

Code for the Design, Construction and Operation of Hire Boats.

Version 2 : 2021



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Change Record

Issue	Date	Description of Change
1	June 2009	First Issue
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1 Introduction

1.1 Definitions

1. **'Hire boat'**. A vessel not intended for the carriage of more than twelve persons, offered without a skipper or crew for the sport or pleasure of those on-board, which is not a 'pleasure vessel' as defined in the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998, SI 1998, No, 2771¹, and that does not proceed to sea.

The above definition is considered to include vessels with no skipper or crew provided which are:-

- let or hired under an arrangement, whether or not on a pre-contract basis
- the subject of a bare boat charter arrangement
- the subject of any form (including timeshare) of shared use arrangement where the boat is not wholly owned by individuals and used by them, or their immediate family² or friends
- used by persons who are not friends or immediate family of the owners. (Note that money does not have to change hands for the vessel to be considered a 'hire boat'.)

Excluded from this definition of 'hire boat' are boats with no skipper or crew provided which are:

- houseboats or other vessels that are permanently attached to their moorings;
- used by the friends or immediate family of the owners and where any payment is only in respect of direct operating costs during the voyage;
- owned by a members' club for use by its members or their immediate family where any payments made for its use are paid into club funds for the general use of the club;
- owned by a body corporate for the use of its employees or their friends or immediate family whether or not the user makes any separate payment for such use of the boat;
- in shared ownership where the boat is wholly owned by her users and used by them or their friends or immediate family.
- rescue or safety craft

Note: The above lists are not exhaustive.

¹ Within The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998, "pleasure vessel" means-

(a) any vessel which at the time it is being used is:

- (i) (aa) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
(bb) in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
- (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

2. **'Hirer(s)'**. The person(s) hiring the boat from the Hire Operator and/or person(s) in the hire party.
3. **'Hire Operator'**. Person, company or organisation offering boats for hire (includes time-share operators).
4. **'Houseboat'**. Any vessel not being a power-driven vessel or being capable of being readily adapted to become a power driven vessel, which is kept stationary and is, or is capable of being used as either:
 - A place of habitation, whether by day or night,
 - A place for receiving or accommodating persons for the purposes of shelter, recreation, entertainment, or refreshment,
 - Club premises, offices, kitchen, pantry or store
5. **'Powered Boats'**. Boats that are not sailing boats and that are powered by internal (i.e.: spark or compression ignition) or external combustion engines (e.g.: steam engine) or electric motors as primary means of propulsion
6. **'Day-hire Boats'**. Any hire boat not hired out overnight.
7. **'Licensing Authority'**. Local or statutory navigation or harbour authority which has statutory powers to regulate hire operators and hire boats.

Local authorities are empowered under the Public Health Acts (Amendment) Act 1907, the Civic Amenities (Scotland) Act or under specific legislation to licence or regulate the operation of craft on defined waters.

8. **'Harbour Authority'**. A body with powers and responsibilities for managing harbour areas made under the Harbours, Docks, and Piers Clauses Act 1847, or the Harbours Act 1964, or local legislation.
9. **'Navigation Authority'**. A body with powers and responsibilities for waterways defined in specific legislation.
10. **'Inland waters'**. Waters listed in MCA notice MSN 1837(M) or its amendments as falling within the categories A to D, or waters not so listed but falling within the definitions given in

(b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and
(c) in the case of any vessel referred to in paragraphs (a) or (b) above no other payments are made by or on behalf of users of the vessel, other than by the owner

² Immediate family' means in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual's spouse or civil partner; and 'relative' means brother, sister, ancestor, or lineal descendent.

MSN 1837(M), or controlled waters as defined in the Water Resources Act 1991.

11. **'Decked Boats'**. Boats fitted with a watertight deck or rigid cabin top covering at least 70% of the plan area at deck level. Sliding or lifting rigid cabin tops may be included in the area described as "decked". Boats with a rigid canopy over an open well are considered to be Open Boats unless more than 25% of the sides are enclosed by rigid structure.
12. **'Open Boats'**. All boats that are not Decked Boats
13. **'Sailing boat'**. A vessel which is designed to be navigated under wind power alone and for which any motor provided is an auxiliary means of propulsion and/or which possesses a non-dimensional ratio of (sail area) divided by (volume of displacement) $2/3$ of more than 7, and for this Code of Practice above $6m L_H$.
14. **'Inflatable Boat'**. A buoyant hull achieving its intended shape and buoyancy by the medium of inflation of a fabric structure
15. **'Rigid Inflatable Boat'**. A buoyant structure comprising a lower hull formed by a rigid structure and achieving part of its intended shape with a buoyancy tube that is of either inflatable or foam-filled type and where the buoyancy of the tube comprises not less than 80% of the total buoyancy of the boat.
16. **'Personal Watercraft'**. Defined by the Recreational Craft Regulations 2017 as:
 - Less than 4m long which uses an internal combustion engine
 - Uses a water jet pump as its primary source of propulsion
 - Designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull.
17. **'Pontoon Boat'**. Boat comprising a platform mounted on two or more sealed cylindrical hulls. NB: Does not include cathedral hulls and multihulls
18. **'Notified Body'**. Notified bodies are appointed at the national level by EEA Member States to carry out conformity assessments on boats and engines according to the requirements of the Recreational Craft Regulations.
19. **'Approved Body'**. An Approved Body is appointed by the Secretary of State to carry out conformity assessments on boats and engines according to the Recreational Craft Regulations for vessels placed on the GB market post transition and is equivalent to the 'Notified Body' after the 1st of January 2021.
20. **'Major Craft Conversion'**. Means a conversion of a boat which changes the means of propulsion of the boat, involves a major engine modification, or alters the boat to such an extent that it may not meet the applicable essential safety and environmental requirements laid down in the Recreational Craft Regulations.
21. **'Crew Area'**. comprises the areas of the boat in which persons may be safely located when the boat is in use, and comprises all areas defined by the Hire Operator for people to stand, walk, sit or lie during normal operation of the boat, including internal decks.
22. **'Crew Limit (CL)'**. The maximum number of persons for which the boat is hired out, excluding any boatyard staff who may be on board during handover. This should include non-stability related aspects such as numbers of seating places and cabin ventilation. The crew limit must never exceed 12 persons.
23. **Narrowboat**. A boat with a maximum beam of 2.08m (6 feet 10 inches), constructed from steel and designed for the narrow waterways and canals.
24. **Length of Hull (L_H)**. Length of boat from the forward side of the stem at gunwale level to the aftermost point of the watertight hull, measured parallel to the loaded waterline as defined within BS EN ISO 8666.
25. **Beam of the hull (B_H)**. Maximum hull beam of boat excluding rubbing strakes as defined within BS EN ISO 8666.

1.2 Introduction

This Code of Practice is for licensing and/or navigation authorities and anyone who hires out boats for leisure use on Britain's inland waterways. It is mandatory on navigations that have the necessary legal powers, including all those managed by the Canal and River Trust, Broads Authority and Environment Agency.

The Code of Practice has been produced jointly by the Association of Inland Navigation Authorities, and British Marine with support from the Maritime and Coastguard Agency. It supersedes the earlier versions of the code and has been consulted upon.

The Code of Practice sets down the basic principles of safe operation of all types of craft hired to members of the public and makes clear the responsibilities of each of the parties involved.

Hire operators and licensing authorities must be able to provide evidence of compliance with the Code of Practice.

