



HIRE BOAT CODE CONSULTATION REVIEW ANALYSIS

In total there were 28 online responses and 4 Email responses.

Q1 –Are you affected by these proposals?

Of the responses 3 indicated they were not directly affected by the proposed changes.

Q2 –Do you consider the proposed changes will improve safety for hirers?

Yes 20

No 8

The overall feeling was that the changes would improve safety, those who didn't feel as if the changes would improve safety highlighted the need for users to be more responsible, a feeling that change wasn't necessary and that the changes were predominantly of an administration side rather than physical.

Q3 -Do you agree that the proposal by the main boat licensing authorities to implement the Code as a licensing condition in 2021 constitutes a reasonable implementation period?

Yes 18

No 6

concerned about sufficient time to implement changes and the costs associated with the changes. There was a request for a larger industry working group to discuss the changes proposed. A single out of season period to implement was seen for the bigger operators as insufficient.

The impact of the coronavirus must also be taken into account given operators inability to operate for such a significant time and the impact on their income.

Q4 –If you are a hire operator or licensing authority; are there any challenges that would prevent you meeting the target implementation date of 2021?

Yes 6

No 9

N/A 9

Those challenges highlighted were predominantly cost and time. There are concerns regarding vessels being unable to meet the requirements and need to be replaced. Audit costs were also highlighted.

Q5 - If you represent a licensing authority, please can you provide any information you hold concerning how many vessels are operating within your area of jurisdiction that may be subject to the Code?

Yes

No

N/A 28

Q6 – Can you see any unintended consequences concerning introducing the proposals?

No 11

Yes 11

Ability of operators to understand and implement

Financial burdens

Policing of non compliant operators

Length of briefings for short term rental

Freeboard compliance

Ability of operators to carry out stability testing safely

Support for smaller and non-profit organisations.

Communication on consultation questioned

Q7 - The section relating to the stability of hire boats in the code has been rationalised. Do you agree that the new stability requirements are clear and achievable? (Note there was a problem with the question as it indicates annual requirement for assessment)

Yes 10

No 15

Clarity of definition of competent person

Examples to assist use

Cost

Misunderstanding of formulas and use of flowchart – clarify

Freeboard heights are questioned, major issue with the freeboard test heights, these were added last thing and not checked.

Freeboard risks at the set limit.

Process for level 1 needs clarification and clearer instruction

Training request and call for vessel families.

Misunderstanding of validity limit, add clarity from text into annex.

Level 1 test – no tank filling info

Include weed hatch in the areas to check

Q8 – Do you agree that a minimum freeboard check carried out annually by hire operators should replace the current mandatory BSS requirement at BSS Check 10.7.3?

Mistake in question, there is no annual requirement

Yes 9

NO 12

250mm is low

Additional check isn't needed – misunderstanding in that this replaces BSS rather than is added to BSS

No need for annual – mistake in question, annual is not required.

Question on suitability of self assessment

Leave it in the BSS

Q9 - Do you have any alternative suggestions to improve the areas of proposed changes mentioned in Section 7?

Yes 5

No 20

Keep existing Code

Concerns over physical discrimination

Limit hirer briefing – hirers to obtain navigation information from online resources

Don't require staff to wear lifejackets

Stability to be carried out by a surveyor

Q10 - Do you agree with altered definitions highlighted in section 7.1 of the consultation?

Yes 21

No 3

Review lengths definitions, the hull lengths differ from the ISO

Concern over shared vessel safety, definition of pleasure

Design Class should be included

Clause 1.1 Definitions, 13 Sailing boat: RCD's ISO 8666 has a different definition for a sail boat: it is related to maximum displacement. Since HBC also refers to ISO 8666, I would propose the two align. Note the maximum displacement must be known for the freeboard checks so it should be possible for an operator to apply the RCD (ISO 8666) definition.

Clause 1.1 Definitions, 18 Notified Body: to be absolutely precise, it should refer to 'EEA Member States', not 'EU' since Norway notifies bodies, including DNV.

Clause 1.1 Definitions, 24 Beam of Hull: suggest you add a reference to ISO 8666 as is done for 23.

