

**Consultation document
on the modernisation of
Boat Safety Scheme
requirements for privately owned
vessels
July 2004.**

This short version of the consultation document, together with the anticipated questions with answers attached at the end, is intended to help you decide whether or not to read the full consultation document.

CONTENTS PAGE

SECTION 1 <i>Introduction</i>	Page 1
SECTION 2 <i>Summary of proposals</i>	Page 2
SECTION 3 <i>Background to the consultation</i>	Page 3
SECTION 4 <i>The key objectives and principles supporting the proposals</i>	Page 4
SECTION 5 <i>The changes being consulted upon</i>	Page 4
SECTION 6 <i>About the consultation</i>	Page 9
SECTION 7 <i>Questions and answers about the proposals</i>	Page 10

Section 1 *Introduction*

1.1 We would welcome your views on the inland waterway navigation authorities' proposals for modernising the Boat Safety Scheme requirements concerning craft that are both privately owned and privately managed.

1.2 The aim of the reform is to provide for the efficient and effective management of those risks introduced by boats that have been inadequately equipped or maintained and to guide boat owners on matters of risk avoidance.

1.3 Modernisation will provide a structure for a modern, risk-based approach whereby new 'goal-setting' general requirements replace the existing detailed technical standards. It will also set out framework for balancing the responsibilities of the navigation authorities and the responsibilities of the individual boater.

1.4 The navigation authorities make safety a key aspect of their activities with the common goal to make every visit to the inland waterways safe and pleasant for all and so create a safer environment that attracts people to the waterways. It's clearly the case the vast majority of people involved with boating agree that safe boating for all is fundamental to a thriving and vibrant boating community.

1.5 Whilst recognising that it is not possible to eliminate all risk, navigation authorities have a duty, as far as reasonably practicable to minimise the risks which may affect the safety of visitors, their own staff and any others who are affected by their operations.

1.6 The Boat Safety Scheme is one of the means the navigation authorities use to try to achieve those aims. It is essential that Scheme is effective and employs the best methods since the navigation authorities will use it as part of their imposing legal obligations on the owners and users of vessels for the safety of others.

1.7 Guided by the previous BSS Review and government advice on regulatory frameworks, a process was begun with the aim of delivering a practical, pragmatic and effective approach to safety which was based upon clearly identified risks.

1.8 This public consultation follows extensive discussions over the past 18 months involving close collaboration with the stakeholder groups represented on the BSS support committees, together with experts and other regulatory bodies.

1.9 If after reading this short version you are interested to contribute your views we recommend that you view the [full consultation document](#) and provide your views to help shape the future of the Scheme. Your comments will help ensure that the final result will have benefited from the full representation of views from stakeholders, thereby helping us prevent fires, spread of fire, explosions and pollution on our waterways and reach out with sound and pragmatic safety advice.

Section 2 Summary of proposals

2.1 What is being consulted on?

2.1.1 The key proposals we are seeking views on are:

- i. the replacement of the 91 existing legally enforceable standards listed in appendix f of the BSS Guide and Annex A3 of the full consultation document with 34 'goal-setting' general requirements listed in section 5;
- ii. changing the existing ways of complying with the general requirements as set out in the BSS Guide;
- iii. the introduction of a straightforward compliance appeals process in order to safeguard the interests of vessel owners;
- iv. the introduction of measures to assist boat owners to manage risks for which they have a self-responsibility;
- v. for the first time introducing measures aimed at further encouraging owner and crew co-operation to protect the environment.

2.1.1 The proposals support the modernisation of the Boat Safety Scheme requirements and processes in respect of the safety of vessels that are both privately owned and privately managed.

2.1.2 It is also an opportunity to comment on the navigation authorities' objectives and principles that are the foundations of the proposals.

2.1.4 A regulatory impact assessment of the proposals has also been carried out setting out the options considered at the time the proposals were drawn up and assessing the impact of the options in terms of the costs, benefits and risks. You are recommended to read it at Annex D1 of the full consultation document and are invited to comment on its assumptions and findings.

2.2 Why are the changes needed?

2.2.1 The changes are needed to ensure the BSS regulations are in line with accepted risk management practices in accordance with the implementation of the recommendations of the BSS Review in 2001. The proposals provide a firm foundation resulting in a robust, sustainable and effective Boat Safety Scheme.

