

Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations

Consultation Responses

(Grouped by subject)



General

A total of 43 responses were received in relation to the following documents, circulated during the formal consultation:

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

Application of the Boatmasters' Licence (BML) Regulations

Consultee	Reference	Outline	MCA Response
Solent & Southern Harbour Masters Association	Annexes B and C	From our reading of the draft Merchant Shipping Notice xxxx, the new regulations extend the requirements for the masters of non-leisure vessels, not carrying passengers, which do not proceed to sea, i.e. Class IX (A) vessels, to have prescribed qualifications.	The current BML Regulations have applied to Class IX(A) vessels since their introduction on 1 January 2007. Vessels to which the existing Regulations apply are: Ships of Classes IV, V, VI, VI(A), IX(A) and IX(A)(T), other than pleasure vessels.
Company of Watermen and Lightermen, Passenger Boat Association and British Marine Federation	Annexes B and C	What about High Speed craft?	The waters in which vessels operate define their class under of the application of the BML Regulations. Whilst high speed craft and vessels operating solely in UK categorised water are not classed in the same way as the classification of vessels in the BML Regulations, masters of such vessels are already required to hold a BML under their relevant pieces of legislation. To clarify this point, the MSN has been revised to read:
Internal MCA	Annex C	Vessels built in accordance with The Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010, are no-longer classed but	<i>A BML, BMC or alternative qualification specified in this MSN is required for the masters of:</i>

		issued with a Passenger Ship Safety Certificate demonstrating compliance with the Code. Masters of such vessels are required to hold a BML.	<p><i>Passenger Ships</i></p> <ul style="list-style-type: none"> • Class IV, V, VI and VI(A) including Passenger Ships Operating Solely in UK Categorised Waters and High Speed Craft operating in categorised waters. <p><i>Non-Passenger Ships</i></p> <ul style="list-style-type: none"> • Class IX(A) and IX(A)(T) <p><i>Descriptions for the classification of these vessels are contained within Annex 1.</i></p>
Internal MCA	Annex C	There should be a provision to enable masters of vessels built to EU standards operating on UK categorised waters and limited coastal areas to hold a BML.	<p>The MCA does not wish to extend the scope of application for the BML Regulations; however, we do recognise that a qualification accepted under the Regulations may be suitable for vessels built to other standards. This is captured in the revised MSN:</p> <p><i>The appropriate BML, BMC or alternative qualification specified in this notice is accepted as a suitable qualification for masters of the following types of vessels when operating on UK inland waterways and limited coastal areas:</i></p> <ul style="list-style-type: none"> • EU: Class B, C and D • EU: TRIWV (Rhine) or (Community) as referenced by Council Directive 2006/87/EC • Small Seagoing Ship Code. <p><i>However, it should be noted that BMLs are not suitable for use on vessels carrying more than 250 passengers to sea. Masters of vessels (i) carrying more than 250 passengers to sea; and/or (ii) operating beyond the limited coastal area limits must be qualified in accordance with the Standards of Training, Certification and Watchkeeping 1978, as amended.</i></p>
Commercial Boat Operators Association	Annex C	<p>The upgrade for T2L2 BML holders should be allowed upon request and having operated for 30 days on Category A or B canals.....</p> <p>Justification: There is little difference in operation/safety between Category A and B canals as against the significant difference between tidal/coastal waters and still water canals and this measure would lead to a significant increase in labour mobility</p>	<p>Agreed. The following footnote has been added to section 5.2 of the MSN:</p> <p><i>If the area of operation includes a section of Category A or B canals, the candidate may operate on all Category A canals. This description may be printed on the candidate's licence upon request.</i></p>