Scope: LOA is referenced in the scope but there is no definition of this in clause 1.1 – only hull length is defined. RCD uses hull length throughout and it would be useful if the Code did the same so that RCD certificates can be related to the Code more easily. However, if LOA is preferred, it is to be noted that ISO 8666 (which is referenced for Lh), uses 'LMAX', not 'LOA'.

both RCD and MCA 'categories' are referenced throughout the code so it is very important that readers are clear about the difference and the starting point is that they know where to find the definitions. I would propose clause 1.1 repeats the RCD and MCA definition of categories in full. See comments to appendix V which relate to the same issue.

Q11 - Do you agree that the shared responsibilities relating to hirer safety are correctly described?

Yes 23

No 2

"Not all clearly described"

Concerns over responsibilities for informing hirers of navigational risks, clarifications of responsibilities needed.

Q12 - Do you have any additional comments concerning these proposals?

Yes 9

No 10

User responsibility, mandatory lifejacket use for children in locks.

Post Brexit Stability certification

Navigational advice to hirers, responsibility and means

Handovers to be concise

Incorrect understanding of MAIB legal responsibilities

Incorrect understanding of division of Code and HBC

Timescale for implantation, grandfathering, exemptions for low risk include more wording at introduction taken from IWSPBC

Tweaking formatting for clarity

Accessibility and environment not covered

Timeframe

Changing lifejacket guidance from age to height.

Clause 3.2.1: suggest the reference to post construction assessment is augmented with a reference to the mandatory certificate from Notified Body so that operators know there cannot have been a proper PCA without one. Propose: '...shall apply the procedure, Post Construction Assessment (PCA) which always requires certification by Notified Body, before placing.....'

Clause 3.2.3, first para of page 12: this asks for the 'Code of Practice of the Notified Body'. It should be the 'Notified Body official number'. Further, the clause also says this may be found 'on the builder's plate under the CE certification mark.' Actually, the Notified Body's number is only stated on the plate where the Notified Body has been involved in assessment of ongoing production or in the case of PCA. The vast majority of boats are type approved and thus it is very rare to find the Notified Body number on the plate. (Less than 1% of the boats built under our certification carry our ID number). So I would propose the text '...(this 4-digit code is sometimes required to be printed on the builder's plate but is always stated on the RCD Declaration of Conformity and can be verified on the EU Commission's NANDO website here: <https://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=notifiedbody.main>.)' Note that the 'CE' is not a 'certification' mark as many boats carry it without any certification.

Appendix III, Level 2, Options 1 to 4: 'which have been assessed by a third party Notified Body'. All Notified Bodies are third parties so by referring to third parties, an ambiguity is introduced in the sense that it implies that third parties other than Notified Bodies may be considered acceptable. Further, it is possible these days, for a Notified Body to be involved only for a limited scope of approval that does not include stability. I would also point out that even our own clients do not always note the difference between a Declaration of Conformity and a Certificate of Conformity for RCD. For this reason, I propose the following:

- a. Option 1: 'Vessels with a certificate issued by a RCD Notified Body that includes stability may complete the stability compliance declaration themselves, referencing the Notified Body's official number.' [Note "body's" not "bodies"].
- b. Option 2-4: 'Vessels which have not been certified for stability by a RCD Notified Body ...'

Appendix III, definition of Competent Person: this is a critical point: can a Competent Person be an employee of the company signing the Declaration or must they be independent? It should also be made clear who is responsible for deciding if the person's 'training, knowledge and experience' is 'appropriate'. The latter point is critical as anyone may call themselves a 'marine surveyor' and few surveyors are familiar with ISO 12217. I would suggest the operator should be explicitly responsible for deciding if the person is competent.

Appendix V para 1: reference to 'category' does state if this is MCA or RCD (both text and table).

Q13 - Have we been clear? Have we given you the proper opportunity and adequate means to contribute your views?

Yes 19

No 6

Simplify language

More/longer consultation needed

Freeboard testing needs greater guidance

Q15 - In regard to your responses, do your responses/comments relate to any particular geographical area of the UK?

NW III

Wales I

East III

W Midlands I

NE I

SW I

SE I

Scotland I

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