House of Commons
Transport Committee

The new National Boatmasters’ Licence

Sixth Report of Session 2006–07

Volume II

Oral and written evidence

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The Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Transport and its associated public bodies.

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The current staff of the Committee are Tom Healey (Clerk), Annette Toft (Second Clerk), Clare Maltby (Committee Specialist), Louise Butcher (Inquiry Manager), Alison Mara (Committee Assistant), Ronnie Jefferson (Secretary), Jim Lawford (Senior Office Clerk) and Laura Kibby (Media Officer).

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Witnesses

**Wednesday 21 February 2007**

*Mr Colin Middlemiss*, Clerk, and *Mr Christopher Livett*, Member of the Court and Past Master, The Company of Watermen and Lightermen of the River Thames; *Mr Alex Hickman*, Chairman, and *Captain Scott Newton*, Master of the Woolwich Ferry, The Watermen’s and Lightermen’s Practitioners’ Committee; *Professor Alan Lee Williams OBE*, Chairman, and *Mr Jack Faram MBE*, Honorary Director, Transport on Water Association

*Dr Roger Squires*, Deputy National Chairman and Chairman of the Navigation Committee, Inland Waterways Association

*Mr Peter Hugman*, Commercial Boat Operators’ Association, *Captain John Percival*, Member and Training Adviser, and *Captain Heather Chaplin*, Director, Association of Inland Shipping Operators

**Wednesday 7 March 2007**

*Ms Margaret Lockwood Croft*, and *Mr Malcolm Williams*, Marchioness Action Group

*Mr Mick Cash*, Senior Assistant General Secretary, and *Mr Paul Baker*, Boatmasters’ Representative, National Union of Rail, Maritime and Transport Workers; *Mr Richard Flynn*, Port of London Pilot, and *Mr Dave Williamson*, Liverpool Pilot, UK Maritime Pilots’ Association (Part of the T&GW); *Mr Roger Sealey*, Transport Researcher and *Mr Richard Crease*, Coastal, Maritime and Towage, Transport and General Workers’ Union

*Mr David Snelson*, Chief Harbour Master and *Mr Julian Parkes*, Navigation Safety Management, Port of London Authority

*Dr Stephen Ladyman MP*, Minister of State for Transport, *Ms Theresa Crossley*, Head of Shipping Policy Division, Department for Transport and *Mr John Astbury*, Chief Executive, Maritime and Coastguard Agency

**Wednesday 14 March 2007**

*Mr Andrew Crawford*, Chair, Technical Committee (Serco-Denholm), and *Mr Mark Ranson*, Member, Technical Committee (Adsteam UK), British Tugowners Association
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Memorandum submitted by the Company of Watermen and Lightermen of the River Thames

EXECUTIVE SUMMARY

The Company of Watermen and Lightermen of the River Thames (The Company) is a statutory corporation that has been involved for many years in training and until recently Licensing Thames Watermen and Lightermen. Membership of the Company covers both working Watermen and Lightermen and their employers who own commercial craft. The Licensing has been conducted as agents for the Port of London Authority (PLA). The Licensing has passed to the Maritime and Coastguard Agency on 1 January 2007 although to provide a period of grace, the PLA Watermen and Lightermen Licences remain valid until 30 June 2007 provided an application has been received by the MCA for a new national BML.

Until the announcement in 2002 by the MCA that it would be introducing the new national BML, the Company and the PLA were working on improvements to the PLA Watermen and Lightermen Licence.

The Company sees advantage in a national Licence that gives access to commercial work on inland waterways across the UK and Europe. In addition a national MCA BML should ease progress into the Merchant Navy training system. The Company’s support is conditional on the new national BML being a stepping stone to an integrated national training, qualification and licensing scheme for commercial vessel crews.

1. INTRODUCTION

1.1 The Company is a statutory corporation governed by Act of Parliament in 1857. Members of the Company are the persons it has admitted to the Freedom of the Company, namely Journeymen Freemen who are Watermen and Lightermen qualified to work commercially on the River Thames and Craft Owning Freemen, namely persons who own a commercial vessel or have some other strong association with the Company and/or the River Thames.

1.2 The Company was originally founded by Act of Parliament in 1555. The lightermen of the River joined the Company in 1700. The Company has its own Hall and offices at 16 St Mary-at-Hill in the City of London.

2. LICENSING ACTIVITIES UNTIL 1 JANUARY 2007

2.1 The Company licensed and regulated Watermen (who carry passengers) and Lightermen (who carry cargo) on the River Thames until 1908 when the regulation of the Thames was passed to the PLA. The PLA appointed the Company its agent to continue the statutory duty of licensing Watermen and Lightermen on the River Thames. In addition to licensing, the Company has from its origins supervised the apprenticing and training of young people and providing them with the professional education in order to qualify for a Licence.

2.2 The Company is the Trustee of a Charity known as The Philip Henman Foundation established to assist the training and education of young people who intend to make their career on or by the River Thames.
3. THE ACADEMIC AND OTHER QUALIFICATIONS REQUIRED FOR WATERMEN AND LIGHTERMEN

3.1 The Company trains both apprentices and mature students (together called Trainees). Trainees are drawn from a wide range of backgrounds. The Company also benefits from a strong desire from children of Journeymen Freemen to follow their family members onto the River. Approximately half the Company’s Trainees are from River Families and the other half having little or no family connections with the River. There tends to be more apprentices from River Families and more mature students with no previous River connections.

3.2 Apprentices train for five years under the guidance of a Master (a Freeman of the Company) who encourages their efforts and ensures they obtain experience in working all parts of the River and on differing craft. A Limited Company can act as a Master where that Company has qualified Watermen and Lightermen to assist apprentices. However there is no obligation to have a Master as a young person can qualify by following the route of a mature student. Mature students are required to have the same amount of work experience and undertake the same courses, they can however if employed full time and satisfy the age requirements achieve sufficient work experience in a lesser period of time than five years. Recognition can be given to similar courses undertaken elsewhere.

3.3 The training commences with Merchant Navy Training Board courses in sea survival, firefighting, and first-aid. Following a period of practical experience, there is an academic course at NW Kent College National Sea Training Centre in navigation, chart work and regulations (Port of London Authority 2 Examination). This examination is at NVQ Level 2. After two years work experience on the River (300 days) there is an examination for a Provisional Licence conducted by the Company’s Examining Committee comprising of qualified Watermen and Lightermen and a PLA Harbourmaster. The application to be examined has to be countersigned by six qualified Watermen and Lightermen. The Minister of State at the Department of Transport has suggested this is “a rigorous process”. The purpose in fact is to confirm that the trainee has completed the requisite work experience on the River and will normally be signed by the Masters of vessels on which the apprentice has served. This examination orally tests local knowledge of the River Thames. A Provisional Licence issued by the Company on behalf of the PLA allows the holder to be the Master of a vessel carrying up to 12 passengers.

3.4 Following further practical experience there is a second examination in more advanced navigation, chart work and regulation (Port of London Authority 1 Examination). This Examination is the equivalent of NVQ Level 3 and 4 though its conversion to an NVQ Standard was never completed. After a further three years work experience on the River (450 days) candidates can apply to be examined by the Company’s Examining Committee for a Full Licence, which entitles them to work commercially on the River Thames. The application to be examined has to be countersigned by six qualified Watermen and Lightermen. Those countersigning confirm that the trainee has completed the requisite work experience on the River. This examination orally tests local knowledge of the River Thames at a higher level than for a Provisional Licence. The Full Licence is issued by the Company on behalf of the PLA.

3.5 Those with full Licences are recommended to be admitted to the Freedom of the Company.

3.6 The PLA Examinations 1 and 2 are conducted by PLA Harbourmasters at NW Kent College National Sea Training Centre.

3.7 A Full Waterman and Lighterman Licence is recognised as equivalent to a Class 3 Deckhand in the Merchant Navy. This enables Watermen and Lightermen to work on Merchant Vessels registered in the UK, and equally Merchant Seamen to qualify as Watermen and Lightermen.

3.8 The Company encourages those with Full Licences to continue training and obtain endorsements for special skills such as being Master of a large (carrying over 250 passengers) passenger vessel or a fast ferry craft.

4. LICENSING ACTIVITIES AFTER 1 JANUARY 2007

4.1 The Maritime and Coastguard Agency have from 1st January 2007 taken statutory responsibility for issuing a new National Boatmaster’s Licence although as yet no actual BMLs have been issued. Those applying have received only an acknowledgement. To provide a period of grace, the PLA Watermen and Lightermen Licences remain valid until 30th June 2007 provided an application has been received by the MCA for a new national BML.

5. A COMPARISON BETWEEN THE WATERMEN AND LIGHTERMEN AND BOATMASTER SYSTEMS

5.1 The application to be examined for a PLA Waterman and Lighterman Full Licence has to be countersigned by six qualified Watermen and Lightermen. The Minister of State at the Department of Transport Dr Ladyman has suggested this is “a rigorous process” implying that it is deliberately made hard to limit those who qualify. The purpose in fact is to confirm that the trainee has completed the requisite work experience on the River.
5.2 The Minister of State at the Department of Transport has suggested that the qualifying time for the Watermen and Lightermen is 750 days whilst the new BML is 720 so he suggests “the systems are almost equivalent” (Adjournment Debate Westminster Hall 10.1.07). It is important to compare like with like. The Minister is comparing a Waterman and Lighterman with a full Licence having completed 150 days each year for five years and a BML Tier 1 Level 2 holder having completed 240 days but then completing almost all the available endorsements requiring 480 days service. Whilst it is true most Watermen would also qualify as Lightermen, it is unlikely an individual would want to qualify for all the specialist endorsements that are available to add to a generic BML as they can vary from a large passenger vessel endorsement to Dredging or oil cargos.

5.3 One easy comparison is between a Provisional Watermen’s and Lightermen’s Licence who requires 300 days service and a generic Tier 1 Level 2 BML who must have served 240 days both Licence Holders would allow the holder to be Master of a passenger vessel carrying 12 passengers. Or another like for like comparison would be a Waterman with a Large Passenger Vessel Endorsement (750 days) and a BML Tier 1 Level 2 holder with a general passenger endorsement (360 days) and a Large Passenger Vessel Endorsement.

6. THE SITUATION IN EUROPE

6.1 There is conflicting information about the Rhine Commission’s system and whether the BML is of a similar standard. However an official Note of a Working Group held between the Central Commission for Navigation on the Rhine and Danube Commission held on 6 and 7th June 2005 sets out the methods of rationalising sector (local) knowledge that will require 16 voyages within a year for sectors with a low degree of navigational difficulties going up to the same requirement for the number of voyages plus a written examination and complex blind map test for more complex sectors.

7. THE WEAKNESSES OF THE NEW BML SYSTEM

7.1 The Company would be the first acknowledge that the Waterman and Lightermen system was not perfect and the Company general welcomed the prospect of the BML working hard with the MCA to ensure that the basic generic syllabuses were robust. Our work was based on the premise that levels of safety on the Thames would at least be maintained if not improved by the inclusion of a rigorous local knowledge requirement. The Company wanted to see an integrated approach to skippers qualifications being adopted by the MCA. Everyone seems to recognise that there are now significant anomalies between the national BML and the various commercial “Code Vessels” qualifications recognised by the MCA. We believe that the existence of these anomalies considerably weakens the BML system. These anomalies and a number of other weaknesses in the national BML system as currently enacted that affect safety should be addressed urgently as improvements to the new system.

7.2 The Minister of State at the Department of Transport has defended the reduced qualification time required under the BML by saying “it is the quality of the training that counts” and “they (trainees) will have undergone rigorous training and examination with detailed validation at every stage” (Delegated Legislation Committee Debate Column 24 and 25). The Company would entirely agree. It is therefore disappointing that the Government through its Executive Agency, MCA has not set out to achieve quality of training. There is an MCA syllabus that contains the underpinning knowledge however that syllabus has been reduced. As an example to accommodate those operating smaller vessels, elements of the syllabus for vessels operating only in C/D Waters have been removed and included in the To Sea endorsement. The Company has pressed for the Tier 1 Level 2 to be required for vessels operating in any or all C/D and To Sea waters.

7.3 The MCA have decided they do not need to approve training courses or any associated examinations to deliver this underpinning knowledge. The MCA will not be requiring evidence that a candidate for a BML has attended any proper training course or passed a written examination. The Company asks is this ensuring the quality of training. This approach differs entirely from the requirements the MCA operate for maritime training.

7.4 The Minister of State at the Department of Transport has suggested there is no dilution of age limits between the Waterman and Lighterman and BML systems. He accepts the new BML Tier 1 Level 2 can be issued at 18. The same age limit applies to the General Cargo Endorsement. Hence under the new BML system the Master of a cargo vessel less than 40m in length on the Thames could be aged 18 and have had 300 days experience.

7.5 The national BML and the medical required as part of that system applies to Masters of vessels and not other navigational crew. The PLA Watermen and Lightermen Byelaws 1993 (as amended) require commercial vessels to be navigated by a qualified Licensed Waterman and Lighterman. It would be possible under the new BML system for someone to be in control of a vessel who was neither qualified nor subject to any age limits.

7.6 One of the other main weaknesses of the BML system that the Company fears will compromise safety is the modest requirement for Thames Local Knowledge. The Company set out the case for requiring Local Knowledge of the whole of the tidal Thames from Lower Hope to Teddington. The Company’s case is attached as Appendix A. The Company has never seen the alleged risk assessment that was apparently
carried out by the PLA demonstrating that downstream of the Thames Barrier contained no local navigational difficulties that might require Local Knowledge. The Company’s case is currently rejected by the PLA and MCA.

7.7 Furthermore the Company wanted to see a requirement for at least 12 months (of at least 150 days) work experience on the River Thames before an application to be examined could be made for Thames Local Knowledge.

7.8 The Company was astonished to find the MCA proposing that the Examining body for Local Knowledge should comprise MCA and PLA examiners with some assistance from qualified Watermen and Lightermen in setting questions. The only qualified examiners are those who work daily on the Thames and have passed through the system themselves. To demonstrate the weakness of the MCA’s proposals, for most questions there will be a range of answers. What is being tested is practical knowledge. To assess whether the answer given is both practical and safe will require the knowledge of someone who has daily work on the Thames and have passed through the system themselves.

7.9 The Company in November 2006 applied to the MCA to be recognised as training providers but as yet no such approval has been offered. There is little useful information as to how to make such an application. Indeed it has been suggested that the MCA may decide not to approve training or trainers. The Company intends to continue to offer training but such intentions are not being encouraged by the MCA guardian of the quality of training. If training is key to a rigorous system then the MCA must be more prompt and pro-active in this area.

7.10 The whole of the new national BML system is undermined by other MCA approval offered to those wishing to work commercially, the small commercial vessel code and the work boat code to offer but two examples.

7.11 All of these suggested weaknesses are based on our belief and those of our Freemen leading us to conclude the new system significantly reduces the level of safety on the River Thames.

8. Conclusion

8.1 The Company firmly believes that the tidal Thames has to be dealt with separately but within a national and even EC BML framework. The current weaknesses in the new national BML system should be addressed.

8.2 The Company has face the loss of its statutory public purpose, the licensing of Thames Watermen and Lightermen, that in recent times it has carried out as agents for the PLA. By virtue of the long-established pre-eminence in this field of the Company and its Freemen the Company is well suited to play an important public role in encouraging and training young people to work on or by the River and to certify their competence to do such responsible and difficult work. The Company is keen to offer this experience to ensure safety on the River Thames.

9. Appendix A

9.1 A Case for the Thames Local Knowledge Endorsement Covering the Area from Putney Bridge to Teddington Lock

There are four criteria set by the MCA against which local knowledge proposals can be made and will be considered:

9.1.1 High traffic densities: types and patterns

Above Putney Bridge it is acknowledged that passenger and freight vessel traffic reduces. However this is the area of the River where there is a high density of the private/amateur users requiring these commercial vessels that operated a greater need for local knowledge of where and when these users might be afloat to avoid hazards.

This is the main area for rowing on the Thames with large numbers of small boats on the River especially early and late in the day. The PLA have special rules for crossing and have recently undertaken a Risk Assessment with regard to this activity. This surely argues for the testing of Local Knowledge.