BML coastal area limits

Consultee	Reference	Outline	MCA Response
British Marine Federation	Response to informal consultation conducted between Dec 2009 – Mar 2010	The BMF and its members agree that MCA regulations must reflect regulations laid out in the EU Class C Vessels regulations. To do otherwise would run the risk of European countries unfairly penalising our own commercial operations. 'Coast hopping' should be allowed if constrained to 15 miles from an appropriate safe-haven, 5 miles off-shore and in day light hours.	Following additional consultation since the 2010 informal consultation with the Domestic Passenger Ship Steering Group and operators, the coastal area limitation for BMLs will be extended to <i>"no more than 5 miles from land and no more than 15 miles from point of arrival and/or departure"</i> enabling holders of Tier 1 Level 2 BMLs to take command of EU Class B or C vessels sailing them more closely to the vessel's limits than previously possible under the 2006 Regulations. However, it should be noted that BMLs are not permitted for use on vessels carrying more than 250 passengers to sea. Masters of vessels (i) carrying more than 250 passengers to sea; and/or (ii) operating beyond the limited coastal area limits must be qualified in accordance with the Standards of Training, Certification and Watchkeeping 1978, as amended.
Company of Watermen and Lightermen and Passenger Boat Association	Response to informal consultation conducted between Dec 2009 – Mar 2010	<p>The coastal limitation on BMLs should be extended to match the operational area/limitations of EU Class C vessels, for these vessels.</p> <p>There is an illogical conflict between the operating limitations of a EU Class C vessel and the scope of the BML Tier 1 Level 2 Licence. An EC Class C vessel may operate 15 miles from a safe haven and 3 (5) miles from shore whilst a Tier 1 Level 2 Licence currently permits a Master to operate within 15 miles of point of departure and 3 (5) miles from shore. Whilst we do not encourage 'coast hopping' per se it seems entirely reasonable to modify the BML Tier 1Level 2 to be consistent with the EC Class C vessel scope of operation and allow the vessel to be operated by the holder of a BML Tier 1 Level 2 to its full commercial potential without compromising safety.</p> <p>The rationale for this view is based upon an assessment of the risk which appears to us to be quite similar in respect of both operational areas, i.e. 15 miles from [any] safe haven, or from a point of departure, and 3 (5) miles from shore in both cases. The level of BML knowledge and training required to operate from a point of departure is valid for any point of departure around the UK coast, as the BML is a national licence, and therefore, logically, it must also be sufficient for any area defined by proximity to a 'safe haven'. We therefore support modifying the limits of a BML T1L2 to be consistent with the operating scope of an EU Class C vessel.</p>	
Marine Leisure Association	Response to informal	We should align our regulations with the EU Class C Vessels regs. Else we invite disputes with Europeans,	

	consultation conducted between Dec 2009 – Mar 2010	unfairly penalized our own commercial operations and are out of line with the equivalent MCA/RYA certificates. Coast hopping should be allowed be it constrained to 15 miles from an appropriate safe haven, 5 miles off-shore and in day light hours.	
Red Funnel	Response to informal consultation conducted between Dec 2009 – Mar 2010	It would be useful to extend the BML coastal limitation to that suggested however we do not believe that preventing 'hopping' serves an effective safety function. If a Master is sufficiently experienced and has an appropriate licence to take his vessel from one categorised waters area to another then surely he is similarly qualified to take the same vessel to a subsequent categorised area as long as it remains within the limitations proposed. Your proposal would prevent a Master who has taken his vessel from port A to port B from further taking his vessel to port C. However a similarly qualified Master based in port B could take his vessel to port C even though his qualifications are the same the other Master's. We do not see a safety justification for this element of the proposal.	
Fowey Cruises	Response to informal consultation conducted between Dec 2009 – Mar 2010	<p>It is my belief that BMLs for class VI vessels should be harmonised with those of the ED.</p> <p>The criteria to obtain a Tier 1 level 2 BML is quite demanding. In terms of passenger vessel operations for class VI vessels, coast "hopping" would be limited by passengers endurance on a small vessel at sea. Consequently long coastal voyages of 2 hours or more would be unrealistic. However expeditionary voyages say "to explore the harbours and south coast of Cornwall", could become an attraction coupled with tourist accommodations ashore.</p> <p>It is more than possible that I do not understanding the 'rules' as you know them, and thus I seek your clarification. Much of the new Boatmaster Tier 1 level 2 structure is a harmonisation with the EU, and for us class VI operators that means harmonisation with EU class C vessels. Why then is the MCA against such a move? To be permitted a further 2 miles out to sea is neither here nor there. For sightseeing cruises, it is the shore and sea cliffs that passengers wish to see.</p>	