2.3 Who will the proposals affect?

2.3.1 The consultation is directed at all those who have an interest in the safety of vessels on inland waterways. It includes, in particular, owners of vessels, navigation authorities, marine trade, marine insurance providers and BSS Examiners.

2.4 What will be the financial impact?

2.4.1 General - Improvements to safety associated with even more effective measures will reduce general costs associated with a reduction of numbers and/or severity of incidents of fire, explosion and pollution.

2.4.2 The implementation costs for the navigation authorities will be around £95,000.

- i. vessel owners – Taking the inland private leisure fleet as a whole, the financial impact concerning the BSS examination to vessel owners is likely to be cost-

neutral. The proposed new means of compliance will affect a very small section of the inland fleet. These are very modest and mostly very low cost.

- ii. BSS Examiners - The impact on the examiners will be minimal and will involve attendance at locally based seminars in the first quarter of 2005.
- iii. marine trade - The impact on the marine trade will be minimal, no additional capital investment will be needed and the requirements will match current accepted international standards developed in support of the Recreational Craft Regulations.

2.5 How will these proposals be taken forward and when?

2.5.1 We intend to consider responses to this consultation and review them in committee and publish our response to the outcome of the consultation during late 2004.

2.5.2 During late 2004 the proposed general BSS requirements will be subject to notification to the EU Commission.

2.5.3 It is intended to publish the general BSS requirements in early 2005, followed by implementation in April 2005.

2.5.4 The general requirements will be published on the BSS website, with links from all adopting navigation authorities and waterscape.com. The navigation authorities will also make available printed versions of the general requirements to their customers.

2.6 What is not being consulted on?

2.6.1 Requirements for classes of vessels other than those which are privately used or privately managed are not the subject of this consultation.

2.6.2 This consultation does not affect the owners or operators of classes of vessel such as those used for hire or reward. It is intended to consult separately concerning a proposal to apply the additional seven compliance items and four personal safety checks identified at 5.2 to such vessels.

2.7 About the consultation

2.7.1 The consultation began in early July 2004 and will end on **30th Sept. 2004**.

2.7.2 Copies of the full consultation document are available from the BSS Office. You can also download an electronic version from the BSS website at www.boatsafetyscheme.com.

Section 3 *Background to the consultation*

3.1 A full background to the development of the proposals, including the impact from the 2001 independent Review of the Boat Safety Scheme and the appraisal of the existing BSS Standards is contained within section 3 of the full consultation document

Section 4 *Key objectives and principles underpinning the proposals*

4.1. The full consultation document contains details setting out the framework used to develop the proposals that follow. The framework includes the objectives for the Boat Safety Scheme as defined by the navigation authorities and principles and process adopted that support the development work. Section 4 of the full consultation document provides the information from which the context of the proposals should become clear.

Section 5 *The changes being consulted on*

5.1 What is being consulted on?

5.1.1 It is proposed to achieve the aims of modernisation by:

- adopting principles and processes that underpin better regulation;
- re-stating the current prescriptive BSS standards as more general BSS requirements that set goals to be achieved;
- introducing changes to the published means of compliance with the requirements;
- introducing seven new points of compliance found necessary to support the general requirements;
- accepting, where appropriate, the previous exemption level as meeting the proposed general requirements;
- having in place effective measures aimed at influencing vessel owner behaviour,
- introducing proposals to further enhance environmental protection.

5.2 The proposed general BSS requirements

5.2.1 The proposal is to replace the current total of 91 specific and detailed BSS Standards with 34 BSS 'goal-setting' general requirements listed below. These will be a legally enforceable requisite for a boat at anytime the vessel is subject to the navigation authority's licensing, mooring or other conditions.

Permanently installed fuel systems and fixed engines

1. All permanently installed fuel systems and fixed engines must be designed, installed and maintained to prevent the risks of explosion or of fire starting or spreading.
2. Fuel tank filling arrangements must prevent any overflow from entering the interior of the boat.
3. All fuel filling points must clearly identify the fuel in use.
4. Marking must be provided to identify the location of fuel system emergency shut-off devices, or their means of operation, which are not in open view.
5. All permanently installed fuel systems must be designed, installed and maintained to ensure to ensure fuel-tight integrity.
6. All permanently installed fuel tanks and fuel system connections must be accessible for inspection.