Hire boat operators, their staff, contractors or people working on their behalf should be mindful of their duties under the Equality Act and ensure compliance with the requirements of that Act.

The Statutory Code of Practice and other guidance for service providers is available on the Equality and Human Rights Commission website <https://www.equalityhumanrights.com/en>

This code of practice is predominantly concerned with safety aspects on inland waterways and doesn't seek to specifically address environmental aspects of hire boat use. Further information regarding relevant environmental issues for both operators and users can be found at www.thegreenblue.org.uk and on the webpages of the relevant navigation authorities.

Note:

This Code of Practice has been drafted on the basis that the licensing authority's legal powers are sufficient to allow for compliance with the stated requirements to be made a mandatory condition for the award of a licence. This is reflected in the use of words such as 'must or, 'will' when expressing requirements.

It is acknowledged that not all licensing authorities will have sufficient legal powers to support mandatory adoption of all the Code of Practice's requirements through licence conditions. In these instances, the relevant requirements should be viewed as best practice to be adopted as part of the hire operators' management of safety.

1.3 Scope of the Code of Practice

The Code of Practice can be applied to sailing boats over 6m L_H and powered boats of all length, but excludes vessels designed to be propelled solely by human power, hired out on inland waters that have a licensing authority and covers categorised waters up to and including MCA Category D.

Attention is drawn to the definitions used in the Code of Practice. An understanding of these is essential to the understanding and application of this Code of Practice.

It does not apply to boats covered by the Inland Waters Small Passenger Boats Code or other related Maritime and Coastguard Agency Codes.

The Code of Practice does not cover any facilities (such as moorings, launch points, refuelling) that may be necessary to hire out boats safely.

1.4 Other Local requirements

In addition to the requirements laid out in this Code, the local authority or the port/harbour/navigation authority for the area in which the vessel operates may lay down requirements for vessels and/or skippers under relevant by legislation. Also, local authorities may have powers over the use of the foreshore and landing places, and to issue licences for their use.

1.5 Structure

The Code of Practice sets down the common principles applying to licensing authorities, hire operators and hirers of any type of boat. Subsequent parts deal with the technical and operational aspects of safe operation for boats powered by engines or sail.

The Code of Practice has been structured on the basis that its content will be hosted on the Association of Inland Navigation Authorities (AINA) website and linked through partner organisations' websites.

1.6 Review

The Code of Practice will be kept under review to ensure that it remains compatible with other relevant codes and standards. Amendments may be published from time to time. There will be a formal review of the Code of Practice not later than five years from the date of publication, and thereafter at intervals not exceeding five years.

The Code of Practice will be reviewed by the owners and convened by AINA. The review will take account of:

- current information on hire boating incidents and risk analysis
- changes to related requirements including those published by the Boat Safety Scheme, Maritime and Coastguard Agency, sports governing bodies and International Standards Organisation
- feedback from stakeholders and their representative bodies including licensing authorities, hire operators and hirers

The results of these reviews and any proposals for change will be published on the AINA website.

2 Common Principles for Safe Hire Boating

The principles in this section are based on the Principles for Water Safety, published by the National Water Safety Forum. Measures intended to ensure safe hire boating should be consistent,

proportionate, and fully recognise the broader benefits to society from recreation on water.

2.1 Shared responsibilities

The licensing and/or navigation authority, the hire boat operator and the hirer all have responsibilities for safety in hire boating.

2.2 Boats suitable for purpose

The hire boat operator will ensure that the boat:

- is suitable for the waters on which it is to be used and the conditions likely to be encountered
- conforms to relevant construction, equipment, stability and condition standards
- is properly maintained

2.3 Adequate hirer ability

The hire boat operator must give the hirer(s) adequate instruction in the safe use of the craft for the waters on which it will be used.

The hire boat operator must not release the craft to any hirer(s) who is not, in the operator's opinion, able to navigate safely.

Hirer(s) are responsible for taking heed of instruction in the safe use of the craft given by the hire boat operator and the licensing and/or navigation authority.

2.4 Safety Information

The licensing and/or navigation authority, working with the hire boat operator where appropriate, will so far as reasonably practicable take measures to make information available in a timely fashion to hirers about navigation restrictions or other hazards to navigation, whether planned or unplanned. This may include use of signage, websites and email.

2.5 Incident Reporting and Recording

Licensing and/or navigation authorities, hire operators and hirers should work together to report and record incidents or near misses. Statutory reporting requirements may also apply see Maritime and Coastguard Agency document MGN 564 which includes a duty to notify for a recreational craft hired on a bareboat basis if the marine casualty involves an explosion, fire, or capsizing of a power driven vessel, or results in death, serious injury³ or severe pollution.

2.6 Risk assessment and changed circumstances

The licensing and/or navigation authority and hire boat operator have statutory duties to carry out risk assessments.

The licensing and/or navigation authority must assess the risks to its users, including hirers, from its infrastructure and management including the effects of environmental conditions and asset degradation. This would include the communication of unsafe conditions to hire operators and hirers as appropriate.

Hire operators must make an assessment of risks to hirers taking account of the nature of the navigation, type of boat, equipment and potential environmental conditions. This Code of Practice provides a risk-based approach to many of the technical and operational aspects of boats and their hire.

Hire operators' risk assessments should pay particular attention to:

- Hazards specific to the boat's characteristics not covered by the technical standards in section 3, such as the risk of falling overboard.
- Hazards outside the scope of this Code of Practice, for example facilities (such as moorings, launch points, refuelling) that may be required to hire boats out safely
- Effects on risk of changed circumstances

Changed circumstances may include:

- Incidents
- Hirer profile and behaviour
- Patterns of boat use
- Modifications to boats (including changes in condition)
- Environment (e.g. weather extremes, water conditions such as stream and tide)
- Infrastructure (e.g. breakdowns, restricted access)

A risk-based approach should be adopted when considering changes. Risk assessments may need to be revised and changes communicated to those who may be affected.

A sample risk assessment can be found in Appendix II.

2.7 Monitoring and Compliance

Licensing authorities must have a clear policy statement explaining verification of compliance with the Code of Practice. Hire operators must have a suitable management system in place to demonstrate compliance with the Code of Practice.

Hirers are responsible for the consequences of their actions. This should be made clear during the handover procedure.

3 Application

These sections build on the high level Common Principles for hire boat safety and set out more specific requirements for the types of hire boats used for hire in UK waters.

3.1 Responsibilities

The principal parties involved in the hire of a hire boat all have responsibilities for safety.

3.1.1 Hirers

The hirers have responsibilities which include:

³ In this context a serious injury renders the person unable to perform their usual duties for >72 hours, or requires their admittance to a hospital / medical facility for >24 hours

- nominating a party leader (who may not be the same person who made the booking)
- the party leader and other party member(s) nominated to drive or handle the boat attending the handover briefings / practical demonstration and taking heed of the advice and instruction given
- operating the boat and equipment in accordance with the instructions given during the handover briefings and in briefing material provided
- not to exceed the maximum number of persons and adhere to the crew areas as defined by the Hire Operator
- navigating in accordance with the advice and instructions given (in whatever form including written, verbal, electronic and by signs) by the hire boat operator and the body responsible for the waters to be navigated
- the party leader ensures that all members of the party are advised of key safety information and are appropriately supervised
- studying the briefing material provided.

