

**DOMESTIC SAFETY MANAGEMENT CONSULTATION – COMMENTS RECEIVED ON PROPOSED CHANGES TO THE INSPECTION REGIME**

RESPONDENT	DATE RECEIVED	SUMMARY OF COMMENTS	RESPONSE
Loch Shiel Cruises	18 November 2014	<p>Q1. Are the assumptions made in this IA a sound basis of the time and costs of the audit regime: <b>Yes</b></p> <p>Q2. Do you agree with the estimated costs associated with the existing audit regime? <b>Yes</b></p> <p>Q3. Do you agree with the estimated costs associated with the proposed audit regime? <b>I'm not sure about this. Will the Office Audit be carried out separately from the annual Passenger Certificate Survey? Due to the distance of my business from the Marine Office, travel/time costs for surveys are significant and can represent 50% of the survey charges, therefore an additional survey would add a substantial extra cost to my business. Would the reduction in time spent on the DSM aspect of the annual Passenger Certificate Survey be offset by more time being spent by the surveyors on the PC Survey, resulting in no actual saving to my business?</b></p> <p>Q4. Do you agree with the assessment of the potential familiarisation costs? <b>Yes</b></p>	<p>With regard to the office audit being carried out separately from the annual Passenger Certificate Survey, and the amount of time spent by the surveyor undertaking the PC survey and the DSM aspects of the survey, as far as practicable, the office audit will be carried out at the same time as the PC survey. It is not envisaged that any additional time will be spent on the PC survey as a result of this reduction in the frequency of the DSM audits.</p>
Seaprobe Atlantis	17 November 2014	<p>We operate from Easter to October 31<sup>st</sup>. Since 2004 I have been audited once every year, sometimes unannounced in the middle of operations and other times by appointment. My audit in 2013 produced the comment that my DSM was one of the best the surveyor had seen.</p> <p>In 2014 the audit revealed that the same DSM had numerous items that needed attention, mostly updates to M notices referred to which were either obsolete, out of date or legislation changed. The regular visits highlight issues such as this, reducing the visits would probably create more work for operators, as I suspect that after an audit more updates than usual will be required, unless operators keep on top of updates. Operators would need to be reminded to update their DSM in between visits.</p> <p>Subscribe to M notice, notifications, etc. I didn't see that this</p>	<p>Please be advised that the annual self-assessment audits are intended for the operator to maintain good practice, and the report produced by the company must be sent to the MCA to be checked and analysed by an MCA surveyor, to ensure that the self-assessment is being undertaken correctly by the company. The ultimate aim is to help reduce costs for both the company and the MCA without compromising safety.</p>

		change would have any adverse impact on safe operations.	
Blue Funnel Cruises Ltd	5 December 2014	<p>Although the majority of the DSM requirements do not seem to be any different, there does seem to be a large proportion of change regarding the High Speed inspections, therefore having an impact on the rest of us.</p> <p>The changes are supposed to reduce the red tape, but the changes and the self-audit scheme are only going to increase the work we already have. In addition, we will be charged for any of the audits, previously not charged. The combining of the audit with the annual inspection is not going to increase the speed at which the surveyor attends, and the usual tests and trials in addition of the audit will result in more costs to the operator.</p> <p>Plus of course, the initial audit to make sure we all comply, also chargeable. The Marine Office (certainly in Southampton) are short of staff, and these steps are going to provide more work to an office already struggling to cope. The changes don't follow order when it states that a review of the system every three years, yet a certificate is valid for five years, and two audits take place within the five year period. Section 3.6 talks about the controls of alcohol and drug abuse. All of my boats that sell alcohol, and as far as I am aware, this applies to all premises/boats selling alcohol, are governed by the Alcohol and Premises licensing laws, and these regulations already apply. Failure to comply can result in the bar and premises license being removed.</p>	<p>Your specific concerns with regard to majority of changes affecting the High Speed Craft inspections are noted. You have expressed concerns that the proposed changes and the self-audit are going to increase the workload and costs to your company.</p> <p>Please note that it is not strictly true that DSM audits were not charged audits. Every annual PC survey had an element of DSM included and the charge for this was included in the fees. The proposed new regime would reduce the workload on the Marine Office surveyors. The intermediate (mid-term) DSM audit would take place at either the 2<sup>nd</sup> or 3<sup>rd</sup> annual PC survey.</p> <p>You may also wish to note that, following feedback received from industry contacts earlier this year, including Thames Clippers, the proposal to exclude domestic HSC from the ISM Code, which was based on the Red Tape Challenge and the performance history of these vessels in the last few years has been withdrawn, and it has been agreed that the requirement for HSC vessels to have ISM would continue.</p> <p>With regard to your final point about the Alcohol &amp; Premises Licensing Regulations, we are not entirely sure of</p>