There are RNLI Life Boat stations at Teddington and Chiswick whose records show considerable rescues arising from leisure activities.
9.1.2 Difficult/complex tides and streams

The Waters are classified as a Category C Water.

This stretch of the Thames has the lowest of the bridges in the London area and the least amount of water. This by itself can make it a very dangerous place to the inexperienced navigator.

Coupled with peculiarities between the interaction with tides and land water this area is unique within the U.K.

Other hazards such as the shifting of Kew Shoal and shoals in Sheen Gulls, Syon Reach and Barnes Elms Reach are also unique.

There is a lack of navigation aids in the upper reaches, in particular night time aids which in the absence of local knowledge, ie recognising buildings, trees and islands make this area dangerous to the untrained navigator.

9.1.3 Particular physical hazards (and the difficult of negotiating them)

There are still nine low bridges to negotiate. Hammersmith Bridge in particular is an upper limit for many vessels and has a tide gauge to assist.

Richmond Lock and Weir is unique, albeit well published when operational, however there are no instructions as to how traffic density and interaction between tidal and non-tidal waters react.

9.1.4 If there are no suitable charts available for the area

There are charts but a shortage of water and movement of the river bottom adds to the difficulty of navigation.

Note: Local Knowledge is defined as knowledge of the features and characteristics within an area that affect or present a hazard to safe navigation and how to deal with them.

9.2 A Case for the Thames Local Knowledge Endorsement covering the area from the down-river side of the Barrier Exclusion Zone to the London Stone

There are four criteria set by the MCA against which local knowledge proposals can be made and will be considered:

9.2.1 High traffic densities: types and patterns

The Company is aware that it is in the lower reaches where the industrial activity is most concentrated. What is more dangerous, a static Thames Bridge or the Thames Barrier verses a ship travelling at 14 knots?

An understanding of when and where ships are likely to maneuver is essential, ie swinging off Tilbury Dock or stern fetching at Purfleet.

An understanding of jetty usage is necessary; imagine a fire onboard a craft and the Master mooring alongside the tanks at Littlebrook Power Station.

Weather plays a vital part in the safe navigation of the lower reaches. Masters need to understand the relationship between wind over tide in all reaches with different tidal conditions and different wind speeds and direction.

Fog and poor visibility is a factor in the lower reaches. Masters need to have experience in certain reaches where fog is quicker to form than others and be able to understand the tell tale signs of this happening.

Perhaps a study of the history books is necessary when assessing whether local knowledge is necessary. The Princess Alice disaster is a prime example.

9.2.2 Difficult/complex tides and streams

The Waters are classified as a Category C Water to Denton Wharf and thereafter Category D. An understanding of the numerous eddies and up flushes are crucial to safe navigation. Tide sets are a danger, which if not understood or with a lack of experience can lead to disaster, in particular close to two of the causeways which would be used in an emergency.
9.2.3 Particular physical hazards (and the difficult of negotiating them)

Without detailed local knowledge of berths, tiers, anchorages and landing places a Master of any passenger boat will put his crew and passengers in danger.

9.2.4 If there are no suitable charts available for the area

There are suitable charts but there are also shifting banks that local knowledge identifies.

Note: Local Knowledge is defined as knowledge of the features and characteristics within an area that affect or present a hazard to safe navigation and how to deal with them.

12 February 2007

Memorandum submitted by Captain Scott Newton, Master of the Woolwich Ferry

We are writing to further highlight concerns arising from the imminent reduction of safety standards on the River Thames that could not only affect the Inland Waterways industry, but would have far reaching consequences for UK tourism, the Thames gateway project and the Olympics in 2012. With the Thames having around 600 watermen and lightermen (more skippers than the rest of the UK tourism, the Thames gateway project and the Olympics in 2012. With the Thames having around 600 watermen and lightermen (more skippers than the rest of the UK inland waterways combined) you might have imagined that the Maritime and Coastguard Agency would have used the well developed standards of the Thames as a template for establishing the new UK Boatmaster’s Licence. Unfortunately, this has not been seen to be the case with pressure from operators outside the Thames resulting in a standard of competency far reduced from that installed over the past 17 years as a result of recommendations made by the MAarine Accident Investigation Board (MAIB) and Lord Chief Justice Clarke in the Safety Inquiries following the terrible accident in 1989 that claimed 51 young peoples lives.

As you will now be aware, Thames Watermen serve a five to seven year apprenticeship, complete a minimum of 10 weeks of shore-based training, are required to gain testimony from six practitioners to their practical competence and are also expected to pass four examinations throughout their training. The proposed MCA boatmasters licence will require a candidate to complete just 30 months of qualifying service, no shore-based training for underpinning knowledge, one exam with a practical test and gain the testimony of just one local practitioner. This is in fact a step back to training requirements prior to the accident involving the “Bow Belle” and the “Marchioness”. Before the accident in 1989 Watermen were authorised to sipper passenger vessels after gaining their “Twos”—this was gained on passing an oral examination at Waterman’s Hall after only two years of experience. After the investigations the requirement for passenger vessels changed as they then had to be at the command of someone in possession of a Full Waterman’s licence gained after a minimum of five years experience. The investigations also identified the requirement for any skipper on the Thames to have served two years (minimum of 300 days) of the five years required on the Thames to gain the local knowledge. This safeguard is also under threat with new captains being required to gain only 60 days of local experience before working in central London. The new licence will also allow passengers to board vessels on parts of the Thames with captains that have never been on the Thames before. I’m sure you agree that reducing the training requirements and experience necessary to gain qualification can only lead to a reduced level of competency for Thames skippers.

We ask that you support objections to the new UK Boatmaster’s Licence by signing Early Day Motion 470 and 480 and attending an adjournment debate scheduled for 0930 at Westminster on 10 January 2007. Objections have been ongoing for 4 years now. At each round of government consultation the objections raised by practitioners from the Thames have been the majority. Trade Unions have also objected nationally. 175 MPs have already objected to the changes. A petition signed by 5,000 river users was also delivered to Downing Street earlier this year. Yet, the common sense options have been ignored and the new legislation will be made very early in the New Year instantly making the river Thames a less safe place to work and visit. As the legislation is laid for consideration we have a last chance to preserve the standard. Please help us reach a compromise and make the most of this last opportunity.

Margaret Lockwood
Croft Marchioness Action Group

Alex Hickman
Chairman, Waterman and Lighterman’s Practitioners’ Committee

Scott Newton
Master, Woolwich Ferry

2 January 2007
SUMMARY OF EVIDENCE

1. SECTION 1
   Qualifying Service Time and Training.
   Explaining why the new Boatmasters Licence is a Lowering of safety standards.

2. SECTION 2
   Local Knowledge Areas.
   Part A. Why the reaches above Putney should be included.
   Part B. Why the reaches below point Margaretness should be included.

3. SECTION 3
   Experience from other Inland Waterways.
   Comment from the European Transport Workers Federation (ETF).

SECTION 1
Qualifying Service Time and Training

As a Captain on the Woolwich Ferry, one of my main duties is to train the newly promoted Senior Deck Hands through to the bridge. It takes 6 months of constant training to become a Senior Deck hand. This includes navigating the ferry in both the day time, night time and at different states of tide. They are tested on the rules and by laws, and are tested in depth on their local knowledge. All this is over a course of six months, and only then, after completing their training, can I, as the Captain, decide if they are competent enough to handle the ferry unsupervised, taking up to 310 lives in their hands.

Promotion to a Mates position at the ferry requires you to undergo another three months supervised training, and another test on by laws and local knowledge. And only then can the Mate be left in command.

And finally to become a Captain of the Woolwich Ferry you are tested yet again on by laws and local knowledge, amongst other various managerial skills.

All this is after serving a five to seven year apprenticeship and becoming a fully qualified Waterman. This has always been a requirement of the Woolwich ferry.

Under the New National Boatmasters Licence the time to gain a working licence is reduced to 360 days plus six months local knowledge, as apposed to a minimum of five years, to be a fully qualified Waterman.

And with the introduction of the New Licence you could now become a Captain on the Woolwich Ferry in just three years.

I hope the evidence that I have given you is a good comparison to show how the New Boatmasters Licence is over a 50% lowering of qualifying service time.

You could now become a Captain of the Woolwich Ferry with a minimum of just three years experience, with the possibility of just over one year of that time being spent on the River Thames.

For the past 20 years I have worked on the river Thames and have seen the safety standards increase dramatically. I now have grave concerns for safety on the river Thames under the National Boatmasters Licence.

SECTION 2
Part A: Local Knowledge above Putney

I feel the reaches above Putney up to Teddington Lock should be included in the Local Knowledge Syllabus as it has many hazards to navigation which include, the tide sets, and the islands in the river (the eights,) Hammersmith Bridge, and most important is knowing where the water is on low tide.

I have spoken in depth to an officer for the M.C.A. who expressed how they wanted the reaches from Putney up to Teddington Lock included in the local knowledge syllabus, but I was later informed that the Port of London Authority had decided that it was not necessary. Why this is, I am afraid I do not know.
**Part B: Local Knowledge below Margaretness**

I feel the reaches below Margaretness down to the Thames Estuary should be included in the Local knowledge Syllabus as it also has a great deal of hazards to navigation, again some of which are the tide sets. And the fact that of 90% of the 55 million tons of cargo which enters the river Thames takes place here. And Roger Towner MCA officer and master mariner has explained how he would always use a local practitioner to pilot his Ship when entering the River to berth at Thames Matex jetty in long reach.

If a master mariner with the highest qualifications feels the need to use a local Thames practitioner to assist him up the Thames and to the berth, how can it be safe that a holder of a National Generic Boatmasters Licence can take a class V passenger vessel and navigate in this area with no prior Local Knowledge?

Once again the Port of London Authority had decided that it was not necessary.

**SECTION 3**

*Experience from other European Inland Waterways*

The following are comments from the ETF and were produced in response to concern relating to the new inland waterways qualification being developed for the UK.

*Comment on proposals for new Boatmasters’ certificates in Great Britain*

The Inland Navigation Section of the European Transport Workers’ Federation (ETF) is concerned about the current developments in Great Britain concerning revision of the qualifications necessary for attaining a Boatmaster’s certificate.

The current consultation, following on that of 2003 is in principle a voluntary exercise as the requirements of directive 96/50/EC state:

“Whereas national navigable waterways not linked to the navigable network of another Member State are not subject to international competition and it is therefore not necessary to make compulsory on those waterways the common provisions for the granting of boatmasters’ certificates laid down in this Directive”.

This being the case, the British authorities have some freedom of movement in drawing up their National requirements. The directive does however recognise the Rhine Boatmaster’s certificate for use throughout the EU (Article 5). This being so, it would seem appropriate to draw on the experiences made in the Rhine states in the issuing of certificates and take this a benchmark to achieve the highest prevailing standards to:

1. ensure the highest safety levels; and
2. offer British Boatmasters better employment possibilities within the EU.

The proposed weakening of the training and qualification standards for British boatmasters as it is perceived by the ETF does not contribute in any way towards achieving these two goals.

The ETF would sooner welcome UK National licensing provisions based on former arrangements through the provisions for certificating Watermen and Lightermen of the River Thames or a system based on the current Rhine Patent. Broadly speaking the qualifications necessary for a Patent are as follows:

— a three year apprenticeship (nine months school, four months holiday, 19 months work) leading to a qualification as a boatman. In the 3rd year the apprentice is counted as a full crew member.

— After a full year (180 working days) the boatman can qualify as a steersman.

— “Attestation” (Patent): At least 21 with four years as crew member at least twoof which as boatman. Acquisition of local knowledge (knowledge of route): at least 16 journeys* on the route within the last 10 years including three return journeys in the last three years. Then, following written and oral examinations (which take a full day—see attached), acquisition of “attestation” (patent) holder and first then the possibility of employment as a boatmaster.

In short this means that a successfully qualified Boatmaster on the Rhine Navigation has a minimum of six years training and work experience and the ETF believes this to be a level to be aimed at generally in European inland navigation. The ETF has a very real concern that the levels being proposed in Britain are below these standards and questions the usefulness of such.

*European Regulation*

Within the framework of the Sectoral Social Dialogue, initiated in 2004, attention is being given to the harmonisation of professional profiles, partly in order to ease mobility of labour. Currently training legislation and training programmes from throughout the EU are being examined, inter alia drawing on results from a major study being carried out from the Netherlands. It is hoped to then embark on a programme of harmonisation which finally should lead to a harmonisation of training requirements.
Up to now, there has been no representation from Great Britain in this work and it is regrettable that the UK government seems to have embarked on this project without adequately examining the European experience or involving its social partners in the social dialogue project.

* Note—16 journeys for the “great patent” (groses Patent) for the stretch North Sea-Basel requires a minimum of 8,546 miles (13,760 kilometres) of navigation. Depending on the crew rostering this takes at least five months and may extend to eight months.

Extracts from “Requirements for the acquisition of the great Rhine certificate”

1.1 The great Rhine certificate (Grosses Patent—valid for all vessels on the Rhine) (covering the following stretches Basel—North Sea or Basel—Mannheim or Basel—Iffezheim or Mannheim—North Sea) can be acquired from the recognised authority. The basis is the ordinance on the granting of Rhine certificates of 28th November 1996 (RheinPatV).

4. Candidates deposit the following documentation and the registration and examination fees:

1. certification of journeys made and of journey time;
2. a not more than three months old medical certificate from a recognised practitioner concerning eyesight, hearing and colour blindness.
3. a certificate from the central criminal register (not more than six months old).
4. Radio certificate.
5. proof of age and a recent photograph.

If available:

1. copies of other relevant licences;
2. documentation of special knowledge of the transport of dangerous goods on the Rhine (ADNR).

3. Radar certificate:
6. The examination is in written form, mainly with the “Multiple-Choice-System”.

7. Examination subjects and time allotted:

1. conduct of a vessel 20 minutes
2. police requirements 20 minutes
3. special professional knowledge 20 minutes
4. Acoustic signals 15 minutes
5. General licence matters 60 minutes
6. visual signals 25 minutes
7. < Local knowledge > 60 minutes
8. river level knowledge/gauging and loading 50 minutes
9. Rules of the sea/collision avoidance/working with charts 20 minutes
10. Dangerous goods (ADNR) 30 minutes

The examinations begin at 08.00 and finish at 17.00.

8. The questions are based on knowledge of the following legislation:

1. Ordinance on the granting of licences for the Rhine (RheinPatV).
2. Rhine shipping police ordinance (RheinSchPV).
3. Rhine shipping inspection ordinance (RheinSchUO).
4. Ordinance on the transport of dangerous goods on the Rhine.
5. “New for inland navigation” (these are integrated elements of the above-mentioned ordinances).
6. “WESKA” (Rhine directory).

Sources: http://www.bsh.de/de/index.jsp

11. In the event of failing one subject the examination can first be re-taken after two months.

In the event of failing two to four subject the examination can first be re-taken after three months.

In the event of failing five or more subjects the whole examination has to be re-taken after a break of at least six months.

12. Fees:

— Registration c €80.
— First attempt c €40.
— Repeat c €60.
— Repeat per subject c €40.
— Issue of certificate (credit card format) c €45.
This robust qualification for the Rhine compares well with the qualifications for Watermen and Lightermen of the Thames. The licensing regimes used for other rivers in Europe should have been used to establish a benchmark for the new UK qualification.

Nick Bramley
President, European Transport Workers Federation, Inland Navigation Section

Memorandum submitted by the Thames Watermen's and Lightermen's Practitioners' Committee

SUMMARY POINTS

— There is some confusion as to who is responsible should an accident occur on the Thames involving an inexperienced Boat Master.
— This licence has been developed in the face of massive objection with as much as 75% objection nationally.
— The river Thames’ local knowledge area was reduced prior to any risk assessment taking place to define it.
— The Maritime and Coastguard Agency (MCA) has not sought to examine the European experience when establishing the new Licence.
— The former Waterman and Lighterman’s Licence regime offered a competency based, robust, well evolved and open route to qualification in which candidate captains were subject to continuous assessment.
— European mainland inland waterway commercial vessel captains are now able to transfer to UK inland waters without the gold-plating outlined in Westminster debates.
— Former Watermen and Lightermen will not be able to transfer to work on other rivers of the European Mainland unless they gain new qualifications.
— The new Boatmaster’s Licence regime is compromised by the acceptance of equivalent qualifications for commercial non-passenger carrying vessels under 24 metres. These equivalent qualifications are largely designed for leisure activities and establish a whole new set of “grey areas”.
— Quantitative comparison of the new UK Boatmaster’s Licence and the former Waterman’s Licence highlight significant reductions in the qualifying criteria.