3.1.2 Hire Operator

The hire operator will:

- ensure their boats comply with the standards required by this Code of Practice and its Supporting Documents, and are maintained in that condition (see section 3.2)
 - at time of hire, not permit the boat to carry any number of persons in excess of that permitted by the Stability Compliance Declaration (Appendix III).
 - provide handover briefings (section 3.3.3) and practical demonstration appropriate for the type of boat, length of hire, expected conditions and experience of the crew
 - at time of hire not permit a boat to depart if the nominated skipper does not appear to have sufficient ability, upon assessment of competence, to drive the boat without putting others at risk, or appears unable to control passengers.
 - maintain evidence to show compliance with the Code of Practice which may include:
 - Have a licence, registration certificate or other permission for the waterway(s) the boat will use (and display if required)
 - Have a documented safety management system
 - Fitness for purpose boat certification (e.g. Boat Safety Scheme certification section 3.2.2)
 - Miscellaneous equipment (Appendix II)
 - RCD/RCR Declaration of Conformity
 - Stability Compliance Declaration (Appendix IV)
 - Documented risk assessments
 - Gas Safety (Installation and Use) Certificate (where gas system is installed)
 - Appropriate insurance cover
 - Hand-over audit certification (where available)
- Documented evidence should be retained for a period of at least 6 years.

3.1.3 The Licensing Authority

The licensing authority will within the scope of their declared enforcement policy, powers and the limits of practicability:

- introduce a regime to check compliance with the Code of Practice
- take appropriate action in identified cases of non-compliance

3.2 Technical standards and compliance.

In addition to the requirements set out below, hire boats which operate in MCA Category C and D waters may also be required to comply with other relevant technical standards such as communications equipment, navigation equipment, and lifesaving equipment. Hire operators should ensure that their vessels conform to all relevant standards for their type and area of operation

Pontoon boats and open boats less than 4 metres long shall not be operated in waters outside MCA categories A or B.

3.2.1 Recreational Craft Regulations.

New craft within scope must comply with the Recreational Craft Regulations (RCR).

It should be noted that as of January 18th 2017, Any person placing on the market or putting into service a CE marked boat after a major modification or conversion (as per the definition) shall apply the procedure, Post-construction assessment which always requires certification by Notified Body, before placing the product on the market or putting it into service.

For further information consult

<https://www.gov.uk/government/publications/recreational-craft-regulations-2017>

3.2.2 Licensing Authority Standards.

Licensing authorities shall put into place provisions to manage safety as part of their licensing framework throughout a hire boat operational lifetime. Such measures should include those aimed at minimising the risks presented by the hire boat, such as from fires, explosion, pollution, Carbon Monoxide poisoning (ventilation shortfall), downflooding risks, measures to help prevent people falling overboard, slips, trips and falls, and electrocution. The Boat Safety Scheme is an option available to Licensing Authorities to manage these risks. Licensing Authorities who have not implemented the Boat Safety Scheme on their waters shall consider how they will assess the hire operator's compliance.

3.2.3 Stability

Boats must have adequate stability for the numbers of persons using the boat and the area of operation.

Powered punts are excluded from this requirement when operating on MCA Category A waters as defined in MSN 1837.

Boats which are let for hire must have a completed Stability Compliance Declaration upon entry into hire service and recertification if significant alterations affecting stability of the boat are made during its life.

Stability and Freeboard standards and test methods are set out in Appendix III, where a competent person⁴ will be required to carry out Level 2 testing.

Operators who place into service boats certified to the RCR where a Notified Body has certified the Stability and Buoyancy requirements may complete the Stability Compliance Declaration for the boat and provide the official number of the notified body who carried out the assessment. (this 4-digit code may be found on the builder's plate under the CE certification mark)

Operators must make available the Stability Compliance Declaration for each boat upon request by the licensing authority.

A Crew Limit and Crew Area Sign stating the Crew Limit maximum number of persons to be carried, the maximum load and the designated Crew Area must be fitted to each boat in a position that is clearly visible from the helm. Further information on Crew Limits, Crew Areas, and the Crew Limit and Crew Area Signs, is set out in Appendix VI.

Changes to a boat will often occur and these may not generally affect stability however where changes include the following items then the initial stability assessment and test, if required must be repeated and a new Stability Compliance Declaration is to be generated. If this results in a change to permitted load and or the Crew Limit maximum number of persons or the designated Crew Area then an updated Crew Limit and Crew Area Sign stating the maximum number of persons to be carried, the maximum load and designated crew areas must be fitted to the boat, as described above.

Changes affecting the stability of the boat and requiring re-assessment include:

- Change in mass or distribution of mass for example an engine change, fitting of new fuel tanks or additional equipment
- Structural change
- Change to crew area
- Change in area of operation
- An increase in the maximum number of persons to be carried

3.2.4 Modifications or alterations to vessels

Changes to vessels inevitably occur and need to be appropriately considered and carried out to avoid inadvertently introducing additional hazards and increased risk. Hire operators need to have processes in place which will ensure that the risks from any actual or proposed change are assessed and responded to appropriately.

In particular they need to pay attention to those changes with the greatest potential for increasing risk. These include:

- Stability. Additions to passenger numbers, structural alterations which may add weight or affect centre of gravity, fitting of

different engines. These may require additional stability testing, see section 3.2.3.

- Fire or explosion. Installation of new gas appliances, re-routing of pipework, fuel system changes, electrical system changes.
- Ventilation. Changes to ventilation arrangements, appliance flues or anything which may impair maintenance of effective fixed ventilation to the required standard.

Any changes being considered must be assessed to ensure they will not increase risk or take the boat out of compliance with this Code of Practice. Changes must be carried out by competent fitters in accordance with any statutory requirements such as Gas Safety (Installation and Use) and fully tested. The assessment should be simply documented to show that the change has been adequately considered.

The Major Craft Conversion requirement within the Recreational Craft Regulations is statutory and must be followed when a Major Craft Conversion takes place on a CE marked vessel.

3.3 Operational Standards

This section deals with:

- Hand-over and return
- Managing change

3.3.1 Hand-over and return

This section is primarily concerned with the way in which boat hirers are provided with sufficient information and instruction to enable them to safely undertake the trip. It follows the stages of a trip through from booking, to departure from the hire base, to the conclusion of the trip.

Note that national hire boat and day-boat handover audit schemes are available from the British Marine as part of their Quality Accredited Boatyard (QAB) Scheme

3.3.2 Pre trip information

Advanced booking gives an opportunity for the hire operator to provide the hirer with information both on navigating boats in general, such as using locks, rules of the road, mooring etc., and on the area in which they will be boating. General information is also available from some navigation authorities and industry associations. Navigation Authorities will sometimes produce cruising notes.

3.3.3 Handover procedures

Whether the boat is a large well-equipped cruiser designed to provide living accommodation for several weeks, a simple day-boat or sailing boat, it is essential that before the hire operator gives control of the boat to the hirer, a systematic and documented handover procedure, appropriate to the type of boat, length of hire and its area of operation, is followed.

An in-water trial is an integral and important part of the handover process. It is essential that the briefing, demonstration and

⁴ A competent person is one having the ability, appropriate training, knowledge and experience to supervise or carry out the work being undertaken in a safe and proper manner.

[Definition from Institute of Gas Engineers 2001]

assessment of the hirers ability is done by a suitably experienced member of the hire operator's staff who can deal confidently with any questions the hiring party may have.