Revalidation of BML and endorsements

Consultee	Reference	Outline	MCA Response
Company of Watermen and Lightermen, Passenger Boat Association and British Marine Federation	Annexes B and C	<p>The organisations are concerned that the qualifying service time for revalidating some endorsements requires too many days service.</p> <p>This will become a particular issue for the tidal Thames where most Boatmasters have both traditionally held a passenger operations endorsement and a towing and pushing endorsement. Whilst holding both endorsements many work for an employer engaged either solely with passenger operations or lighterage. Work for Boatmasters' holding the towing and pushing endorsement will grow when operations start for the Thames Tideway Tunnel Big Sewer. Restricting revalidation to those who have 60 days qualifying service time will disqualify large numbers of Boatmasters.</p> <p>The Organisations suggest the limit at least for the tidal Thames is reduced to 20 days and/or a requirement be added that revalidation also requires attendance at a MCA approved training course.</p>	<p>The MCA believes that the current situation where endorsements for high risk operations are automatically carried over upon revalidation of the generic licence poses a safety risk. Whilst the MCA does not believe that 60 days qualifying service over a period of five years is onerous, we can agree to the extent that endorsements can be revalidated through the completion of approved training. The widening of the scope for revalidation is now reflected in the MSN:</p> <p><i>Candidates that do not have sufficient revalidation qualifying service time may revalidate their generic BML and/or endorsements through successfully passing either the MCA conducted assessment on underpinning knowledge, or attend an MCA approved revalidation course.</i></p>
Thames Practitioner's Committee	Annexes B and C	<p>Requiring 60 days qualifying service to revalidate a specialist endorsement will reduce the flexibility of the Thames' workforce to meet any increase in demand in a specialist field in the future. I would estimate that only 25% of those currently holding a Towing and Pushing endorsement will be able to revalidate.</p> <p>We propose the removal of qualifying service to renew endorsements. There are Watermen who work a few days per year, but regularly, in Towing. Such operations are fireworks displays or creek work for example this will result in their inability to continue. The MCA have always promised that Inland Waterways skippers 'will be able to continue to do what they do now'. This will retain the flexible nature of our professionals to respond to any future variation in skills requirement. (i.e. Thames tunnel)</p> <p>We propose an alternative 'Day workshop'. Training</p>	

		providers could organise specialist revalidation workshops for Passenger Vessel, Large Passenger Vessel and Towing and Pushing endorsements.	
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Local Knowledge

