

Dear Consultee

PUBLIC CONSULTATION ON THE PROPOSED CHANGES TO THE DOMESTIC SAFETY MANAGEMENT REGIME

Introduction

In 2001 Domestic Safety Management (DSM) was introduced by the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001 (Statutory Instrument, SI 2001/3209). The DSM Code requires operators of domestic passenger ships to have a safety management system tailored to their specific operations. This safety management system should include:

- A health and safety policy
- Procedures to ensure the safe operation of ships with relevant duties
- Lines of communication between personnel ashore and afloat
- Procedures for reporting accidents
- Procedures for responding to emergency situations

The DSM Code was developed to establish a common standard for the safe operation of passenger ships engaged on domestic (operating only in UK waters) trade and it applies to ships of Classes III, IV, V, VI and VI(A)¹ and those certified under the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010² (SI 2010/680). The objectives of safety management require the shipping company to apply simple and cost effective means of ensuring safety on board ships; preventing human injury and loss of life; and complying with applicable regulations and rules.

No two ship operations are the same, and ships vary significantly in size and are employed under a wide range of different locations and conditions. The general principles to the safe operation of ships are consistent however, and can be expressed in such terms that they can be applied to a wide variety of ships.

The proposed changes and rationale

Existing legislation requires each UK domestic passenger ship to be audited for compliance with the DSM Code twice each year, whereas UK internationally operating passenger ships are only audited for compliance with the International Safety Management (ISM) Code twice in every five year period. It is considered that the DSM audit regime is disproportionate to the perceived safety risks involved, compared to the ISM regime which is considerably less than the current DSM regime.

¹ Definitions of ship classifications are listed in SI 2010/3209, the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001.

² SI 2010/680 came into force in April 2010.

The proposed changes will:

- 1. Reduce the number of ship audits from two per year to two in a five year period;**
- 2. Introduce one shore based office audit in the five year period;**
- 3. Introduce annual ship and office self-assessments; and**
- 4. Align the audit regime with that of the ISM Code.**

All annual self-assessments will be reviewed by the MCA. If the results of the review are not satisfactory, the company / vessel may be subject to an additional audit by the MCA.

This proposal forms part of the commitment to improving the DSM regime in accordance with the Red Tape Challenge (RTC). It addresses the concerns raised by industry that the current regime is too burdensome and does not always ensure high and consistent safety management standards are applied as presently shore side offices are not inspected.

In addition, it has been recognised that the domestically operating High Speed Craft are currently required to comply with the more stringent requirements of the ISM Code. This goes beyond the international requirements, which in other countries only requires internationally operating HSC to comply.

It is considered by safety experts in the Maritime and Coastguard Agency (MCA) that requiring domestic HSC to comply ISM Code is no longer necessary. The initial application of the international standard of safety management to non-seagoing high speed craft was a reaction to the novel construction and operational capacity (in terms of speed and passenger numbers) of the vessels. While such a stringent standard might have been justified when this type of ship first became prevalent, the industry has now matured and safety concerns have proved to be unfounded. This is due to operators having accumulated sufficient operational experience and systems on board these vessels.

MCA safety experts now feel that downgrading domestic HSC to the DSM regime would not introduce any additional safety risks. However removal of ISM, without extending the DSM regime to domestic HSC, would leave these ships without any form of safety management system in place. **Therefore the proposal also intends to extend DSM to domestic HSC.**

Actions requested from Consultees

You are invited to comment on the proposed changes to the DSM regime and the replacement of ISM with DSM for HSC. In particular, we ask you to provide comment on the impacts, and the costs and benefits, identified in the Impact Assessment (IA) attached. The IA asks the following questions:

1. Are the assumptions made in the IA a sound basis of the time and costs of the audit regime? Please submit any further evidence to substantiate these assumptions
2. Do you agree with the estimated costs associated with the existing audit regime? If not, please provide relevant supporting information
3. Do you agree with the estimated costs associated with the proposed audit regime? If not, please provide relevant supporting information

4. Do you agree with the assessment of the potential familiarisation costs? If not, please provide relevant supporting information

Responses to this consultation package are requested by 31 December 2014.

