

## Executive Summary

1. This consultation sets out the draft legal and guidance documents for the introduction of The Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2014, to be referred to as "the proposed Regulations".
2. The proposed Regulations will replace: 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.
3. Two informal consultations have already been conducted to establish and refine policy lines to address areas identified within The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006 which currently fail industry.
4. The results of both informal consultations are available from the Maritime & Coastguard Agency's website:  
First informal consultation: [http://www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/consultations/mcga-consultations-archive/consultations-closed\\_started-2009/ds-stc-consultations-bml.htm](http://www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/consultations/mcga-consultations-archive/consultations-closed_started-2009/ds-stc-consultations-bml.htm)  
Second informal consultation: <http://www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/consultations/mcga-consultations-archive/consultations-closed-started2010/ds-stc-tc-consultation-2bml.htm>
5. The policy changes introduced by the proposed Regulations are stated in paragraphs 7 – 24 below. Unless specifically indicated these changes have already been consulted upon during the two informal consultations.
6. It is anticipated that the proposed Regulations will come into force on 6 April 2014.

## SUMMARY OF CHANGES

### Boatmasters' Licences (BML)

7. The proposed Regulations will introduce a new type of BML (Tier 2 Level 2) for operating on restricted tidal areas. This licence will be available for candidates wishing to become a Boatmaster on all UK tidal waters, with the exception of the Thames where candidates must obtain a Tier 1 Level 2 national licence to operate as Boatmaster.
8. The existing Tier 2 BML will be renamed as Tier 2 Level 1 under the proposed Regulations. This BML will be valid for all Category A canals in addition to the waters specified in the individual licences.
9. The proposed Regulations will introduce Medway as a new area in which Boatmasters will require a Local Knowledge Endorsement (LKE) to operate. Medway is defined as: "The waters within a line from Garrison Point to Grain Tower thence west to shore-line and from the east limits of the Port of Sheerness to Rochester Bridge including the Swale as far as Shellness".
10. With the exception of Qualifying Service Time (QST) for the Port of London LKE, QST for all other LKEs under the proposed Regulations can be counted concurrently with QST for the generic BML.
11. All LKEs will no-longer be automatically revalidated with the generic BML. The revalidation requirements for the Port of London LKE will remain unchanged; revalidation requirements for other LKEs will be specified in the accompanying local knowledge Marine Guidance Note. In all instances the revalidation requirements will not exceed the original qualifying ones.

12. Masters may hold a Pilotage Exemption Certificate (PEC) instead of the relevant LKE to operate in waters which requires an LKE. However, these masters may only operate within the conditions specified in the PEC, should they wish to operate outside the limits of their PEC in a local knowledge area, they must obtain the relevant LKE.
13. The proposed Regulations will introduce the requirement to obtain a specialist operation endorsement for masters wishing to undertake: the carriage of chemical and liquefied gas cargoes in bulk and Ro-Ro operations in tidal waters.
14. Candidates for a large passenger vessel specialist operation endorsement will no-longer be required to first serve as the master of a passenger vessel carrying less than 250 passengers.
15. Under the proposed Regulations, not all specialist operation endorsements will continue to be automatically revalidated with the generic BML. For certain operations, Boatmasters will need to evidence meeting the revalidation service time for the relevant endorsement(s) as specified in Section 19 of the draft Merchant Shipping Notice (Annex C to the consultation package).
16. The proposed Regulations will also recognise a range of accepted equivalent training to that required for certain specialist operations. Where masters can evidence having accepted equivalent training, they will not be required to obtain a specialist operation endorsement on their BML. This list of accepted equivalent training is contained within Table C of Annex 5 to the draft Merchant Shipping Notice (Annex C to the consultation package).  
**New Policy Change:** The General Towing Endorsement issued under the Voluntary Towing Endorsement Scheme (MGN 468) is accepted in place of a towing and pushing BML endorsement for masters undertaking towing and pushing.
17. The age of the BML holder will no-longer determine the validity period of the licence. All licences will be valid for five years.

#### Vessels engaged in low risk operations

18. Vessels engaged in low risk operations will formally be removed from the scope of the proposed Regulations. A list of identified low risk operations is contained in Annex 2 to the draft Merchant Shipping Notice (Annex C to the consultation package). Annex 2 will supersede the current Boatmasters' Licence: General Exemption which is published in MIN 457 on introduction of the proposed Regulations.

#### Accepted Alternative Qualifications to BMLs for masters of small vessels (i.e. commercial vessels carrying no more than 12 passengers and under 24m)

19. The current list of accepted alternative qualifications for masters of small vessels will be extended under the proposed Regulations. This extended list is contained within Annex 3 to the draft Merchant Shipping Notice (Annex C to the consultation package).  
**New Policy Change:** British Wakeboard & Ski Federation (BWSF) Ski Boat Driver Level 2 and Level 3 Certificates will be accepted under specific parameters.
20. Masters of small vessels holding an accepted alternative qualification to the BML undertaking: towing & pushing, or the carriage of oil, chemical or gas; must obtain a BML specialist operation endorsement or equivalent (para. 16 refers).

Accepted Alternative Qualifications to BMLs for masters of commercial vessels (any size/operations)

21. The current list of accepted alternative qualifications for masters of commercial vessels will be extended under the proposed Regulations. This extended list is contained within Annex 4 to the draft Merchant Shipping Notice (Annex C to the consultation package).

Offence

22. **New Policy Change:** It will be an offence under the proposed Regulations for a master to sail without being medically fit.
23. **New Policy Change:** It will be an offence under the proposed Regulations for a company to allow a vessel to sail knowing the master is not medically fit.

The Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006

24. **New Policy Change:** The Crew Regulations will be incorporated into the proposed Regulations, so that all Boatmaster related issues will be contained in the same location. The content of the Crew Regulations will not change.