



Boatmasters' Licence Regulations: General Exemption

Notice to all masters and owners of vessels operating commercially on inland waterways and in limited coastal areas.

This notice should be read in conjunction with MSN 1808 (M) and replaces MIN 434 (M). This notice expires on 28 March 2018.

Summary

Vessels in the circumstances given are exempt from the Boatmasters' Licence Regulations.

This General Exemption makes minor amendments to and replaces the General Exemption dated 7 June 2012.

The BWSF Ski Boat Driver Level 2 and 3 certificates are accepted within the limitations of the award as an alternative qualification for commercial vessels less than 24m carrying no more than 12 passengers which do not go to sea.

'British Waterways' is now known as 'The Canal & River Trust', this MIN serves to amend references within BML Regulations.

1. Introduction

- 1.1 The General Exemption, annexed, is issued in exercise of the powers conferred upon the Secretary of State by Section 48 of the Merchant Shipping Act 1995, from the requirements of Regulation 8 of the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006, 'the Regulations', which require masters of vessels on inland waterways to be qualified in accordance with the Regulations.
- 1.2 This General Exemption makes a minor amendment to and replaces the General Exemption dated 7 June 2012.
- 1.3 The British Water Ski Federation (BWSF) Ski Boat Driver Level 2 and 3 certificates have been incorporated into the list of accepted alternative qualifications for masters of commercial vessels less than 24m carrying no more than 12 passengers which do not go to sea, under the following conditions of use:
 - on powerboats of not more than 375 kilowatt engine power and not more than 8.5m in length;



- in inland waterways or in sheltered waters within one mile from the coast; and
- the towing of water skiers only

1.4 'British Waterways' have recently undergone a name change and are now known as 'The Canal & River Trust'.

1.5 The BML Regulations SI 2006/3223 refer to British Waterways Boatmanship Licence (older licences were called British Waterways Boatman Certificates) as acceptable alternative licences for small commercial vessels. This licence is now known as The Canal & River Trust Boatmanship Licence and is listed under accepted qualifications on the general exemption.

1.6 The licensing authority for 'Low Risk Roving Traders' has also been amended accordingly on the general exemption.

1.7 If you need advice about whether your vessel is covered by the General Exemption please contact your local Marine Office. Marine Office contact details are available on our website www.dft.gov.uk/mca

More Information

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 Department for
Transport*





General Exemption

This General Exemption is issued in exercise of the powers conferred upon the Secretary of State by Section 48 of the Merchant Shipping Act 1995, from the requirements of Regulation 8 of the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006, 'the Regulations', which require masters of vessels on inland waterways to be qualified in accordance with the Regulations.

This General Exemption makes minor amendments to and replaces the General Exemption dated 7 June 2012.

For the purposes of this exemption:

- 'non-navigable waters' means waterways which are not open for the normal passage of vessels but admit the access of vessels for maintenance works and similar limited purposes.
- 'small vessels' means a vessel which does not carry more than 12 passengers (if any) and which, in the judgement of an MCA Surveyor, does not pose a risk to other vessels operating in the same area.
- other terms have the meaning as assigned to them in the Regulations.

Further, the following certificates are also accepted as alternative qualifications (in addition to those set out in SI 2006/3223) for commercial vessels less than 24 metres in load line length, carrying not more than 12 passengers and which do not go to sea:

- RYA Inland Helmsman certificate – Category A and B waters only
- RYA Powerboat Level 2 certificate, without commercial endorsement and 12 months experience – Category A and B waters only
- IWA Certificate of Boat Management – Category A waters only
- BWSF Ski Boat Driver Level 2 and 3 certificates – Powerboats of not more than 375 kilowatt engine power and not more than 8.5m in length; within inland waterways or in sheltered waters within one mile from the coast; for the towing of water skiers only
- Canal & River Trust Boatmanship Licence (formerly known as "British Waterways Boatmanship Licence / Boatman Certificate") – Canal & River Trust employees, subject to individual licence limitation on non-tidal waters only.

Vessels operating under the following conditions are exempted:

- 1) If less than 24 metres in load line length and carrying not more than 12 passengers:
 - horse-drawn vessels
 - unpowered vessels, including oared and poled vessels, for example, bell boats (10 seat canoes), dragon boats or vessels engaged in white water rafting.
- 2) Vessels in use primarily as a home for the owner, where any trade carried out from the vessel is ancillary to that purpose, and the vessel is not licensed or registered for commercial purposes by the competent navigation authority.
- 3) Vessels licensed as 'Low Risk Roving Traders' by The Canal & River Trust (formerly British Waterways), meeting the following conditions:
 - trade is only conducted whilst the vessel is securely moored in locations with firm and safe pedestrian access to the vessel,
 - customers do not board the vessel,

- the combined weight of goods, materials and tools necessary for trade is less than 1 tonne,
- no fuel, waste or hazardous substances are carried or sold,
- the vessel is not used to carry out boat maintenance works or tow other boats as part of the vessel's trade,
- power tools are not used as part of the trading activity, and
- no operations are undertaken that have the capability of causing harm to any other waterway user.

The following conditions apply to the exemptions numbered 4), 5) and 6):

- a) the company or organisation has carried out a favourable risk assessment of the operation either:
 - i. in accordance with the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, or
 - ii. (where those Regulations do not apply) in a manner which would comply with those Regulations if they did apply; and
 - b) the company or organisation runs an in-house training scheme which covers safe operation of such vessels, meeting the requirements of workplace safety; and
 - c) the person serving as the master on the vessel has received appropriate training or experience to minimise the risks identified.
- 4) Vessels which are not normally used for commercial purposes, are only so used very occasionally, and if not so used would be pleasure vessels, for example:
- when used for local fetes
 - when used for boat demonstrations, 'Try a Boat' events or second hand boat show trips
 - an historic vessel operated during a festival or similar event
 - undertaking trials following repair work or on a new build vessel but not proceeding beyond the 'limited coastal area' as defined in the Regulations.
- 5) Small vessels in use as a working platform for works in non-navigable waters or in waters where there is no other commercial traffic.
- 6) Small vessels in use:
- within a marina, dock or similarly enclosed or partially enclosed premises, or
 - for occasional trips in support of the operation of the business in those premises within the local area but not proceeding to sea.

This General Exemption shall have immediate effect until either the relevant parts of the Regulations are amended, or this General Exemption is amended or revoked.

Any question as to whether a condition or other requirement of this General Exemption is met may be addressed to the Maritime and Coastguard Agency whose decision will be given in writing if so requested.

Dated 22 March 2013



Philip Naylor
 Director of Maritime Safety and Standards
 MCA