

7 September 2015

Dear Consultee

## PROPOSED WORKBOAT (CODE OF PRACTICE) REGULATIONS

Workboats are currently built to standards in the existing Brown Code introduced in 1998 or the equivalent standard in Marine Guidance Note (MGN) 280 which was introduced in 2003. MGN 280 harmonised four existing Codes of Practice where many standards and operating procedures were similar and could be rationalised to facilitate vessels operating under more than one Code.

However, this harmonisation has been seen by industry, and other states, as lowering the safety standards for workboats. Both the Brown Code and MGN 280 are considerably out of date and as a result industry are increasingly encountering problems winning contracts.

A working group, driven by industry members and in conjunction with the MCA, has developed the proposed new Workboat Code to:

- recognise and implement industry best practice;
- enhance safety standards by increasing equipment standards and levels of crew training to the current internationally recognised levels;
- permits domestically operating workboats to carry liferafts complying with a lower international standard that is more appropriate for short voyages;
- align equipment requirements and update practice in line with other existing UK and international requirements;
- recognise the increased use of fast powerful catamarans in the workboat industry and provides technical standards that are more economical to comply with while ensuring appropriate levels of safety for these specialist craft;
- provide a consistent national standard which will be recognised by both UK and overseas contractors; and
- allow operators to compete more effectively for contracts.



The changes to the Workboat Code are not considered to be new standards but a reflection of the changes to workboats through operational experience and what is thought to be best practice.

### **Actions requested from Consultees**

You are invited to comment on the Code of Practice, Annex A, and the Impact Assessment (IA), Annex B. A list of the consultation questions is attached at Appendix 1.

This is a 4 week consultation running from 7 September 2015 to 5 October 2015. Comments to the consultation must be set out in writing and submitted no later than 5 October 2015 to:

Jenny Vines  
Maritime and Coastguard Agency  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG  
[jenny.vines@mcga.gov.uk](mailto:jenny.vines@mcga.gov.uk)

### **Consultation Package**

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

Annex A - Draft Workboat Code  
Annex B - Pre consultation IA

A list of consultees is attached at Appendix 2, hard copies are available on request. If you know of anyone else who should be notified of this consultation, please let me know.

### **Next Steps**

In the light of any comments received, the draft Code of Practice and Impact Assessment will be reviewed, with the aim of finalising and publishing them.

Comments on this consultation, together with the Maritime and 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**

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 the confidentiality can be maintained in all circumstance. 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 circumstance; this will mean that your personal data will not be disclosed to third parties.

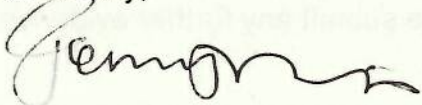
### **Consultation Criteria**

This consultation had been conducted in accordance with the Cabinet Office Consultation Principles Guidance.

### **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, Appendix 3. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

Yours Sincerely,



Jenny Vines  
Vessel Standards Branch



## Appendix 1

### Questions for the Consultation included in the Impact Assessment

**Q1.** Does Table 1 provide a good representation of the scale of new build workboats, and newly certified workboats, which will be impacted by these new standards? Please submit any further evidence to substantiate these figures. – **P8 Section 5.2**

**Q2.** Do the above costs present a good indication of the additional costs to design and build under the proposed Workboat Code? Please submit any further evidence to indicate the cost to build a new workboat under the proposed Workboat Code compared to the Brown Code and/or MGN 280. Please state the size of workboat and area of operation where possible. – **P9 Section 5.3.1**

**Q3.** Please provide any further information on indicative potential earnings from the introduction of the Workboat Code? Please submit any further evidence to substantiate these assumptions. – **P10 Section 5.3**

**Q4.** Are the assumptions made in this IA a sound basis for estimating the costs and benefits of the proposed Workboat Code? Please submit any further evidence to substantiate these assumptions. – **P10 Section 5.4**

**Q5.** Are the estimated costs identified an accurate assessment of the costs and benefits of the proposed Workboat code? Please submit any further evidence to substantiate these figures. – **P12 Section 5.6**

**Q6.** Please provide any evidence to establish the individual costs of the additional requirements for larger fuel tanks, updating of references, radar, ECS, anchors, MLC-equivalent crew accommodation requirements and familiarisation costs, as discussed in sections 5.7.1 to 5.7.7. – **P14 Section 5.7.7**

**Q7.** Please provide any evidence, or your anticipated monetary estimates, of the individual benefits of the additional advantages of larger fuel tanks, alternative standards for multihull damage stability and compass adjustments as discussed in sections 5.7.8 to 5.7.10. – **P15 Section 5.7.10**

**Q8.** Please provide an estimate of the number of contracts lost, and profit or revenue lost due to workboats operating under the old Brown Code and MGN 280? – **P15 Section 5.7.11**