			<p>the relevance of these regulations to this consultation, as the consultation is purely related to the frequency of the audits of the ships concerned.</p>
<p>Friends of the Cromford Canal</p>	<p>24 November 2014</p>	<p>In broad terms we fully support all your proposals to reduce Domestic Safety Management Regulations in line with the Government's Red Tape Challenge. With respect to your Question 1 Table 6.4 seems to be a logical assessment however, the main beneficiary seems to be the MCA and it would be fairer if the mid-term audit was covered by the MCA. It would also spread the audits more evenly if there were roughly 30 months between audits. With regard to questions 2-4 they are probably a reasonable estimate of average savings nationally, but being based well inland a good proportion of costs are due to MCA inspectors travel costs.</p> <p>From the reports I have received those involved with from our members who have been involved so far with our trip boat "Birdswood" their main concern is not only the charges made by the MCA for your inspectors travel, but also the cost of getting a large crane for the out of water inspections. The cheapest crane charges for the March 2015 inspection are over £2300 and some were closer to £3000. Your MGN 217 Appendix E Special Arrangements for Domestic Passenger Ships paragraph 2 states (i.e. now two inspections in five years instead of biennial surveys); however, we have had no success in moving the Beverley Surveyors on this point. In addition 6 months would be a help, however, ideally we would prefer four or five years.</p> <p>There are a number of other points in the Appendix which should be considered to allow for a relaxation, such as size of scantlings, under-water outlets etc, and there is no propeller or stern or stern tube within the boat hull. In addition the boat rarely travels more than 20 miles per week on narrow, shallow Category A waters. It is my opinion that since the new MCA regulations were started in 2001 boats, particularly on canals and inland rivers, have been shown to be safe and well managed.</p>	<p>It must be emphasised that the MCA is not the beneficiary under these proposed changes to the frequency of the inspection regime, as the number of audits are reduced. The DSM audits were part of the PC survey and were charged for each year. This would now be reduced to once in 2.5 years.</p> <p>Please note that your comments on the crane hire costs and associated comments are not relevant to this consultation and is more related to the PC survey, so I would suggest that you discuss these specific comments with the Surveyor in Charge at the Hull Marine Office (Beverley)</p>

Maid of the Loch	15 December 2014	<p>We have been given a copy of this consultation by the Loch Lomond Association. Although the pleasure steamer Maid of the Loch has not operated for many years, we are in the process of re-registering her and returning her to steam operation.</p> <p>While there is no requirement at present for us to comply with the current or proposed new Domestic Safety Management Code, and have no “feel” for the costs estimated in the Impact Assessment, we nevertheless support the proposals for the following reasons:-</p> <ul style="list-style-type: none"> <li>• It brings the UK into line with the ISM Code</li> <li>• It will reduce red tape, and streamline reporting mechanisms</li> <li>• There is no reduction in safety requirements but by allowing self-assessments, it will bring welcome flexibility to operators, e.g. being able to avoid reporting in peak seasonal periods.</li> </ul> <p>Thank you for the opportunity to comment on these proposals.</p>	<p>I want to thank you for confirming that you support the proposals for the proposed changes to the inspection regime for the following reasons:</p> <ul style="list-style-type: none"> <li>• It brings the UK in line with the ISM Code</li> <li>• It will reduce the red tape, and streamline reporting mechanisms</li> </ul> <p>There is no reduction in safety requirements but by allowing self-assessments, it will bring welcome flexibility to operators, e.g. being able to avoid reporting in peak seasonal periods</p>
Serco Limited	17 December 2014	<p>I have asked for comments on the above documentation from our HSEQ and superintendency departments and the general feeling is that it is a very welcome proposal. Could you please comment on the following questions posed:</p> <p>Is the initial office audit referred to in the MSN repeated every 5 years or is this just a one off for new operators which is subject to satisfactory continuous self-assessment being submitted for the DSM vessels.</p> <p>Is it their intention that the DSM office audit could be exempted if the company holds a DOC under ISM which includes operating passenger ships and uses the same safety management systems in its DSM vessels? Would the company need to apply for an exemption?</p> <p>If the answer is “no” (i.e. the DSM audit is separate to ISM office audits) – is it their intention that the DSM office audit can be</p>	<p>It must be emphasised that the MCA is not the beneficiary under these proposed changes to the frequency of the inspection regime, as the number of audits are reduced. The DSM audits were part of the PC survey and were charged for each year. This would now be reduced to once in 2.5 years.</p> <p>Please note that your comments on the crane hire costs and associated comments are not relevant to this consultation and is more related to the PC survey, so I would suggest that you discuss these specific comments with the Surveyor in Charge at the Hull Marine Office (Beverley)</p>