The handover topics **may** include but are not limited to:

- a) Appliances
 - Heating, lighting and cooking, and sanitary facilities.
- b) Using the boat
 - Moving around and getting on and off the boat. Use of lifejackets
 - Engine starting, use and checks
 - Steering, stopping and mooring
 - Procedure for transferring helm control where more than one helm station exists
 - Awareness of maximum number of persons allowed on the boat and access limitations to ensure stability (see section 3.1.2 for detail)
 - Use of locks, bridges etc.
 - Awareness of navigation hazards and how to deal with them (e.g. weirs, tidal flows and/or river flows, commercial traffic, shallow water etc.)
 - Speed limits, rules of the waterway
 - Restrictions to navigation notified by navigation or harbour authorities, or the MCA.
 - Raising and lowering sails (where applicable)
 - Sweep of narrowboat tiller arms (where appropriate)
 - The relevant safety information declared on safety signs.
- c) Safety Equipment.
 - Life Jackets / Buoyancy Aids
 - Lifebuoys, throw-lines etc.
 - Portable fire extinguishers and fire blanket
 - Alarm activations
- d) Briefing material
 - The handover should be supported by briefing material which may include information on:
 - Personal safety – moving around and getting on and off the boat; and the use of lifejackets
 - Relevant information on the crew areas assigned to the boat for vessel stability
 - Reference information on how to use the boat's engine, steering, throttle and gear controls, how to carry out engine checks and avoid moving machinery parts and hot surfaces.
 - Safety on the move – use of locks, bridges, dealing with fouled propellers, going aground, etc.
 - Safe use of appliances fitted in the boat – cookers, stoves, heaters etc.
 - Avoiding fire, electrocution and carbon monoxide poisoning
 - Dealing with emergencies including safety equipment and its use
 - Navigation rules, including speed or wash limits, giving way, sound signals, etc.
 - Mooring - how and where

- Navigation features and hazards such as locks, weirs, stream and tidal flows, low bridges or narrow bridge arches, obstructions, etc.
- Contact information including for emergencies
- e) Communications
 - Using the contact material in the boat manual.
- f) Dealing with emergencies
 - Man overboard
 - Fire
 - Grounding
 - Collision
 - Sinking
 - Breakdown
 - Suspected carbon monoxide poisoning
 - Emergency contact details
 - Recording and reporting

3.3.4 *Hirer Ability*

During or at the completion of the handover briefing / demonstration, and the in-water trial the hire operator must decide whether the hirer and his party are sufficiently able to be allowed to take the boat out. Reasons for not doing so would include:

- Inability of the party leader(s) to demonstrate adequate control (even after repeated instruction)
- Perceived impairment through drink or drugs
- Inadequate resources available to the party to control children safely or supervise persons with special needs.

If the decision is made not to permit the boat to go out, this should be recorded in the handover documentation.

Throughout the handover process, the person giving the instruction should take account of any qualifications (for example, RYA qualifications, pre completed competency tests) or previous experience possessed by the party leader(s), however this should only be recognised as an opportunity to accelerate the briefing, not dispense with it. Irrespective of the Hirers experience an in-water trial before handover finalisation must be carried out.

3.3.5 *During and after the Hire Period*

At the conclusion of the hire period the hirer should have the opportunity, where practicable, to report back to the hire operator on any problems or incidents that occurred. These would include:

- Incidents (Personal injury and/or damage to property)
- Breakdowns or deficiencies with the boat or equipment
- Vandalism or anti-social behaviour

Hire operators are reminded that they have a statutory duty to report certain types of incidents involving the use of hire craft to the Marine Accident Investigation Branch.

In the interests of building a better understanding of boating incidents and near misses, their frequency and causes, hire

operators are encouraged to pass on details through their navigation authority, or British Marine, to ensure that any incident trends can be analysed and, if appropriate, addressed in future editions of this Code of Practice.

3.3.6 Documentation

The handover process is an essential element of safety management. It is important that an audit trail of its delivery is maintained. This may include:

- Booking terms and conditions
- Booking confirmation
- Customer log sheet. The record of when the hirer and his party arrived and departed, party member names, delivery of handover.
- Boat acceptance certificate. A record of the handover and the hirers' and party leader's written acceptance of it. Incident reports and records of any other customer feedback.

3.3.7 Audit

In view of the importance of the handover process, hire operators are strongly recommended to periodically have their handover arrangements independently audited. Licensing and/or certifying authorities can reserve the right to carry out sample audits; having an independent audit available is likely to satisfy such a requirement.

3.3.8 Changes to local area of operation.

Temporary or permanent changes to the environment in the area in which the hire boat operates could cause additional hazards which may require additional briefing of hirers, or restrictions to the area of operation. These could include:

- Complete or partial closures to navigable channels for maintenance purposes, or special events.
- Temporary obstructions restricting available channel or air-draft.
- Missing or unserviceable navigation signs or aids e.g. channel markers.
- Severe weather conditions causing flooding or high water flows.

Hire operators should ensure that they pay due heed to the available information sources such as navigation authority notices and bulletins, notices to mariners, extreme weather and flood alerts etc.

Navigation and harbour authorities need to ensure they take reasonable measures to notify boat operators of hazardous conditions of which they might otherwise not be aware.

Risk assessments should be reviewed and amended where necessary.

Appendix 1 Recommendations and best practice for inspection and maintenance of craft by hire operators.

1. Introduction

This section contains recommendations for what are considered to be reasonable minimum standards of inspection and maintenance to ensure that boats are dispatched in a safe, serviceable and fully equipped condition, and remain safe throughout their operating lives. Note that these recommendations apply only to safety-related aspects.

This appendix groups maintenance and inspection checks into three types:

- Turn-round. The minimum required at turn-round to ensure that the craft is dispatched in a safe and serviceable condition with all its safety equipment.
- Periodic. Items which should be checked regularly during the season to ensure safety. Operators may choose to combine these with the turn-round checks, or for boats used more intensively, typically day-boats, at time or number-of-trips intervals.
- Major Servicing. Carried out at least annually, this includes servicing of major items of equipment and machinery, inspections for deterioration, and replacement of parts as required for a further period of safe operation.

The following sections give an illustration of items covered under the three types of checks. It is not an exhaustive list. Hire operators are recommended to produce their own maintenance arrangements according to their type of operations and environment.

2. Turn-round

Items to be covered include:

- Lifebuoys
- Fire extinguishers/blankets
- Fuel
- Drip trays.
- Engine oil levels
- Ropes, fenders and anchors
- Safety / hand rails
- Smoke or CO alarm test.
- Life Jackets / Buoyancy Aids

3. Periodic

Items to be covered include:

Functional checks:

- Bilge pumping systems
- Cables and controls
- Switches and instruments
- Battery master switches
- Shore power RCD

Condition checks:

- Bilge water
- Alternator drive belt
- Coolant level
- Hydraulic system levels
- Ventilation clear (visual check)
- Safety signs (e.g. limited access areas)
- Labels (e.g. throttle / gear control position)
- Slip-resistant surfaces
- Fuel and gas hoses
- Electric cables
- Battery security and terminals covered
- Sails and awnings
- Weed Hatch

5. Major Servicing

Items to be covered include:

- Engine/gearbox. Routine maintenance (e.g. oil/filter changes, valve clearances, drive belt condition, cabling and terminals, starters, leak checking, mountings condition and alignment etc.), taking account of manufacturers recommendations.
- Exhaust. Serviceability and condition check, including lagging.
- Hull integrity. Inspections for deterioration, sea cocks serviceability, through hull hose connections, weed hatch
- Cooling system. (flush, condition of hoses, clips, leak test) Includes calorifiers.
- Fuel system. Condition check of pipes, connections, and tanks. Leak-free.
- Cables and Controls. Check for damage and wear. Lubricate. Functional checks
- Stern-gear. Inspect and service.
- Fire extinguishers. Annual inspection.
- Gas systems. Annual GSIUR inspection. All joints, flexible pipes and regulators, burners flame failure devices etc.
- Battery condition. Also condition of cables and terminals.
- Electrics. Condition of visible cables and terminals.