Electrical systems

7. All electrical systems must be designed, installed and maintained to minimise the risks of explosion or of fire starting and spreading.
8. All electrical systems must be capable of being safely and quickly disconnected from their power source(s) in an emergency.
9. Control and emergency devices, or their means of operation, must be marked when not in clear view or when their function is not clear.
10. All battery compartments containing unsealed or open-vented batteries must be adequately ventilated.

Electrical propulsion system

11. All electrical systems must be designed, installed and maintained to minimise the risks of explosion or of fire starting and spreading.
12. All electrical systems must be capable of being safely and quickly disconnected from their power source(s) in an emergency.
13. Control and emergency devices, or their means of operation, must be marked when not in clear view or when their function is not clear.
14. All battery compartments containing unsealed or open-vented batteries must be adequately ventilated.
15. All motors, controller equipment and charging equipment relating to electrical propulsion must be adequately ventilated

Outboard and portable combustion engines and portable fuel systems

16. All portable and outboard engines and portable fuel systems must be designed, installed and maintained to minimise the risks of explosion or of fire starting and spreading.
17. All spare petrol must be stored to minimise the risk of fire and explosion.
18. All portable and outboard engines with integral petrol or LPG tanks, and all portable petrol tanks, must be stored to minimise the risks of fire or explosion when not in use.

Fire extinguishing and escape

19. All vessels must carry specified fire-fighting equipment.
20. All fire fighting equipment must be in good condition and kept readily accessible for safe use in an emergency.

LPG systems

21. All LPG systems must be designed, installed and maintained to minimise the risks of explosion or of fire starting and spreading.
22. All LPG containers and high-pressure components must be secured in a position where escaping gas does not enter the interior of the boat.
23. All LPG systems must be designed, installed and maintained to ensure gas-tight integrity.
24. All LPG system connections and flexible hoses must be accessible for inspection.
25. All LPG control and shut-off devices, or the means to operate them must be readily accessible.

26. LPG shut off valves, or their means of operation, must be marked when not in clear view or when their function is not clear.
27. All LPG systems must have a suitable means to test that the system is gas-tight.

Appliances and flues

28. All appliances must be designed, installed and maintained to prevent the risks of explosion or of fire starting and spreading.
29. All liquid-fuelled appliances must have an emergency shut-off valve located at a safe distance from the appliance.
30. All appliances of the following types must be fitted with a device that automatically shuts off the fuel supply if there is a flame failure:
 - catalytic appliances;
 - appliances with a pilot light;
 - appliances with a continuously burning flame.
31. All appliance flues must be designed, installed and maintained to minimise the risk of fire.
32. All fuel and power supply systems for appliances must meet the requirements of the relevant other parts of these general requirements.

Pollution prevention

33. Any leakage of fuel or oil from propulsion engine equipment must be contained and prevented from being avoidably discharged overboard.
34. Bilge pumping and toilet systems must be designed, installed and maintained to minimise the risk of avoidable pollution.

5.3 Changes to the current published means of compliance with BSS Standards

5.3.1 The BSS support committees in the process of re-appraising the current BSS Standards agreed that some of the current BSS Standards and published means of compliance were no longer warranted to support the proposed general BSS requirements and should be removed.

5.3.2 The proposed changes are contained within Annex A1 of the full consultation document. Each of the proposed changes has been tested against the framework outlined at section 4 of the full consultation document and any hazard avoidance information relevant to removed items will generally be incorporated within published BSS guidance.

5.4 The seven additional points of compliance

5.4.1 During the appraisal of the existing BSS Standards the BSS support committees identified a small number of additional points of compliance as essential in support of the proposed general BSS requirements.

5.4.2 The following seven additional *means of compliance* points are listed below -

Part 2 Fuel Systems

- a) It is proposed that any unused fuel filling points are clearly marked, or disabled. This extends the current application from in-use filling points.

