by Lord Justice Clarke. Where alcohol is served on board, the policy should also stipulate that no alcohol will be served to persons under 18 years of age.
- 16. Under the Health and Safety Policy, all personnel both ashore and afloat have a duty to take care of themselves and other persons who may be affected by their acts or omissions.
- 17. It is essential that, in the event of an emergency, there is the ability to communicate with the emergency services via a shore base. The shore base may be the operator office ashore, the local Coastguard, Police or Fire Station, or another office as may be agreed between the ship and the shore base.

### **RESPONSIBILITIES**

18. The Skipper must have authority at all times, to make decisions with regard to the safety of the ship and the persons on board. To ensure that there is no ambiguity regarding the authority of the Skipper, there should be a simple written statement to this effect.

#### PERSONNEL AND TRAINING

- 19. All personnel should receive training appropriate to the tasks they undertake. It is the responsibility of the operator to ensure that this training is given, and that the personnel have an understanding of the relevant regulations and rules.
- 20. As a minimum, this means:
  - 1) for the Skipper, the relevant qualifications;
  - 2) for the crew, training appropriate to their designated duties.
- 21. Prior to the first occasion of working on the ship, each employee must receive appropriate familiarisation training and proper instruction in onboard procedures. This could include but not necessarily be limited to:
  - mooring and unmooring;
  - launching and recovery of survival craft;
  - evacuation from all areas of the ship;
  - donning of lifejackets (where carried); and
  - use and handling of fire fighting equipment.
- 22. Where the ship uses locks or sluice gates, on the job training in this process is essential. Relevant training should also be provided to casual staff - ie not regular "crew" - who may be needed to assist in controlling/guiding passengers in the event of evacuation.

#### **ONBOARD PROCEDURES**

- 23. Simple procedures should be developed for the operation of the ship. These should include, but not be limited to:
  - · testing of equipment, including steering gear, prior to commencing a passage;
  - navigation and handling of the ship;
  - · maintenance routines;
  - bunkering operations;
  - · watertight integrity;
  - stability of the ship; and conduct of passengers and crew while on board.

### PREPARATION FOR EMERGENCIES

24. The potential emergencies likely to be encountered by the ship should be considered. Exercises should then be carried out in the handling of these emergencies and evacuation from the ship.

- 25. Where possible, all personnel should be involved in these exercises, both ashore and afloat. (Refer to MSN 1761, paragraph 6). The roles and responsibilities of all personnel in an emergency situation should be developed in accordance with the principles of the Code.
- 26. The exercises should be recorded. The names of those who participated should also be recorded.

### **REPORTING OF ACCIDENTS**

- 27. It is a legal requirement under the Merchant Shipping Act to report all accidents. The Merchant Shipping (Accident Reporting and Investigation) Regulations 1994 refer.
- 28. The regulations apply to all ships. The operator must therefore have a procedure in place to report any accident to the Marine Accident Investigation Branch (MAIB) and/or to an office of the MCA. Additionally, all accidents and near accidents should be recorded and reported to the operator, who should implement corrective action, with the aim of improving safety.

### MAINTENANCE OF THE SHIP AND EQUIPMENT

- 29. Maintenance of the ship and equipment is an essential ingredient of safety management. The equipment should be checked and tested daily when in use; in addition to the tests referred to in the ONBOARD PROCEDURES section of this guidance.
- 30. There should be procedures for a more detailed inspection and maintenance programme of the ship and equipment. The frequency of the inspections should be determined by the operator, but every event should be recorded.
- 31. A checklist could be employed as an aide memoir for the inspection of equipment.