Consultee	Reference	Outline	MCA Response
Aberdeen Harbour	Annexes B and C	Application for Local Knowledge status under the new Regulations for the following area: <i>Within the harbour and to the seaward port limits as shown on Admiralty Chart No 1446</i>	<p>The MCA is currently liaising with these Harbour Authorities. If we determine that their applications are justified in accordance with the criteria for local knowledge, we will commence the formal process for introducing them as areas of local knowledge under the Regulations.</p> <p>Proposals for local knowledge are considered against four criteria:</p> <ul style="list-style-type: none"> • High traffic density: types and patterns; • Difficult/complex tides and streams; • Particular physical hazards (and the difficulty of negotiating them); and, • If no suitable charts are available for the area. <p>The new Regulations will not list areas requiring a local knowledge endorsement; this list will be contained in the MSN to increase flexibility of amending it without the need for parliamentary time. However, the formal process for introducing a new area of local knowledge will still apply. A public consultation and full impact assessment will be undertaken.</p>
Cowes Harbour Commission	Annexes B and C	Application for Local Knowledge status under the new Regulations for the following area: <i>Cowes Harbour and the River Medina from the Royal Yacht Squadron Haven to the Folly Inn</i>	
Forth Ports Limited	Annexes B and C	Application for Local Knowledge status under the new Regulations for the following area: <i>A line drawn transversely to the River and Firth of Forth from a point on its west bank south of the West Pier at the Abbey Ferry at Stirling and shall extend down both banks of the River and Firth of Forth at a level of high water to a line drawn from the North Carr Beacon in the county of Fife to the South Carr Beacon in the county of East Lothian</i>	
Queen's Harbour Master Plymouth	Annexes B and C	Application for Local Knowledge status under the new Regulations for the following area: <i>All tidal waters within a line from Rame Head south-easterly to a point 1.25 nautical miles from Rame Church north-easterly to the Shag Stone and then east to the shore</i>	
Port of Truro	Annexes B and C	The competent harbour authority for Port of Truro are considering making an application for Local Knowledge status under the Regulations. The area under consideration is the passage from Malpas to Truro, including Worth's Quay but this is still under consideration.	
Port of London Authority	Annexes B and C	Regulation 18 – The PLA proposes amending the definition of the eastern limit of the Thames LKE area to 'Margaretness'; deleting 'the eastern limit of the Thames Barrier Control Zone (currently Margaretness).' It was only stated in these terms because at the time – 2005/06	

		- there was the likelihood that the Thames Barrier Control Zone eastern limit would be moved eastwards with the construction of the, now defunct, Thames Gateway Bridge in Gallions Reach. This is no longer the case.	
Port of London Authority	Annexes B and C	<p>The PLA is currently reviewing the risk assessments upon which the case for a Thames LKE was based. No change in the extent of the Thames LKE area is envisaged. However, as part of this review, the PLA proposes that the current Thames LKE area should be split at London Bridge. This would create three options for a BML Holder with regard to an application for a Thames LKE – the full LKE area (Margaretness to Putney); the area between London Bridge and Putney Bridge or the area between London Bridge and Margaretness.</p> <p>The rationale for this administrative division is that London Bridge presents a physical barrier for the larger vessels trading on the Thames and that as such, trade and inland waterway vessel operations are, in part, naturally split at this point. Dividing the LKE area and offering a full area LKE or , essentially, separate LKEs covering the trading areas ‘above and below bridges’ will support and facilitate vessel operators’ and crews alike. With the split in place, those BML holders who do not work above London Bridge will no longer have to be assessed on an area they do not work in. We will also be considering a reduction (from 60 days) in the experience requirements for the LKE area below London Bridge to align more closely with the current Pilotage Exemption Certificate tripping requirements for that part of the River.</p>	<p>Agreed. A footnote has been added to Sections 7.2, 19.5 and Annex 5 of the draft MSN to reflect the availability of three distinct endorsements within the Port of London LKE area.</p> <p>Following updated advice from the PLA the endorsements available will be:</p> <p><i>Port of London LKE (Margaretness to Putney Bridge), Port of London LKE (Margaretness to London Bridge) Port of London LKE (Wappingness to Putney Bridge)</i></p> <p>The proposed reduction in qualifying service is noted.</p>
Commercial Boat Owners Association	Annexes B and C	River Medway Qualifying service. Though the principle of a LKE for the Medway has been agreed the QST required does not seem to be commensurate with the characteristics of the waterway. A maximum of 20 days would be adequate.	Local Knowledge requirements including service time are determined by the relevant competent harbour through a process of risk assessment.

