

MGN XXX

The Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2014 – Guidance for existing Masters qualified in accordance with the 2006 BML and Local Passenger Vessels Crew Regulations

Notice to all operators and masters of all vessels on inland waterways and on limited coastal operations.

This notice should be read in conjunction with MSN XXXX¹ and MGN XXX².

Summary

This notice gives information on:

- how existing masters named on Boatmasters' Licence (**BML**) Vessel Exemptions should apply for the new Tier 2 Level 2 BML within the transitional period;
- how existing masters holding a Tier 1 Level 2 licence operating on the Medway should apply for the new Medway local knowledge endorsement (**LKE**) within the transitional period;
- how the additional safety requirements introduced will affect existing masters holding a Tier 1 BML upon revalidation;
- how existing masters holding a Tier 2 licence will be issued with new licences under the 2014 Regulations upon revalidation;
- how the additional safety requirements introduced will affect existing masters of small vessels holding an accepted alternative qualification to the BML; and
- the continuation of existing crew approvals issued under the 2006 Crew Regulations.

1. Introduction

1.1 The Merchant Shipping (Boatmasters' Qualifications and Hours of Work) Regulations 2014 came into force on 6 April 2014, and shall be referred to as '**the Regulations**' for the remainder of this document.

1.2 These Regulations supersede The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006, to be referred to as the '**2006 BML Regulations**'; and The Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006, to be referred to as the '**2006 Crew Regulations**'.

¹ This will be the replacement notice to MSN 1808 which is currently under consultation.

² This will be the replacement notice to MGN 334 and MGN 334 (Amendment) which is currently under consultation.

- 1.3 BMLs issued under the 2006 BML Regulations are accepted under the Regulations for the remainder of their periods of validity. Crew Agreements issued under the 2006 Crew Regulations are also accepted under the Regulations.
- 1.4 The structure, requirements and application procedures for new entrants to the inland waterways are explained in Merchant Shipping Notice (**MSN**) XXXX¹. This Marine Guidance Note (**MGN**) explains the new provisions and requirements for masters qualified in accordance with the 2006 BML Regulations.
- 1.5 In the context of this notice:
- “**qualifying service**” means service which has been undertaken:
- (a) in an appropriate deck capacity;
 - (b) in appropriate waters; and
 - (c) on vessels appropriate to the type of licence / endorsement applied for.
- 1.6 To revalidate an existing BML, boatmasters must meet the revalidation requirements set out in section 19 of MSN XXXX¹ and complete MSF 4365 submitting it with the statutory fee³ to the Registry of Shipping and Seamen⁴.

2. Provision for existing masters named on BML vessel exemptions

- 2.1 To facilitate the recruitment of new and/or replacement boatmasters operating in restricted local tidal waters (whilst the Regulations were being developed) the Maritime and Coastguard Agency (**MCA**) issued BML vessel exemptions under section 48 of the Merchant Shipping Act 1995.
- 2.2 The intention was that during the validity period the named masters could obtain the required knowledge, training and service time for the national Tier 1 Level 2 (**T1L2**) BML which under the 2006 BML Regulations was the only available licence for tidal waters.
- 2.3 BML Vessel Exemptions⁵ are accepted under the Regulations for their remaining validity. When they expire, named masters on exemptions which include tidal or limited coastal waters; must complete application form MSF XXXX⁶ for the issue of the new Tier 2 Level 2 (**T2L2**) BML and submit it with the statutory fee³ to their local MCA Marine Office⁷.
- 2.4 Upon receipt of such application the local MCA Marine Office will assess whether the named master is eligible for a T2L2 BML before forwarding the application to the Registry of Shipping and Seamen for the issue of the actual licence.

³ Detailed in the Merchant Shipping (Fees) Regulations 2006 (S.I. No. 2006/2055), as amended.

⁴ Contact details for the Registry of Shipping and Seaman can be found on the MCA's website: www.dft.gov.uk/mca

⁵ BML Vessel Exemptions are valid for a maximum of three years.

⁶ This application form will be available from the MCA's website in due course

⁷ Contact details for MCA local Marine Offices are available from www.dft.gov.uk/mca

- 2.5 The local MCA Marine Office may require named masters to undergo a practical boat handling and/or oral underpinning knowledge assessments prior to the issue of a T2L2 BML for the following reasons:
- the original BML Vessel Exemption examination did not meet the T2L2 standard;
 - the named master wishes to undertake additional operations and/or extend the area specified on the original BML Exemption.
- 2.6 To enable the master to continue operating, it is advised that the application be made prior to the expiry of their BML Vessel Exemption.
- 2.7 All applications for the T2L2 BML from named masters on BML Vessel Exemptions must be received by the local MCA Marine Office by **6 April 2017**; all subsequent applications will be treated as from a new entrant⁸.

3. New Local Knowledge Endorsement – requirement for existing T1L2 BML holders operating on the Medway

- 3.1 The Regulations introduced the requirement for boatmasters holding a T1L2 licence operating in the waters specified below, to hold the Medway LKE.