## **BEACHCRAFT GUIDELINES**

#### 1. General

- 1.1 Section 2.3 and 2.4 recognise that variations to the standards recommended by the Code may provide equivalent standards of safety, taking into account specific local conditions which are certain to exist. This Annex is intended to assist in assessing equivalence for small vessels with a very limited area of operation, which may be unable to meet the certain of the recommended standards laid down by the Code. It provides Local Authorities performing licensing for beach/harbour operations, with a checklist of operational safety management practices for their consideration.
- 1.2 Variations may be either a direct alternative to a measure specified in the Code or a reduced measure based upon factors that compensate for the reduction.
- 1.3 Although not an exhaustive list, factors which may be considered include:
- restricted area of operations [in an area where operating conditions are the least severe that may be expected within the relevant Category of Waters];
- a guaranteed control of the vessel which restricts operations to conditions such that there is a very low risk of an accident;
- the certainty of readily available means of emergency rescue;
- operations wholly within constant sight of the supervising body and means of emergency rescue;
- seasonal operations only, such as between 1 April and 31 October or some lesser period, or favourable weather restrictions;
- vessels operating in close proximity to one another and equipped to provide efficient safety back-up to each other in an emergency;
- 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. inherent safety of the vessel by design, test and experience, (not applicable as an equivalent for stability standards or a specified level of life saving equipment);
- 11. the ratio of suitably trained crew to the number of other persons onboard;
- 12. the number of safety craft provided to protect the vessels operating commercially for sport or pleasure;
- 13. enhanced provisions for distress alert and rescue;
- 14. means provided for "dry" rescue from a vessel in emergency situations.
- 2. Guidelines for the Safe Operation of Commercially Operated Pleasure Craft Used for Leisure Activities from a Beach or Harbour
- 2.1 Where the operator wishes to operate a vessel under alternative arrangements, for the provision of activities involving the towing of persons such as water-skiing, parascending, etc. the following guidelines should be followed.
- 2.2 This is not considered an exhaustive list, nor are they relevant to all situations.
- 1. All boats should adopt appropriate safety standards or equivalencies set out in the Small Passenger Boat Code for the relevant Category of Waters.
- 2. If life saving appliances, recommended under section 13, cannot for practical reasons be carried on the vessel, suitable equivalencies from the section above must be employed.
- 3. All tows should be considered part of the towing vessel, and are to be fit for purpose.

- Boats are to be capable of accommodating all persons they are intended to support including those contained on board the tow, if applicable. [Methods of assessing the number of persons suitable to be carried are contained in the text of this Code of Practice. In general, vessels operating under this Annex should not carry more than 4 persons.
- Towing craft should have a minimum crew of two at all times - one to drive, and navigate, the other to watch the tow.
- Craft should be fitted with an engine stop cord, to be used at all times.
- Operating procedures, and equipment where applicable, are to be in place for recovery of persons from the water, including measures to avoid injury from the boat and machinery. For vessels fitted with conventional propellers, consideration should be given to the fitting of a propeller guard, especially where recovery of persons is commonplace.
- 8. Children under the age of 8 should be accompanied by an adult at all times, including when on a tow.
- Inflatable tows should be capable of supporting 110% of the maximum manufacturers weight limit, with any one separate inflatable compartment punctured or deflated.
- 10. In Category C and D waters, lifejackets are to be worn at all times. For operations where buoyancy aids may be considered more practical, their use may be accepted based on equivalencies stated in section 1 above.
- 11. Towlines should be approximately 25 to 30 metres long. A method of quick release in the event of an emergency is to be available.
- 12. Parascending lines, harnesses and parachutes are to be inspected daily by the operator, and maintained in accordance with the manufacturers recommendations.
- 13. Operating areas and any associated channels for slow speed transit to and from the shore, should be clearly marked.

- 14. Operating areas, trading dates and daily hours for operation are to be defined.
- 2.3 Additionally the operator will:
- 1. hold a nationally recognised qualification for the activity concerned, i.e. water sports instructors certificate.
- 2. hold a Local Authority licence/concession to operate, where applicable.
- maintain visual contact with the vessels at all times, and provide a means of immediate rescue in the event of an accident.
- 4. ensure that vessels and associated equipment are maintained in proper state;
- report and record to the Local Authority, where applicable, all incidents which have, or could have led to injury.
- 6. ensure a procedure is in place for immediate contact with the emergency services in the event of an accident or incident.

# **GUIDANCE FOR TRANSITING VESSELS**

- 1. Where a vessel makes a short transit through waters of a higher category but not to sea, it may not be necessary to apply all of the standards laid down for that higher category.
- The operator should make a risk assessment to identify whether any additional safety measures are required. This should be discussed with the appropriate navigation authority. "short transit" means a maximum of five hours cruising.
- In carrying out a risk assessment the following factors, as a minimum, should be considered:
  - is the transit made with passengers on board?
  - is there a suitable "passage plan" in place, taking account of available navigation information, weather forecasts etc?
  - have points of shelter been identified and evaluated?
  - do weather conditions significantly affect the level of risk on these waters?
  - is the vessel moving from non-tidal or still water into flowing/tidal water?
  - is the vessel likely to encounter a higher sea state or worse weather than the vessel is designed for? (this will be linked to freeboard, ISO design category, if applicable, and passage planning);
  - does the vessel have sufficient engine power to maintain control in these conditions?
  - are the communications equipment and lifesaving appliances suitable for the transit voyage, i.e. would VHF equipment be needed, are there sufficient lifejackets/buoyancy aids?
  - are there adequate protocols for contacting emergency services?
  - are additional competent crew members needed for the transit?