Part 5 Outboard and Portable Combustion Engines & Portable Fuel Systems

- b) It is proposed that all components of portable fuel systems including the tank, fuel hose and priming bulb need to be complete, as well as free of leaks, damage and deterioration. This extends the current application beyond the fuel tank alone.
- c) It is proposed that the maximum capacity of portable outboard tanks be limited to 27 litres, being the maximum capacity easily carried and disallowing currently available nine gallon tanks built to no recognised standard.
- d) It is proposed that the check for petrol stowage be amended to allow 2 x10 litre suitable metal containers and/or 2 x 5 litre suitable plastic containers and/or portable outboard tanks up to a capacity of 27 litres.

Part 6 Fire Extinguishing and Escape

- e) It is proposed that portable fire extinguishers stowed out of sight for example in lockers etc., must have their location clearly marked by the labelling of lockers in which portable fire extinguishers are kept.
- f) It is proposed that portable fire extinguishers outside of any express manufacturer's 'expiry' or 'replace by' date, will not be accepted as compliant unless they have a recent service certificate by a recognised technician. It is considered that extinguishers outside of any expiry/replace by date cannot offer sufficient assurance that they remain in good condition or will operate effectively if used.

Part 9 Pollution Prevention

- g) It is proposed that any toilet system or appliance capable of discharging directly overboard ('sea-toilets' and sewage holding tanks) must be fitted with a valve in the line.

5.5 Proposals to incorporate the current age-related exemptions, where appropriate.

5.5.1 Each of the current exemptions for older vessels was considered by overlaying the framework principles [section 4.5]. It was clear that those vessel installations meeting the existing exemption level should be accepted as meeting the proposed new general requirements.

5.5.2 While proposing to accept the exemption levels, the latest industry and other safety standards will be promoted as best practice advice wherever possible and specifically to the point of selection of new or replacement appliances.

5.6 The four additional measures aimed at influencing vessel owner behaviour

5.6.1 It is proposed that at examination, checks on items relating to personal safety will continue. Personal safety checks involve BSS Examiners, as competent professionals, carrying out checks - albeit that the passing or failing the check is not linked to the issue of a BSS Certificate.

5.6.2 Checks associated with risks to personal safety will be employed where this approach is regarded as the most effective way of managing the risk. e.g. advising on means of fire escape.

5.6.3 It is proposed to introduce four additional personal safety checks. Arising out of the re-appraisal process and out of the risk review, the additional checks below have been identified as necessary for examination.

Part 3 Electrical Installations

- a. It is proposed a check will be made to ascertain that sockets and matching plugs are not inter-changeable between a.c. and d.c systems
- b. It is proposed a check will be made to ascertain that a.c. circuits are not capable of being energised by more than one source of electrical power at a time and that both live and neutral conductors to be broken simultaneously when changing power sources.
- c. It is proposed a check will be made to ascertain that 230V shore lead appliance inlet installed on the vessel is of the male pin type.
- d. It is proposed a check will be made to ascertain that a residual current device is installed in 230V systems.

5.6.4 In addition, it is proposed to change the status of one currently obligatory check - the flue spillage test, to become optional. By continuing to offer the test, owners can be given relevant information on which to take a decision as to how to address this area of their responsibility.

5.7 Proposals aimed at further enhancing environmental protection

5.7.1 It is proposed to enhance, through the BSS Examination, the existing good level of users' environmental awareness and practices by communicating targeted pollution prevention information during the examination.

5.7.2 Additionally it is intended that BSS publications and website will encourage access to the 'best practice' information available.

5.7.3 In advocating this initiative, it is keenly recognised that any enhanced role for the Scheme must:

- not incur undue costs for examiners or vessel owners;
- support and not duplicate any activity undertaken by dedicated environmental bodies;
- be targeted at issues relevant to the vessel or vessel equipment, i.e. bilge contamination, sanitation arrangements or the use of domestic cleaning products on vessels.

5.8 Items considered, but not included in the proposals

5.8.1 The full consultation document presents information on smoke/fire detector-alarms and carbon monoxide detector/alarms and why selection of such equipment should remain a matter for individual boat owners to decide.

Section 6 *About this consultation*

6.1 Availability of the full consultation document

6.1.1 Copies are available from Robert McLean at the address below. You can also download an electronic version from the BSS website at www.boatsafetyscheme.com.