6. Documentation

It is recommended that hire operators produce their own maintenance schedules covering as a minimum the items listed above. It is also recommended that a record of the completion of major servicing is retained and signed off by the hire operator. (The signature of the hire operator's representative on handover documentation - Acceptance Certificate is confirming to the hirer that turn-round checks have been carried out.)

Appendix II - Hire Boat Activity Risk Assessment (example)

note this is representative only and in no way deals with all of the hazards that may be encountered.

Company Name: XYZ Boatyard, Milton Keynes

Date: 2nd March 2015

Review date 31 October 2015

What are the hazards?	Who might be harmed and how?	What are you already doing?	Risk H/M/L	What further action is necessary?	Action by who?	Action by when?	Done	Residual Risk H/M/L
Slips, Trips and Falls	Hirers, Boatyard Staff	All boats inspected non-slip surfaces on access areas. Grab rails are installed on relevant area of the boat. Hirers advised to wear appropriate footwear. Hirers instructed not to jump when getting off and on the boat.	M					
Falling overboard		Hirers instructed to take special care when moving around the boat whilst the boat is underway and or manoeuvring						
Carbon Monoxide Poisoning	Hirers, Boatyard Staff Poisoning and death	All boats with gas appliances are subject to annual gas safe check and ventilation is appropriate to the use. Hirers briefed on use fuel burning appliances. Boats checked after each period of hire and before new hire.	L					
Man overboard	Hirers, Boatyard Staff. Drowning	Grab rails present on appropriate areas, Staff wear personal flotation devices (PFD) when on boats and during show out. Hirers issued with PFD for the period of hire and hirers are briefed on how to correctly wear and fit a PFD. Hirers instructed on how to recover person from the water. All boats with large freeboard supplied with a means to assist recovery of a person from the water.	M					

What are the hazards?	Who might be harmed and how?	What are you already doing?	Risk H/M/L	What further action is necessary?	Action by who?	Action by when?	Done	Residual Risk H/M/L
Fire and Explosion	Hirers, Boatyard Staff, adjacent people and property	Boats comply with Boat Safety Scheme requirements and are inspected prior to each period of hire. Hirers instructed not to take on board portable appliances and instructed in the use of fire extinguishers and their positions. All Flammable products stored correctly on site and staff trained in use of fire extinguishers. Fire assembly point marked. Evacuation procedure developed.	L					
Viral or bacterial infection, from water supply, and surfaces	Hirers, Boatyard Staff, Children and particularly Babies.	All boats are thoroughly cleaned prior to each hire period. Drinking Water points are signed and filters are regularly changed. Hirers advised to ensure adequate water supply and where to obtain supplies.	M					
Parking and Vehicles moving around the boatyard	Hirers, Boatyard Staff	Car Park area segregated from general pedestrian area and busy footfall areas. 5mph speed limit on site. Boatyard vehicles have audible alarms to warn of approach.	M					

What are the hazards?	Who might be harmed and how?	What are you already doing?	Risk H/M/L	What further action is necessary?	Action by who?	Action by when?	Done	Residual Risk H/M/L
Vessel Stability	Hirers, Boatyard Staff Capsize, entrapment, drowning	All boats comply with the Code stability requirements. Hirers are briefed regarding stability and distribution of people. Hirers are restricted from areas which will have adverse effect on stability. Notices are fixed to boat stating maximum load and distribution. All significant changes to the boats are assessed to determine if they have an effect on stability.	L					
Vessel engine Breakdown	Hirers, Stranding	All engines annually serviced and maintained, all engines checked before each hire period. Hirers briefed on emergency call out telephone numbers Engineers available on call out duty, tow boat available for recovery	L					
Vessel Grounding	Hirers, Stranding Damage to Boat	Hirers briefed on navigating the waterways and to take due regard of channel markers and navigation warning signs. Briefing material left on board	M					
Collision	Hirers, and other river users Damage tom property and injury	Hirers briefed on rules of the waterways and speed limits, boat handling instruction given to hirers and assessment completed before release.	M	Include boaters handbook in confirmation of booking documentation	Joe	For new season 2016		

Company Name: XYZ Boatyard, Milton Keynes

Date: 2nd March 2015

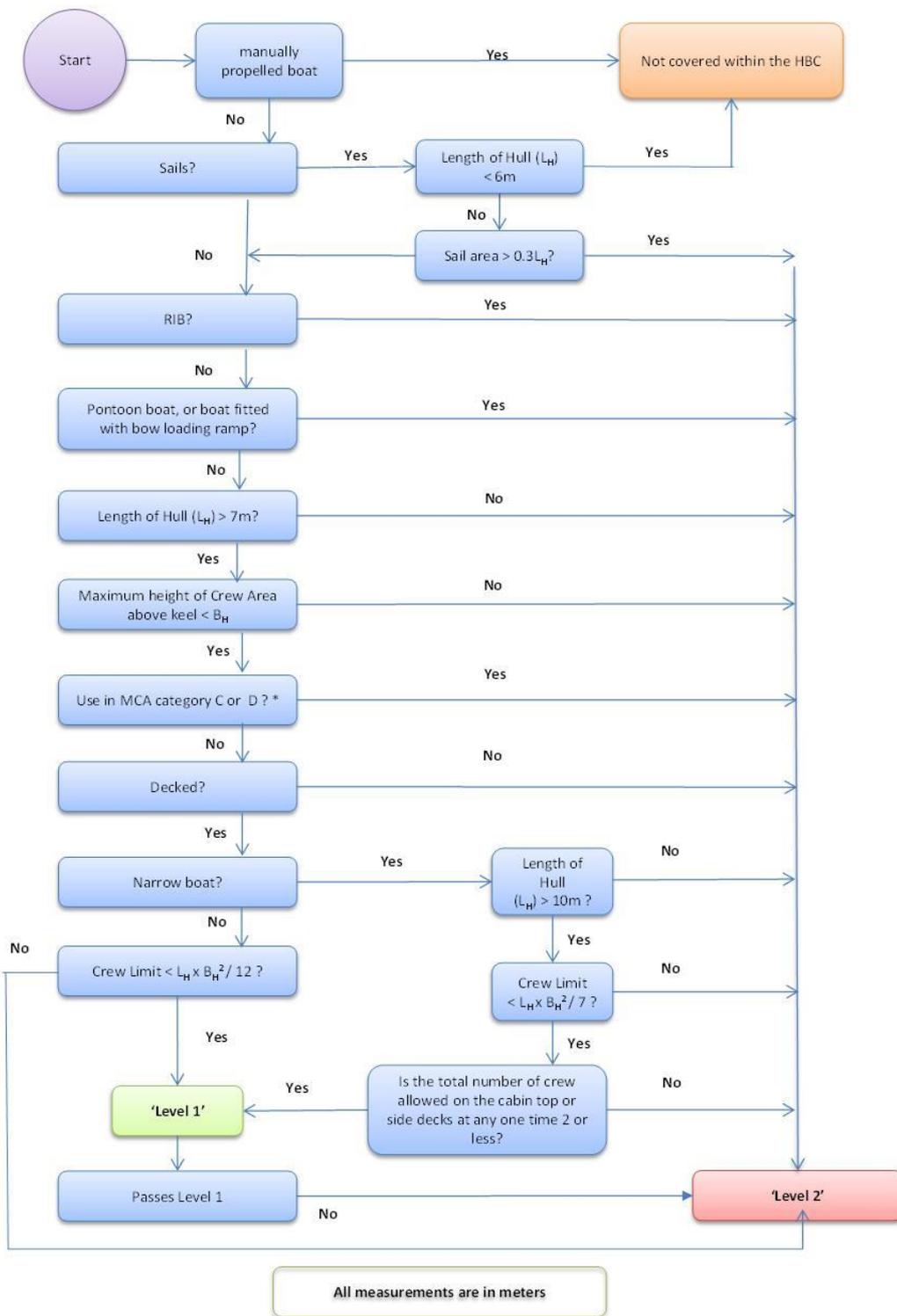
What are the hazards?	Who might be harmed and how?	What are you already doing?	Risk H/M/L	What further action is necessary?	Action by who?	Action by when?	Done	Residual Risk H/M/L
Mooring and Bridges	Hirers, and other river users, Crushing injuries, damage to other boats and property	Hirers briefed on rules of the waterways, boat handling instruction given to hirers and assessment completed before departure. Hirers briefed not to use body parts to fend off						