4. Examples of "transit routes" are shown in the following table, but the list is not exhaustive:

Route	Category	Expected Transit time (Actual transit time will depend on the state of the tide etc).
Thames – Brentford to Teddington	B – C	1 hour
Thames – Brentford/ Teddington to Limehouse Basin	A/B – C	5 hours
Severn – Stourport to Worcester Worcester to Tewkesbury Tewkesbury to Gloucester Dock*	A/B - C*	4 hours 5 hours 2 hours * semi tidal waters (spring tide) for 1hr from Lower Lode Lock to Gloucester Dock
Bristol Avon - Bath to Bristol	A – B/C**	4 hours **for 1hr from Hanham Lock to Bristol Floating Harbour
Yorkshire Ouse - Selby to York	A - C	3 hours (max - against flow)
Trent Keadby - West Stockwith	A - C	3 hours (max - against flow)
Trent W. Stockwith  – Torksey	A - C	4 hours ( max – against flow)
Trent Torksey – Cromwell	A – C	2.5 –5 hours depending on tide strength

# THE COMMISSION OF THE **EUROPEAN COMMUNITIES'** GENERAL MUTUAL RECOGNITION **CLAUSE**

In relation to the standards quoted in this Code, the Commission of the European Communities' general mutual recognition clause applies. The clause states:

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

- a relevant standard or code of practice of a national standards body, or equivalent body of a member state of the European Community;
- any relevant international standard recognised for use in any member state of the European Community;
- a relevant specification acknowledged for use as a standard by a public authority of any member state of the European Community;
- traditional procedures of manufacture of a member state of the European community, 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
- a detailed specification 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.

## **STABILITY**

For the purposes of this Section, where vessels are to operate in fresh water, the stability tests defined within this Section are to be conducted in the area of operation, as appropriate.

#### Motor Vessels 1.

A vessel should be tested in the fully loaded condition 1.1 (which should correspond to the freeboard assigned) to ascertain the angle of heel and the position of the waterline which results when all persons which the vessel will carry are assembled along one side of the vessel. (The helmsman may be assumed to be at the helm.) Each person may be substituted by a mass of 75kg for the purpose of the test. Annex 10 gives guidance on how to carry out a simple heel test.

> The vessel has an acceptable standard of stability if the test shows that:

- 1.the angle of heel does not exceed 7 degrees, and
- 2.in the case of a vessel with a watertight weather deck extending from stem to stern, the freeboard to downflooding is not less than

100mm for Category A vessels 175mm for Category B vessels 275mm for Category C vessels 375mm for Category D vessels,

and additionally, the freeboard to deck is not less than 75mm at any point.

- 3.the angle of heel may exceed 7 degrees, but should not exceed 10 degrees, if the least freeboard to downflooding in the heeled condition is in accordance with Annex 9 of the Code for the upright condition.
- 1.2 In all cases, the maximum permissible weight of passengers derived from the tests conducted should be

recorded for reference. Vessel loading should be restricted by the position freeboard mark and maximum permissible weight, and thus for the purposes of this test, attention should be paid to any activity related equipment where this may be significant, e.g. diving equipment.

- It should also be demonstrated that an open boat, when 1.3 operating in Category C and D waters, when fully swamped, is capable of supporting its full outfit of equipment, the total number of persons which it will carry, and a mass equivalent to its engine and full tank of fuel.
- Vessels complying with ISO 12217-1 Small craft -Stability and buoyancy assessment and categorisation -Non-sailing boats of hull length greater than or equal to 6 metres, or ISO 12217-3 Small craft - Stability and buoyancy assessment and categorisation - Boats of hull length less than 6m, may as an alternative to 1.1 to 1.3 above, be assigned an area of operation as follows:

IN CATEGORY A and B WATERS, ISO 12217 Design Category D applies.