INTRODUCTION

1. This submission is a commentary on the key issues of concern relating to the new UK Boatmaster’s Licence. As you will be aware there have been two votes at Westminster on this issue and I have no doubt that the performance in debate of Dr Stephen Ladyman MP would have played a major part persuading many MPs how they should vote. I believe that the Minister has been misinformed on many of the issues and I can therefore understand why he supports much of the proposals. Unfortunately, as I can illustrate with the following evidence, there are many inaccuracies that need redress. I welcome the Transport Committee’s Enquiry and hope that it will at least preserve some integrity for the interventions of Parliament. I believe that many votes have been cast by MPs on this issue having not enjoyed comprehensive and accurate facts of the case.

2. I am a fully qualified Waterman and Lighterman that, like all others for the past 15 years, underwent a five year training programme including 11 weeks of shore based courses. This rigorous regime was introduced as a result of the changes made in the aftermath of the accident involving the Marchioness and Bow Belle in 1989 which claimed 51 young lives. New Boatmasters will be able to qualify with half of the experience and just three days at college. This is a clear a reversal of standards and the supporters of the new licence do not contest these facts.

3. I ask that when you call individuals at the oral evidence session, you ask for:
   (a) their current inland waterways qualifications; and
   (b) their experience in a command position, especially on the tidal Thames.

I ask this because the Minister is relying heavily on the expertise of his officials (as opposed to practitioners or consultation responses) and I question the reliability/validity of their “expertise” if such officials do not have current practical experience and certification in operating commercial vessels on inland waterways, particularly on the Tidal Thames.
COMMENTARY

4. Who is responsible for safe Navigation on the Thames?—who would bereaved families turn to for explanation should there be an accident on the Thames that was the result of the incompetence of an inexperienced boatmaster?

— PLA will say that it is an MCA licence.
— MCA will say that the PLA are responsible for safe navigation on the Thames through the Port Marine Safety Code.

5. In fact the Minister has alluded to this when discussing the Thames area not presently covered by local knowledge assessment:

“But if the authorities responsible for that stretch of waterway believe that, in addition to that, there is a case to be made for local knowledge of that part of the river, the arrangements will allow them to achieve that. They can make the case, take it to the equivalence committee chaired by the Maritime and Coastguard Agency and require local knowledge of that area. The arrangements will not preclude extending the local knowledge area at some point if a case is made in favour of it”.

Dr Ladyman 24 January 2007 Delegated Legislation Committee Debate Col 18

6. It would appear that only another tragedy will answer this question ie that nobody knows who is responsible and that a recommendation in the aftermath of such a tragedy will seek to resolve this. Please let us not wait until such an event.

7. Why were the views of three quarters of the National response not taken into consideration after the consultation that took place between July and October 2005?

It was clear from the responses to this consultation that the Thames had made a case for separate standards yet the result is a license that facilitates fast tracking, removes mandatory college training for underpinning knowledge and requires less local knowledge.

8. The results of the consultation are available through a link on the MCA’s website:


Look at the top for the figure 74%.

9. MCA will respond that large organisations with “more clout” such as the Passenger Boat Association, Association of British Ports and the UK Major Ports Group were in essence larger contributors because of the very size of the organisations. However, these organisations have commercial interests to consider. Robust and time onerous qualifications will mean less flexibility for Harbour Authorities etc. who have the profitability of their Port/companies as a primary driver for their position. The MCA would have done better to have considered contributions driven by safety fears than commercial ones. In fact, large National Organisations such as the TGWU (800 000 members nationally), the RMT (75 000 members) and more important than these, the Watermen “at the front line”, whose lives will be put at an increased risk, responded in objection.

10. Why was the local knowledge area reduced for the consultation that commenced in July 2005?

The definitions can be found in the consultation documents on page 3 Para 4.8. The link is:

http://www.mcga.gov.uk/c4mca/mcga.dqs.codes_part_d

11. No evidence, in the form of risk assessment or otherwise, dated prior to July 2005 has been provided to suggest that it would be appropriate to reduce the area requiring assessment to that of Putney down to Margaret Ness (near Woolwich). In fact, despite the new definition of this area the PLA Chief executive Richard Everitt wrote on 12 October 2005 that:

“...our application for the whole of the area, made some two years ago and based on the results of the Baxter Eadie Study still remains our formal position”.

12. It was soon realized that the MCA position would require support from the PLA and therefore they produced an ad hoc risk assessment to fit the new definitions on 15 March 2006. At no time was an independent risk assessment undertaken to define the area requiring assessment for the Boatmaster’s Licence. The only independent work was undertaken by Baxter Eadie Ltd and this led to the PLA making an application for the whole area from Teddington to the Estuary as under the Waterman and Lighterman’s Bylaws. This contradicts the understanding of the Minister Dr Ladyman. He states:

“I assure my hon. Friend that the decision to exclude his part of the river from the local knowledge requirement was taken after an independent consultation. The early recommendation to which the hon. Gentleman referred was an initial recommendation from the Port of London authority, which
it abandoned once it had received an independent risk assessment of the part of the river concerned”.

Dr Ladyman 24 January 2007 Delegated Legislation Committee Debate Col 11

13. He also states:

“My understanding is that Baxter Eadie was requested to review the local knowledge area a second time, and that that second study recommended the procedures that led to the narrowing of the area. In its initial study it might well have presumed that the area would be maintained, but subsequently it redefined its recommendations”.

Dr Ladyman 24 January 2007 Delegated Legislation Committee Debate Col 25

14. In response to these comments the Chief Executive of the PLA said:

“it would seem that the Minister may have made an erroneous statement”.

E-mail communication dated 9 February 2007

15. The PLA did undertake an in house risk assessment which was succinct and rudimentary. This was produced on 15 March 2006 after the reduction of the local knowledge area. It is clear that this risk assessment was undertaken “to fit” the new smaller area rather than to define that area.

16. Why hasn’t the government sought to adequately examine the European experience when establishing this new licence?

The European Transport Workers Federation has expressed concerns relating to the new Boatmaster’s Licence. They have offered definitions for the Rhine’s qualification which are six years of experience including at least 8,500 miles of navigation and a full day of examinations. It is clear that this benchmark for qualifying on inland waters was not considered. In fact the evidence suggests that the experts used by the government were ignorant of comparable standards and advised the Minister that the new Boatmaster’s Licence which can be obtained in a third of a time of that of the Rhine Patent was the strictest in Europe. The Minister states that:

“My officials and experts have conducted a stringent analysis of standards across the rest of Europe and they assure me that standards will not be higher anywhere else in Europe”.

Dr Ladyman 10 January 2007 Westminster Hall Debate Col 99

17. At no time in the past has the MCA produced any comparison of qualifications from other member states. If they did, they did not produce them for consideration by the Boatmaster’s Licence Working or Steering Group.

18. Is it possible for transferring River Captains from the European Mainland to command commercial vessels on Inland Waters of the UK having qualified through the definitions of Directive 96/50/EC? If so, how will the gold-plating imposed upon UK Boatmasters be imparted on these operators?

19. The Minister comments on how the UK Boatmaster’s Licence will offer higher standards than that offered through the Directive 96/50/EC. He states:

“The European norm will not be four years. The directive makes it clear that, if a person’s training is entirely practical, it will be four years, but that period can be reduced to one year by taking exams. We have gold plated that requirement significantly, as we have done in a number of areas. For example, we have introduced far more stringent medical testing requirements and retesting of those who will operate under the new regime”.

Dr Ladyman 10 January 2007 Westminster Hall Debate Col 99

20. “The five year revalidation is a gold-plating of the directive . . .”

Dr Ladyman 10 January 2007 Westminster Hall Debate Col 99

21. These comments suggest that the directive (96/50/EC) has not gone far enough (as is believed by Waterman and those from the Rhine). Yet, captains qualifying from the European Mainland through the Directive will be able to work in the UK and therefore on the Thames with no further examinations or certification. The gold plating will only affect UK Licence holders (including extra financial and stress burdens). Licence holders from European Community member states will still be able to work in the UK and on the Thames despite the fact that they will be unpainted!

22. With the exception of requirements to gain local knowledge, can former Watermen and Lighterman transfer to work on rivers on the European mainland without needing further qualifications?

Answer—No. They will be required to gain another qualification that as yet no college or authority has developed.
23. Would the supporters of the new Boatmaster’s Licence regime accept that the former qualifications of Thames Waterman and Lighterman offered an open route to inland Waterways qualification?

24. In my time afloat on the Thames, the route to qualification as a Thames Waterman and Lighterman has been available to all. There are three routes to qualification:

— Apprenticed Waterman to a current Waterman who oversees their training.
— Apprenticed Waterman to the “Company” of Watermen and Lightermen. The “Company” oversees their training.
— Mature Entrant. Qualifies after five years afloat, of which two years must be on the Thames. Training is self driven.

Table 1

COMPANY OF WATERMEN AND LIGHTERMAN’S STATISTICS ON ROUTE OF QUALIFYING WATERMEN

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Watermen qualifying through the apprenticeship</td>
<td>24*</td>
<td>33*</td>
</tr>
<tr>
<td>Watermen qualifying through the mature route without another Waterman as Master</td>
<td>16</td>
<td>11</td>
</tr>
</tbody>
</table>

* Some of these apprentices are not apprenticed to a Waterman and their training is overseen through the “Company” of Watermen and Lightermen. (Presently, the “Company” are unable to divide this data but I will forward when they do).

25. Unfortunately, Dr Ladyman seems to have been misinformed on this issue which led to his comments in the Evening Standard on 9 January 2007 (“Cosy club” etc). This ill advice also led to the quotes below which are clearly not true. Had it been the case then I would have assumed that the Port of London Authority who are responsible for the Waterman and Lighterman’s licences would have ensured that this situation did not prevail.

“the regime excludes people from different backgrounds and places from becoming watermen”.

Dr Ladyman 10 January 2007 Westminster Hall Debate Col 99

26. “A person faces a rigorous process, plus having to be apprenticed to an existing waterman, plus having to get the names of six other watermen who had to be either a close friend or a relative”.

Dr Ladyman 24 January 2007 Delegated Legislation Committee Debate Col 3/4

27. As demonstrated above, apprenticed Watermen need not be apprenticed to a current Waterman. They are required to gain signatures from current practitioners. This is how the continuous assessment aspect of the regime is executed. The signatories need not be a friend or relative, just a Waterman who can testify to the competence of that apprentice in all states of tide, weather and traffic density.

28. Does a captain of a non-passenger carrying commercial vessel which is less than 24m in length that operates on inland waters in the UK require a generic Boatmaster’s licence?

29. I believe that the answer is no, as these vessels can operate under equivalent qualifications such as RYA Day Skipper (a leisure qualification) and powerboat level 2 (both of which require no more than 12 Months of experience). The reference to these qualifications can be found at:


30. Dr Ladyman has again been poorly advised on this. This is evident when challenged on freight vessels less than 24 metres by Angela Watkinson MP:

Angela Watkinson: Is it not right that, under the new licence, freight vessels under 24 metres, which is about 75 feet in old money, will not be subject to the licence? Therefore, there will be lots of freight vessels and work boats operating without any licence at all.

Dr Ladyman: Everybody will have to have a generic licence. While endorsements may be unnecessary for carrying out certain functions, everyone will have their generic licence.

A Watkinson and Dr Ladyman 24 January 2007 Delegated Legislation Committee Debate Col 28

31. I would like to add that had an independent organisation been charged with the development of the new licence we would have a significantly more robust qualification in place. It is believed that charging the MCA or the PLA with the responsibility of regulating any new system amongst themselves will not achieve the transparency necessary. The poor performance of these expert organisations should bring into doubt their competence to manage such complicated regulations in the future. I would like to see an independent authority put in place in the same way as has been done for the UK railway industry.

With the exception of the attached Table of Comparison this concluded my submission.
Table 2

TO COMPARE/CONTRAST THE FINAL POSITION ON THE NEW BML AND THE CURRENT LICENSING PROVISIONS FOR WATERMEN OF THE RIVER THAMES

<table>
<thead>
<tr>
<th>Criteria</th>
<th>BML</th>
<th>Thames Watermen</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shore based training</td>
<td>1 week—safety training.</td>
<td>10 weeks mandatory.</td>
<td>90% reduction</td>
</tr>
<tr>
<td></td>
<td>1 Examination for</td>
<td>2 Examinations</td>
<td></td>
</tr>
<tr>
<td>Qualifying service</td>
<td>underpinning knowledge</td>
<td>for underpinning knowledge</td>
<td></td>
</tr>
<tr>
<td>Days required to work</td>
<td>30 months</td>
<td>5 years</td>
<td>50% reduction</td>
</tr>
<tr>
<td>Revalidation service Required</td>
<td>360 Days</td>
<td>750 Days</td>
<td>55% reduction</td>
</tr>
<tr>
<td>Examinations</td>
<td>Equivalent of 24 Days per</td>
<td>Equivalent of 50 days per year</td>
<td></td>
</tr>
<tr>
<td>Minimum local experience</td>
<td>1 or 2</td>
<td>4 examinations</td>
<td>50-75% reduction</td>
</tr>
<tr>
<td>Locally experienced Watermen as examiners</td>
<td>Not agreed in capacity</td>
<td>Yes</td>
<td>Not agreed</td>
</tr>
<tr>
<td>Log book</td>
<td>Yes, TRB Yes</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Assessment of practical skills</td>
<td>Practical test</td>
<td>LPV has practical test.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Watermen as examiners</td>
<td>Watermen required to gain testimony from other practitioners as to their practical competence in all conditions. Local examiners mandatory</td>
<td></td>
</tr>
<tr>
<td>Practitioner Testimony</td>
<td>1</td>
<td>6</td>
<td>83% reduction</td>
</tr>
</tbody>
</table>

12 February 2007

Witnesses: Mr Colin Middlemiss, Clerk, and Mr Christopher Livett, Member of the Court and Past Master, The Company of Watermen and Lightermen of the River Thames; Mr Alex Hickman, Chairman, and Captain Scott Newton, Master of the Woolwich Ferry, The Watermen’s and Lightermen’s Practitioners’ Committee; Professor Alan Lee Williams OBE, Chairman, and Mr Jack Faram MBE, Honorary Director, Transport on Water Association, gave evidence.

Chairman: Gentlemen, you are most warmly welcome this afternoon. We have one bit of housekeeping before we begin; Members having an interest to declare?

Mr Clelland: A Member of Amicus.
Clive Efford: A Member of the Transport and General Workers’ Union.
Graham Stringer: A Member of Amicus.
Chairman: A member of ASLEF.
Mrs Ellman: A Member of the Transport and General Workers’ Union.

Q1 Chairman: Gentlemen, before we begin can I just tell you one or two house rules. This is a room which absorbs sound, so I am going to ask you all to speak up. The microphone in front of you records what you say but does not project your voices, so please do not assume that because you are sitting there looking at a microphone it is meant for you, it is not.

Please, if you agree with one another do not repeat what someone has already said. If, on the other hand, you have something which you want to tell us then please try and catch the Chairman’s eye. Can I ask you to identify yourselves, starting on my left and on your right.

Mr Hickman: My name is Alex Hickman. I am Chairman of the Practitioners’ Committee for Watermen and Lightermen.
Captain Newton: Scott Newton, Captain of the Woolwich Ferry.
Mr Middlemiss: Colin Middlemiss. I am the Clerk of the Company of Watermen and Lightermen.
Mr Livett: Chris Livett, Vice-Chairman of the Apprenticing and Licensing Committee at Watermen’s Hall, Vice-Chairman of the Passenger Boat Association, a passenger boat operator and owner and a time-served Freeman.

Q2 Chairman: A one man walking industry!
Professor Williams: Alan Lee Williams, Chairman of TOW, Chairman and Freeman, and a craft-owning Freeman.

