

Issue	Background	Current Position	Action Required
<p>Small Passenger Boat Code</p>	<p>Following collaboration with MCA, the Small Passenger Boat Code, 'Sound practice, safer waters' was published jointly by MCA and AINA in February 2004 and was issued to AINA members.</p> <p>Until this Code, there had been no national standard for small commercial vessels (carrying up to 12 passengers) using the UK's inland and estuarial waters. The Code allows for each operator's experience and own interpretation of risk and gives safety advice to operators, licensing authorities and regulators.</p> <p>AINA is arguing the case for the Code to remain voluntary and that compliance with the BSS plus a degree of self-certification administered by navigation authorities would be appropriate.</p>	<p>The recommendations of the MAIB report into the Swan incident at Bath have raised the issue of enforcement of the Code up the agenda.</p> <p>MCA remain keen on the industry to be self-regulating in this regard, provided effective systems can be established and demonstrated quickly.</p> <p>BW aim to introduce limited verification of compliance with the Code in 2007.</p>	<p>AINA SIG to prepare model guidance on the issue of licences for all vessels for hire that carry passengers; compliance with the Code as a condition of licensing; and self-certification of compliance with the Code by operators. BW is developing a verification scheme which should be suitable as a model for AINA.</p> <p>Thereafter, the SIG to agree a method for independent selective verification of compliance.</p>
<p>Craft classification and licensing</p>	<p>This initiative was triggered by the need for navigation authorities to deliver a licensing process to accommodate the requirements of the Small Passenger Boat Code, and the forthcoming Hire Boats Code. It also has wider value to AINA in terms of helping us to understand the basis upon which all types of craft are classified, registered or licensed on the inland waterways.</p> <p>SIG commissioned a consultant to undertake a desk-top study to prepare a detailed report that provides a classification system for the different types of hire craft (powered and un-powered) on the waterways, the uses to which they are put and an assessment (based on reported accident data) of the risks they are subject to. The adequacy of existing risk control measures, and the legal powers (of navigation authorities, local authorities and national government) enabling these controls to be exercised in a consistent way nationally should be</p>	<p>AINA is using the consultant's report to communicate current inconsistencies and the need to address them. So far, AINA has made representations to DfT, MCA and MAIB during the summer 2006 to:</p> <ul style="list-style-type: none"> • Press the need to achieve consistency with local authorities who exercise powers under the 1907 Public Health Amendment Act; and • Investigate how consistent legal powers can be obtained (to include delegated powers under the 1907 Act and potential facilities under the Transport Act 1968). <p>DfT, MCA and MAIB are all supportive of AINA's proposed actions.</p> <p>The potential for more effective use of existing legislation, coupled with use of Regulatory Reform Orders deriving from the Legislation and</p>	<p>AINA to make similar representation to Defra to gain its support.</p> <p>AINA to work with BW and Defra to follow-up practical solutions that arose at the AINA Conference at Cardiff with a concerted campaign to influence civil servants and Ministers in relation to effective use of provisions in the 2006 Act.</p> <p>SIG's initial intention to extend the consultants' study to include private craft on the waterways has been suspended.</p>

	<p>assessed with gaps highlighted. This report was delivered to AINA in April 2006.</p>	<p>Regulatory Reform Act 2006 was a theme at the Annual AINA Conference at Cardiff in July 2006.</p>	
<p>Safety of Hire Craft</p>	<p>The MAIB report into the capsizing of Beakaway V on the Norfolk Broads recommended that MCA form a working group to develop a code of safe practice for hire craft on inland waterways. MCA convened a meeting in May 2004 where it was agreed that the code should be based on existing best practice identified within the industry and would follow the same general approach used previously for the Small Passenger Boat Code.</p> <p>Three sub-groups were formed to look at stability, technical standards, and risks. AINA members were represented on each sub-group.</p>	<p>The original timescale for reporting back on this topic, as set by MAIB, has not been met. However, recent events have accelerated progress. These include a merging of the three initial sub-groups considering vessel stability, technical issues, and risk management, and broad consensus being reached between BMF and its members on the scope and purpose of the code. The industry has a real opportunity here to get this right and achieve sensible, pragmatic self-regulation for the benefit of all parties, not least the boat hirers and BMF and AINA are working together closely to prepare the code.</p> <p>AINA's view is that Navigation Authorities should apply the new code through their licencing systems and is investigating the current licencing conditions applied by all members for all types of hire craft (see craft classification and licencing above).</p>	<p>AINA and BMF to collaborate in preparing a draft Code for consultation and subsequent endorsement by MCA. A draft is due to be delivered to MCA by July 2007.</p> <p>Although not formally agreed, 2008 is being targeted for the introduction of the code.</p>
<p>Identifying navigation or licencing authorities for all navigable waters</p>	<p>The MAIB Swan report recommended that the NWSF-GIG should determine the navigation or licencing authority for all fully navigable bodies of water. The MAIB report into the RIB accident on Loch Lomond reinforced the Swan recommendations.</p> <p>The May 2005 meeting of the GIG referred this matter to the NWSF Inland Waters Advisory Group to develop proposals.</p>	<p>The SIG has proposed to GIG, a project for determining the unregulated waters based on a pilot study which aims to identify inland waters (categories A to D) navigated by hire and small passenger boats which do not have a navigation or licencing authority.</p> <p>SIG has estimated that the cost for such a project will be some £10,000 to carry out this work over a 10-12 week period during the season to enable the pilot to be concluded and its output applied to the full national survey during the summer when water-based activities are at their peak.</p> <p>The SIG proposal, along with an offer to project manage the work, was endorsed by the GIG in March 2006 and subsequently AINA submitted a</p>	<p>AINA to continue to seek a response from DfT. NWSF – GIG will address this again at its next meeting in October 2007.</p>