IN CATEGORY C and D WATERS, ISO 12217 Design Category C applies

#### 2. Inflatable Boats or Boats Fitted with a Buoyant Collar

2.1 The heel test provisions stated previously are not appropriate for an inflatable boat, rigid inflatable boat or those vessels with a buoyant collar. Unless a boat to which this Code applies is completely in accordance with a standard production type (refer to relevant part of BS/EN/ISO 6185-1,2,3:2001), for which a certificate of approval has been provided for the tests, the tests detailed below should be carried out.

On a boat floating in still water:

#### 2.2 **Stability Tests**

2.2.1 The tests should be carried out with all the vessel's equipment, fuel, cargo, activity related equipment e.g. diving equipment – and number of persons which it will carry. The engine, equipment and cargo may be replaced by an equivalent mass. Each person may be substituted by a mass of 75kg for the purpose of the tests.

2.2.2 The maximum number of persons which a boat will carry should be crowded to one side, with half this number seated on the buoyancy tube. This procedure should be repeated with the persons seated on the other side and at each end of the inflatable boat, rigid inflatable boat or vessel with a buoyant collar. For the purposes of these tests, the cargo may be assumed to be in its normal stowage position. In each case, the freeboard to the top of the buoyancy tube should be recorded. Under these conditions, the freeboard should be positive around the entire periphery of the boat.

#### 2.3 **Damage Tests - Inflatable Boats**

- 2.3.1 The tests should be carried out with all the vessel's equipment, fuel, cargo, activity related equipment e.g. diving equipment - and number of persons which it will carry. The engine, equipment and cargo may be replaced by an equivalent mass. Each person may be substituted by a mass of 75kg for the purpose of the tests:
- 2.3.2 The tests will be successful if, for each condition of simulated damage, the persons for whom the inflatable boat or rigid inflatable boat is to be certificated are supported within the inflatable boat or rigid inflatable. The conditions are:
  - 1.with forward buoyancy compartment deflated (both sides if appropriate).
  - 2. with the entire buoyancy, from the centreline at the stem to the transom, on one side of the inflatable boat or rigid inflatable boat deflated.
- 2.3.3 Purely inflatable boats failing to meet Section 2.3.1 may be specially considered taking into account operational service limitations.

#### 2.4 Person recovery stability test:

2.4.1 Two persons should recover a third person from the water into the inflatable boat or rigid inflatable boat or vessel with a buoyant collar. The third person should feign to be unconscious and be facing away from the inflatable boat or rigid inflatable boat so as not to assist the rescuers. Each person involved should wear

an approved lifejacket. The stability of the inflatable boat or rigid inflatable boat should remain positive throughout the recovery.

#### 2.5 Swamp Test (for CATEGORY C and D WATERS ONLY)

- 2.5.1 It should also be demonstrated that an inflatable boat, or rigid inflatable boat or vessel with a buoyant collar, when fully swamped, is capable of supporting its full outfit of equipment, the total number of persons which it will carry, and a mass equivalent to its engine and full tank of fuel.
- 2.5.2 In the swamped condition, the inflatable boat, rigid inflatable boat or vessel with a buoyant collar, should not be seriously deformed.
- 2.5.3 A practical means of draining the boat should be demonstrated at the conclusion of this test. This should not include the use of electric bilge pumps.

#### 3 Sailing Vessels

The stability of a vessel should be determined by the 3.1 methods detailed below, and its area of operation should be dependent upon the standard, which it is shown to achieve.

#### 3.2 Vessels without external ballast keels

Method 1: Vessels complying with ISO 12217-2:2002 Sailing boats of hull length greater than or equal to 6 metres or ISO 12217-3:2002 Small craft - Stability and buoyancy assessment and categorisation -Boats of hull length less than 6m, may as an alternative, after verification of the stability assessment, be considered safe to operate in an area of operation as follows:

## IN CATEGORY A and B WATERS, ISO 12217 Design Category D applies.

IN CATEGORY C and D WATERS, ISO 12217 Design Category C applies.

Method 2: It should be demonstrated that the vessel has a minimum range of stability, depending on its length, as determined from the following formula:

#### **CATEGORY A AND B WATERS**

Minimum range of stability (degrees) =  $90 + 60 \times (6 - LOA)$ 

CATEGORY C AND D WATERS

Minimum range of stability (degrees) =  $90 + 60 \times (18 - LOA)$ 

In all cases the minimum required angle is not to be taken as less than 90 degrees

3.2.2 Sailing dinghies not assessed using ISO 12217-2:2002 - Small non-decked boats generally in the range of 2.5 to 6 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 an inversion.