		<p>covered concurrently with DOC renewal audits or annual ISM verification audit?</p> <p>Does para 14.5 mean self-assessment audit by the operating company, or audits conducted by the MCA (concurrent with an appropriate PC visit). Presume this means the MCA at the mid-term and initial audit – could be made clearer e.g. “onboard audits by the MCA”. Would be clearer to the reader if para 14.7 became 14.5 or they included a sub heading on “Self-assessment audit by the Company” is included</p>	
Passenger Boat Association	17 December 2014	<p>On behalf of the Passenger Boat Association we have reviewed the Consultation and our comments and observations are attached in Annex ‘A’. We are generally supportive of the aims and objectives of the proposed scheme and have been engaging with the MCA through DPSSG. The main areas of observation are focussed on the changes to the status of the High Speed Craft requirements and guidance and minimum skills/knowledge required of Assessors. The latter may have implications for the Impact Assessment.</p> <p>With regard to the Impact Assessment, we have offered together with British Marine Federation to meet you early in January to review the DRAFT Impact Assessment</p> <p>(Please see annex for additional comments)</p>	<p>As agreed during the meeting, it has been confirmed that HSC already compliant with ISM can continue do so. The proposal to exclude domestic HSC from the ISM Code was based on the Red Tape Challenge and the performance history of these vessels in the last few years.</p> <p>Although you have confirmed that you are generally supportive of the proposed scheme, your specific concerns with regard to guidance being issued to industry about undertaking the self-assessment audits will be addressed by the issuing of a Marine Guidance Note.</p>
Unite	19 December 2014	<p>Unite is strongly opposed to the proposal to weaken a safety management regime which came into being further to the Marchioness disaster in 1989 (which had resulted in the loss of 51 lives). It is very disappointing that the MCA has omitted to mention this reason for the establishment of this safety regime in the consultation paper to put it to its political and societal context.</p> <p>Unite finds it morally repugnant that the excuse being made to weaken the regime is that this were identified through the so called “Red Tape Challenge” as being “burdensome” to business.</p>	<p>In response, reducing the frequency of the DSM audits does not weaken the safety management regime. It is to be noted that these vessels are subject to annual PC surveys which are carried out by MCA surveyors and any slack in their systems would be picked up during these visits. Moreover, the annual self-assessment reports would be reviewed by the MCA and any concerns followed up. Further,</p>

		<p>What price can be put on the health and safety of workers and passengers? What sort of message will be sent to the ports and shipping industry by weakening the safety regime?</p> <p>We also believe that for an issue as important and politically sensitive as this the consultation period is far too short particularly as a large part of it falls within the Christmas period.</p> <p>Unite believes that it is essential to maintain a robust regulatory regime and these changes will not achieve this.</p> <p>Unite is strongly opposed to reducing the number of domestic passenger ship audits from two per year to two in a five year period. We have no objections to a robust regime, but what would this involve, will the MCA routinely review ALL audits, and what sanctions would be in place in the event of an unsatisfactory audit? The consultation document does not explain this at all.</p> <p>What would be involved in so called annual ship and office “self-assessments”? What standards will be set to ensure a consistent approach? Will every one of these be subject to scrutiny by the MCA? If not they would be valueless in terms of worker and public protection. What sanctions will be applied if self-assessments are not satisfactory?</p> <p>Unite is strongly opposed to aligning requirements to the ISM regime if this results in a weakening of protection in the UK. The UK is at liberty set these requirements and should be taking a lead on the safety of domestic craft. The “rationale for intervention” in the Impact Assessment states that “the industry has now matured and safety concerns have proved to be unfounded” but provides no explanation to support this statement.</p> <p>How can the MCA be sure that they can identify all the vessels and premises which will be covered by the regime?</p>	<p>the MCA reserves the right to carry out general inspections on these ships based on the risk assessments.</p>
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<p>MBNA Thames Clippers</p>	<p>23 December 2014</p>	<p>We have reviewed the proposed changes to the Domestic Safety Management Regime and although we are generally supportive of the spirit and the wider application of the changes we have some considerable reservations as well. These reservations specifically relate to the application of the lesser Domestic Safety Management Code to High Speed Craft.</p> <p>The alignment of the DSMC audit arrangements with those currently employed on ISM Code certificated vessels and operators makes a lot of sense and would represent a positive change away from the needlessly burdensome current twice-annual scheme. However, the description of ISM survey regime in the Impact Assessment is not factually correct.</p> <p>The IA, in the first paragraph, states that ‘Ships operating internationally under international safety management (ISM) require two ship surveys, one office survey and annual self-assessments in a five year period which is considered appropriate to the operational safety risks’. The ISM Code in fact (in paragraph 13.4) requires an annual verification audit of the office, not one in five years.</p> <p>The stated intention of these amendments is to change the DSMC audit regime to more closely reflect those of the ISM Code, therefore the MCA should clarify if the office audit regime is intended to occur once in five years, which seems too long a period between verification audits to maintain adequate oversight.</p> <p>We have not looked into the cost implications in the IA in any detail. These reflect the cost benefits for the wider passenger ship industry and do not, at a casual inspection, reveal what the cost changes to an individual operator would be.</p> <p>In order to help clarify this, and without including preparation or travel time, we have produced a summary of cost for an operator with one vessel. This makes it easier to see the change in costs the proposed changes would deliver. The summary clearly shows that the change to the new regime will deliver a cost saving to an</p>	<p>As agreed during the meeting, it has been confirmed that HSC already compliant with ISM can continue to do so. The proposal to exclude domestic HSC from the ISM Code was based on the Red Tape Challenge and the performance history of these vessels in the last few years. Based on your feedback, the requirement for HSC vessels to have ISM would continue.</p> <p>We have also noted your specific concerns with regard to the frequency of the office audit and how this may impact on both the costs and resources of the operator. As discussed during our meeting, the first paragraph of the Impact Assessment should have referred to the annual office surveys instead of the office survey, so our apologies for this error and the confusion caused.</p> <p>The oversight is maintained by the review of the annual self-assessment reports provided from the company. Our cost analysis was based on 1, 2, 3 or 4 ships.</p>
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operator, which is to be welcomed, but this cost saving is only realised if there is only one office audit in the five year period. If there is an audit of the office once every five years then the overall cost over the life of the certificate is considerably more.

