



Maritime &  
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## Consultees

14 October 2013

Dear Sir/Madam

### STATUTORY CONSULTATION – THE MERCHANT SHIPPING (BOATMASTERS' QUALIFICATIONS, CREW AND HOURS OF WORK) REGULATIONS 2014

The Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2014, to be referred to as "the proposed Regulations" in this letter will apply to (i) masters of all vessels operating on inland waterways and limited coastal areas; and (ii) operators of local passenger vessels.

The documents included in this consultation are the outcome of two informal consultations conducted between 2009 and 2010. With the exception of the incorporation of The Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006 and the introduction of new offences; all other measures have been covered in previous consultations.

The proposed Regulations will:

- extend the licensing structure to include a Boatmasters' Licence (BML) for restricted local tidal operations;
- increase the list of qualifications which can be held in lieu of a BML;
- recognise additional training which is considered equivalent to some areas of BML training requirements;
- address safety issues not provided for under the Regulations, such as the introduction of additional training and revalidation requirements for masters undertaking certain operations, and a new offence of operating whilst being medical unfit;
- amend and simplify the current regulations and guidance for ease of public accessibility; and
- incorporate the Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006 so that all Boatmaster issues will be located in one set of Regulations.

**You are invited to comment on the consultation package for the proposed Regulations by 26 November 2013.** A summary of the consultation questions are listed in Annex H.

NOT PROTECTIVELY MARKED



HM Coastguard



INVESTORS  
IN PEOPLE | Silver



The consultation package is available on-line ([www.gov.uk](http://www.gov.uk) > Departments and Policy > Consultations) and consists of:

Annex A	Executive Summary – detailing the policy changes between the existing and proposed Regulations
Annex B	Draft Statutory Instrument
Annex C	Draft Merchant Shipping Notice outlining the structure and requirements of the proposed Regulations
Annex D	Draft Merchant Guidance Note outlining the transitional arrangements of existing masters qualified under The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006 and The Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006
Annex E	Merchant Guidance Note 334 containing local knowledge information
Annex F	Draft economic Impact Assessment of the proposed Regulations
Annex G	List of Consultees
Annex H	List of Specific Consultation Questions
Annex I	Consultation Feedback Form

If you require hard copies of these documents please use the contact details below.

Comments to the consultation must be set out in writing and submitted by 26 November 2013 to:

Elaine Pang  
Seafarer Training & Certification Branch  
Maritime & Coastguard Agency  
Spring Place, 105 Commercial Road  
Southampton  
SO15 1EG

[boatmaster@mcga.gov.uk](mailto:boatmaster@mcga.gov.uk)

All comments on the documents are appreciated, but in particular your views would be welcomed on the questions set out in Annex H.

### **Next Steps**

In the light of any comments received, the draft Statutory Instrument, guidance and Impact Assessment will be reviewed with the aim of finalising and publishing them as soon as possible. The intention is for the proposed Regulations to come into force on 6 April 2014.

Comments on this Consultation, together with the Maritime & Coastguard Agency's (MCA) responses, will be made available on-line ([www.gov.uk](http://www.gov.uk) > Departments and Policy > Consultations) within three months of the closing date of this Consultation.

### **Freedom of Information Act**

Please be aware that information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information

regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

### **Consultation Criteria**

This consultation has been conducted in accordance with the Cabinet Office Consultation Principles Guidance, which is available from: [www.gov.uk/government/publications/consultation-principles-guidance](http://www.gov.uk/government/publications/consultation-principles-guidance)

This is a six week consultation running between 16 October until 26 November 2013.

The proposed Regulations have already undergone two informal consultations for a total of 18 weeks. Links to both consultations and their outcomes are available in the Executive Summary (Annex A).

### **Feedback**

If you have any comments regarding the conduct of this consultation please contact the Consultation Co-ordinator at [consultation.coordinator@mcga.gov.uk](mailto:consultation.coordinator@mcga.gov.uk). We are continually trying to improve the way in which we conduct consultations and appreciate your views, so we would also be grateful if you could complete and return the attached feedback form (at Annex I). These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

Yours sincerely

*Elaine Pang*

Elaine Pang  
Policy Co-ordinator: Boatmasters' Licences