Mr Faram: Jack Faram, Honorary Director of TOW (Transport on Water), which is a charity for London. I got the MBE for my services for the River Thames. I am also Chairman of the Docklands Canal Boat Trust, which takes handicapped people for holidays. In my retirement I have got no vested interest in the areas I have retired from in this industry, but only to put forward that I had 20-odd years of examining people, so most of the people out there today have come through my hands or answered my questions.

Q3 Chairman: So you are notorious, Mr Faram!
Mr Faram: A lot of people know me.

Q4 Chairman: We have established that. Thank you very much indeed. Before we begin, I ask you all, do you actually object to the principle of a national licence or only these specific licensing arrangements?
Mr Hickman: The Practitioners’ Committee—and I speak for most of the working people on the River Thames—do not object to a new licensing scheme, be it national or European, we just object to the lowering of standards by reducing the amount of time served to get these licences, as they are proposed.

Q5 Chairman: Has anybody else got any objection apart from that?
Mr Faram: It is solely on safety. It has been my life, looking at safety on the river, and I see it going down. So it is solely on safety.

Q6 Chairman: That is very helpful. Can I ask you all, is the new licence going to benefit watermen by making them more geographically mobile?
Mr Middlemiss: Possibly. It was one of the advantages, Chairman, that was suggested at the beginning and it is a possibility that we can obviously move from the Thames to work elsewhere nationally.

Q7 Chairman: Is that so? Is it not so that in fact you could not use this licence to, for example, go straight to the Rhine and be employed?
Mr Middlemiss: That is European as opposed to national, is it not? We can work nationally, that is straightforward; European, no, we cannot. We would have to re-qualify effectively for the Rhine again.

Q8 Chairman: So although it might help you within the United Kingdom, it would not help you in relation to other European nations?
Mr Middlemiss: That would be my view.
Mr Livett: Can I just add, Chairman, that traditionally the Watermen’s and Lightermen’s Licence has been a credential which has been accepted worldwide. In actual fact my father used his Watermen’s and Lightermen’s Licence to operate coastal towage operations in New Zealand in 1965—1966, so it is a very credible certificate.

Q9 Chairman: So in a sense what you are telling us is that even though officially there was not equivalence it was accepted as being a proper training? Is that what you were going to say?
Mr Livett: Yes. It is a structured training regime which is accepted around the world.
Mr Faram: I was offered jobs on the Rhine in the seventies as I took a Churchill Fellowship on the rivers out there. I was offered two jobs. I failed the situation on the fact that I did not speak English very well but I spoke German worse! That is my failure in life. I had no problems in navigating it, but I did not speak German.

Q10 Chairman: That does not seem unreasonable in the event, I suppose. Is this new licence going to encourage freight off the roads and onto the inland waterways?
Mr Livett: I think we would need more than a new licence to do that and I think we would probably need some definite and firm government policy to enable that to happen.
Mr Faram: TOW has been promoting waterways now for quite a long while and been successful, as we see more and more people using the Thames. I think this could be a setback, what we are facing, because people are going to be a bit wary of people, whether they are safe to do the job.

Q11 Chairman: Be a bit more precise, Mr Faram. Why?
Mr Faram: The fact is that people, from experience, know the people who use it and it has grown. If I can say, after the Marchioness/Bowbelle disaster the pleasure boat industry took a terrible downturn. People kept away from the river, fully understandably. You can understand it, but over the years we have carried on and carried on trying to convince people and we have had no problems since, fortunately, and the people have come back and it is now growing and commuters are coming on board. So we are on an up and up. I fear that once it comes out that it is less stringent for these people handling these boats then people, rightly so, are going to be a little bit more wary whether they do it. So I am hoping that we do not drop the standard for people’s safety.

Q12 Mrs Ellman: What can you tell us about the way the working group on the Boatmasters’ Licence operated? I think a couple of you were actually members of it.
Mr Middlemiss: I was a member from the very beginning. The story goes back quite a long time. The working group was actually set up after an Inland Waterways freight standards workshop, which was held in Hinckley in August 2002, so we are going back quite some time, and the working group initially was looking at competencies for freight because certainly, as far as the Thames is
was quite late in the day. The other area of discussion was the need to have a tiered system that we have, but that never came to be. The compromise eventually came together in the tiered system that we have, but that was quite late in the day. The other area of difficulty I think the working party had—and a couple of my colleagues sat on it for most of the time—was the fact that the MCA had another range of codes and qualifications. They had a harmonised code, which permitted a wide range of qualifications for vessels which could potentially enter C and D waters and these codes did not refer to the Boatmasters’ Licence at all. So they are quite separate and cut across really in some ways the mandatory requirements that we tried to lay down in the Boatmasters’ Licence. I think it was a compromise in the end and I suppose from my perspective, looking backwards now, I think what was quite clear, can I say, was that those in charge of shipping policy had not really sat down and given proper thought as to what they were trying to achieve and how they were going to try and achieve it. In other words, it was not really planned, it grew as time went on.

Q13 Mrs Ellman: So you are saying the remit changed from the time it was set up?

Mr Middlemiss: Yes, indeed, and the name changed as well.

Q14 Mrs Ellman: Would you say the people on the working group reflected the expertise and knowledge needed for the new requirements?

Mr Middlemiss: Yes, because what we were trying to design were competencies for handling boats, and everybody on the working group could certainly do that, but what we did not initially have on the working group were people who specialised in the passenger side. Most of us were freight orientated.

Mr Middlemiss: No.

Mr Hickman: Chairman, if I might add, at the beginning the working group was driven by quite a different idea about inland waterways in Europe. At the introduction of the Directive which brings in the four year licence its observation was that the UK does not have rivers of the same characteristic as those in mainland Europe and therefore does not need such onerous qualifications as the Directive. So it was in the beginning saying that we would need a qualification which was less onerous than the Directive, but now recently we have a situation where the minister signing off the legislation is saying that this is in excess of the Directive. So certainly it has changed very drastically from introducing a licence which is lower to now claiming that it is higher when, as we observe, it is not.

Q16 Mrs Ellman: Have you any idea about why this change took place?

Mr Middlemiss: In terms of the freight and passenger side, it was because it was really a freight gap we were trying to deal with. We were trying to deal with a system of licensing in the country. We already had an MCA passenger Boatmasters’ Licence, so that was already around. That is the original licence, but what we did not have was something for the freight side. So the working party was initially aiming at setting up some competencies for the freight side, but it became pretty obvious—we were probably only meeting a couple of times a year so there were quite big gaps between meetings—that you could not look at freight in isolation, you had to look at vessels for both passengers and freight. So it was at that stage that the remit of the group was widened to look at the passenger side, effectively a replacement for the existing Boatmasters’ Licence which the MCA had.

Q17 Mrs Ellman: It has been said that under the previous system people qualified on the basis of time served and knowing enough skippers or the right skippers. What would you say to that?

Professor Williams: Can I just say a couple of things, if I may, Chairman? It seems to me that the minister responsible for getting this bill through the various stages has a fundamental misunderstanding of both the training of watermen and lightermen and the nature of the Watermen’s Company. It is not a cosy club. I felt that his remarks, off-stage as it were, to the newspapers have not been very helpful in getting this matter appreciated fully and it raises in my mind whether right from the start he has not been prejudiced against the idea that lightermen sometimes have connections going back three or four generations. In fact in my own case my father was a lighterman, my grandfather was a lighterman and so was my great-grandfather, and I could even go back longer than that. I served afloat for several years. I was apprenticed in 1945. The conditions then were totally different, but I just want to make the point that the training is rigorous, because the implication is that this is a cosy club and somehow or another if you know somebody, particularly if it
is in the family, it is an easy ride to become a Freeman of the Company of Watermen and Lightermen. It is not. The Company has its own procedures, the Port of London has its own procedures, and sitting alongside me is Jack Faram, who for over 20 years was an invigilator of the licences for the Company, the longest serving Freeman to do that job, and I do feel that he might have something to say on this particular point.

**Mr Faram:** As was said, in 1951 I came afloat. I was apprenticed. I picked up my first licence in 1953 and did my National Service landing craft in Suez, so I have never been off a boat since then, and then got my full licence in 1957. I then joined the various companies and worked around as a lighterman. I have been in charge of hydrofoils and I have been in charge of tugs. The only vessel on the Thames I have never been in charge of is a Thames sailing barge, strangely enough. I was a senior rower in Hammersmith town when I was 19, so I understand what it is to row in competition rowing. So I have done most of the jobs. When I came into the Transport and General Workers’ Union after the amalgamation with the Watermen and Lightermen and Tugmen’s Union I was elected to the examining committee of the Watermen’s Company, obviously representing the working men on the river, which I was appointed to every two years through the trades union movement election. I have seen many changes. When I first went afloat it was a matter of rowing barges up and down through the river. You had to know how to do that, knowing the river.

**Q18 Chairman:** I think this is fascinating and if I had nothing else to do I would give you the whole afternoon, but I need to concentrate on the problem with this particular licence.

**Mr Faram:** The fact is they have taken out anything to do with lightermen. Now, as a tow skipper, if you have got an inexperienced crowd of lightermen behind you—which we never have—it makes you, as the tow skipper look the silliest person in the world, no matter how clever you are. In one of the parts there is no local knowledge above Putney. Would you believe me that Hammersmith Bridge changes by a foot if a bus goes over it? Now, that could take someone’s head off. In the old days you took the wheel and the highest pin of the wheel was the thing which went through Hammersmith Bridge, because it is the time you arrived up there. So you know, and you looked at the tide gauge and you would say, “Keep an eye on that bridge if there’s a bus coming,” and you would clug around and drop up. I do not see many people knowing about that today, how to do that, and I think that is very poor, because there are lots of problems with the draughts of water up there, which are poorly marked by the Port of London Authority. Going on to the lower part of it, where they say Margaret Ness—which strangely enough is where the *Princess Alice* was sunk in 1800, the biggest disaster in the Thames, that is where they are going to have no local knowledge. Sea Reach is one of the busiest reaches, which is at Purfleet, where the Purfleet Bridge is, where they have got ferry boats coming in all times of tide, doing all strange things because they have to make different fetches because of low row. The Port of London Authority in their great knowledge, which I have questioned, have put buoys in to narrow the channel, so they push us with tugs and tows into that, where we used to say, “Keep up on the pavement. Keep away under stern,,” and now they have put us amongst the big ships and everything else. We cannot get out of the way of them, so we have to chat our way through. You get down to Tilbury Dock and 14 days before Christmas between Tilbury Dock and Mucking Buoy there were nine deep vessels underway in a very small area and we have to navigate amongst that lot, being safe.

**Q19 Chairman:** Why have they left them out then? You are making a very good case for specialised knowledge by not only understanding draughts but specialised conditions on the river. Why have they left them out?

**Mr Faram:** I think the Port of London Authority—can I mention names, who I think the three people are?

**Q20 Chairman:** You can mention anybody you like. They cannot touch you here.

**Mr Faram:** I think three people in the Port of London Authority, who are said to be senior marine officers, that was the past harbourmaster, Richardson, who came out of the Royal Navy and came afloat with us to learn the trade and for some reason he did not like our system, we have Foster, the up-river assistant harbourmaster, who came out of the Royal Navy, who I sat alongside and had to pull into order, after he pulled me into order, because he said I asked unfair questions, and the reason they were unfair was because he did not know the answers. Then you have got Julian Parkes, who is the man who does everything. The three of them, I think, have coordinated to get the PLA out of this problem, because after the disaster of the *Bowbelle* the PLA was taken to task by Clarke and other people saying they did not do the right job. I think at all costs the Port of London Authority wants to get off the hook and to give it to someone else, i.e. why they have done this.

**Mr Livett:** Chairman, the specific answer to your question is that it is not simply a question of time served and then off you go. There are numerous questions which the apprentice or trainee will undergo from the time of them starting their apprenticeship, which include induction courses, shore-based courses, medicals, verbal examinations, diesel engine courses, power boat courses, more shore-based courses at North-West Kent College, which specialises in maritime affairs, and finally there is an examining committee which will drill these applicants to make sure that they are of the standard to become licensed watermen. So it is just not simply a time served issue.

**Q21 Chairman:** That has all been removed? The shore-based classroom work has been removed?
Mr Livett: Yes.
Mr Middlemiss: It is no longer going to be compulsory.
Mr Livett: That is correct.

Q22 Mrs Ellman: What specialist endorsements are required to operate on the Thames under the new system?
Mr Livett: There are numerous specialist endorsements, which include local knowledge, cargo handling, dangerous goods, and towage. I think there are six in total.
Mr Hickman: To answer your question earlier about the people who come into the system, whether they are from families and backgrounds, we have got some statistics from the Company of Watermen and Lightermen which tell us that 24 people were apprenticed through the apprenticeship system who were apprenticed to either family members or non-family members or to the Hall themselves, so not all of those were actually with family members, and also 16 people—that was in 2005—came through a mature route with no onus on being related to anyone at all. In my experience, currently 50% of the people come from family-related apprenticeships. If you want me to answer your question about why the PLA does not have local knowledge or has not proposed local knowledge for the areas above Putney and below Margaret Ness, that comes in the form of a risk assessment which was not done independently, it was done internally in the PLA, it is rudimentary at best and is just two sheets of paper that really is embarrassing to the trade, to be quite honest. The application the PLA made in 2002 is much more comprehensive and is the basis of their application for the full Thames from Teddington to Lower Hope Point.

Q23 Chairman: Why was that not used then, Mr Hickman?
Mr Hickman: The reason that was not used apparently is because the standard of the licence was increased and therefore the higher standard of the generic licence would cover much of the issues raised through local knowledge, but this is contested by everyone out there working. The PLA pilots themselves, who are the people on the front line for the PLA, contest this, so the people who actually do the work contest that there is no need for local knowledge above Putney. There are many issues, we could go on all day about the issues for local knowledge above Putney and again below Margaret Ness. The fact is, there was a rudimentary risk assessment which came out. I would add, after the definition of the area. So they defined the area for the consultation in 2005. There were lots of arguments about it, so they did a risk assessment to fit that application.

Q24 Mrs Ellman: Are you saying then that despite what I think Mr Livett described as “many endorsements for local specialist knowledge being required as well as local knowledge” this is still not safe from the previous system?
Mr Livett: The standard of the new licence is less than the old licence in terms of the area that the local knowledge endorsement would cover and the time that it takes one to obtain the qualifications.

Q25 Clive Efford: Do you accept the principle of a national committee taking decisions at a local level, or should that involve people with local knowledge more? The structure which has been set up under the MCA, are you satisfied with it?
Mr Middlemiss: I think you are referring to the Equivalence Committee, which is charged at looking at local knowledge, whether local knowledge is necessary for a particular area. I think we are content that it is a national committee because it is dealing with a national licence and it has got a set of national guidelines against which to judge whether local knowledge should be issued or not, so I think that part is fair. What we are less happy about is the fact that there needs to be a very firm requirement on the Equivalence Committee that when it is sitting and looking at a particular stretch of water to decide whether or not it should have local knowledge it should be talking to the local people to gain their reaction to that particular thing. It should not be taking its decisions in isolation.

Q26 Clive Efford: My question is, are you satisfied that the structure allows that local knowledge to influence the decisions?
Mr Middlemiss: No.

Q27 Clive Efford: We have talked a bit already about the new zone in London which has been reduced. What is the difference between the Thames Estuary and those other areas which did not make any representations, the Tees, the Mersey and the Clyde, about there being no local zone in their areas? What is the difference between the Thames Estuary and those areas?
Mr Livett: There are huge differences. The Thames is unique, as we are all aware, not only in terms of traffic density, which Mr Faram referred to earlier, but the geography of the river, the environs of the river, the way the fog may come and go, the seasons which influence the river in terms of easterly winds and tidal flows. There are numerous differences, none of which are an exact comparison or similar to other areas in the country.

Q28 Clive Efford: But they would have those features, would they not? I mean, they all have weather, for instance. Why is it particularly a problem in the Thames Estuary as opposed to those areas?
Mr Hickman: The River Thames is the second largest port in the UK. Ninety% of that cargo is actually handled lower than the local knowledge area, so much of that cargo handled is mixed up with cruise liners which come only to London and not necessarily to Hull. Then there are the passenger boats which go up and down the River Thames. Five million people travel on the River Thames every
year. Nowhere else in Europe, let alone in this
country, has got similar circumstances even in the
lower reaches.