As the UK's largest operator of domestic High Speed Craft, we were somewhat surprised to learn of this aspect of the proposed change in the public consultation and we have not had any previous dialogue with the MCA concerning their intentions in this regard. Indeed, this fairly significant change to the safety management of the largest sector of UK operated High Speed Craft did not even merit a mention at the High Speed Craft Advisory Group meeting held on 19 November at MCA Headquarters.

Given that we, and other UK operators of domestic HSC, currently manage these craft under the ISM Code we had not looked at the proposed changes to the Domestic Safety Management Code in any depth – believing it to be of any peripheral interest relevant to Class III to VIA vessels only. Fortunately the Passenger Boat Association recognised the significance of the proposed changes and sought to advise the ISM compliant operators of these proposed changes.

The lack of specific industry consultation is disappointing.

We are firmly of the view that accepting a lower standard of safety management for domestic HSC is a mistake. The operation of fast craft in what are often restricted waters presents some significant challenges which, in our view, requires the highest possible standard of safety management. As an organisation we have invested heavily in the ISM Code for our fleet, both because we have previously been compelled to by paragraph 1.2.1.2 of the High Speed Craft Code but also because we are of the firm belief that it is the best way to manage our large fleet.

In previous discussions with the MCA concerning the application of the High Speed Craft Code to our vessels in its entirety we have been advised that operating such craft in restricted, shallow waters,

		<p>in close proximity to navigational hazards and busy traffic conditions represented an increased safety risk as compared to seagoing HSC. We now find ourselves somewhat puzzled to learn that the MCA now believes that such 'safety concerns have proved to be unfounded'. You will appreciate the frustration that we feel when one branch of the MCA believe that we operate at a higher risk and now another believes that we operate at a lower risk – it makes operational planning, and fleet expansion a difficult and frustrating experience.</p> <p>We wish to see the MCA take a more joined up and collaborative approach when considering legislation affecting domestic HSC.</p> <p>This should not be too onerous for the MCA to do, there are only three such companies currently operating in the UK, all of whom would gladly engage at an early opportunity to ensure that legislation this niche sector is adequately addressed.</p> <p>Therefore, to be clear, Thames Clippers do not wish to see a relaxation in the standard of safety management applied to the operation of domestic High Speed Craft. We firmly believe that the ISM Code is the appropriate standard that such organisations should adhere to. If the MCA insists that the DSMC should apply to domestic High Speed Craft then there should, at the very least, be the opportunity to maintain their ISM certification if they so desire and not be compelled to move to the new, lower standard.</p>	
Maritime Heritage Trust	20 December 2014	<p>At present, of the two MCA DSM audits per year, the second is not paid for by the operator. In the proposed two in a five year period audits, all MCA audits will be paid for by the operator. Whilst this is not a massive additional cost, it is nonetheless an additional cost on an already hard pressed industry and this is likely to impact more on smaller operators and historic vessels with disproportionately higher operating costs in relation to turnover.</p> <p>A shore based office audit may have merit for larger operators with big fleets to be managed but it should be borne in mind that smaller</p>	<p>We have noted your specific concerns with regard to the costs associated with the proposed changes to the frequency of the audits and the potential costs, and also the appropriateness of applying this system to different sizes of company and operation, from the large scale operations of companies such as Carnival, to the small scale sole operator on a canal. To address the later point, this inspection</p>