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

Annex A	Draft Merchant Shipping (Domestic Passenger Ship) (Safety Management Code) (Amendment) Regulations
Annex B	Draft Merchant Shipping Notice – Safety Management Code for Domestic Passenger Ships of Classes III to VI(A)
Annex C	Pre consultation Impact Assessment
Annex D	Consultation Letter and List of Consultees

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 31 December 2014 to:

Mark Munts
Maritime & Coastguard Agency
Bay 2/20 Spring Place,
105 Commercial Road
Southampton
SO15 1EG

mark.munts@mcga.gov.uk

All comments on the documents are appreciated, but in particular your views would be welcomed on the questions in the Impact Assessment.

Next Steps

In the light of any comments received, the draft Statutory Instrument, MGN and Impact Assessment will be reviewed with the aim of finalising and publishing them as soon as possible.

Comments on this Consultation, together with the Maritime & Coastguard Agency's (MCA) responses, will be made available on-line (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

This is a six week consultation running from 17 November until 31 December 2014.

The proposed Regulations are a result of proposals identified during the Red Tape Challenge Initiative and published in March 2013.

Feedback

If you have any comments regarding the conduct of this consultation please contact the Consultation Co-ordinator at 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 D). These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

Yours sincerely

Prasad Panicker

List of consultees

A & G Passenger Boats
Aggregate
Allchorn Pleasure Boats
American Bureau of Shipping
Anstruther Pleasure Cruises
Argyll Ferries Ltd
Arisaig Marine Ltd
ASP Shipmanagement Ltd
Association of Inland Navigation Authorities
Association of Pleasure Craft Operators
Avon Boating
Avon Cruising Ltd
Avon River Cruises Ltd
Away 2 Dine Ltd
Balmaha Boatyard (MacFarlane & Son)
Bancroft Cruisers
Bangor Boat
Bare Necessities Leisure LLP
Bath City Boat Trips
Bath Narrow Boats Ltd
Beauchamp Lodge Settlement
Beaumaris Marine Services
Bedford & Milton Keynes Waterway Enterprises Ltd
Bella Jane Boat Trips
Bewl Water Cruises
Billy Shiel's Farne Island Boat Trips
Birmingham & Midland Canal Co
Bithell Boats Ltd
Blackburn/ Darwen Borough Council
Blackwater Barge Co
Blakeney Point Seal Trips
Blue Fin Charters
Blue Funnel Cruises
Blue Line Cruises
Blue Sea Cruises
Bluebird Boats Ltd
Bluewater Experience
Boatel Party Cruisers
Bodiam Ferry Company
Bournemouth and Swanage Motor Road and Ferry Company
BP Exploration (Isleshire Ltd)
Brayford Waterside Cruisers
Bridge Inn Ratho
Briggs Marine and Environmental Services

Bristol Ferry Boats
British Marine Federation
British Waterways (Canal & River Trust)
Broads Tours
Brownsea Island Ferries
Bryher Boat Services
Buccaneer Boats
Bureau Veritas
C Kirkpatrick, Staffa Trips
Cailin Oir Ferry and Cruise Service
Caldey Islands Estates
Caledonian MacBrayne Limited
Calstock Ferry & Motor Launch Company
Calum Mackenzie, Seal Trips
Canal and River Tours Ltd
Canal Boat Cruises of Riley Green
Capital Pleasure Boats
Cardiff Bay Cruises Ltd
Cardiff Boat Tours Ltd
Castlefield
Central Scotland Passenger Boat Association
CG Newens
Chamber of Shipping
Chichester Canal Trading
Chichester Harbour
Chris Cruises
City Boats
City Centre Cruises
City Cruises
Classic Yacht Charter Ltd
Clyde Cruises
Clyde Marine Services
Clydelink Limited
Coastline Cruises
Colecraft Ltd.
Colliers Launches
Commercial Passenger Boat Operators Association
Coniston Launches
Cornwall Ferries Ltd
Cosgrove Narrowboat Company
Cotswold River Cruises
Craignish Cruises
Crannog Cruises
Cremyll Ferry
Crown River Cruises Ltd
Cruise Loch Lomond