Q29 Clive Efford: The PLA has put it to us that if
somebody was operating in this wider area and was
not operating in the more dangerous part between
Putney and the Thames Barrier, he could then move
from that outer area which is less dangerous into the
area between Putney and the Thames Barrier
because he had been operating in the previous zone,
but may not have local knowledge. Is that a
reasonable argument?

Mr Middlemiss: I know what you are trying to say.
No, it is not, because quite simply if we expand the
local knowledge endorsement which we have
currently got to cover the whole of the Thames they
will be examined on the whole of that area, so their
knowledge will be tested both below the barrier and
also above it.

Q30 Clive Efford: I think the argument which the
PLA is putting forward is that they will not have that
day to day experience of operating in that area but
they could move from one to the other?

Mr Middlemiss: Yes, but we are re-testing local
knowledge every five years so even if they have not
moved jobs for a while they would still be up for re-
examination.

Q31 Chairman: You do not really basically accept
the fact that the Thames might be in a sense over-
prescribed and over-boosting this local knowledge?

Mr Middlemiss: No, I certainly do not accept it.

Mr Livett: Can I say that what compounds the view
for local knowledge is that if it was that easy in the
lower reaches then why do we have compulsory
pilotage?

Captain Newton: When we had a meeting a couple of
years ago at Watermen’s Hall, Roger Towner, the
MCA officer who is one of the main instigators for
the BML, made it quite clear that as a master
mariner when he used to come into the Thames and
go to Thames Matex, which is outside the local
knowledge area in Purfleet, he would always have a
local practitioner to pilot him up the Thames to the
berth. I can fully accept why he needed that, and this
is a master mariner asking for local knowledge with
a local practitioner and yet now it is not required any
more. This is my worry as a captain and a passenger-
carrying operator, that we should have local
knowledge for all parts of the Thames. Another
MCA officer, Rod Shaw, who is the Orpington
London officer, has made it quite clear that he
wanted the stretch from Putney to Teddington Lock
to be included in the local knowledge area. He has
made that quite clear but it is the PLA,
unfortunately, which has dictated this area.

Q32 Clive Efford: I want to just ask Mr Faram if he
has got experience of working in other estuaries and
whether he has got any comments.

Mr Faram: Until I retired five years ago I had 20
years of working in the estuary for Cory
Environmental Waste taking barges on and off
Mucking and up into London. That was a regular
every other day job and we worked 16 hours. The
fact is that when you start looking at Lower Hope
Point—and this is the difference between lots of
rivers—it becomes a very narrow channel, and you
have got very deep-draughted ships going through
there and you are in that vicinity. So we have not
only a weather problem but then you are close by
what used to be the oil refineries which is now going
to be developed into a big container terminal at the
Haven. So you have got big ships. We had very big
tankers there which blocked the river up, so you had
to be involved in all that. Now we are going to have
the super container carriers coming on there, so that
part of the river is still a very, very congested area
and it is very narrow for deep vessels and the fact is
that we have a 20-odd feet draught. I had to wait to
got onto Mucking with 12 barges, that is 4,000
tonnes, and I had to wait for at least 4’6” on the
draught before I could get in. So I had one chance of
getting onto that wharf with 10 and 12 barges, and
getting off, and if you are caught on the ground in
those areas you are really in trouble because the
weather can take you.

Q33 Chairman: Mr Faram, I can see why you do it.
It is quite exciting. That is very important.

Mr Faram: That is the difference between rivers,
Chairman.

Chairman: That is very useful.

Q34 Mr Scott: Two brief questions for everyone on
the panel. Do you think that the Thames will be a
more dangerous place if this comes into existence,
and would you agree that as the Danube and the
Rhine have been given special status that the same
should be given to the Thames?

Mr Faram: I would say yes.

Mr Livett: Yes, me too.

Mr Faram: Having worked on the Rhine and
worked on the Thames, I would say the Thames
would be a much more dangerous river because the
Rhine, to be honest about it, is a simple river to
work.

Mr Hickman: Firstly, the people who work out there
certainly agree that it is going to be more dangerous.
The risk is increasing, if anything. Currently the
passenger boats are getting bigger, the amount of
passengers is rising and this whole movement is
trying to get more freight on the Thames. You would
think that the regulations and the licensing regime
would become stricter, but they have become looser
and they facilitate fast-tracking, so certainly as
practitioners we believe it is going to be less safe,
especially in the areas without local knowledge
assessment above Putney and below Margaret Ness.
On that point, in 2001 the PLA undertook an
operational risk assessment and the contractors at
the time came up with a top 10 of risks on the
Thames. Five of those, if I can read them out to you,
are collision of a vessel manoeuvring or entering
Tilbury Lock outside the local knowledge area, contacts of bridge, London Bridge to Richmond. Now, the section from Richmond down is outside the local knowledge area. With regard to collisions, Putney Bridge to Richmond, a busy area, a range of vessel types, that is in the top ten. Number six is contact with the groynes of Diver's Shoal, which is near Gravesend, outside the local knowledge area, and number eight is pilot injured boarding or unboarding. Most of the pilotage, as we have heard, occurs outside the local knowledge area below Margaret Ness. So half of the top 10 risks in the Thames, as identified by an independent risk assessment, are outside the local knowledge area.

Mr Livett: Can I speak with my commercial hat on, being an owner of 10 passenger boats and the owner of the largest category C passenger boat in UK waters which takes 650 people on the Thames? With regard to the risk assessment which was conducted to assess where the local knowledge zone would be, we were never consulted on that as operators and I think it us ultimately—

Q35 Chairman: Who is “we” in this context? You do not just mean your company, you mean operators generally?

Mr Livett: Operators generally. I am also vice-chairman of the Passenger Boat Association, which is a national group of passenger boat operators, some 60 people around the country.

Q36 Chairman: You are certain that they were not consulted?

Mr Livett: I am certain they were not consulted and in my view, as the owner, operator and the person who is ultimately responsible for those people’s safety on board, we should have been. It is equally my view that the area which has been designated is insufficient.

Q37 Mr Clelland: Just on that last point, the detrimental effects you are talking about in terms of the licence in terms of the Thames, would that apply to other rivers in the country or is it just peculiar to the Thames?

Mr Hickman: In most areas in the UK the proposals will be an improvement on much of the UK legislation. Remember that we only had a passenger boat licence, if you like, the MCA Boatmasters’ Licence, so much of what is being proposed will be improvements for much of the UK, but it is the Thames primarily which has got the major issues, although there are other areas that I have been informed about which have got issues with the new licence as well, but you will have to ask those areas and the representatives of those areas about that.

Professor Williams: Could I just make one point because a number of watermen and lightermen, of course, work around the other river. As you refer to the House of Lords as “the other place”, we refer to “the other river” as being the River Medway. During the period of the fifties and the sixties the trade around there was quite sparse, though I understand it is now picking up. A lighterman operating in that vicinity would need to know his stuff in the lower reaches, but under the old licensing system the whole of the river was his domain, so he had to be knowledgeable. Whether he was an “up to” man or a “down below” man, he had to know the whole of the river. I speak personally on this, and I do not know whether my colleagues would agree with me but I thought the method of training under the old system takes some beating.

Q38 Graham Stringer: I understood that really the burden of what the minister was saying was that your system gives people an easy ride and is discriminatory. What I have not heard really are any facts or figures which would rebut that. How many people, for instance, fail to become boatmen or watermen at the present time?

Mr Middlemiss: I have got some figures somewhere, I just need to dig them up. If I look back a couple of years to see the people who came through our examining system—

Mr Hickman: In the meantime, could I say that the idea that the apprenticeship system is an easy ride compared with the new proposals really is a terrible indictment on the old regime because with five years of service—

Q39 Graham Stringer: What I am trying to get at is not the length of time, we know that, it is just how many people failed. What I am interested in is figures. While you are looking up the number of people who fail, I would like to know how many women qualify and what the ethnic mix of watermen and boatmen is, if you can tell us that. How many black people get these licences?

Mr Middlemiss: I cannot tell you that. I looked back to see what the failure rate was and looking back over two years we had 89 people appearing before our examining committee and of those 89, 18 failed.

Q40 Graham Stringer: So it is about 23%?

Mr Middlemiss: Yes, roughly. If you are then, as I suspect you are, going to ask me what happens to those who failed, normally candidates would be advised how close they were to the pass mark so they knew how much further work they had to do and usually we gave them a suggestion of how much time we thought it would take them to gather that experience, and they were then permitted to come back and be re-examined. We would normally re-examine them up to about three times and then after that we would be suggesting to them that it was unlikely they were going to pass.

Q41 Graham Stringer: That is very interesting. Do you have figures for the final drop out rates? Roughly slightly less than a quarter fail the first exam. How many of them go on to complete and get the qualification?

Mr Middlemiss: About half of that again.

Q42 Graham Stringer: So basically the drop out rate is about one-eighth, very roughly?
Mr Middlemiss: Something like that, yes.

Q43 Graham Stringer: Do you think you could provide us with the exact figures on that?
Mr Middlemiss: I certainly can give you some exact figures on that.

Q44 Graham Stringer: And in terms of the make-up of the people who get the licences, in terms of ethnicity and sex. How many women are there?
Mr Middlemiss: The women I can give you because obviously their names give away their sex, but we do not collect ethnic origin figures particularly, so I cannot help you on that.

Q45 Graham Stringer: That does leave you open to the possibility of being accused of having a discriminatory system, does it not?
Mr Middlemiss: It could, but I am absolutely sure in my own mind that our system is totally open and that anybody can apply. It is not in any way closed, and indeed the company itself has spent quite a large amount of money over the last five or six years recruiting from outside the industry. We did a manpower survey five years ago which demonstrated to us that our age profile amongst licensed watermen and lightermen was too near the top end, we were going to get too many retiring in that sort of five year period, so we needed to increase our recruitment. So we have used Job Centres, job fairs and exhibitions and other ways of trying to interest people who have no connection with the River Thames particularly to come and try and become a waterman and lighterman. So it is an open system.

Mr Hickman: In support of that, I really do not feel that the Port of London Authority, which has overall responsibility for the watermen’s and lightermen’s licences, would actually let that happen. I have got a waterman’s licence here. It is a Port of London Authority licence, so they are responsible and I would not imagine that the Port of London Authority would let any bias of ethnicity or sexism come into the mix.

Q46 Graham Stringer: I am more interested in getting at the evidence rather than people’s moral standing on this. What I am finding difficult about this whole process is getting facts and figures. Is the Thames under the current system getting safer or less safe? How many accidents are there? How do you record them? What categorisation do you put them into?
Mr Hickman: Again, you would have to ask the Port of London Authority to collate that information on a regular basis.

Q47 Graham Stringer: Where would we, as a committee, find that information?
Mr Hickman: At the Port of London Authority, Gravesend.

Q48 Graham Stringer: Is it published?
Mr Livett: The Port of London Authority and the main Coastguard Agency would supply you with that information.

Q49 Chairman: Is it published you are being asked?
Mr Livett: Not to my knowledge.

Q50 Chairman: Not to your knowledge?
Mr Livett: That is a matter for the PLA to answer, I am sure.

Q51 Graham Stringer: If you are a waterman or a boatman, how do you report an accident? Do you report an accident? How do you report a near miss?
Mr Livett: Yes, there are reporting systems in place that we use professionally. It is reported to the MCA and to the PLA in paper form. If it is a serious accident it will go in front of the MAIB, the Marine Accident Investigation Bureau. So there are reporting systems in place.

Q52 Graham Stringer: Do you have a secret—“secret” is probably the wrong word, but the kind of system which they use in aviation if there are near misses so that you are aware or the Port of London Authority is aware if there has been a near miss, even if there has not been an accident? Is there a confidential reporting system available?
Mr Livett: That is a question for the PLA. I cannot answer on how they release their data. We provide them with the data. The operators provide them with the data.

Q53 Graham Stringer: Precisely. So what you are saying is that if there is an accident it is reported. I am asking, is there a confidential reporting system—because you would know because you are part of the system—if there has been a near miss, because often to know if there is a problem, understanding that there has been a near miss is more important in some ways than if there has actually been an accident?
Mr Hickman: A near miss is a reportable incident, so you would report that as well as you would any other incident. A near miss would be the same, as you would report a grounding or a collision.

Q54 Graham Stringer: The experience in other industries is that if you have not got a hole in your boat it is easy to pretend you have not had an accident, is it not, and what often helps in reporting those instances is if it is confidential? What I am trying to get at are basically the facts. I understand that what you are saying is that the system works and the new system is not going to be as safe. What I am trying to find out is, (i) in terms of accessing the system is it fair, and (ii) is the river under the current system getting safer or less safe? Is there an answer to that simple question, even if you do not have the statistics?
Mr Livett: The early indications are, and I think you are getting the feel from this side of the table, but we are telling you that we believe it is not going to be
safe under the present criteria. We have not lived through that yet, we are only two months into the new regime, so there are no statistics.

Q55 Graham Stringer: Over the last five or 10 years, since the Marchioness, for instance, has it been getting safer or less safe?
Mr Livett: I would suggest it is an extremely safe place to be and the message that we must put out to people is that it is an extremely safe place to place. It is probably the safest mode of transport in the country.

Q56 Graham Stringer: But can you show that in facts and figures?
Mr Livett: Yes. I am sure we can prove that by the numbers of people we carry and the number of incidents which happen, and those incidents are reportable to the MCA and the PLA. The PLA has the figures on that and I can tell you that we have not had, to my knowledge, a fatality since the Marchioness disaster.

Q57 Chairman: I just want to ask you some other details. Have you done an estimate of the cost of obtaining the new Boatmasters’ Licence including the MCA fees?
Mr Middlemiss: No, we have not, Chairman, because at the moment we still do not know quite how much it is going to cost us to train people. We have not run a course yet. We have got a pilot course starting in March, which will give us a much better assessment of how this is going to work. So that figure is more difficult, but our best guess at the moment is that it is more expensive than the old system.

Q58 Chairman: Did you apply to the MCA to be an approved training provider?
Mr Middlemiss: We did, Chairman.

Q59 Chairman: Did they turn you down?
Mr Middlemiss: No. I have had no response yet.

Q60 Chairman: Are there any approved providers?
Mr Middlemiss: As far as I know, no.

Q61 Chairman: Can I ask you about transitional arrangements because it is quite useful to know. It is apparently the case that only Thames watermen are going to be able to convert the existing licence into a Tier 1 Boatmasters’ Licence. Are all other licence-holders qualified only for a Tier 2 licence?
Mr Middlemiss: That I cannot really answer. I am really only concerned with the Thames so I have not been watching closely what happens elsewhere.

Q62 Chairman: Are these transitional arrangements going to help or hinder the Government in promoting greater mobility?
Mr Middlemiss: I would have thought hinder rather than help. The transition that we are in at the moment has been a very difficult transition on its own. We still have not seen the new Boatmasters’ Licence despite the fact that it was introduced on 1 January.

Q63 Chairman: You have not seen it?
Mr Middlemiss: No. None have been issued yet.

Q64 Chairman: You started when you were two!
Captain Newton: I have always had these looks, I am afraid! You are very kind.

Q65 Chairman: Enjoy it! I do not compliment men very often; it may rapidly change.

Q66 Chairman: What does that do to your job? Are the transitional arrangements such that you can carry on but you technically have not got a licence?
Captain Newton: I have got a letter with me which says—

Q67 Chairman: It says you are a fine, upstanding fellow, but you are not entitled to your licence!

Q68 Chairman: Were you go to provide us with copies of those letters, Mr Newton?
Captain Newton: Yes.

Q69 Chairman: Well, they do have special regulations for these 21-year-olds, you know, Mr Faram. I am going to ask you a little bit more about the actual licensing. Is it true that six counter-signatories were required?