		<p>operators and some in the voluntary sector, particularly those operating heritage or traditional vessels, may not even have an office as such and may conduct their business from their homes or aboard the vessel concerned.</p> <p>Although this proposed Code was originally sold to the industry by the MCA as reducing the number of audits, the introduction of annual ship and office self-assessments in addition to the MCA audits actually increases the bureaucracy putting up the total number of audits in a five year period.</p> <p>The original thinking in introducing a Domestic Safety Management system some years ago was to produce a less complex system than the ISM, making the DSM more suitable for the variety of generally smaller scale operators of UK domestic passenger vessels, many of which do not proceed at sea at all. Whilst it is important to manage safety to a high standard on all vessels, the best methods for doing so will vary according to the size, location and nature of the operation. For example, the management of safety on a thirty passenger launch run by one man on a canal with a staff of two is a different thing from that applied to one of a fleet of ocean liners with a staff of thousands. Given the very diversity and scale of operators of domestic passenger vessels, it is therefore hard to understand the safety case driving the desire to align the new DSM with an ISM which is itself designed for large sea-going ships on international voyages.</p> <p>Finally, on points of housekeeping, your list of consultees includes Heritage Afloat which no longer exists having amalgamated with The Maritime Trust a couple of years ago to form this organisation: The Maritime Trust and Maritime Heritage Services Ltd is an offshoot of The Maritime Heritage Trust. And, talking to Martyn Heighton, Director and Chair of Council of National Historic Ships UK, I understand that they are not on your current list of consultees. Given their national remit to provide advice to the Secretary of State for Culture, Olympics, Media and Sport, other government departments and the Devolved Administrations on all matters related to historic ships, I think that they should be included</p>	<p>regime has been in place for a number of years, and the proposals are purely to change the frequency of the audits, and ultimately, if an operator, regardless of their size, is operating a Class III to VI(A) vessel and carrying passengers, they must adhere to safety requirements.</p> <p>Please also note that the DSM audits were done in conjunction with every PC survey, every annual PC survey had an element of DSM included and the charge for this was included in the fees. We appreciate that some small operators would not even have offices and in such cases the office element can be done on-board the vessel, provided all documentation is made available. The alignment of the DSM with ISM goes only so far as the audit frequency. The safety management system need not be as comprehensive as the ISM.</p> <p>With regard to the circulation list, we do apologise for the errors contained in the list. Although the list was compiled from information provided to us by the Marine Offices located around the country, this information should have been quality checked to have identified any errors. Thank you for bringing these problems to our attention.</p>
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		in all future consultations. Their contact details are: National Historic Ships UK, Park Row, Greenwich, London, SE10 9NF.	
Nautilus	23 December 2014	<p>We agree with the opinion expressed in the consultation that Safety Management Systems are reliant on good communication between the company shore based office and the ship and therefore fully support the proposal to introduce one shore based office audit every 5 years.</p> <p>We cannot support the proposal to reduce the frequency of the ship audits from twice yearly to twice in a 5 year period for several reasons:</p> <p><b>Safety</b></p> <p>The consultation document states that the DSM audit regime is disproportionate to the “perceived safety risks involved”. It is the opinion of Nautilus that regardless of the “perceived risk”, the actual risk to safety in the event of an incident to a vessel to which the DSM code applies is very high.</p> <p>Many of those vessels carry large numbers of passengers in dangerous and congested waters where the change of survival upon entering the water is little better than it would be in open sea. Additionally, the age of many of these vessels means that they are a high risk from a number of potential dangers.</p> <p>The rationale that ships operating locally have a lower level of risk because they operate closer to shore is flawed. The DSM Code covers all aspects of the safe operation of a domestic passenger ship including prevention of accidents, injuries, slips, trips and falls as major incidents such as flooding/sinking and fire. Distance to shore has no bearing on the likelihood of these incidents occurring.</p> <p>It is implied throughout the proposal that the ISM audit regime is considerably less onerous than the audit regime for the DSM Code. This is misleading as the requirements of the ISM Code are far more onerous than those of the DSM Code. External audits take</p>	<p>Please note that reducing the frequency of the DSM audits does not weaken the safety management regime. It is to be noted that these vessels are subject to annual PC surveys which are carried out by MCA surveyors and any slack in their systems would be picked up during these visits. Moreover, the annual self-assessment reports would be reviewed by the MCA and any concerns followed up. Further, the MCA reserves the right to carry out general inspections on these ships based on the risk assessments.</p> <p>In the consultation documents the intention was not to imply that the ISM is less onerous than DSM. This was related to the number of audits the vessels and operators were subjected to over the 5 year period so we offer our apologies for any confusion caused.</p>