		proposal to DfT in April 2006 to fund the work. However, However, this project appears to be stalled due to the uncertainties among Government Departments over potential follow-up costs should the study show that there are substantial numbers of waters being navigated commercially that do not have a licensing authority.	
Incident Reporting and Investigation System (IRIS)	As part of its "Managing Inland Waterways Safety Risks" initiative, AINA regards the capture and analysis of good quality, reliable data on accidents, incidents and near misses as an essential tool in the development and promotion of good practice to mitigate such risks and in briefing legislators and regulators of the true extent of such risks and appropriate control measures.	The AINA Office has now established this national electronic data base, called the AINA Incident Reporting and Investigation System (IRIS). All data available from BW, EA and Broads have been transferred to IRIS retrospectively to 1 st January 2005. By issue of the IRIS software on CD, facility is being made to transfer all available data from other AINA members by 30 September 2006. When populated with sufficient data IRIS should be an invaluable tool for AINA to better understand the safety risks to waterways users, professionals and volunteers across all groups (not just boating!) and the efficacy of existing risk control measures. Further best practice guidance would follow, in addition to evidence-based substantive briefings to legislators and regulators to safeguard against the development of inappropriate or disproportionate regulation in the future.	A national IRIS database of some 4,500 records is now managed by the AINA Office and data continues to be passed through to the NWSF Information Group. AINA needs to deliver some output from IRIS to demonstrate to members its value and potential – essential in order to encourage members to provide more data. An article for the June AINA newsletter is being prepared. AINA is investigating potential scope for further development of IRIS to accommodate BSS and TYHA needs.
Alcohol limits for non-professional mariners	DfT issued a consultation document in April 2004 on criteria for exceptions to the alcohol limits for non-professional mariners and the designation of marine officials.	AINA issued a response to the consultation on 3 rd August 2004 and are still awaiting the response from DfT. Indications are that this issue is once again rising up the DfT agenda.	No formal response yet from DfT to the consultation. Indications from DfT are that alcohol limits for private boaters continue to be of interest to Ministers.
Boatmasters' Licenses	MCA Regulations requiring the issue of licenses for boat masters operating commercial craft and workboats are due to come into effect in January	In its response to the final MCA consultation on the introduction of BMLs in July 2006, AINA expressed concern about the lack of profile that	SIG to take a view on the best way forward. In particular, whether to implement BMLs

	<p>2007 with an interim period of two years for operators to become fully compliant.</p>	<p>such a significant piece of regulation had been given and the very confusing and unclear way in which the consultation papers had been written. There appeared to be many ambiguities in the consultation papers which led to AINA having difficulty in understanding the detail of what is required and how BMLs are to be implemented. AINA awaits a response from MCA on these matters.</p> <p>In parallel, AINA is currently in dialogue with MCA on how best to test competence in relation to the forthcoming introduction of BMLs. One option, on which good progress has been made with MCA is to recognise existing navigation authorities' competency and training schemes as a route to achieving a BML. Another option is to pursue funding opportunities for doing so via the Maritime Skills Alliance.</p>	<p>through an industry standard or an alternative national framework.</p> <p>Thereafter, the AINA Office to prepare succinct guidance for AINA members on the use and implementation of BMLs and the implications for navigation authorities.</p>
<p>Land-side drop protection at locks</p>	<p>First raised at SIG meeting on 16 September 2004 as a need for navigation authorities to consider. Has also been raised as an issue by the Visitor Safety in the Countryside Group.</p>	<p>BW/EA already sharing views and identifying lock sites and other waterside locations with a view to establishing key commonalities and differences.</p> <p>The EA is currently undertaking a review which will form the basis of their position and will share the information with BW.</p>	<p>BW/EA to formulate joint approach for further discussion with SIG.</p> <p>VSCG to also consider such issues.</p>