Alternative qualifications for masters of small vessels (<24m and carrying no more than 12 passengers)

Consultee	Reference	Outline	MCA Response
Solent & Southern	Annex C	It may be helpful, and proportionate to the hundreds of	A number of similar responses were received from

Harbour Masters Association		<p>small craft that look to be captured by these regulations to modify Annex 3 so that RYA Powerboat Level 2 is suitable for B and C waters daytime, RYA Advanced is suitable for B and C day and night, and that an RYA Advanced with commercial endorsement is suitable A, B, C, D day and night.</p> <p>We are surprised and dismayed to note that the operation of certain harbour authority craft in sheltered waters has not been included in Annex 2 (Vessels outside the scope of the regulations) of the draft MSN.</p> <p>The imposition of the new requirements for qualification and length of service will have a profound impact on our ability to regulate the harbour and will almost certainly compromise our ability to recruit seasonal staff.</p>	<p>leisure harbours based in the south of England. Taking these responses into consideration, the MCA notes that for some low risk activities under the direction / control of local harbour authorities, the minimum qualifications for skippers specified in the BML Regulations are not appropriate – and that they could be safely undertaken by skippers holding either a RYA Powerboat Level 2 or Advanced Powerboat without a commercial endorsement.</p> <p>Therefore we intend to remove low risk activities under the direction of the local harbour authority from the scope of the BML Regulations. Annex 2 of the MSN has been revised to include:</p>
Chichester Harbour Conservancy	Annex C	<p>Our own operation comprises a range of craft, some coded some not, and a large number of skippers. Craft that only operate in harbour waters; Class B and C waters are not coded. Our activities are risk assessed and the necessary training provided to staff, who operate in accordance with our safe working practices. Our novice skippers would have as a minimum an RYA level 2 qualification, VHF licence, and first aid training, more experienced staff that may be required to operate at night in tasks such as checking the navigation lights would require an RYA Advanced certificate.</p> <p>Patrol staff use 6.5m RHIB's. Their task afloat is to patrol the harbour and ensure that there are no unsafe activities taking place, collect harbour dues from visiting yachts and a myriad of other minor tasks. In the course of their patrol they may need to rescue a capsized dinghy or tow in a broken down boat. They receive additional training in line with the RYA safety boat course and in towing from an RYA instructor, and abide by our safe working practices.</p> <p>We need a larger workforce in the summer and normally have 8 seasonal patrol officers to call on. These are typically university students with strong nautical backgrounds, often competitive dinghy and yacht racers. This has worked well for us and has provided an</p>	<p><i>Masters operating vessels considered to be engaged in low risk operations do not need to comply with these Regulations. Vessels operating in low risk conditions are:</i></p> <p>5) <i>vessels less than 24m, engaged in low risk operations within categorised waters that are under the control/direction of the local harbour authority or, where no harbour authority exists, the relevant authority. This is subject to conditions i-iii and the skipper holding an appropriate qualification acceptable to the local harbour authority or relevant authority; examples include:</i></p> <ul style="list-style-type: none"> • <i>RYA Powerboat Level 2 (without commercial endorsement) – daytime operations</i> • <i>RYA Advanced Powerboat (without commercial endorsement) – night time operations</i> <p><i>Examples of such low risk operations include:</i></p> <ul style="list-style-type: none"> • <i>harbour patrols/pilot boat operations</i> • <i>hydrographic surveys</i> • <i>checking navigational lights</i> • <i>supporting local, civil and military authorities</i> • <i>collection of harbour dues from visiting yachts</i> • <i>providing safety boat cover to volunteers clearing river or canal banks; and similar low risk activities</i> <p><i>The conditions are:</i></p> <p><i>i. the company or organisation has carried out a risk</i></p>