Crusader Community Boats
Crystal & Silver Luxury Cruisers
Cuvier Limited
D & P Boat Hire
D&T Scenics
Dale Sailing Company Ltd
Department for Agriculture and Rural Development
Dartmouth River Boat Company
David Pickup
Daydream Canal Trips
Deben Cruises
Derham Marine
Det Norske Veritas
Dive Charters (Gibraltar) Ltd
Dogmersfield Park Estate
Dorset Cruises
Drayton Manor Theme Park
Duck Tours Ltd
Dudley Canal Trust (Trips) Ltd
Durham River Trips
Edward Langley
Endeavour Trent Ltd
English Holiday Cruises Ltd
Environment Agency
Erne Tours Ltd
Exeter Cruises
Exmoor Boat Cruises
Fal River
Falmouth Pleasure Cruises Ltd
Fellows, Moreton & Clayton Ltd
Flushing Ferry Trading Ltd
Ford's Wharf Company Ltd
Forth and Clyde Canal Society
Forth Boat Tours
Foulridge Canal Services
Four Sisters
Foxton Boat Services
Fraser Hicks Boating Ltd
French Bros
Friends of the Cromford Canal
Gas Works Dock
Godalming Packetboat
Golden Gate Farne Island Boat Trips
Gordon Grant Marine Limited
Gosport Ferry
Grebe Canal Cruises

Greenway Quay & Ferry Service
Groombridge Asset Management
Guildford Boathouse Ltd
Handsam Boat Co
Hayling Ferry Ltd.
Heritage Afloat
Hicks & Sons Boat Hire
Highland Council
Highways and Networks, Cumbria County Council
Hire Cruisers Ltd
Hobbs of Henley
Huddersfield Canal Society
Ikon Gallery
Inland Waterways Association
Inspire Events
IPG Boat Charters Ltd
Ironbridge Scenic River Cruisers
Irwell & Mersey Packet Company
Island Cruising Club
Isles of Scilly Steamship co
J.G.F. Passenger Boats
Jacobite Cruises
Jason's Trip Ltd
John Cale Canal Cruises
John Pinkerton Canal Cruises Ltd
Jones the Boat
Judith Mary II
Kennet & Avon Trust
Kennet Cruises
Kennet Horse Boat Co.
Keswick Launch Company
King Cruises
Kingfisher Cruises
Lagan Boat Company
Lancaster Canal Boats
Lancaster Canal Cruises
Landbreach Ltd
Lee and Stort Boat Co Ltd
Lee Valley Boat Centre Ltd
Linlithgow Union Canal Society
Llanberis Lake Cruises
Llandudno Boat Trips
Lloyds Register of Shipping
Loch Lomond Association
Loch Lomond Boat Operators
Loch Shiel Cruises

London Duck Tours
London River Cruises Ltd
London Waterbus
London Yacht Charter
Longleat Enterprises
Lough Neagh Cruises
Lower Lea Project
Lower Thames & Medway
Lundy Company Ltd
Maidenhead River Services
Maidenhead Steam Navigation
Maid of the Forth
Manor House Hotel
Marine Surveys Limited
Maritime Heritage Services LTD
Maritime Leisure Cruises
Matthew Taylor
Maynard Launches Ltd
Menai Strait Pleasure Cruises
Mermaid II
Mersey Ferries Ltd
Mevagissey Ferries
Michael McCarthy
Mill Hotel
Mississippi River Boats
Misty Isle Boat Trips
National Assembly for Wales
National Association of Boat Owners
National Waterways Museum
National Workboat Association
Nautilus
Needles Pleasure Cruises
Nelson Boats
Newark Line River Cruises
Newman's Cruises
Nexus Ferry Landing
Nippon Kaiji Kyokai
Norbury Wharf Ltd
Northern Ireland Assembly
Northumbrian Water Group
Number 7 Boat Trips Ltd
Nymph Ltd
Ojay's
Orkney Ferries
Orwell River Cruises Limited
Oxford River Cruises Holdings Ltd.

