

SYNOPSIS

On 19 July 2003, the hire boat *Breakaway 5* capsized on the Norfolk Broads, trapping two of her ten passengers in the upturned hull. Rescue services managed to release the trapped people within about 90 minutes, but unfortunately one passenger had drowned. An MAIB preliminary examination was started that day.

The vessel was recovered by the police, assisted by the Broads Authority, and examined by MAIB inspectors, who also conducted an inclining test to determine her stability characteristics. It is concluded from this test that the loss of stability was caused by the weight and distribution of the passengers on board.

The boat's maximum passenger capacity of ten people was determined by the number of seats alone. No formal or recorded stability tests were considered to be required, and no independent checks were required to assess if the boat was fit for the purpose of being let for hire.

Although this is the first fatality the MAIB is aware of resulting from the capsizing of a hire boat operating on UK's inland waterways, this investigation has highlighted that the regulation of such vessels is inconsistent, with a mix of European trading and national public health and transport legislation having a bearing and applied to varying degrees.

In some areas of the country, where the safe operation of hire boats is regulated, the extent of such regulation is dependent on the various conditions set by the numerous local or inland navigation authorities, and, in the case of new vessels, can be constrained by European trading legislation. In other areas, such as the Norfolk Broads, where the safe operation of hire boats is not regulated, there is a reliance solely on the safety measures adopted by the boat operators themselves.

As a *Breakaway* class vessel, with the equivalent of ten people on board, subsequently passed stability tests conducted in accordance with the relevant international standard, it is clear that this standard is insufficient.

Recommendations aimed at improving the safety of hire boats include the establishment of a national code of practice for their operation by the MCA, and the need for appropriate authorities on all UK waterways to regulate the code through licensing regimes. Other recommendations, which will also benefit the safety of many small commercial and pleasure vessels operating in the UK include: the introduction of safety margins to the methodology of several widely used stability tests; the review of the validity of using 75kg to represent a person's weight during such tests; and the introduction of a measure to audit the methods used by boat builders to show conformity with the requirements of the relevant European trading directive.