		<p>several days, not hours and each vessel is also subject to an annual internal audit. A vessel required to comply with the ISM Code is also likely to be subject to PSC and other inspections where opportunities to identify defects arise. This is not the case for domestic passenger vessels.</p> <p>The Accident report into the sinking of Wacker Quaker 1 and the fire on-board Cleopatra published in December 2014 found that had there been an extremely fortunate set of circumstances in these two incidents, that there would almost certainly have been significant loss of life. This report highlights the very real risks involved in operating domestic passenger vessels.</p> <p>Implementation</p> <p>The consultation document states that the proposals will place the responsibility for the safety of their ships onto the owners with the introduction of self-assessments. The provisions of The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001 are directed at companies so the responsibility already lies with the owner. The responsibility for enforcement lies with the MCA and the effectiveness of this enforcement will be greatly diminished if inspections are replaced with self-assessment.</p> <p>If an operator is not fully complying with the requirements of the DSM Code this will either be deliberate or through ignorance. If the non-conformity is deliberate, it is naïve to believe that the operator will voluntarily inform the MCA of their non-compliance in a self-assessment. If the non-conformity is through ignorance then without the benefit of a trained MCA inspector identifying it, it will continue.</p> <p>There have been a number of incidents identified in MAIB reports where non-conformities with the DSM have been identified in the accident report but had not been picked up at the last inspection (Hurlington and Snowdrop are two examples). If the frequency of inspection is reduced then it is inevitable that these occurrences will increase.</p>	
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The Kennet & Avon Canal Trust (Enterprise) Ltd	29 December 2014	We at the K&A own and operate 4 vessels on the Kennet & Avon Canal. They are all Class V passenger vessels, and are subject to the current Domestic Safety Management system. We agree that the current system is disproportionate to the safety risks involved, especially when compared to the ISM regime. Therefore, we are generally supportive of this process and the principles that underline it. In particular, the proposed reduction in number of ship audits to 2 in a 5-year period is supported. We are also willing to undertake self-assessment on an annual basis provided that MCA provides guidelines as to how such audits should be undertaken	<p>With regard to your request for guidelines to be provided for undertaking the self-assessments, please be advised that guidelines for undertaking self-assessment audits will be provided by the MCA in a Marine Guidance Note which will include a template for the report.</p> <p>However, with regard to your comment about the age for annual medical</p>

		<p>and that there are no required fees for training or certification for our staff who carry out such audits. For our operations, the requirement to undertake a separate office-based audit is probably superfluous. Since we operate on a canal, we are never more than a few feet from either bank and there is no practical support which the Coastguard could provide. Our principal emergency-service providers would be the Fire &amp; Rescue Service and the Ambulance Service.</p> <p>As all of our operations are run exclusively and entirely by volunteer staff, we cannot provide any firm justification for the data you have used in the estimates of Benefits and Costs from the changes that are being proposed. However, we have no reason to think that your estimates are not generally representative – and useful quantifications of benefits which can be achieved “across the board” with no reduction in safety.</p> <p>While supporting the changes envisaged by the draft documentation, we would go further and support a further disaggregation of rules between vessels which operate generally in UK waters, and those which operate exclusively on internal waterways of Class A – the situation which describes our vessels operating on the Kennet &amp; Avon Canal. This further disaggregation would comply with your own statement that no two ship operations are exactly the same, and that the DSM for a particular type of operation should aim to be simple, cost-effective and designed to support safe boating operations. With this in mind, I would re-submit a proposal which I have made before, namely that the age at which annual medical assessments are required for qualified Boatmasters holding a Tier 2 licence and operating exclusively on Class A waters should be raised to at least 70 years with immediate effect.</p>	<p>assessments for qualified Boatmasters holding a Tier 2 licence and operating exclusively on Class A waters being increased to 70, this issue is not relevant to the DSM consultation, and should be addressed to the Head of the Seafarer Safety and Health Branch in the MCA.</p>
Talisman Sinopec Energy UK	29 December 2014	<ol style="list-style-type: none"> <li>1. The assumptions made in the IA are fair. We are likely an extreme case being in Orkney. Surveyors take considerably more time to reach our facility and normally incorporate an air flight. The travel to the island by boat is one hour and</li> </ol>	<p>I note that Talisman Sinopec recognise that the proposed changes are intended to result in additional savings to both themselves and the MCA, and that it</p>