When producing the risk assessment, further consideration should be given to equipment listed below

Risk control measure	Application
Personal flotation devices	<p>Issued to each child, non-swimmer and passengers of reduced ability, and 'offered' to all others for Cat A and B waters; and issued and put on board for all on Cat C and D waters.</p> <p>Personal flotation devices must have minimum buoyancy of 100N on Cat A and B waters and a minimum of 150N on Cat C and D waters.</p>
Means of re-boarding following man-overboard	<p>Applicable to all hire boats except those restricted to shallow canals.</p> <p>The means to re-board can be achieved by boat design as provided by the boat builder in support of their conformity with the RCR or by portable equipment such as rope ladders or lengths of rope with footholds intended to be tied to a cleat.</p>
Anchor, chain and rope	<p>Application includes hire boats used on lakes, lochs, rivers, canalised rivers and tide ways.</p> <p>The type of anchor and length of chain/rope is dependent on risk assessment of local conditions and boat displacement.</p>
Bilge pumping	<p>Application includes all powered hire boats.</p> <p>Hire boats with overnight accommodation to have an automatic or manually operated pump. Day boats to be provided with a suitable bailer.</p>
Cleats and strong points	<p>Application includes all powered hire boats. To be provided appropriate to the vessel and its area of operation. Minimum of one at bow and stern.</p>
Mooring ropes, stakes and hammer	<p>A minimum of two ropes to be provided of adequate length and strength for the size of the boat and its area of operation, i.e. depth of locks.</p> <p>Ropes to be free of defects and knots.</p> <p>A minimum of two mooring stakes to be provided and one suitable hammer.</p>
Fit guard to propeller shaft (or other moving machinery), where accessible to hirers	<p>Application is limited to hire boats where hirer access to the spaces containing moving parts is authorised whilst the equipment is operating.</p> <p>The need and type of guard to be determined by risk assessment.</p>
Fit heat insulation or a guard to hot exhausts/flues where accessible to hirers	<p>Application is limited to hire boats where hirer access to the spaces containing hot engine or appliance exhausts/flues is authorised whilst the engine/appliance is operating, and where personal injury could occur if skin contact is made.</p> <p>The need and type of insulation/guard to be determined by risk assessment.</p>
Replacement soft furnishings/fabrics/foam should be of fire resistant/non-toxic material.	<p>Application applies to all powered hire boats but is not retrospective.</p> <p>The need is met by the selection of proprietary products/materials having such characteristics.</p>

Appendix III – Stability & Freeboard Standards

The following Flowchart should be used to ascertain the vessels stability and freeboard requirements within the Code of Practice.



*MCA categorisation is subject to the Transit allowance within Appendix V.

Certain calculations are comparative and therefore ensure the same scale is used, meters and meters or feet and feet.

Level 1

If the boat is considered Level 1 through the use of the flowchart it is not required to undergo a stability test. However, it is required to have an initial Freeboard Test whilst fully loaded, this can be carried out by the operator and they must complete and sign the Stability Compliance Declaration.

Fully loading the boat for Level 1 checks:

Ensure the vessels tanks (excluding holding tank) are all between 75% and 100% full.

a. Establish the weight to be added to the boat in order to fully load it, by:

- i) Multiplying the Intended maximum number of persons (Crew Limit) by 75kg;
- ii) Adding a weight of 5kg/person (the Intended maximum number of persons) as an allowance for personal effects for day-hire boats, or 20kg/person for boats with overnight accommodation or those used for camping;

This procedure will give the Total minimum weight (kg) to be added to the boat.

b. Load the boat with the Total minimum weight (kg) to be added, by:

- i) The simplest way of adding the required weight is by using people. Assemble a group of people with a variety of body weights, likely to have a total weight greater than the Total minimum weight to be added. Label each person (A, B, C, etc), weigh each person and record the weights. Establish which people achieve the required Total minimum weight to be added, or slightly above, and locate them around the boat in practical positions based on the previously established Crew Areas (i.e. on thwarts and seats where appropriate) so as to produce a sensible operating trim (i.e. slightly stern down where practicable).

The freeboard test consists of two checks:

Check 1 - Measure height of all topsides hull openings. For any opening less than 250mm above the waterline at fully loaded condition, visually and manually check, that a duct or pipe is fitted and the routing of the duct or pipe takes it to a height not less than 250mm above the waterline at fully loaded condition. The duct or pipe must be permanent and secure and there must be no signs of leaks at connections or in the immediate vicinity.

For vessels with a weed hatch, check that the freeboard measurements of the weed hatch from the waterline are above 150mm, and the cover securing and sealing arrangements are in good condition and complete.

Check 2 - Identify self draining cockpit and determine height above waterline of the sole. If height is less than 250mm, visually check for presence of non-return valves in scuppers, If non-return valves are not fitted, measure height of any sill(s) and bulkhead(s) and confirm height is at least 150mm above the level of the cockpit deck.

If your vessel does not meet the requirements set within Level 1 above you must use the Level 2 verification process to show compliance with the Code.

Level 2

If the boat is considered Level 2:

The boat is required to undergo a stability test and the operator must retain a copy of the completed Stability Compliance Declaration for each vessel.

The stability compliance declaration (Appendix 4) for level 2 vessels must be completed as per one of the following options:

Option 1:

Vessels certified to the Recreational Craft Regulations which have been assessed by a Notified or Approved Body that includes stability may complete the stability compliance declaration themselves referencing the Body's official number.

Option 2:

Vessels which have not been certified to the Recreational Craft Regulations or vessels which have been certified without assessment by Notified Body may have an assessment carried out to ISO 12217-1:2015 by a competent person.

Option 3:

Vessels which have not been certified to the Recreational Craft Regulations or vessels which have been certified without assessment by Notified Body may have an MCA SCV stability certification carried out by a competent person.