		<p>excellent stepping stone into the industry for them with many going on to be officers in the Royal, and Merchant Navy, as well as harbour masters and deputy harbour masters.</p> <p>Under the proposed regulations the BML guidelines appear to require 40 days service, or 80 days for towing operations. The alternative qualifications require a minimum of RYA Coastal Skipper commercially endorsed to go out in the harbour at night.</p> <p>Our operation has been conducted for many years without incident and I am not aware of problems in other ports. The new regulations as framed would require a quantum increase in the amount of training and experience required and considerable new costs and may well limit our ability to employ seasonal staff.</p>	<p><i>assessment of the operation—</i></p> <ul style="list-style-type: none"> • <i>In accordance with the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (“the 1997 Regulations”), or</i> • <i>(where the 1997 Regulations do not apply) in a manner which would comply with the 1997 Regulations if they did apply; and</i> • <i>taken any measures necessary to reduce all risks to “low” level of likelihood and “low” severity of harm (see MGN 20) or</i> • <i>found that any risks have a “low” risk of likelihood of harm and “low” severity of harm (see MGN 20); and</i> <p><i>ii. the [company or organisation] runs an in-house training scheme which covers safe operation of such vessels, meeting the requirements of workplace safety; and</i></p> <p><i>iii. the person serving as the master of the vessel has received appropriate training or experience to minimise the risks identified.</i></p>
Company of Watermen and Lightermen, Passenger Boat Association and British Marine Federation	Annex C	<p>The organisations note there are very significant differences between the document produced for the second informal confirmation and the documents that are part of this statutory consultation. The second consultation was presented as the policy direction MCA would be taking and any change now is unacceptable.</p> <p>The list of acceptable alternative qualifications is the same in each document. It is the application of these provisions which differs so greatly.</p>	Annex 3 to the draft MSN circulated as part of the consultation contained a number of errors. A revised list of alternative qualifications accepted for masters of small vessels is contained in Annex 3 to the final MSN.
Association of Pleasure Craft Operators	Query from the Domestic Passenger Ship Steering Group meeting – March 2014	<p>Can holders of Tier 2 BMLs act as skipper for vessels under 24m and carrying no more than 12 passengers in all Cat A/B or all categorised waters (dependent on the level of the Tier 2 BML)?</p> <p>Under the current Regulations, holders of alternative certificates (RYA etc.) for vessels under 24m and carrying no more than 12 passengers can operate anywhere within UK categorised waters. However, those that hold a Tier 2 BML can only operate in the waters</p>	Tier 2 Level 1 licence holders will be able to operate vessels under 24m which carry no more than 12 passengers on all Category A waters. Tier 2 Level 2 licence holders with the relevant qualifying service time will be able to operate vessels under 24m which carry no more than 12 passengers on all Category A and B waters provided they have applied to have this description included in the wording of their licence. However, as a Tier 2 licence holder at any level has only been assessed for a specified area it would not be

		specified in their licence, if they want to operate beyond this area they must pay and be assessed for another area (whereas their counterparts using RYA qualifications would not).	appropriate to extend their ability to operate vessels under 24m which carry no more than 12 passengers to waters of any category available on their licence.
Commercial Boat Operators Association	Annex C	<p>It should be made clear that the operation of a narrow boat 'pair' on Category 'A' canals is also excluded (as previously discussed and agreed). Many of our members operate with alternative certificates for small vessels partly due to advice given by the local MCA offices over the last 5 years that BML of any type are not available for those operating small vessels on canals.</p> <p>This does not affect those carrying oil, chemical or liquefied gas in bulk but is of critical importance to those operating narrow boats and butty 'pairs'. This has been extensively discussed locally and with the MCA head office especially with regard to the proposed syllabus of the towage endorsement which has almost no relevance to this type of operation. We would urge the MCA to add an appropriate footnote to page 3 of the Draft Merchant Shipping Notice (Annex C) specifically excluding the operation of a 'pair' of narrow boats on Cat A canals from the requirement to hold a towing endorsement.</p>	Noted. A footnote has been added to the MSN.
Commercial Boat Operators Association	Annex C	<p>Transiting waters of a higher category is of critical importance to the operation of many of our members and we appreciate the endeavours of the MCA to find a workable solution. We note the proposed solution in Annex F but can find no reference to them in any of the other annexes.</p> <p>We believe that the solution proposed in the second paragraph on page 16 of Annex F is the correct solution. We would suggest that a risk assessment as indicated in (i) should be in a generic format for the owner and skipper to fill in and that there should be a requirement for it to be held on board during the transit. The CBOA would be pleased to assist in the formatting of this risk assessment.</p> <p>We agree with (ii) especially as this removes the risk associated with 'un-certificated' skippers transiting the River Thames from Teddington or Brentford to Limehouse which would be of serious concern though</p>	<p>Agreed. Section 3.8 of the draft MSN has been amended to read:</p> <p><i>Masters of small vessels in commercial use who transit more than 12 times a year through waters of a higher category must be qualified in accordance with this notice. However, masters of small vessels in commercial use transiting 12 times or less (with no more than 4 transits in one month) a year (but not to sea) may transit providing the operator completes a risk assessment for the proposed passage. Guidance on the risk assessment can be found in Annex 15. The risk assessment must be:</i></p> <ul style="list-style-type: none"> • <i>completed prior to the proposed transit; and</i> • <i>held on board during the transit</i>