		<p>one hours return. The cost savings in our case can be considered to be in excess of the stipulated figures. We have a number of vessels that require mid-term audits. In our case, the dates rarely coincide resulting in three visits per year. Under the new proposal we may be able to encompass all three passenger vessels in one audit visit for the new intermediate audit. This provides further savings to the MCA and also ourselves.</p> <ol style="list-style-type: none"> <li>2. As a model the estimated costs are correct</li> <li>3. As a model on total number of vessels to be audited costs are correct</li> <li>4. Familiarisation costs for our organisation will be negligible, but agreed industry wide the proposed costs appear realistic</li> </ol> <p>The proposed changes would be a marked saving to our operation, and a positive improvement to the current regime.</p>	<p>should be possible to encompass all your passenger vessels in one visit.</p>
<p>Port of London Authority</p>	<p>31 December 2014</p>	<ol style="list-style-type: none"> <li>1. We do not believe the Class V Passenger Vessel industry is ready for such levels of self-regulation. It is obvious to us that many operators will not undertake and self-auditing, but will simply sign the forms to show that it has been completed. This appears to be a significant retrograde step and it is hard to see how it benefits safety on the Thames.</li> <li>2. We do approve of and encourage the inclusion of company audits, similar to the ISM system, which we believe are a step forwards; but without external auditing we fear the benefits of this additional measure will be lost</li> <li>3. Whilst we believe the proposal for an SMS for all to adhere to is good and a positive move, we are not clear on what "benchmark" will be set. It is very simple to say "we have an SMS2, but if this is only checked once every five years, how does that improve safety?"</li> <li>4. Who will undertake and enforce the auditing regime? We doubt very much that the MCA, at least in London, will have the time and resource to ensure that adequate and sufficient audits are carried out</li> </ol>	<p>You may wish to note that the self-assessment reports will be reviewed by an MCA surveyor and any anomalies would prompt an audit/inspection of the vessel. The measures are intended to ensure that operators take ownership for the safety management on board their vessels.</p> <p>The MCA will be issuing a Marine Guidance Note once the changes to the DSM inspection regime are in place, and this will contain step by step guidance for how suitably qualified staff in a company should undertake the self-assessment audits, and a template will also be provided in an annex to show the company how the report should be</p>

		<p>5. Reducing the numbers of inspections undertaken by the MCA will ease their workload, but we fail to see how the benefit to those who do not operate under ISM with regular controls in place. Knowing the operators here as we do, we can see this very quickly resulting in a day to day navigational issue for the PLA.</p>	<p>presented prior to submitting it to the MCA.</p> <p>The number of audits carried out by the MCA are reduced in the proposed regime, hence the work load on the Marine Offices should decrease. Vessels will be targeted for inspections based on the self-assessment reports and a risk assessment.</p>
The Inland Waterways Association	23 December 2014	<p>In broad terms we support all your proposals to reduce Domestic Safety Management Regulations in line with the Government's Red Tape Challenge.</p> <p>From the brief reports we have received from our members their main concern is the charges made by the MCGA for the cost of your engineers and inspectors making too frequent trips to inspect boats, which in their mind present little danger to the public. It is our opinion that since the new MCGA regulations were started in 2001 boats particularly on canals and inland rivers have been shown to be safe and well managed.</p> <p>The Association is, however, concerned that the frequency of lift out or dry docking seems very excessive for canal boats compared with sea going vessels when considering the depth of water (usually Class A), the speed of the boat and the distance travelled each day. There are some canals under restoration with no access to a dry dock or boat yard where the only method of an underwater examination is by craning; this can be very expensive, particularly when a large mobile crane is required. In such cases can less frequent "out of water" surveys be considered?</p>	<p>It is noted that, in broad terms your organisation supports our proposals to reduce Domestic Safety Management Regulations in line with the Government's Red Tape Challenge.</p> <p>However, with regard to your specific concerns relating to the charges by the MCA for the cost of engineers and inspectors making too frequent trips to inspect boats, please be advised that the frequency of the visits by MCA surveyors is reduced in the proposed regime.</p> <p>The issue of lift out or dry docking is not relevant to this DSM consultation. However, this is an issue that you really need to raise with your local Marine Office, which I understand would be Orpington Marine Office and you can contact the acting Surveyor in Charge, Capt. Rod Shaw.</p>
RMT	8 January 2015	<p><b><u>Introduction</u></b></p> <p>The National Union of Rail, Maritime and Transport Workers (RMT)</p>	<p>Reducing the frequency of the DSM audits does not weaken the safety management regime. It is to be noted that</p>

