

Safety Issues Group

Position Table: January 2008



Association of
Inland
Navigation
Authorities

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>The recommendations of the MAIB report into the Swan incident at Bath in 2004 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>A system of limited verification of compliance with the Code in is being considered in association with verification of the Hire Boat Code.</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>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</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>AINA to make similar representation to Defra to gain its support.</p> <p>AINA is working 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>

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	<p>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</p> <p>(of navigation authorities, local authorities and national government) enabling these controls to be exercised in a consistent way nationally should be assessed with gaps highlighted.</p> <p>This report was delivered to AINA in April 2006.</p>	<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 Regulatory Reform Act 2006 was a theme at the Annual AINA Conference at Cardiff in July 2006.</p>	<p>SIG's initial intention to extend the consultants' study to include private craft on the waterways has been suspended.</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 and BMF have prepared a draft Code for the Design, Construction and Operation of Hire Boats (Part 1: Power driven boats). It is currently out to consultation with AINA members and is being discussed with MCA. When agreed, the Code will be an AINA/BMF/MCA badged document.</p> <p>The aim of the Code is to demonstrate that the industry is capable of controlling this area of risk and does not need a statutory regime. The draft Code is based on current good practice within the industry, as well as addressing specific technical details – notably boat stability. There is flexibility to deal with local needs and circumstances.</p> <p>It is proposed that the Code be introduced in the spring of 2008. Implementation will be phased over a period likely to be about two years. A draft implementation programme is being produced for discussion with MCA. This will be published and maintained separately from the Code itself.</p> <p>AINA's view is that Navigation Authorities should apply the new code through their licensing systems and is investigating the current licensing conditions applied by all members for all types of powered hire craft (see craft classification and licensing above).</p>	<p>AINA and BMF to seek MCA endorsement of Code and develop detailed arrangements that will allow implementation.</p> <p>The custodian of the code to be agreed.</p>

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		<p>Implementation programme drafted by BMF for discussion with AINA and MCA along with verification issues. AINA SIG members have met to consider the impact of the Hire Boat Code for their authority.</p> <p>Individual authorities have yet to formally agree to implement the code. The detail of cost and resource implication is still to be determined and it is anticipated that with the present financial pressures these will need to be clear and affordable before agreement is finalised.</p>	
<p>Identifying navigation or licensing authorities for all navigable waters</p>	<p>The MAIB Swan report recommended that the NWSF-GIG should determine the navigation or licensing 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 licensing 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 proposal to DfT in April 2006 to fund the work. 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.</p>	<p>AINA to continue to seek a response from DfT.</p>

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<p>Incident Reporting and Investigation System (IRIS)</p>	<p>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.</p> <p>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 and EA have been transferred to IRIS retrospectively to 1st January 2005.</p>	<p>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.</p> <p>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.</p> <p>By issue of the IRIS software on CD, facility is being made to transfer all available data from other AINA members.</p> <p>AINA intends to deliver some output from IRIS to demonstrate to members its value and potential – essential in order to encourage members to provide more data.</p> <p>AINA is investigating potential scope for further development of IRIS to accommodate BSS needs.</p>	<p>Proposals for funding.</p> <p>IRIS now contains over 7000 records, recent analysis has shown there is a need to improve data quality to allow it to be used to drive prevention activities forward.</p> <p>Further discussions are planned with BSS</p>
<p>Alcohol limits for non-professional mariners</p>	<p>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.</p> <p>AINA issued a response to the consultation in August 2004.</p>	<p>Nothing more was heard until the DfT Minister announced in June 2007 that the government is to extend the legal limit of blood alcohol in leisure boaters to the equivalent already in existence for professional mariners and road users. This will apply to “...those persons involved in the navigation of a vessel greater than 7 metres in length and/or capable of a maximum speed of more than 7 knots”. The DfT is due to issue a consultation on a set of draft regulations very shortly.</p>	<p>AINA to await the issue of the new DfT consultation and respond with representations accordingly.</p>

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		<p>This announcement seems to take little account of AINA's response in 2004 which presented the consensus view, based on risk analysis using reported data, that such regulations are unnecessary.</p> <p>Other points made by AINA in response to the initial consultation appear to be unresolved – most notably how such regulations would be enforced and by whom.</p>	
Boatmasters' Licenses	<p>MCA Regulations requiring the issue of licenses for boatmasters operating commercial craft and workboats are due to come into effect in January 2007 with an interim period of two years for operators to become fully compliant.</p> <p>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 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 have 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>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>SIG to take a view on the best way forward. In particular, whether to implement BMLs through an industry standard or an alternative national framework.</p> <p>Thereafter, AINA to prepare succinct guidance for AINA members on the use and implementation of BMLs and the implications for navigation authorities.</p>
Land-side drop protection at locks	<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>