Q70 Chairman: Yes, Chairman, it is true. The way in which we operated was that if you wanted to apply to come up and be examined you needed six of our Freemen to have signed the form. The reason for that is quite simply that we need to know that people are operating out there on the river on a regular basis and that they are suitable people to be examined. I should say that the Freemen who signed those forms by and large are working watermen and lightermen, so there would be not great interest—
Q70 Chairman: I am not arguing that, Mr Middlemiss, I just want to be sure that is the case. 
Mr Middlemiss: That is the case.

Q71 Chairman: Do you have any women at all? 
Mr Middlemiss: Yes.

Q72 Chairman: How many? 
Mr Livett: Chairman, actually my daughter is an apprentice, who is currently at Manchester University.

Q73 Chairman: I am sure she will keep you in the style which you wish to maintain! 
Mr Livett: I very much hope so! 
Captain Newton: Woolwich Ferry have a lady who works there as well as a waterman. 
Mr Faram: I just want to make it clear, I think the minister in his debate was saying that you had to have six Freemen to sign papers to be an apprentice. He said that and it is in Hansard. That is not true. You have to have six Freemen before you come up for your licences to say that you have been working with them.

Q74 Chairman: In other words, what you are really saying to us is that it is actually just an assessment of your accreditation, it says you really have done this work, “and because we are working Freemen we can tell you that that is the case”?

Mr Faram: Yes, and you do not have to get these people to actually become an apprentice. 
Mr Livett: They are testimonies and those people who sign put their licence numbers, the Port of London Authority licence numbers, alongside their signature for us to verify that they are competent watermen and lightermen.

Q75 Chairman: So it is not quite the sort of representation which is being given to everybody that it is just an old boys’ club, capable only of allowing people in if they are connected with somebody who is already in? 
Mr Middlemiss: Definitely not. 
Mr Livett: Chairman, can I draw your attention to this document, which is a publication produced by the Watermen’s Company trying to entice people from any walks of life into the Thames and the careers that are available, all different careers here. This is a publication which we use, going to East London schools, trying to recruit from East London schools and job fairs where we have been to try to recruit from the job fairs. The Thames is completely open and never let it be said that it is a closed shop or a cosy club; it is far from that. Nobody could call an occupation where you have to get up at two o’clock in the morning to catch the four o’clock tide a cosy club! 
Chairman: I can see you would not necessarily be overwhelmed with applicants! Gentlemen, I am very grateful to you all. You have been very instructive. I think that is very helpful to us. Thank you very much indeed.

Supplementary memorandum submitted by the Transport on Water Association

I give below information for your Committee with regard to the Lighterman’s Licence under the Port of London Authority, up until 31 December 2006.

A lighterman would be examined, not only on general navigation as other licensed people, but on the following specialities. 

How to move craft without any engine power, ie dumb barges by oars, use of ropes, knowledge of tides and winds. It is essential when moving large tonnages that ropes must be able to be released at any time, as ropes jamming can take lives. He must know the tide sets, what type of berths there are alongside wharves, whether they have mud, stone, or sandy bottoms or there is a campshed (raised berth).

Also, there are deep wharves where the tide does not leave; the lighterman knows how much slack to leave on ropes at spring or neap tides, so when he leaves the vessel will be securely moored alongside the wharf and safe at all times.

On examination, questions would be asked of the lighterman on how to berth vessels at various places on the Thames. He also has to be fully conversant in loading vessels so they are stable, to ensure they are seaworthy, by covering up properly and battening down.

He has to fully understand all Customs papers when signing for bonded cargo, ie Customs entries and export certificates. He also must understand shipping papers such as Bills of Lading.

In towing the lighterman’s knowledge must be very precise in what ropes to be used in putting together the tow for various size barges, ie for example when going to Mucking Wharf in Lower Hope Reach there would be ten or twelve container barges in the tow with each barge carrying 20 or 30 containers. The tonnage overall would be 3,000 to 4,000 tons. Length per barge 109 feet to 149 feet, equalling an approximate tow of 900 feet in length, 48 feet wide. 28 ropes would be needed to hold these vessels in tow, which is done by four to five men in the daytime and at night. A tow of six barges, which is normal when vessels are below Tower Bridge, can be 300 feet. One can imagine there are so many dangers if people are not aware of the procedure and the breaking strain of ropes.

1 March 2007
Supplementary memorandum submitted by the Company of Watermen and Lightermen of the River Thames

THAMES WATERMEN AND LIGHTERMEN

When the Company appeared before your Committee on 21 February, you invited us to submit any further evidence particularly statistics in writing that we felt might be helpful to the Committee.

I am enclosing a record of the numbers of apprentices bound between 1991 and 2006 showing how many achieved a Provisional Watermen’s and/or Lightermen’s Licence after two years and those that went on for a Full Watermen and/or Lightermen’s Licence before obtaining their Freedom of the Company.

The other question asked by the Committee about statistics related incidents or accidents. As we explained the Company has no part to play in the reporting of such events, but the PLA as the Harbour Authority and the MCA as the Licensing Authority both require the crew of vessels to report such events and will be collecting statistics.

The Company expressed concern about the MCA’s plans for examining Thames Local Knowledge and it occurred to us afterwards that a brief description of how the Company’s Examining Committee worked might be of use. Apprentices were examined twice for their local knowledge, once for a Provisional Licence to take up to 12 passengers or act as crew on barges and for a second occasion for a Full Licence. The difference between the two examinations was a much greater depth of knowledge required on the second occasion. The Master of the apprentice or a friend can sit in on the examining. In applying to be examined the apprentice or trainee has to produce a log book with a completed record of his experience and skills. The process itself was for a PLA Harbour Master to examine using visual aids, knowledge of the Thames byelaws, rules and Codes of Practice. A senior qualified Waterman usually with a colleague would then examine separately manoeuvring passenger vessels, river knowledge from Teddington to Lower Hope Point, safety management systems and similar matters. A senior qualified Lighterman usually with a colleague would conduct a similar separate examination for Lighterage. The Committee would then meet as a whole to discuss the results before the apprentice or trainee was called in to receive the results. If it was a failure the Committee would indicate where improvement was necessary and an assessment of the time it might take.

We also mentioned that the Company has a charity, The Philip Henman Foundation that offers grants and loans to young people interested in a career on the River Thames. Freemen of the Company give generously to this charity to ensure that those coming from a disadvantaged background can still train to become a Waterman and Lighterman. In the last year for which full accounts are available, the year ending 30th June 2006, the Foundation awarded grants of £14,765 and paid £15,556 in course fees, £14,605 in other support costs.

As we explained the Company and its charity the Philip Henman Foundation actively recruit using Job Centres, Careers Advisers and Schools. In the year mentioned above £12,464 was used for this purpose.

The Company itself puts considerable effort into promoting the River Thames and events held on it. The Company has been part of the organisation of the Doggett’s Coat and Badge Wager since its inception in 1715. This is an annual single sculling race for young Freemen in their first year of Freedom. The Company supports both financially and otherwise the annual Transport on the Water (TOW) Barge Driving Race and the Great River Race. The Company is the founder member of the Thames Traditional Rowing Club that organises fixed seat rowing in traditional Thames cutters.

APPRENTICE’S RECORDS 1991 to 2006

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Supplementary memorandum submitted by the Thames Watermen’s and Lightermen’s Practitioners’ Committee

1. This note follows the oral submission of evidence made by the Waterman and Lighterman’s Practitioners’ Committee on Wednesday 21 February 2007. Following the submission there are 5 further points that need clarification. These are as follows:

   — Further detail on why the Thames is different to other large UK Ports.
   — Direct comparisons of qualifying service times (old and new).
   — Thames Freight Operations under the Former Regime (Pre 2007).
   — Chronology of local knowledge application status for the Thames.

Ports of Immingham and Tees

2. Further to the question on why the Thames is different to other ports of similar size, I have been in contact with Immingham and Tees who together with London represent the largest three Ports in the UK. Kate Walker from the Port of Immingham states;

3. “Immingham carries no passengers” 
   Kate Walker E-mail communication 22/02/2007

4. Martyn Pellow from the Tees states:

   “There are no current or recent passenger services either within the port or leaving from the port. 
   In addition there are no plans for any such services from the Tees”.
   Martyn Pellow E-mail communication 22/02/2007

5. There is therefore no mix of freight operations and passenger vessel operations as is experienced on the Thames. The Thames handles tens of thousands of people who visit on cruise ships and also Millions of people on tourist and commuter services in London. The current estimate is that 5 Million passenger journeys are undertaken on the Thames each year. Whilst a large proportion of the volume is attributed to the London area there remains significant amounts of passengers (in the order of tens of thousands annually) travelling in the lower reaches, below Woolwich. With such levels of passenger traffic the risk to life is considerably higher than in Ports like Immingham and Tees where any risk assessment would not be able to identify such fatality factors. This may be part of the reason for their having not applied for local knowledge assessment.

6. The port with the most terminals of Immingham and Tees is Tees with 31 berths. The Thames has in excess of 80 terminals each with its own peculiarities, almost 3 times that of Tees.

Comparing Qualifying Service Time

7. To identify the concerns about how the former and new regime compare on the Thames you can ask the simple question “How did a captain gain specialist endorsement for Large Passenger Vessels in the old regime? and how does it compare to the new?

Answer

8. Waterman and Lighterman’s Regime

   The former regime for Watermen and Lightermen required that a Captain first gain a Waterman’s Licence which required five years service, 10 weeks of shore based training and 4 examinations before then being required to undergo:
   — 1 year of experience on large passenger vessels including 150 days worked.
   — Practical and oral assessment.

9. Boatmaster’s Licence Regime

   New candidate captains will be able to gain a generic Boatmaster’s licence with general passenger operations endorsement following two years experience, one oral and practical assessment and a three day safety course before then being required to undergo:
   — Six months experience on large passenger vessels including at least 60 days worked.
   — Practical and oral assessment.

Thames Freight Operations under the Former Regime (Prior to 1 January 2007)

10. The Baxter Eadie Study (September 2002) makes regular reference to the PLA’s guidelines on competencies under bylaw 12 of the Craft and Registration and Regulation Bylaws to define appropriate amounts of experience for Masters (and other crew). These guidelines (Annex A) quantitatively define “sufficiency” as alluded to in these comments from that Baxter Eadie Study.
11. “The regulatory requirements for safe management of craft (tugs, workboats and motorised and
dumb lighters) for operation in the tidal Thames, other than those vessels going to sea, are covered by the
PLA Craft and Boat Regulations. Owners and operators of these vessels must ensure those in charge of these
vessels are sufficiently qualified, sufficiency being specified in guidelines issued by the PLA”.

12. These guidelines suggest an experience requirement of nine years for inland towing operations on the
Thames. The new Boatmaster’s Licence regime facilitates qualification in just two years.

CHRONOLOGY OF LOCAL KNOWLEDGE ASSESSMENT STATUS

13. September 2002

Baxter Eadie produce a study into skills required on the river Thames. The PLA use this to form the basis
for a local knowledge application for Teddington to the Thames Estuary.

14. July 2005

The proposals for the new Boatmaster’s Licence are put out to consultation. These proposals include a
new area for local knowledge assessment of Putney to Woolwich.

15. October 2005

After a wave of protest to the PLA, Chief Executive Richard Everitt responds in writing stating that “…
our application for the whole of the area, made some two years ago and based on the results of the Baxter
Eadie Study still remains our formal position”.

16. March 2006

An internal risk assessment (Annex B) on local knowledge is undertaken by the PLA that involved no
element of consultation with its social partners. This results in the discovery that only the area from Putney
to Woolwich need local knowledge assessment (although this appeared in the MCA’s consultation material
some nine months earlier).

2001 PLA OPERATIONAL RISK ASSESSMENT

17. Find attached the document header and top ten risks (Annex C) of this risk assessment. The full
document is available if required. Half of the top ten risks are outside the local knowledge area.

28 February 2007

Further supplementary memorandum submitted by the Thames Watermen’s and
Lightermen’s Practitioners’ Committee

On behalf of the Thames Practitioners I would like to offer comment to qualify some of the evidence
submitted by the Port of London Authority. The Chief Harbour Master Mr Snelson, regularly compared
the new Boatmaster’s Licence (BML) with the old Boatmaster’s licence. This should not be confused with
the Thames Waterman’s Licence. All Thames Watermen would agree that the New BML significantly
improves on the old BML. Mr. Snelson often refers to the Baxter Eadie Study and that the new BML has
double the skills set of the old system. This comes out of that competency study that identified around 500
skills for operating on the Thames. The study did not suggest that the 500 skills (which form the foundation
of the new syllabus) were not then (2002) imparted on the working Watermen. In fact Baxter Eadie Ltd state:

“It is the Consultants’ view that all the competencies and skills required for the safe and effective
operation of commercial vessels on the River Thames are manifest in some form within the existing
skill development programme.”

Baxter Eadie Study Page 1 October 2002.

Mr Parks also comments on the custom and practice that Thames Watermen have
been working on all varieties of vessels. In the future, captains will be qualifying with limited amounts of
endorsement. If they try and change jobs they may not hold a suitable endorsement and this will be a barrier
to transfer of inland waterways Masters.

Mr Snelson also comments that former qualifications only covered the River Thames to Lower Hope
Point. This is not true as all apprenticed Thames Watermen were required to complete the PLA 1 and PLA
2 college courses after 1991. These courses were developed to include the estuary and as such included 50%
chartwork which, as you would appreciate, is not required in the narrow reaches above Lower Hope Point. These courses also included local knowledge elements covering working berths, anchorages, shifting sands, operational channels, tidal information and reporting way points. Mr Snelson also reads out the new syllabus for tides which is exactly the same as that for the PLA 1 college course which all Watermen that qualified after 1991 have completed. Note—mandatory completion of PLA 1 by apprentice Watermen was a direct result of recommendations made after the accident in 1989 Bowbelle/Marchioness.

On this point, much is made of the poor performance of the syllabus for the Company of Watermen and Lightermen’s qualifications in the Baxter Eadie Study 2002. (MCA’s evidence Annex B). All Watermen complete both the PLA qualifications (49%) and the CWL qualifications (23%). In fact, recent Watermen complete more qualifications which mean that if the comparison were done today, Thames Watermen would perform well. In fact, this table also shows you that European Boatmasters qualifying through the Directive (EU95/50) will be coming to UK inland waters with only 20% of the skill necessary. It is also worth noting that STCW qualifications (qualifications for Master Mariners) only guarantee 41% of the skills required. These “higher” qualifications will not provide the skills required yet through pilotage exemptions these qualifications will be accepted despite their poor performance in this table of comparison.

Mr Snelson states in his evidence that he is persuaded that the new Boatmaster’s Licence applies to all inland waterways vessels. This is not true as commercial vessels (non-passenger) that are less than 24m could be in command of someone with leisure qualifications such as a Yachtmasters Licence or Powerboat level II which are both obtainable in 12 months. He also believes that the reason that mandatory college training was removed was due to the necessity that provision should be made to facilitate distance learning. There is no evidence of this, and to date the MCA has not confirmed that until distance learning options have been developed college courses will be the only accepted means of delivery of underpinning knowledge.

Finally, I would like to take the committee’s attention to the additional evidence submitted by the MCA relating to accident reporting and statistics. The last page with the MAIB’s statistics on accidents involving inland waterways vessels shows a worrying trend concerning data since 2000. Since then the total accidents have increased significantly. Also the figures for passenger vessels have shown an increasing trend. This contrasts with the statistics provided by the PLA which have shown a slight decrease over the same period. There is concern in relation to the Thames that we are moving away from a local licence with statistics demonstrating a decrease of incidents, to a National scheme that may bring with it the National trend of accidents.

All said, there are some indisputable facts:

— The Marchioness “of today” can be in the hands of someone with just two years experience and having done no shore based training for underpinning knowledge. Previously (between 1991 and December 2006) this operation required five years experience and 10 weeks of shore based training. The family of someone lost in a future incident similar to that of the Bowbelle/Marchioness may ask “why was the skipper of that boat allowed to qualify after just two years and after being required to do less college training than before? I thought that things were improved after the Marchioness”.

— The PLA did not consult with its own qualified personnel working on the Thames nor other operators when considering its local knowledge area.

— A member of the general public could say in the future following an accident that “it was no wonder he hit Richmond Bridge with all those passengers on board—he has never been there before!” or “he wouldn’t know that a ship would leave Tilbury Dock at that time—he has never seen it happen!”