**Q9.** Is the information provided in the Small and Micro Business Assessment an accurate reflection of the workboat industry? Please submit any further evidence to substantiate this assessment. - **P 18 Section 9.2**

**Q10.** How does the proposed Workboat Code impact you as a small business? Please provide any further evidence to substantiate the impact to your business, noting the size of business, the number of employees and the number of workboats you operate. **P 18 Section 9.2**



## Appendix 2

### List of Consultees for Workboat Code Consultation

Royal National Lifeboat Institution, RNLI
Trinity House
Irish Lights
Northern Light Authority
American Bureau of Shipping
Bureau Veritas
Burness Corlett Three Quays (Southampton) Ltd
Det Norske Veritas – Germanischer Lloyd
International Institute of Marine Surveying
Lloyds Register of Shipping
MECAL Ltd
Port of London Authority
Registro Italiano Navale
Royal Yachting Association
Society of Consulting Marine Engineers and Ship Surveyors
Torrige Council
Yacht Designers and Surveyors Association
AMC Survey BMT Group
BMT Nigel Gee (Ltd)
Euromarine Surveys
McColl Associate
McGruer Boats
Moray Firth Marine Surveys Ltd
Noble Marine
Rossiter Yachts
David Greening Naval Architects
Spheredawn Ltd
RJ Marine Surveys Ltd
Department of Agriculture and Rural Development – Northern Ireland
Marine Scotland
Welsh Assembly Government – AVFM – Marine & Fisheries
Hook Marine Ltd
National Federation of Fishermen's Organisations
Northern Ireland Fishermen's Organisation
Scottish Fishermen's Federation
Welsh Fishermen's Federation
Seafish Industry Authority
National Harbour Masters Associations
Padstow Harbour
Torbay Council
Institute of Marine Engineers Scientist & Technologists



Royal Institute of Naval Architects
British Marine Mutual
Scottish Boatowners Mutual Insurance Association
Sunderland Marine Mutual Insurance
The Shipowners Club
Department of Environment, Food and Rural Affairs
Marine Accident Investigation Branch, MAIB
Marine Management Organisation
Government of Bermuda
Government of British Virgin Islands
Government of Cayman Islands
Falkands Islands Government
Government of Gibraltar
Government of Guernsey
Government of Isle of Man
Government of Jersey
Southboat IoW
Damen Group
British Marine Federation
International Jack up Barge Operators Association
International Marine Contractors Association
Professional Boatman's Association
National Workboat Association
Renewables UK
Shipbuilder and Ship Repairers Association
UK Chamber of Shipping
UK Maritime Pilots Association
Nautilus
Railway, Maritime & Transport Workers Union, RMT
Transport & General Workers Union, TGWU
Angling Trust
Association of Sail Training Organisations
British Sub Aqua Club
Canal River Trust
Dart Boats/BSAC
Holyhead Towing
MA Marine Services
Marine Surveys Ltd
Maritime Craft Services
Moray Firth Marine Surveys Ltd

**Appendix 3**

**MCA CONSULTATION FEEDBACK FORM**

1. Please indicate on which Consultation you are providing feedback:

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2a. Please indicate whether you are responding on behalf of:

*Please cross one box*

Yourself as an Individual		A Trade Association		A Company		A Government Organisation	
A Trade Union		Other (please specify)					

2b. Please indicate whether you accessed this consultation package through:

*Please cross one box*

Post		Email		Website	
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3. Please rate the quality of this consultation regarding accuracy, good English and spelling:

*Please cross one box*

Very good	Good	Average	Poor	Very Poor

4. Please rate the format of the consultation presentation (layout, Annexes etc):

*Please cross one box*

Very good	Good	Average	Poor	Very Poor

5. Please rate the consultation in terms of how clear and concise you felt it was:

*Please cross one box*

Very good	Good	Average	Poor	Very Poor

6. Did you feel that the consultation was conducted over a sufficient period of time?

YES

NO



7. Were any representative groups, organisations or companies not consulted who you felt should have been?

YES

NO

If YES,  
who?

8. Please let us have any suggestions for improvement or other comments you wish to make about this consultation below:

Thank you for your time. Please return this form to:

Consultation Coordinator  
Office of the Chief Executive  
Maritime and Coastguard Agency  
Bay 3/29, Spring Place  
105 Commercial Rd  
Southampton  
SO15 1EG

Tel: +44 (0) 2380 329469

Fax: +44 (0) 2380 329105

Email: [consultation.coordinator@mcga.gov.uk](mailto:consultation.coordinator@mcga.gov.uk)

If you are happy to supply your name in case we need to contact you to discuss your views further, please enter it below (this is optional and your feedback will still be taken into account if you wish to remain anonymous):

Name:

Tel No:

**Please note that the deadline for responses to the Consultation itself does not apply to the return of this form.**