“The waters within a line from Garrison Point to Grain Tower then west to shoreline and from the east limits of the Port of Sheerness to Rochester Bridge including the Swale as far as Shellness”

- 3.2 Existing holders of a T1L2 BML who can evidence having operated 40 days in the waters specified above prior to the introduction of the Regulations may continue to do so for the validity of their current licence. On revalidation, these Boatmasters will need to evidence having at least 80 days qualifying service in the five years preceding the date of application to have their BML endorsed with the Medway LKE. Under these transitional arrangements these masters will not be subject to the local knowledge examination.
- 3.3 Existing holders of a T1L2 BML who cannot evidence having operated in the waters specified above prior to the introduction of the Regulations must meet the full requirements for the Medway LKE (specified in para. 3.4 below) should they wish to operate on waters encompassed by the Medway LKE.
- 3.4 To qualify for the Medway LKE, existing boatmasters must
- have not less than 80 days’ qualifying service with the last day of that service being undertaken not more than 5 years after the first day; and
 - successfully pass a test⁹ on local knowledge conducted by an MCA (or MCA-approved) examiner.

⁸ Qualification requirements for the T2L2 BML are contained within MSN XXXX (replacement for MSN 1808).

⁹ The requirements covered during test on local knowledge for Medway are specified in Annexes 2-4 to MGN XXX (replacement for MGN 334 and 334 (Amendment)).

- 3.5 Existing boatmasters should apply for the Medway LKE by completing application form MSF 4370 and submit it to the Registry of Shipping and Seamen⁴ with the statutory fee³.

4. New Specialist Operation Endorsements: Ro-Ro, Oil, Chemical and Liquefied Gas – requirements for existing Tier 1 Level 2 BML holders undertaking these operations

- 4.1 The Ro-Ro endorsement was introduced by the Regulations. Existing Boatmasters holding a T1L2 BML¹⁰ who can evidence having operated 30 days prior to the introduction of the Regulations on Ro-Ro vessels may continue to do so for the validity of their current licence. On revalidation, these Boatmasters will need to evidence having at least 60 days qualifying service in the five years preceding the date of application to have their BML endorsed for Ro-Ro operations.
- 4.2 The Regulations separate out the ‘oil and chemical cargo endorsement’ under the 2006 BML Regulations into three distinct oil, chemical and liquefied gas cargo endorsements. Existing Boatmasters holding a Tier 1 BML operating vessels carrying any of the three cargoes may continue to do so for the validity of their current licence. On revalidation, these Boatmasters will need to evidence having at least 30 days qualifying service (appropriate to the endorsement which they wish to revalidate) in the five years preceding the date of application to have their BML endorsed.

5. Provision for existing Tier 2 BML holders

- 5.1 Tier 2 BMLs issued in accordance with the 2006 BML Regulations are accepted under the Regulations for their current validity period. On revalidation holders of Tier 2 licences for areas:
- including tidal waters, will be issued with a Tier 2 Level 2 (**T2L2**) BML
 - of non-tidal waters only, will be issued with a Tier 2 Level 1 (**T2L1**) BML
- 5.2 Furthermore, on revalidation, T2L1 BMLs will be automatically upgraded to enable the holder to operate on all Category A Canals nationally. This upgrade can also be extended to T2L2 BML holders upon request and submission of evidence confirming they have operated 30 days on Category A Canals in the five years preceding the date of application.

¹⁰ The Ro-Ro endorsement will only be required for operations on tidal waters

6. New requirements for existing masters using accepted alternative qualifications to operate small vessels¹¹ in commercial use

- 6.1 The Regulations introduced the requirement for masters of a small vessel in commercial use using an accepted alternative qualification¹² to obtain a BML specialist operations endorsement or equivalent¹³ if undertaking any of the following specialist operations:
- carriage of oil cargoes
 - carriage of chemical cargoes
 - carriage of liquefied gas cargoes
 - towing
- 6.2 Existing masters to which the above applies, must become qualified in accordance with the Regulations (i.e. obtain a BML specialist operations endorsement or accepted equivalent by **6 April 2015**).
- 6.3 Existing masters who can evidence a minimum of 60 days qualifying service in the 12 months preceding the Regulations coming into force appropriate to the specialist operations endorsement sought, will be granted the relevant BML paper specialist operations endorsement(s) without further assessment.
- 6.4 Existing masters meeting the condition outlined in para. 6.3 should apply for the relevant BML specialist operation endorsement(s) by completing MSF XXXX and submit it with the statutory fee³ to Registry of Shipping and Seamen⁴.
- 6.5 For masters holding alternative qualifications, the BML specialist operation endorsement will be carried as a separate paper certificate to be kept with the alternative qualification.

7. The continuation of existing crew approvals issued under the 2006 Crew Regulations

- 7.1 Any crew approvals issued under the 2006 Crew Regulations or The Merchant Shipping (Local Passenger Vessels) (Masters' Licences and Hours, Manning and Training) Regulations 1993 remain in place and are accepted under the Regulations.

8. Further Information

- 8.1 Further information on the contents of this notice can be obtained from the MCA at the address given overleaf.

¹¹ "small vessel" means a vessel under 24m in loadline length which carries no more than 12 passengers and is not certificated to operate under the MCA's Small Commercial Vessel and Pilot Boat (SCV) Code.

¹² Qualifications accepted as in lieu of the BML for masters of small vessels in commercial use are listed in Annex 3 to MSN XXXX (replacement for MSN 1808).

¹³ Qualifications accepted as equivalents to the BML specialist endorsements are listed in Annex 5 to MSN XXXX (replacement for MSN 1808).