— There is a possibility that a Captain may, in the future, be able to say following a major security incident “I would have helped with the evacuation from Canary Wharf but my local knowledge doesn’t take me down that far so I had to stay where I was”.

12 March 2007

Memorandum submitted by the Inland Waterways Association

The Inland Waterways Association is a registered charity formed in 1946 by individuals who wished to turn our inland waterways from the abandoned ditches many had become into the widely used and much loved amenity that they are today. The Association, through its national membership and local waterway societies, campaigns to convince government, local authorities and the public of the need for canals and river navigations, and through its Waterway Recovery Group has helped restore hundreds of miles of waterways for use by boaters, walkers and anglers.

IWA has been active and often the driving force in waterway restoration the length and breadth of the country.
We have nearly 18,000 individual members, and 289 affiliated non-profit-making waterway organisations. More than 25,000 volunteer hours are annually donated through our Waterway Recovery Group.

EXECUTIVE SUMMARY

1. Waterway restoration, led by the voluntary sector for the past 40 years, has provided urban and rural regeneration on a massive scale. This work needs to be encouraged and nurtured.

2. Smaller vessels are subjected to the regulations as implemented in the UK than are covered by the European requirements.

3. IWA contends that volunteers on workboats or small trip boats on sections of waterway under restoration should not be deterred from such work due to undue costs and time commitments involved in gaining the necessary authorisation.

4. There is a huge difference between the conditions found on tidal rivers and estuaries, and those on canals and shallow, narrow rivers. IWA welcomes the provision for a tier 2 licence for what the Agency terms Category A and B waterways (most inland canals and river navigations), or non-linked Category C waters (large lakes). Furthermore, IWA suggests a third more simplified tier related solely to canals and shallow rivers under restoration by volunteers.

5. IWA is pleased that MCA has agreed that for smaller vessels, alternative qualifications will be accepted, and some existing schemes, such as the National Community Boat Management Certificate are being considered for approval as equivalents. On isolated waterways under restoration, an appropriate approval under the Waterway Recovery Group driver authorisation scheme may be sufficient qualification.

6. The MCA was very fair and helpful in finding a solution to the application of the regulations for volunteers.

7. IWA would not wish to see such certification extended any further i.e. not to pleasure craft users. The IWA policy has always been for this group that “education” is better than “regulation”.

IMPLEMENTATION OF THE EC DIRECTIVE

8. The Inland Waterways Association supports European endeavours to ensure Master Mariners are certificated. Likewise, for those carrying passengers [over 12] on inland waterways, it seems reasonable that they should be up to a set standard.

9. Whilst IWA appreciates that this action is partly driven by European Union directives, it should be recognised that, generally, the commercial inland craft in use on the continent are much larger than those in use in the United Kingdom, and are only encountered inland on the larger rivers such as the Lower Thames and Humber and Yorkshire navigations.

MARITIME AND COASTGUARD AGENCY

10. The European Directive applies to vessels over 20m in length. IWA understands that the higher European size limit for the application of boatmasters licence regulations reflects the scale of traffic on the major European waters, where inland freight vessels can be over 100m in length, with smaller vessels tending to be covered by national level regulations. The MCA decided to cover smaller boats in the size range 20—24m under the UK regulations since quite small vessels can pose a risk on the small scale UK inland waterways. These regulations, therefore, represent a step away from harmonisation with the rest of Europe by being over zealous.

11. Nevertheless the MCA was very fair and helpful in finding a solution to the application of the regulations for volunteers, which posed potential problems as explained below. The Agency was understanding that voluntary restoration groups were not the target of the legislation and worked with IWA and its Waterway Recovery Group.

COMMERCIAL OPERATIONS

12. IWA would not wish to see such certification extended any further i.e. not to pleasure craft users. The IWA policy has always been for this group that “education” is better than “regulation”.

RESTORATION AND DEVELOPMENT

13. More than 200 miles of navigable canals have been re-opened in recent years—an achievement brought about by money from various sources and volunteers’ efforts. Successful regeneration includes the Kennet and Avon, the Huddersfield Narrow and the Rochdale canals.
Volunteers

14. IWA was concerned that the original proposals neither considered nor recognised the role and function of volunteers restoring inland waterways, and the need for them as a group to be considered as a separate entity. Volunteers restoring inland waterways are giving their time freely and invariably working for an organisation that is a charity.

15. Whilst recognising that the volunteer movement cannot simply be excluded from the scope of this legislation, it does appear that the main driver is one of free trade and the ability of those that make their living from freight carriage on inland waters to move between labour markets. The operation of boats for non-commercial purposes, especially those manned by volunteers, was, therefore, not the target of the regulations.

16. The secondary driver of standardising Health and Safety has a direct relevance to all boat operations. IWA holds the safety of volunteers as a prime concern and is keen to ensure any risks are analysed and minimised. However, the enforced boatmasters licence testing regime, involving considerable costs and time on the part of the volunteer would have had catastrophic results on those community members attempting to improve their local environment. The cost in days to get a licence is four or five. The cost in cash is £300 to £600. The Boatmasters Licence requires holders to have undergone a number of days training, and that a person may not apply for a Tier 2 boatmaster’s licence unless he can satisfy the Secretary of State that, at the date of his application, he has completed a period of qualifying service sufficient to justify the issue of the licence. Allowances must be made for people volunteering in their spare time when it comes to fulfilling the requirement for a period of qualifying service. Volunteer work schedules of limited weekends do not offer payback for the time and cost involved or the ability to log up as many hours as full time boatmasters.

17. IWA is pleased to have worked out a compromise for volunteers on work boats with the MCA. For smaller vessels, alternative qualifications will be accepted, and some existing schemes, such as the National Community Boat Management Certificate are being considered for approval as equivalents. On isolated waterways under restoration, an appropriate approval under the Waterway Recovery Group driver authorisation scheme may be sufficient qualification.

Volunteer Work Boats

18. The conditions that most volunteer workboats operate under, both in terms of the physical waterway and the ability to control the operation mean that risks that normally need to be mitigated can be avoided altogether. Workboats on restoration schemes will usually be the only vessel on the waterway. The waterway will almost certainly be landlocked and, rather than flood conditions being a hazard, there will usually be problems keeping enough water in to keep the vessel afloat! The risks are greatly reduced when the depth of the water is barely three feet.

19. Where volunteers use vessels for restoration work or for minor clearance or painting work on inland waterways, the operator will only be occupied for a very few days each year, the waterway may not be navigable by other craft, the boats will generally be small, moving slowly and not carrying freight or passengers. The majority of such volunteers have many years of experience on private leisure craft that are usually larger, heavier and faster than work boats. There is no record of boats on restoration sites being involved in accidents of the sort that the boatmasters licence regulations are intended to prevent.

20. It is, of course, beneficial to have a Health & Safety regime in place for operation of any equipment. However, for waterway restoration, the site will almost certainly be under the control of the Health and Safety Executive, and so a health and safety infrastructure will already exist, ensuring that all volunteers are suitably trained and authorised, and that they understand that only suitably competent operators can use vessels and items of plant. There are many examples of voluntary competence schemes in operation—IWA’s subsidiary Waterway Recovery Group operates such a scheme for activities such as excavator operation.

21. WRG’s Driver Authorisation scheme was introduced in 1990. While this was primarily focused on land based equipment it also included boats and so they have been able to modify their existing regime to take into account the relevant issues of the new Boatmasters Licence scheme such that it is an equivalent to the proposed Boatmasters Licence.

22. Additionally, the inland waterways have a good tradition of managing user conflict, both geographically and temporally, the concept of stoppages is ingrained in every waterway user, it would be very unusual for a restoration workboat to encounter any other craft, or any of the other risks that the proposed Boatmasters Licence tests for. Of those that are still relevant (deep water, toxic mud, etc) then the Health & Safety regime for the restoration site would already deal with these.

23. Further examples of the desire amongst volunteers to “get it right” would be the boat handling competitions that occur at the many inland waterways festivals every year. If people demonstrate the ability to operate a full sized 70ft working boat, then a 30ft work flat in 18” of water should not represent a hazard.
24. The nature of boat use is particularly sporadic on restoration sites—they are only used where it makes sense to, for example where other access is poor. If volunteers on restoration sites were subject to the full rigours of the Boatmasters Licence, attempts might be made to bring materials in via a less suitable, and riskier route, for instance along the towing path, causing much greater Health & Safety risks, as well as inconvenience to existing towing path users.

25. The Association, therefore, believes it right that such boats, manned by volunteers, be excluded from the more rigorous regulations.

26. There is a fear among some voluntary restoration groups that the allowance that accreditation under the Waterway Recovery Group driver authorisation scheme may be sufficient qualification could cease to be accepted in the future. IWA is, therefore, keen to ensure that this scheme continues to work without problems.

Small Trip Boat Operations on Restored Lengths of Canal and Shallow Rivers

27. IWA is concerned that the full rigours of the Boatmasters Licence are costly in terms of time and money and might have a significant adverse impact on small trip boat operations on restored lengths of canal and shallow rivers. The requirements could prove prohibitively expensive for small businesses, such as the small “public relations based” trip boat operations. Canal societies operating a trip boat do so more for the publicity it brings to the restoration scheme than as a fundraising exercise. An operation that does not make money cannot afford to finance the costs of a Boatmasters Licence. Where volunteers are concerned, such operations might face financial difficulties if they were required to pay the fees outlined and for volunteers also to be expected to give up so much of their personal time to undertake such detailed training and tests. The costs set out in the Regulatory Impact Assessment would have a severe impact on such operations, and put the majority out of business. Waterway societies operating trip boats carrying less than 12 passengers are likely to have a rota of several dozen volunteers, and the expense of obtaining licences for all of them would be prohibitive. The nature of the boat use would be dependant on the projects that a restoration society undertakes. The boat might be used extensively for one summer, and then not at all for two years. Given this, few volunteers will want to spend time and money obtaining certification of such little value. Adequate training systems to meet the needs of volunteers within the volunteer movement itself must be pursued.

28. Allowances made for volunteers on workboats on isolated sections of canal under restoration should be extended to volunteers operating trip boats on restored sections of canal. The restored section of the canal might be just a few metres from that still under restoration, with similar conditions for the trip boat on the restored section and the work boat on the section under restoration, with the same volunteers working on both sections.

Local Knowledge

29. The requirement for local knowledge even for a tier two licence as far as is relevant to the operational area to which the licence relates may be unnecessary. IWA believes that the majority of the inland canal system should be declared exempt for a local knowledge requirement. The main areas requiring such knowledge are where there is navigation in excessive tide or flood conditions; in these situations, IWA would expect a safety related ban on working be imposed. Waterway Recovery Group volunteers would face a particular difficulty as they have no local site to base themselves on!

30. On the other hand, on some rivers the local knowledge requirement may not be stringent enough. The new national regulations legally override existing local qualifications, which may have been more stringent. The byelaws for the Thames Watermen’s and Lightermen’s licence are revoked by the national regulations and the Watermen and Lightermen argue that the reduced requirement of two years of training is not enough on a complex river like the Tidal Thames.

31. The Rail and Maritime trades union is unhappy with the effect of the new regulations and how they might apply within the Port of London, as the union fears it will open up the current closed shop enjoyed by Thames Watermen and Lightermen, and has been lobbying in Parliament to block the Statutory Instrument that will bring the new rules into effect.

32. The Port of London Authority Watermen & Lightermen’s Byelaws 1993 (as amended) provide that a passenger vessel on the Thames is not only under the command of a Licensed Waterman but must also be navigated by a fully qualified licensed Waterman. Under the new regulations, inland waterways vessels carrying cargo or passengers will be under the command of a Licensed Boat Master, but the vessel can be navigated by any person that the Boat Master believes is competent to do so. The Thames Watermen and Lightermen contend that safety will be compromised.

33. However, the Port of London Authority is likely to enforce very strict rules on local knowledge requirements, as it remains fearful of public opinion on safety issues following the Marchioness/Bowbelle disaster.
SUPPLEMENTARY EVIDENCE

34. In its original submission to the MCA, IWA sought a third tier of licensing to reflect the substantially reduced levels of safety risks found on narrow shallow inland restored waterways. The MCA ultimately felt unable to introduce a third tier of the Boatmasters Licence to reflect these circumstances.

35. In our evidence to the Committee [Executive Summary Para 4.] we reiterated these concerns especially in relation to the operation of small trip boats, used mainly for public relations purposes, on short lengths of restored waterway. During the presentation of our oral evidence, we particularly highlighted the unreasonable cost burden on the volunteers who man such craft, especially in relation to the low levels of actual risk involved. It was explained that the Association is extremely safety conscious and has extensive experience in evaluating site risks and identifying ways in which these can be offset.

36. We are an organisation that seeks cost effective solutions to problems. For that reason, it seemed appropriate to outline to the Transport Committee a possible solution which retained the integrity of the Boatmaster Licensing Scheme, yet offered a solution to the problem the volunteers currently face, which will “price them out of business”.

37. Currently waterways are classified by their status. Thus A and B waterways relate to inland canals and rivers. These are non tidal, but there is no distinction between the larger waterways, with larger craft on them, and the narrow shallow restored rivers and canals which are the focus of our Association’s attention and the work place of the Waterway Recovery Group volunteers.

38. We explained in our original evidence [Para 18] that the risk levels in such contained shallow and defined waterways are substantially less than on the much larger waterways elsewhere. We therefore made the case that the provisions extended by the MCA to workboats on isolated restored waterways should be extended to the small trip boats run by volunteers on similar sections of rivers and canals. MCA felt unable to agree to this request on the grounds that they could not offer separate provisions to volunteers and exclude commercial operators.

39. Our case does not seek to create such a division, but is solely based on appropriate levels of regulation related to actual levels of risk. We argue that if the risk levels are significantly lower on narrow shallow restored waterways, then these should be separately identified. We therefore suggest that such a segregation should be created within the A & B categories. We propose the introduction of an A* and B*, to denote their lower risk status, with a certification process related to those low risks.

40. The Association accepts that where members of the public are involved, the operators of such craft must be properly trained in their roles and be well versed in the operational requirements of personal safety, fire safety and first aid. We suggest that such certification can be organised either through the WRG training schemes, or by the use of the RYA Helmsman Certificate Training Schemes, combined with programmed learning for the supporting requirements with WRG keeping, monitoring and retaining auditable records of personal certificates.

41. An additional area where significant expense is incurred is that for medicals: doctors charge between £30 and £100 to provide the necessary certificates. We suggest that the method of self-certification, as used by many organisations and especially holiday insurance companies, would be a more appropriate route. The principle being that if the candidate is able to “tick” all the “No” boxes, the self certificate was accepted and recorded. Only where there were identified medical needs [“Yes” in boxes], should the candidate be required to have a full medical.

CONCLUSION

42. The Inland Waterways Association considers that the current proposals to extend the Boatmasters Licensing scheme, in September 2008, to small trip boats [carrying 12 and under passengers] that operate solely on narrow shallow restored waterways is inappropriate. It will place too great a cost burden on the volunteers involved, without adding value to the service they offer, and will effectively “kill” the provision of such small trip boats. The Association fully accepts that public safety is of key importance but must always be related to the level of risk involved. It proposes that redefining the categories of waterway, by adding A* and B* to embrace those waterways of significantly lower risk, and the introduction of a more cost effective certification regime, more appropriate to the actual risks involved, is of key importance. It asks that the Committee recommend accordingly.
Witness: Dr Roger Squires, Deputy National Chairman and Chairman of the Navigation Committee, Inland Waterways Association, gave evidence.

Q76 Chairman: Good afternoon to you, Dr Squires. I think perhaps you might forgive me if we start five minutes early. Could I ask you to identify yourself for the record?

Dr Squires: I am Dr Roger Squires, the Deputy National Chairman (one of two, the other one is a lady) of the Inland Waterways Association. We are a campaigning charity, an educational charity, which campaigns for the conservation, use, maintenance, restoration and development of the inland waterways and we actively go out and produce restored waterways.

Q77 Chairman: Thank you very much for that. Do you really think this Directive is going to be suitable for the United Kingdom?