Option 4:

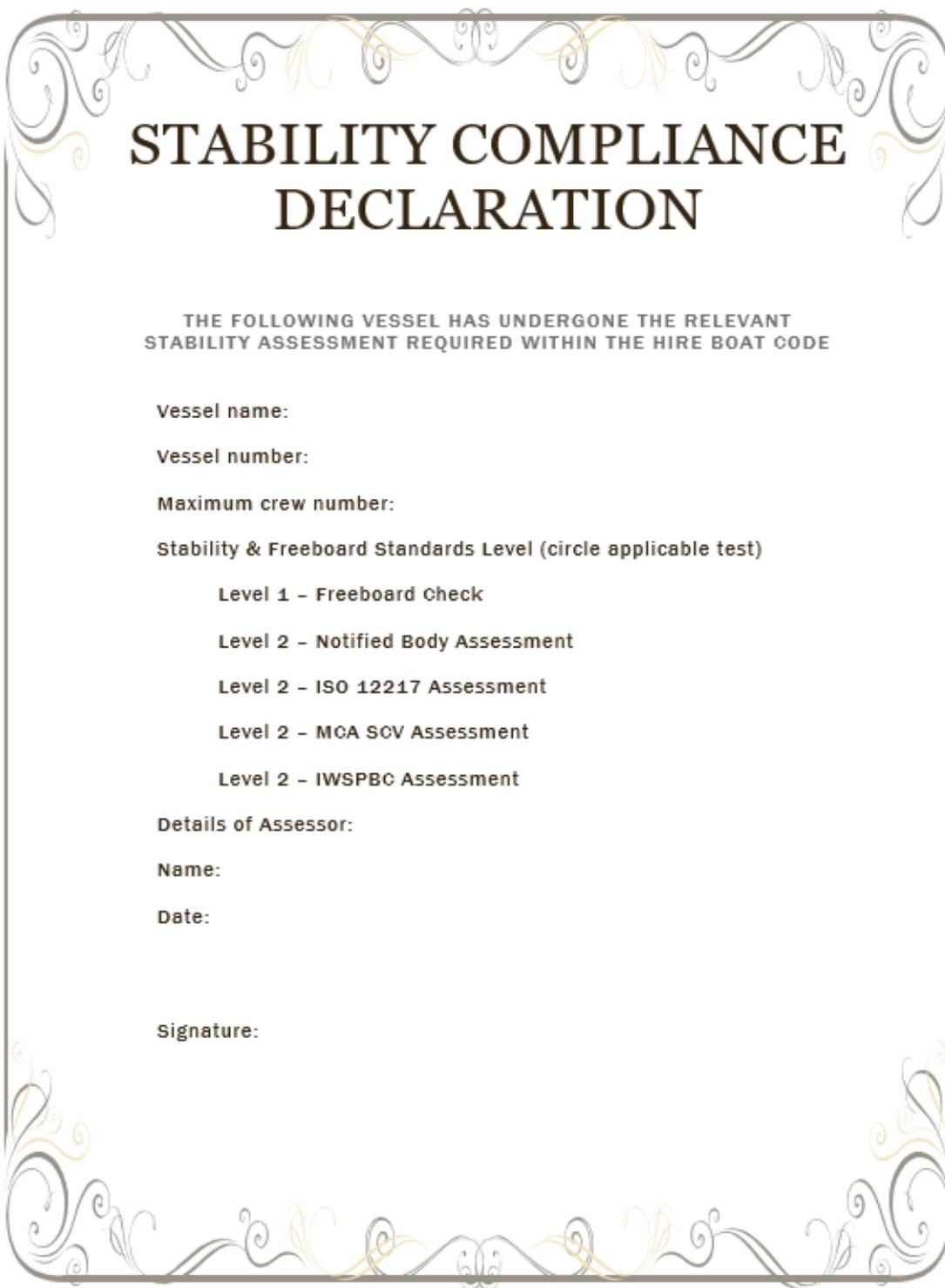
Vessels which have not been certified to the Recreational Craft Regulations or vessels which have been certified without assessment by Notified Body may have the Inland Waterways Small Passenger Boat Code stability assessment carried out by a competent person.

Competent Person

A competent person is one having the ability, appropriate training, knowledge and experience to supervise or carry out the work being undertaken in a safe and proper manner.

[Definition from Institute of Gas Engineers 2001]

It is the responsibility of the operator to choose the "competent person"



STABILITY COMPLIANCE DECLARATION

**THE FOLLOWING VESSEL HAS UNDERGONE THE RELEVANT
STABILITY ASSESSMENT REQUIRED WITHIN THE HIRE BOAT CODE**

Vessel name:

Vessel number:

Maximum crew number:

Stability & Freeboard Standards Level (circle applicable test)

- Level 1 – Freeboard Check**
- Level 2 – Notified Body Assessment**
- Level 2 – ISO 12217 Assessment**
- Level 2 – MCA SCV Assessment**
- Level 2 – IWSPBC Assessment**

Details of Assessor:

Name:

Date:

Signature:

FRONT PAGE

Details of Crew area defined by operator:

Stability Assessment checklist:

Check	Yes	No
<i>manually propelled boat?</i>		
<i>Sails?</i>		
<i>Vessel Length < 6m?</i>		
<i>Sail area > 0.3L_H?</i>		
<i>RIB?</i>		
<i>Pontoon Boat, or boat fitted with bow loading ramp?</i>		
<i>Hull length > 7m</i>		
<i>Crew area height above base pate > B_H?</i>		
<i>Use of vessel in MCA category C or D?</i>		
<i>Decked?</i>		
<i>Narrow Boat?</i>		
<i>Hull length over 10m?</i>		
<i>Max crew number, L_H x B²/7?</i>		
<i>Max crew number L_H x B²/12?</i>		
<i>Is the total number of crew allowed on the cabin top or side decks at any one time less than 2?</i>		
<i>Level 1</i>		
<i>Level 2</i>		

BACK PAGE

Appendix V - Guidance for Transiting Vessels

1. Where a vessel makes a short transit through waters of a higher MCA category but not to sea, it may not be necessary to apply all of the standards laid down for that higher category.
2. The operator should make a risk assessment to identify whether any additional safety measures are required. This should be discussed with the appropriate navigation authority. "Short transit" means a maximum of five hours cruising.
3. In carrying out a risk assessment the following factors, as a minimum, should be considered:
 - is the transit made with passengers on board?
 - is there a suitable "passage plan" in place, taking account of available navigation information, weather forecasts etc.?
 - have points of shelter been identified and evaluated?
 - do weather conditions significantly affect the level of risk on these waters?
 - is the vessel moving from non-tidal or still water into flowing/tidal water?
 - is the vessel likely to encounter a higher sea state or worse weather than the vessel is designed for? (This will be linked to freeboard, ISO RCR design category, if applicable, and passage planning);
 - does the vessel have sufficient engine power to maintain control in these conditions?
 - are the communications equipment and lifesaving appliances suitable for the transit voyage, i.e. would VHF equipment be needed, are there sufficient lifejackets/buoyancy aids?
 - are there adequate protocols for contacting emergency services?
 - are additional competent crew members needed for the transit?
4. Examples of "transit routes" are shown in the following table, but the list is not exhaustive:

Route	MCA Category	Expected Transit time (Actual transit time will depend on the state of the tide etc).
Thames – Brentford to Teddington	B – C	1 hour
Thames – Brentford/Teddington to Limehouse Basin	A/B – C	5 hours
Severn – Stourport to Worcester Worcester to Tewkesbury Tewkesbury to Gloucester Dock*	A/B - C*	4 hours 5 hours 2 hours * semi tidal waters (spring tide) for 1hr from Lower Lode Lock to Gloucester Dock
Bristol Avon - Bath to Bristol	A – B/C**	4 hours **for 1hr from Hanham Lock to Bristol Floating Harbour
Yorkshire Ouse - Selby to York	A - C	3 hours (max - against flow)
Trent Keadby - West Stockwith	A - C	3 hours (max - against flow)
Trent W. Stockwith – Torksey	A – C	4 hours (max – against flow)
Trent Torksey – Cromwell	A - C	2.5 – 5 hours depending on tide strength

Appendix VI – Crew Limit, Crew Area, and the Crew Limit and Crew Area Sign

Crew Limit

The Crew Limit is the maximum number of persons for which the boat is hired out, excluding any boatyard staff who may be on board during handover. Hire Operators must determine the Crew Limit for each boat that ensures the boat's stability and freeboard are not compromised, and that the hirers can use the boat in a safe and effective manner.

Where a hire boat is CE marked the Crew Limit will have been set by the boat builder. Under such circumstances, Hire Operators must not increase the Crew Limit above that set by the boat builder and labelled as such on the builders plate unless the boat has been subsequently (re)tested against ISO 12217 Small craft - Stability and buoyancy assessment and categorization by a competent person. Please note that if this change has taken place after the 18th of January 2017 there is a legal responsibility to have the vessel re certified as per clause 3.2.1.

For Level 1 boats manufactured before July 1998 which are not CE marked, or where the boat builder has not designated the Crew Limit, Hire Operators should determine the Crew Limit through reference to the boat builder (where possible), and through knowledge of the boat's, or an equivalent boat's, proven safe record of service.

For Level 2 boats manufactured before July 1998 which are not CE marked, or where the boat builder has not designated the Crew Limit, Hire Operators should determine the Crew Limit during the stability and freeboard tests as set out at Appendix III.

For all Powered hire boats the Crew Limit shall not:

- i. exceed 12 persons.
- ii. exceed the number of seating places available on the boat.
- iii. where relevant, exceed the 'persons' figure used to determine the cabin fixed ventilation provision (as prescribed at Annex C of PD 54823:2016 Guidance for the design, commissioning and maintenance of LPG systems in small craft).

Crew Area

The Crew Area comprises of those areas of a boat in which hirers may be safely located when the boat is in use, and comprises all areas defined by the Hire Operator for hirers to stand, walk, sit or lie during normal operation of the boat, including internal decks. Hire Operators must determine the Crew Area for each boat in a robust way that ensures the boat's stability and freeboard are not compromised, and that the hirers can use the boat in a safe and effective manner.

Where a hire boat is CE marked the Crew Area will have been set by the boat builder. Under such circumstances, Hire Operators must not change the designated Crew Area or any access limitations beyond that set by the boat builder unless the boat has been subsequently (re)tested against ISO 12217 Small craft -- Stability and buoyancy assessment and categorization by a competent person. Please note that if this change has taken place after the 18th of January 2017 there is a legal responsibility to have the vessel re certified as per clause 3.2.1.

For Level 1 boats manufactured before July 1998 which are not CE marked, or where the boat builder has not designated the Crew Area, Hire Operators should determine the Crew Area and any access limitations through reference to the boat builder (where possible), and through knowledge of the boat's, or an equivalent boat's, proven safe record of service.

For Level 2 boats manufactured before July 1998 which are not CE marked, or where the boat builder has not designated the Crew Area, Hire Operators should determine the Crew Areas and any access limitations during the stability and freeboard tests as set out at Appendix III.

For all Powered hire boats, when determining the Crew Area Hire Operators should take account of:

- i. The Crew Area must always include all of those areas hirers will need to access in order to cruise, moor and generally use the boat in a safe and efficient manner. For example, access points on/off the boat, helm position/s, access to mooring lines, cabin spaces, and areas linking cabin spaces to external Crew Areas.
- ii. Hire Operators may choose to exclude certain areas as Crew Area, or restrict the number of hirers permitted in a particular area (access limitation). For example, for a small day-hire cruiser the Hire Operator may exclude the forward deck from the Crew Area provided the bow mooring line can be accessed and use from aft, or they may choose to permit one hirer only to access the forward deck for mooring purposes only.
- iii. All external Crew Areas should be provided with effective slip-resistant surfaces/coatings and effective handholds.

Crew Limit and Crew Area Sign

All Powered hire boats must have a Crew Limit and Crew Area Sign fitted in a position where it is clearly visible from the main helm.

Crew Limit and Crew Area Signs must:

- i. Show pictorially a suitably accurate outline of the boat.
- ii. Clearly identify the Crew Limit.
- iii. Clearly identify any parts of the boat that are not designated Crew Areas, and any parts of the boat where the number of hirers is restricted.
- iv. Include a yellow warning triangle.

Examples of appropriate Crew Limit and Crew Area Signs are shown below –

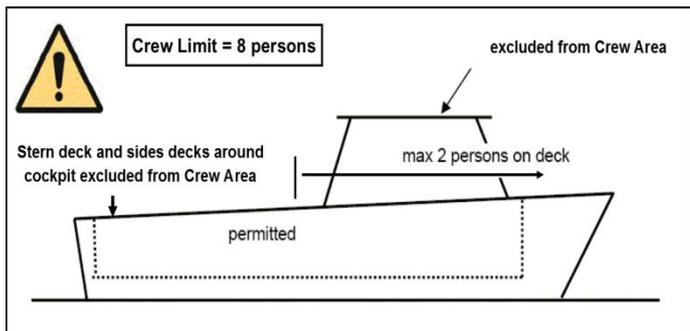


Fig 1 – example of side-elevation

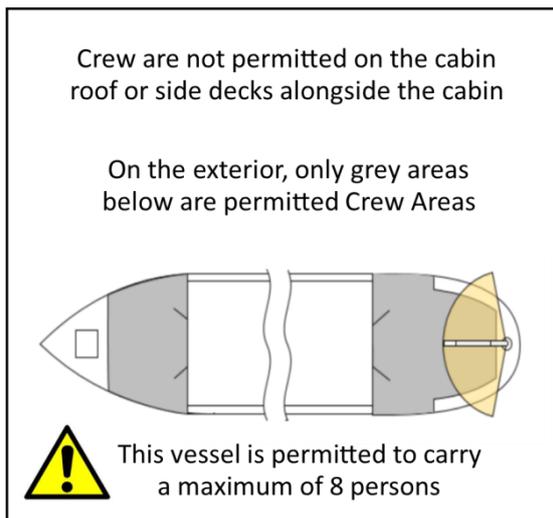


Fig 2 – example of plan-view sign

Note – Fig. 1 and 2 are provided for illustrative purposes only. Other layouts and wording are acceptable.



**ASSOCIATION OF
INLAND NAVIGATION
AUTHORITIES**

AINA,
Middle Level Offices
85 Whittlesey Road
March
Cambridgeshire
PE15 0AH
www.aina.org.uk



Marine House
Thorpe Lea Road
Egham
Surrey
TW20 8BF
www.britishmarine.co.uk