#### 3.3 Vessels fitted with external ballast keels

3.3.1 The stability assessment of a vessel may be made by any one of the following methods:

Method 1: Vessels complying with ISO 12217-2:2002 Sailing vessels - Non-sailing boats of hull length greater than or equal to 6 metres' or (ISO 12217-3:2002 Small craft - Stability and buoyancy assessment and categorisation) - Boats of hull length less than 6m, may as an alternative, after verification of the stability assessment, be assigned an area of operation as follows:

> IN CATEGORY A and B WATERS, ISO 12217 Design Category D applies.

> IN CATEGORY C and D WATERS, ISO 12217 Design Category C applies.

Method 2: by the 'Sail Training Operational Stability (STOPS)' Numeral developed by the Royal Yachting Association (RYA).

#### **Notes:**

i. For vessels fitted with one or more top-weight items, examples of which are given below, the ballast ratio should be modified as follows:

ii. Moments are to be taken about the vertical centre of gravity, which is assumed to be at the waterline. The heeling moments attributed to the top-weight items are resolved, and the ballast weight is reduced, using the formula below.

$$CBW = \underbrace{TW \times H}_{(DCB + DK/2)}$$

Noting that:

CBW is the correction to the ballast weight.

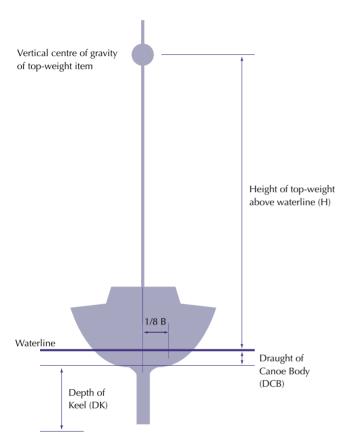
TW is the weight of the top-weight items being considered.

H is the height of the vertical centre of gravity above the waterline.

DCB is the draught of the canoe body, taken by measuring the maximum draught at 1/8 of the full beam from the centreline in way of the transverse Section, at greatest beam.

DK is the depth of the keel, taken as the distance between the draught of the canoe body and the bottom of the keel.

The dimensions above are illustrated in Figure 2 below.



Examples of top-weight items are given below:

- in-mast or behind-mast roller furling mainsail; roller furling headsail.
- a radar antenna mounted higher than 30% of the length of the vessel above the waterline.

The vessel should achieve a STOPS3 numeral of 11 or higher

A "SSS" numeral calculated by the Royal Ocean Racing Club (RORC) will be accepted in place of a STOPS numeral, provided that it includes a selfrighting factor based on an inclining experiment and shown on a valid International Rating Certificate (IRC) or International Measurement System (IMS) rating certificate.

3.4 Alternatively, it should 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 which it is to carry.

#### 4 **Sailing Multihull Vessels**

4.1 All sailing multihull vessels are to be assessed by the full application verified or performed, as required, of ISO 12217-2:2002 Small craft - Stability and buoyancy assessment and categorisation - Part 2: Sailing boats of hull length greater than or equal to 6 metres, or ISO 12217 Part 3: Small craft - Stability and buoyancy assessment and categorisation - Boats of hull length less than 6m. After verification of the stability assessment, vessels may be assigned an area of operation as follows:

### IN CATEGORY A and B WATERS, ISO 12217 Design Category D applies.

IN CATEGORY C and D WATERS, ISO 12217 Design Category C applies.

### **FRFFBOARD**

#### 1 General

For the purposes of this Section, where vessels are to operate in fresh water, the minimum freeboards defined within this Section are to be taken in the area of operation, as appropriate.

- 1.1 Where stability is assessed using any part of ISO 12217, freeboard is to be assigned using the appropriate part of that standard.
- 1.2 Annex 10 gives simple guidance on how to measure freeboard.