		<p>(iii) needs amending to allow several trips in a short period as they may well be a return trip to be made. We suggest - masters transiting any one stretch of water more than 12 times per year with no more than 4 in any one month.</p> <p>We fully endorse and support the statement that 'Transiting through non-tidal areas which is perceived to have less associated risk will be addressed by the risk assessment'.</p>	
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Alternative qualifications for masters of vessels of any size

Consultee	Reference	Outline	MCA Response
Company of Watermen and Lightermen, Passenger Boat Association and British Marine Federation	Annex C	<p>The organisations note there are very significant differences between the document produced for the second informal confirmation and the documents that are part of this statutory consultation. The second consultation was presented as the policy direction MCA would be taking and any change now is unacceptable.</p> <p>The list of acceptable alternative qualifications is the same in each document. It is the application of these provisions which differs so greatly.</p>	<p>Annex 4 to the draft MSN circulated as part of the consultation contained a number of errors. A revised list of alternative qualifications accepted for masters of small vessels is contained in Annex 4 to the draft MSN.</p> <p>The revised boat handling requirements for holders of accepted non-command capacity qualifications are captured in sections 4.2 – 4.6 of the draft MSN.</p>

Medical Requirements

Consultee	Reference	Outline	MCA Response
Domestic Passenger Ship Steering Group	Meeting October 2013	<p>How do you determine when someone is medically unfit? Especially as it is now an offence for both the ship owner and the master.</p>	<p>The following guidance has been included in section 16 of the draft MSN:</p> <p><i>A BML/BMC holder is considered to be medically fit if they hold the appropriate valid medical fitness certificate as specified in para. 16.5 and 16.6 and there has been no subsequent deterioration in their health.</i></p> <p><i>A BML/BMC holder is considered to be medically unfit if they develop any medical condition including those listed in sections 1-8 of Part B to the Seafarer Medical Report Form (ML5).</i></p>

			<i>Should masters develop any medical conditions on the ML5, they must cease operating until they are assessed by a qualified medical practitioner as medically fit to resume duties and issued with a valid ML5 or ENG1 medical certificate.</i>
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Impact Assessment

A number of responses were received in response to the questions posed in the draft Impact Assessment. Consideration and feedback on these responses is contained in the final stage Impact Assessment.

Consultation List

Consultee	Reference	Outline	MCA Response
Individual	Annex G	It was disappointing to learn that although there are proposals to make changes to the Boat Masters Licences I, as an existing licence holder, received no direct notification.	<p>This consultation has been conducted in accordance with the Government's Consultation Principles. It was circulated to over 800 stakeholders including:</p> <ul style="list-style-type: none"> • Operators and Companies • Trade Associations, Unions, Authorities and other Organisations • Maritime Colleges and Training Establishments • Government Departments and Agencies • Port, Harbour and Navigation Authorities • Individuals – who responded to the informal consultations or specifically asked to be included on the BML consultation list <p>The consultation list was compiled through contacts held by MCA Marine Offices and other departments within the MCA. It is not standard practice to consult every holder of a valid licence.</p>