		<p>organises over 5,000 seafarer ratings predominantly working in the short sea ferry and offshore supply sectors, including over 1,200 working on domestic passenger vessels covered by the consultation for Caledonian MacBrayne, Wightlink and Serco NorthLink.</p> <p>RMT welcome the opportunity to contribute to the Maritime Coastguard Agency (MCA) consultation on proposals for aligning the safety management regime for these domestic passenger vessels with the minimum standards stipulated in the International Safety Management (ISM) Code.</p> <p>The RMT response, therefore, is a general one, broke up under general headings which apply to some of the consultation questions the MCA poses and relating to the following key points in the union's response.</p> <p><b><u>Key points:</u></b></p> <ul style="list-style-type: none"><li>• RMT regard the proposed reduction in the number of safety audits for passenger vessels operating in domestic waters as too drastic. Reducing the statutory requirement for ship safety audits from two annually to two every five years is not, in our view, justified and presents problems for vessels operating in domestic waters, for example, on the Scottish ferries network where marine conditions can be very challenging. A reduction to one annual safety audit of these vessels by the MCA would be acceptable to the union.</li><li>• The sinking of the Cemfjord in the Pentland Firth on 3<sup>rd</sup> January this year with the loss of eight seafarers' lives and the breakdown of the MV Hamnavoe in April 2013 on the Scrabster-Stromness route both demonstrated that coastal waters represent a threat to maritime safety, on domestic and international routes.</li><li>• The proposed introduction of the international safety management standards and its greater reliance on annual self-</li></ul>	<p>these vessels are subject to annual PC surveys which are carried out by MCA surveyors and any slack in their systems would be picked up during these visits. Moreover, the annual self-assessment reports would be reviewed by an MCA inspector and any concerns followed up. Further, the MCA reserves the right to carry out general inspections on these ships based on the risk assessments.</p>
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assessment is not sufficient reassurance that risks to seafarer and passenger safety on domestic passenger vessels will not increase as a result of these proposals. The MCA is required to monitor these annual self-assessments anyway and introducing this further bureaucratic tier will increase the amount of time in responding to any problems with these internal safety audits.

- The plan to accept self-assessments conducted by ‘an accredited person from outside the company’ raises the prospect of outsourcing these self-assessments. RMT has a serious concern over the effectiveness of outside persons conducting safety audits and this proposal seems only to be proposed because such outside persons would be cheaper than MCA surveyors, despite, presumably having received accreditation from the MCA.
- Any changes to the domestic safety management standards for vessels operating in UK waters should be accompanied by increases in the statutory powers of elected seafarer health and safety representatives to bring them onto a par with their land based colleagues.

#### **MCA ship safety audits**

RMT accept that the requirements of the domestic safety management (DSM) code are considerably greater when compared with those of the international safety management (ISM) code. There is some merit in looking at the current DSM regime and the statutory requirement for the MCA to conduct two safety audits on all vessels in Classes III to VI(A), as well as on domestic high speed craft, every year.

We do not think, however, that reducing the statutory requirement in this key area of domestic maritime safety to the minimum international standards is acceptable. Reducing the number of on ship MCA safety audits from ten every five years to two every five years is an 80% reduction and far too drastic. We call on the MCA

		<p>to look again at this proposal which, in its current form represents an unacceptable increase in the risk that seafarers and passengers on these vessels would be exposed to.</p> <p>RMT acknowledge that shore based audits need to take place and could accept a reduction to one annual statutory ship safety inspection by the MCA, to be conducted when the ship is in service, as part of a domestic passenger vessel's safety management system. The following commentary supports and justifies our position.</p> <p>RMT members working for Serco NorthLink on ferry services to the Northern Isles and for Caledonian MacBrayne on ferry services from the mainland and between Clyde and Hebrides islands off the west coast of Scotland have raised their concern over the MCA's proposal for reducing the number of annual MCA safety audits to such a low level.</p> <p>Ferry routes serving the network of island communities off the west of Scotland and those to and between the Northern Isles are subject to significantly changeable marine conditions which take their toll on the vessels working those routes. The circumstances in which the bulk carrier Cemfjord sank off the Pentland Firth on 3<sup>rd</sup> January 2015 with the loss of all eight crew would appear to provide a tragic illustration of the inherent dangers in navigating in these waters which obviously do not distinguish between domestic or international voyages.</p> <p>Marine conditions in domestic waters off the north east, north, north west and west coast also take a structural toll on vessels regularly navigating between ports<sup>1</sup> on the Scottish ferry network, as evinced in the serious mechanical breakdown (failure of crankshaft in the main starboard engine) of the Serco NorthLink operated MV Hamnavoe in April 2013 whilst working on the Scrabster to Stromness route. The Hamnavoe (launched in 2002)</p>	
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<sup>1</sup> 49 ports on the Clyde & Hebrides and 5 ports on the Northern Isles networks

		had received dry dock maintenance and repair in March 2012 and had been expected to continue without dry dock inspection until February 2014 when this serious mechanical failure occurred. As a result, the vessel was out of service for one month whilst it was repaired, at a cost of over £850,000 <sup>2</sup> . We believe this episode illustrates clearly the wear and tear on vessels operating in these coastal waters.	
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<sup>2</sup> Pg. 10, para. 6.5 *Report into Breakdown of MV Hamnavoe* – Transport Scotland March 2014