#### **Motor Vessels** 2

- 2.1 IN CATEGORY A and B WATERS, all vessels operating in category A waters, or decked vessels operating in category B waters, should have an minimum freeboard to deck edge or gunwale of 250mm around the periphery of the vessel in the most onerous loading condition. For open vessels operating in Category B waters, this requirement should be increased to 400mm if they are unable to pass the swamp test as detailed in Annex 8 Section 1.3.
- IN CATEGORY C and D WATERS: Minimum 2.2 freeboard to downflooding, for vessels whose stability has not been assessed in conjunction with ISO 12217 -1 or 3, should be not less than that determined by the following provisions.
- 2.3 A vessel, other than an inflatable or rigid inflatable boat, or a boat covered by Section 2.2, when fully loaded with passengers and deadweight items to be carried (each person taken as 75kg) should be upright and:
  - 1.in the case of a vessel with a continuous watertight weather deck in accordance with Section 6.1.2, which is neither stepped nor recessed or raised, have a freeboard to downflooding of not less than:-

### Category C

360 mm for vessels of 7 metres in length or under and not less than 630 mm for vessels of 18 metres in length or over.

#### Category D

600 mm for vessels of 7 metres in length or under and not less than 1050 mm for vessels of 18 metres in length or over.

For a vessel of intermediate length the freeboard to downflooding should be determined by linear interpolation.

2. in the case of a vessel with a continuous watertight weather deck, have a freeboard to deck measured down from the lowest point of the deck of not less than:-

### Category C

120 mm for vessels of 7 metres in length or under, and not less than 240 mm for vessels of 18 metres in length or over.

### Category D

200 mm for vessels of 7 metres in length or under, and not less than 400 mm for vessels of 18 metres in length or over.

For a vessel of intermediate length, the freeboard should be determined by linear interpolation. The raised portion(s) of the watertight weather deck should extend across the full breadth of the vessel and the average freeboard to deck over the length of the vessel should comply with .4 below for a vessel with a continuous watertight weather deck.

3. in the case of an open boat, have a clear height of side – eg. the distance between the waterline and the lowest point of the gunwale\* - of not less than

### Category C

240mm for vessels 7 metres in length or under, and not less than 480mm for vessels 18 metres in length or over.

### Category D

400mm for vessels 7 metres in length or under, and not less than 800mm for vessels 18 metres in length or over.

For a vessel of intermediate length, the clear height should be determined by linear interpolation.

- \* The clear height of the side should be measured to the top of the gunwale or capping, or to the top of the wash strake if one is fitted above the capping.
- 4. for vessels complying with points 1 and 2 above, the freeboard to deck edge should, in general, be not less than 50% of the required freeboard to downflooding.

#### Inflatable boats in all Categories 3

- 3.1 The freeboard of an inflatable boat, or rigid inflatable boat, should be not less than 300mm measured from the upper surface of the buoyancy tubes, and not less than 250mm at the lowest part 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 its equipment,
  - 2. the inflatable boat or rigid inflatable boat with all its equipment, engine and fuel, or replaced by an equivalent mass,
  - 3. the inflatable boat or rigid inflatable boat with all its equipment, fuel, cargo, activity related equipment e.g. diving equipment – and the number of persons which it is to carry, so arranged that a uniform freeboard is achieved at the side buoyancy tubes; and
  - 4. the inflatable boat or rigid inflatable boat with all its equipment, fuel, activity related equipment - e.g. diving equipment - and the number of persons which it is to carry, and the inflatable boat re-trimmed as necessary to represent a normal operating condition.
- The minimum freeboards recorded during the tests, 3.2 and the permissible maximum weight which can be carried, should be recorded.
- For inflatable boats or rigid inflatable boats, which do 3.3 not meet the above freeboard provisions, may still be

acceptable provided it can be demonstrated that the boat is self-draining when moving ahead, and has a substantial reserve of buoyancy.

# GUIDANCE ON FREEBOARD MEASUREMENT FOR MOTOR VESSELS AND STABILITY ASSESSMENT (HEEL TEST)

#### Freeboard Measurement

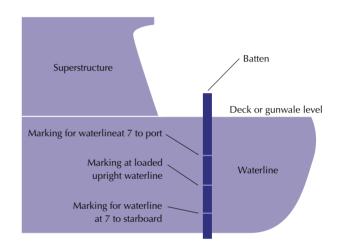
- 1. The boat should be tested with the maximum number of persons (passengers and crew) onboard, in the fully loaded condition i.e. with full tanks, full stores etc. The persons and equipment should be positioned as to represent the "in service" condition of the boat. The boat should be at its normal working trim and have no angle of heel. If so required, each person may be represented by a weight of 75kg. Arrangements should be made in order to allow a person outside of the vessel to take all measurements.
- 2. In this condition the freeboard of the boat should be measured in accordance with paragraphs 2 or 3 of Annex 9. In the case of vessels operating in Category A and B waters, the measurement is the freeboard from the surface of the water to the lowest part of the deck, or top of gunwale if on an open boat. In the case of a vessel operating in Category C and D waters, the measurement is freeboard to downflooding. The downflooding point is defined as the lowest point around the periphery at which water can enter the vessel's interior or bilge. For instance, this could be a machinery space ventilator, or could be the deck level where there is a companionway leading below. Where a downflooding opening is fully protected by a higher coaming, the downflooding height is measured to the lowest point of that coaming.