Paddington Basin Marina Co Ltd
Paddle Steamer Trust Co
Padstow Harbour Commissioners
Paignton Pleasure Cruises
Paper Mill Lock Cruises
Parr Boats
Passenger Boat Association
Pearl Yachting
Pennine Boats Trips of Skipton
Peter le Marchant Trust
Plymouth Boat Trips
Porcellio Ltd
Port of London Authority
Princess Christine Cruises
Puffin Cruises
Pulteney Cruisers
Red Funnel Ferries
Reeds River Cruises
Regardless River Trips
Registro Italiano Navale
Re-union Canal Boats
River Escapes
River Thames Boat Hire Ltd
Riverboat Georgina Cambridge Ltd
Rivermaid Marine Services
Riviera Cruises
RMT
Rosamund Catering Ltd
Royal Yachting Association
Rutland Cruises Limited
Sabrina Tours Ltd
Saddleworth Canal Cruises
Sailing Barge Victor Co Ltd
Salters Steamers Ltd
SB Kitty Ltd
Scottish Canals
Scottish Executive
Sea Dream Ferry Company
Sea Fish Industry Authority
Sea Wild Scotland
Seagull Trust Cruises
Seal Trips of Yarmouth
Seaprobe Atlantis
Seafari Adventurers (Colin Ashton)
Searles Seatours (William Searle)
Serco Denholm Marine Services Ltd

Severn Leisure Cruises
Share Village
Sherborne Wharf
Shetland Island Council
Shipshape and Bristol Fashion Ltd
Silverline Cruises
Silver Spray
Silversea Cruises
Smit International
Solent & Wightline Cruise
Solent Party
Solent Steam Packet Ltd
Sound Cruising
South Hams District Council
South Sands Ferry
Sovereign Diving
Sprotborough River Boat Company
Square Sail Shipyard Ltd
St. Agnes Boating
St. Cuthbert Farne Islands Boat Trips
St. Martins Boat Services
St. Mary's Boatmen's Association
St. Mary's Jet Boat Cruises
St. Michael's Mount
Staffa Tours
Starcross Pier & Pleasure Boat Co
Starida Sea Service
Stoke Bruerne Boat Company Ltd
Stourport Steamer Co.
Strawberry Fields Catering Co
Stuart Line Cruises
Summer Queen Cruises
Surprise
Surrey & Hants Canal Cruises
Swan Pier Co. Ltd.
Swansea Community Boat Trust
Talisman Energy (UK) Ltd
Tate & Lyle plc
Teeside Princess River Cruises
Teignmouth Shaldon Ferry Co Ltd
Tenby Harbour Users Association
Tenby Seal Safari Ltd
Thames Clippers
Thames Executive Charters
Thames Luxury Charters Ltd
Thames River Services

Thames Steamers Limited
The Bell
The Bessie Ellen
The Bristol Packet
The Captain Cook Experience
The Captains Table
The Ladybird Boat Trust
The Living Environment Trust
The Loch Katrine Experience
The Loch Lomond Cruise Company
The National Trust (Enterprises) Ltd
The Willow Trust
The Yellow Duckmarine
Toms & Sons
Tonbridge Waterways
Topsail Charters
Trent River Cruisers
Trentham Leisure Ltd
Troy
Turk Launches
Turk Phoenix Ltd
Turus Mara
UK Harbourmasters' Association
UK Major Ports Group
Ullswater Steamers
Vauxhall Neighbourhood Council
Venture Diving
Viscount Cruises
W.E. Walker
Walsall Boat Builders
Walsall Metropolitan Borough Council
Waveney River Centre
Welsh Canal Holiday Craft Ltd
West London Floating Classroom Ltd
Western Ferries
Western Isle Cruises
Westminster Party Boats
Wey & Arun Enterprises
Whitby Coastal Cruises
White Cliffs Boat Tours
White Horse Ferries
Wide Eyed Sons Ltd.
Wigan Pier Boats
Wightlink Limited
Wildside Activity Centre
Will Charter Ltd
Windermere Lake Cruises
Windsor Belle Ltd

Winston Evans Boats
Woods Silver Fleet
Worcester River Cruises
Wye Valley Cruises
Wyre Marine
Yorkboat
Yorkshire Hire Cruisers