6.2 Responding to the consultation

6.2.1 Within the full consultation document there are a series of questions to be found in sections 4, 5 and 6 and repeated for ease of drafting a response at Annex E. The questions relate to the principles to the proposals; the changes and the underlying assumptions; on the consultation itself, and, on the impacts of the proposed changes.

6.2.2 All responses should be received by 5pm **Thursday 30th September 2004**.

6.2.3 The BSS welcomes responses submitted electronically by email to consultation@boatsafetyscheme.com

Written responses and any queries concerning this consultation should be addressed to:

Robert McLean
Communications Manager
Boat Safety Scheme
Willow Grange
Church Road
WATFORD
WD17 4QA

Fax: 01923 201420

Section 7 Questions and answers about the proposals

7.1 What is this public consultation about?

This consultation is about the proposed modernisation of the Boat Safety Scheme (BSS) requirements for privately owned boats.

It sets out proposals that include a new emphasis on safety advice and information, a change in approach to safety requirements and a simple appeals and review system.

7.2 Why are things changing?

An independent review of the BSS in 2001 recommended that the Scheme should follow a more modern approach to regulation and only regulate where necessary and justified by risk analysis.

7.3 What is changing?

It is proposed to step away from prescriptive tightly defined standards and adopt the approach of modern safety legislation of 'goal-setting' requirements supported by published compliance options.

7.4 Why aren't other classes of boat included?

Requirements for classes of vessels other than those privately owned, for example hire boats, are not the subject of this consultation because the risks involved and the methods of controlling the hazards concerned may not be the same.

7.5 Who is responsible for the proposals?

The navigation authorities own the Scheme and present the proposals. The proposals have been drawn up following an extensive and detailed consideration over the past 18 months involving close collaboration with the stakeholder groups represented on the BSS support committees.

7.6 Are any new requirements proposed?

There are seven proposed new requirements. These are very limited and cover:

- the labelling or disabling of redundant fuel filler connections;
- the condition of fuel system components for outboard motors;
- the maximum capacity of portable outboard tanks;
- the way spare petrol can be stored onboard;
- the labelling of lockers in which portable extinguishers are kept;
- expiry dates of portable extinguishers;
- the need for a valve in the line of toilet discharge.

7.7 Is there anything else new?

It is proposed to introduce four new electrical system safety checks to the BSS examination aimed at helping prevent personal injury. The outcome of these checks will not affect the issue of a BSS Certificate.

It is intended to enhance the existing good level of boat owners' environmental awareness and practices by communicating targeted pollution prevention information during the examination.

A simple appeals process will provide a fast-track route to settling whether or not an installation or appliance meets the requirements.

7.8 Are these the only changes?

No; looking at the current BSS Standards and checklist items, some have been withdrawn, some have been wrapped-up with others into general requirements, some have been changed in emphasis.

7.9 How much will it cost me?

No overall additional cost is anticipated for BSS examinations as the time taken to assess boats will not increase and there should be a reduction in the amount of form filling.

Any additional costs will relate to the seven proposed new requirements outlined above.

7.10 How much time and inconvenience will I be put to?

We anticipate very little inconvenience for you. If or when the new requirements are in place it should be a case of maintaining your boat to take account of the new requirements.

7.11 Will it affect my current BSS Certificate?

It won't affect the current BSS Certificate, however, if or when new requirements are in place your navigation authority will expect your boat to comply with all requirements that apply at anytime it is on their waterway.

7.12 How should I respond to the public consultation?

This short version of the consultation document and these questions and answers are intended to help you decide whether or not to read the full document

We would welcome your views on the proposals set out in the full consultation document.

7.13 How do I respond and by when?

Within the full consultation document there are a series of questions to be found in sections 4, 5 and 6 on the principles to the proposals; the changes and the underlying assumptions; on the consultation itself, and, on the impacts of the proposed changes.

We would be grateful for comments concerning either a question number, a paragraph number or both.

7.14 What happens after public consultation?

We will publish the comments and responses shortly after the consultation closes on 30 September 2004. It is intended to publish new requirements in January 2005 and the new requirements and published compliance options are intended to come into affect in April 2005.