### **Stability Assessment (Heel test)**

- Having measured the freeboard, a heel test should be carried out. Battens should be fitted to the outboard sides of the boat, at amidships or at the portion of least freeboard where this is not at amidships. The distance, in millimetres, between the battens should be measured and recorded.
- 4. When the boat has been loaded with weights as described in paragraph 1, the waterline (port and starboard) is to be

recorded by marking the battens at the waterline. Each batten should also then be marked with lines representing angles of heel of plus or minus 7°. This can be calculated as follows, which correspond to waterlines of:

plus or minus  $\frac{12.3 \text{ x Distance between battens}}{200}$  (millimetres)



- 5. The number of persons for which the vessel is to be tested, are to be transferred to one side of the vessel. Persons are to be situated at the furthest outboard position that they may practically achieve. For example this would be inside the gunwale on an open boat, or at the railings of a decked vessel, where persons would normally be situated outside. For vessels with narrow side decks, that are used for brief transiting purposes, these need not be assumed occupied during the heeling test.
- The waterlines at this angle of heel should be marked on the battens. In order to achieve a heel angle of less than 7°, this marking should be within the bounds of the previously marked waterlines on the battens. See diagram above.
- Steps 5 and 6 should then be repeated, with the persons transferred to the other side of the boat.
- Should the vessel exceed 7° heel to either side, and should the operator not wish to reduce passenger or crew numbers, the stability may be assessed using 10.1.1.3 of the Code. Battens should be further marked for heeled waterlines at 10°, corresponding to:

plus or minus 17.6 x Distance between battens (millimetres) 200

from the original upright waterline. The vessel should then be heeled again as per Steps 5, 6 and 7. The heeled waterlines are to marked and verified to be within the  $10^{\circ}$ limits. Additionally the freeboard (either to deck or downflooding as appropriate) should be measured in the heeled condition, and is to meet the requirements of Step 2 while in that condition.

## LISTED MEDICAL CONDITIONS

In accordance with section 26.4, the Skipper of a passenger vessel operating under this Code should either hold a medical fitness certificate, or should provide a declaration of fitness, confirming that he or she does not suffer from any of the following medical conditions.

- Epileptic seizures / disturbances of the state of consciousness (other than simple syncope)
- Coronary Thrombosis or Heart Surgery
- Problems with heart rhythm, disease of the heart or arteries
- Blood pressure controlled by drugs
- Diabetes controlled by Insulin 5.
- Stroke or unexplained loss of consciousness in the last 5 years
- Severe head injury with continuing effects
- Parkinson's disease or Multiple Sclerosis
- Mental or nervous problems in the last two years
- 10. Alcohol or drug addition in the last two years
- 11. Profound deafness unable to use telephone or radio
- 12. Double or tunnel vision
- 13. Malignant brain tumour in the last five years
- 14. Any condition which would cause problems regarding your fitness to navigate a vessel.

Where any listed conditions are present the individual or the operator is advised to take medical advice on whether the individual is medically fit to perform his or her duties, including assisting passengers in the event of any reasonably foreseeable emergency situation.

## SAFETY BRIEFING

- Before the commencement of any voyage the skipper should ensure that all persons onboard are briefed on emergency procedures, the location of emergency exits, and, if carried, on the stowage and use of personal safety equipment, such as life-jackets, thermal protective aids and lifebuoys. The nominated first aider should also be introduced.
- In addition, the skipper should brief at least one other person who will be going on the voyage or trip regarding the following, as applicable:-
  - 1. Location of liferafts and the method of launching;
  - 2. Procedures for the recovery of a person from the water;
  - 3. Location and use of fire-fighting equipment;
  - 4. Procedures and operation of communications equipment;
  - 5. Location of navigation and other light switches;
  - 6. Method of starting, stopping, and controlling the main engine; and
  - 7. Method of navigating to a suitable place of safety

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



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