Dr Squires: I have always believed that being an island nation, surrounded by sea, we are to a degree cut off on our inland waterways from the inland waterways of Europe. I think there is the issue that the inland waterways of Europe are significantly different from the majority of the waterways in the United Kingdom, apart from the major river estuaries. The previous witnesses gave you a detailed explanation of the problems of the Thames. Those problems are probably prevalent on the River Severn, certainly prevalent on the Humber Estuary and probably on the Trent, and in your own constituency I think one might argue that the Weaver has some commercial traffic coming along it. One would argue that the traffic on the Continental waterways is significantly larger. There is a predominance of bulk transfer of goods on the Continent, and more particularly one has to reflect that it is between countries. This means that a craft can start its journey in Romania and end up in Holland, having passed through 11 countries, if I can keep count of the way in which the countries on the Danube are constantly changing; they keep renaming themselves.

Q78 Chairman: Did you actually make these points in response to the Government’s consultation exercise on the new licence?

Dr Squires: We made the point in two ways. We felt that far from moving towards harmonisation (because Europe is now moving towards a 24 metre designation of length, rather than the current 20 metres, and that is going through the European Parliament at the present time) the European situation is that nearly all of the boats are substantially longer, probably 100 metres in length. So that movement from 20 to 24 metres is immaterial. In this country it is not immaterial because many of the smaller working boats come within that jurisdiction of 24 metres, but one has to point out that the inland waterways in the UK are significantly different from those on the Continent. We have narrow waterways, with locks either 7 or 14 feet wide apart from a few of the smaller commercial waterways, and these commercial waterways in the UK are looked after in very much a different way from the European inter-country traffic.

Q79 Chairman: So you are saying it is not only different in size and in kind but that in fact it ought to be regulated in a different way because it is working in a different sphere? Is that what you are saying?

Dr Squires: That is correct. In Europe the smaller traffic is regulated by the country locally. The inter-country traffic is regulated under EC direction.

Q80 Chairman: So is this licence going to encourage or discourage more use of inland waterways?

Dr Squires: Our belief is that it must discourage for three reasons. Firstly and fundamentally, we have always taken the view in this country that education is better than regulation. Education is something that we wish everybody to be involved in. Secondly, there is the cost which has to be considered. Before coming to see you this afternoon I consulted an organisation which gives training in the Boatmasters’ Licence at Tier 2 level, which is the lowest level. They quoted me £616 for a training course on which one had to add four days’ accommodation plus travelling and subsistence.

Q81 Chairman: You can give us that in writing or some copy of it?

Dr Squires: I can certainly get that for you and provide it to the Clerk. So there is a deterrent immediately in the cost involved and in the time involved. The problem in the UK is that unlike skippers on barges going between Romania and Austria or Germany, who are provided with full-time loads all the time, many operators in this country have to catch loads where they can and move about. Some of them actually have to move around excessively to continue to find work. Then there is the problem of the configuration of the UK waterways where sometimes you have to go on a class C waterway where you might not have a Tier 1 licence but then only for a short distance. So somebody going from the Trent into the River Witham would have to go on a tidal river. When I take my own boat down to Barking Creek I have to go on a tidal river. Fortunately, my own boat is shorter than the class 12 requirement of the Merchant Navigation Act.

Q82 Chairman: Having wandered around nearly a thousand containers in the port of Vienna, I think I can see a slight difference between some of the conditions you are talking about and some of the ones they have to deal with on the Danube. Did anybody take any notice of what you said at government level?

Dr Squires: We had a very useful discussion with the MCA.

Q83 Chairman: That sounds a very tactful way of putting it. Does that mean, “Yes, they listened to me,” or does it mean, “No, they were just polite?”

Dr Squires: They listened to us. They understood that there was a significant problem in the UK, but we clearly got the impression that our solution of a sort of supplementary licensing system for the UK
alone to deal with the smaller craft on inland waterways was not going to be in accordance with the wish given to them by Government.

Q84 Chairman: Did they specify why, apart from the fact that Big Brother is breathing down their necks? What other reasons did they give?

Dr Squires: They said they felt they were compelled to have a common licensing system which coincided with the EC system, and whilst we felt that was not reasonable we accepted their judgment.

Q85 Mr Leech: Did they say that cost came into it as well?

Dr Squires: We did not talk of cost, because of course it is very difficult to talk of cost when you are moving in transition from one series of licences to another licensing system.

Q86 Mr Leech: Do you consider that cost is a consideration for that?

Dr Squires: We believe that now cost has become a consideration. When I gained a Boatmasters’ Category 3 Licence, which entitled me to steer a passenger boat of up to 250 people on the rivers and canals of England, the training course was three days but the cost was only £300. Now I am told that the cost is £616, of which £163 is the MCA testing fee.

Q87 Mrs Ellman: Could you tell us about your Driver Authorisation Scheme and how you think the new licence might affect that?

Dr Squires: Yes. We have a Waterway Recovery Group whose main aim in life is to restore derelict canals. We have always tried to keep abreast of health and safety requirements and since the Health and Safety Act of 1977 we have responded by putting in place our own health and safety checks to keep in line with the necessary requirements as they have increased over the years. It became evident to us in 1990 that it was essential that we had a means of certifying that any person using any form of equipment, whether that be a power saw, a chain saw, a dumper truck or anything like that, had to be trained and had to be tested on the use of that equipment. We therefore set up within our own organisation a means of properly training and testing people, giving them a certificate and verifying that that certificate was validated and that they had no misdemeanours on the way. For instance, we take our volunteers around in 12 seater minibuses. They have to have a certificate for driving a 12 seater minibus and if they get a speeding ticket they will have to report that to us as a misdemeanour. So we always monitor our volunteers very carefully and the scheme which we put forward to the MCA was a development of that scheme. We provided the MCA with our evaluation of the risk analysis that we had undertaken in relation to the requirements for the navigation of work boats on restored lengths of canal. We identified that training and that testing which was necessary to enable them to qualify so that they would do it in a fit and proper way, and above all else we are a responsible organisation and we would never wish any volunteer to in any way have their health and safety prejudiced.

Q88 Mrs Ellman: Why do you think volunteers operating trip boats should be exempt from the requirements?

Dr Squires: I think there is a very clear difference between trip boats, which are there for commercial purposes, and small, trailerable trip boats which are provided very much for publicity or development purposes. The best example of this, if I may quote, is that on the Basingstoke canal, which is fairly near to London, a large trip boat operates, the John Pinkerton. It takes 50 people and we properly accept that the person in charge of that boat with 50 people, a large boat, should be properly qualified under MCA rules. However, on many other waterways we have very small trip boats which are transient. The best example is on the River Stour, on the Essex/Suffolk border, where we have a transient trip boat. It is a little electric boat, it has got built-in buoyancy to it and it operates on a short section of river to publicise the River Stour, in Constable country. That is operated by volunteers. It carries no more than eight or nine people on water which is no greater than 3’6” deep and if anything goes wrong you simply steer the boat into the land and we always give any passenger on that boat very clear instructions on what they have to do if they are required to evacuate the boat. We explain to them that should the boat sink, it will rest on the bottom, it will cause no problem and it will be merely a matter of just rolling up one’s trouser legs and walking ashore. It is rather different from 47 people in a big boat, where you get people very concerned or worried. So we would argue that there is a significant difference between the small, trailerable trip boats which operate on shallow water for presentational purposes as against those which are run for commercial operations.

Q89 Mrs Ellman: How would the new regulations affect the masters of vessels under 20 metres in length or carrying fewer than 12 passengers?

Dr Squires: The new regulations, as I understand it, come in on the basis of the number of people you have on the boat. If a boat has more than 12 passengers at the moment it comes within MCA rules, and we accept that. It is those smaller boats which are for 12 or less passengers which are going to be brought into the scheme from September 2008, and it is in relation to those that we have the greatest worry. For instance, there are 20 canal societies around the country which operate between them 29 trip boats. Of those, 20 are small, trailerable boats which are very transient. A very good example of that is the Thames and Severn waterway, Sapperton Tunnel, where there is a short length of waterway which sometimes has water in it and sometimes it does not. If it has water in it, the local society will run a trip boat because people want to be able to go in and see what the tunnel is like, but equally have a little trip on Lord Bathurst’s estate. That we see as a publicity exercise, not a major money-making
exercise. There are innumerable of those small trip boats which are operated around the country carrying under 12 people or less, which come out of the water and onto a trailer and are moved around the country by the canal societies simply as a promotional tool.

Q90 Mrs Ellman: Do you think there should be a local knowledge requirement for a canal?
Dr Squires: We have always believed that everybody who undertakes anything should have knowledge of what they are undertaking and if you are on a short length of waterway you should at least understand where the emergency operations are, where the emergency services can get to if there is an incident on that waterway, but knowledge of a narrow track of water which is under three feet in depth is not going to be a great requirement, certainly not the requirement which your previous witnesses were talking about down at Mucking, where the sands—mud banks really, not sands—are uncovered by the tide quite regularly.

Q91 Chairman: I should think you have got a supplementary industry there. You are throwing people out of your boats into the mud and charging them! It sounds like an extension of beauty treatment!
Dr Squires: If I may, Chairman, our Waterway Recovery Group’s motto is, “Come for a dirty weekend,” because they guarantee you will get covered in mud!
Chairman: You would have no difficulty in recruiting members! We are very grateful to you. Thank you very much indeed.

Supplementary memorandum submitted by the Inland Waterways Association

At the recent Transport Select Committee hearing, I outlined in my evidence the excessive burdens, both in terms of finance and time, being placed upon small voluntary Waterway Restoration Charities in meeting the new Boatmaster Licence Conditions.

I thought it might be helpful if I submitted to you, as supplementary evidence, an email from one Group outlining their present problems. By way of background may I explain that, The Wey and Arun Canal Trust, whose email is copied below, operate a tripboat on a one and a half mile section of landlocked restored canal. They have to pump the water into their canal from a nearby stream to maintain the level sufficient to float their boat. [They have two craft—one that seats about 40 and a second that seats ten. Because of difficulties in finding sufficient crew, both craft do not operate at the same time] Their boat is the only moving vessel on that short section of a partially restored waterway.

Their email below identifies the additional burdens currently being placed upon them, at short notice, and with insufficient help or advice from MCA.

At the Select Committee hearing, I made a plea that a less onerous provision for operations of this nature should be demanded by MCA, or even exemption offered for these sorts of operation.

At present the Trust are at their wits end trying to identify sufficient Qualified Crew who meet the new Regulations in time to run their boat at Easter.

It would be helpful if the Select Committee could consider suggesting to the MCA, that they review the demands they are placing on small groups of volunteers operating such small craft on restored sections of waterway. Otherwise, it is simply going to “kill off” the valuable efforts of volunteers who offer their time and energy to restore and revitalise their own local waterway.

While I was aware of the need for the provision of new licences to conform to EU Regulations, I was horrified to realise the extra burden it will place on our voluntary operation.

The existing requirements which we have lived with for over ten years are already quite onerous.

New skippers have to find £141 to take their test, that is after any training costs, First aid certificate £30 approx, medical examination between £50 to £70. So a new skipper has to find around £200 before he/she can start to be useful as a volunteer on the boat operation. Each year they have to find £28 for renewal—if they are over 65—and 10 out of 26 skippers at the Wey & Arun are over 65, plus the medical fee. To a number of skippers on fixed pension this is slowly going to be more of a burden than they can bear and my pool of helpers will dwindle to a few that can. Added to this is the three year renewal of a First Aid Certificate and the imposition of a personal survival certificate and a fire fighting certificate. I think at this stage the majority of my skippers are going to find something else to occupy their time and the community will be the poorer. Its fine for the MCA to point to the relaxation of continuing to the next BML renewal, but as I state above this is no concession at all to a large minority of my skippers.

To add to all this the MCA has not spelt out to their client bodies the exact nature of the new requirements. It is fine to point to an M notice, but back to the voluntary nature of our work and we haven’t got staff to trawl through all the documentation. Even in a letter to Class V Operators, my local MCA did not spell out the new rules. My Training Officer contacted the local MCA Office to get some forms only to learn about
the need to have re-certification for First Aid. No one there told him about the Personal Survival or Fire
Certificates and it was only when I contacted them to check on Boat Examination dates that I got the full
story. On top of this, while a fire certificate is fairly obvious, what constitutes a Personal Survival Certificate?

I honestly believe that we are going to have to reduce our operation this year, as I will be unable to get
everyone through all the extra hoops in time for the season. This all places an unreasonable time pressure
on our operation and will undoubtedly impact on our ability to deliver the trips and publicity for the Trust.
I hope the MCA will allow more time for implementation.

23 February 2007

Further supplementary memorandum submitted by the Inland Waterways Association

When I recently presented my evidence to the Committee, reviewing the New Boatmaster Licence, the
Chairman asked if I would submit, in writing, evidence of the Charges made for Boatmasters and other
Inland Waterways training courses.

Please find attached the latest Price List of Top Lock Training, who are authorised Inland Waters
Trainers for the North West.

24 February 2007

COURSE FEES 2007

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<tr>
<td>Total MCA Boatmaster Tier 2</td>
<td>£616</td>
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8. An additional area where significant expense is incurred is that for medicals: doctors charge between £30 and £100 to provide the necessary certificates. We suggest that the method of self-certification, as used by many organisations and especially holiday insurance companies, would be a more appropriate route. The principle being that if the candidate is able to “tick” all the “No” boxes, the self certificate was accepted and recorded. Only where there were identified medical needs [“Yes” in boxes], should the candidate be required to have a full medical.

CONCLUSION

9. The Inland Waterways Association considers that the current proposals to extend the Boatmasters Licensing scheme, in September 2008, to small trip boats [carrying 12 and under passengers] that operate solely on narrow shallow restored waterways is inappropriate. It will place too great a cost burden on the volunteers involved, without adding value to the service they offer, and will effectively “kill” the provision of such small trip boats. The Association fully accepts that public safety is of key importance but must always be related to the level of risk involved. It proposes that redefining the categories of waterway, by adding A* and B* to embrace those waterways of significantly lower risk, and the introduction of a more cost effective certification regime, more appropriate to the actual risks involved, is of key importance. It asks that the Committee recommend accordingly.

March 2007

Memorandum submitted by the Commercial Boat Operators Association (CBOA)

1. WHO WE ARE AND WHAT WE DO

1.1 The Commercial Boat Operators Association (CBOA) is a trade association representing firms which carry cargo and provide engineering services on Britain’s inland waterways. We have 175 members, including associates.

1.2 Department for Transport statistics showed that 48.7 million metric tonnes were carried on the waterways in 2005 including the inland part of major estuaries. Only about 1.75m tonnes were carried on the waterways operated by British Waterways.

1.3 Cargoes carried include aggregates, fuel oil, rice, steel industry materials and products, residual domestic waste, abnormal indivisible loads (such as power station generators) and bagged domestic coal.

1.4 Many operators’ craft can carry 500 tonnes or more—taking the equivalent of 25 20-tonne capacity lorries off the road.

1.5 Water transport can play an important role in reducing lorry traffic. If is far more environmentally friendly:

— Emits 80% less CO₂ per tonne kilometre than road haulage.
— Is a far better user of energy resources.

1.6 Road congestion is an increasing problem for industry, regardless of pollution aspects. In congested urban areas in the conurbations and elsewhere, water transport can help to relieve congestion.

2. BACKGROUND

2.1 The CBOA were invited by the MCA to be involved in the consultation process from the outset. The CBOA have provided a member of the Freight Standards Steering Group since early 2003 and have been represented by two of our members on both the Boatmasters and Vessel Standards working groups for the last three years. Our representatives have an unparalleled breadth of experience, with personal knowledge ranging from the narrow canals of the UK, through busy tidal rivers, to the large commercial waterways of continental Europe such as the rivers Rhine and Danube.

2.2 Our involvement continues with representation on various sub committees such as the narrowboat group and the local knowledge committee.The CBOA was represented by Peter Hugman, JP, BSc, MILT.
3. **COMMENTS**

3.1 We have the following problems with the existing regulations.

3.2 Extra costs not included in the Regulatory Impact Assessment.

3.3 Several items have not been included. The most obvious is the ongoing cost of regular medical examinations, especially bearing in mind that many existing skippers are over 45 and thus need a new medical every five years.

3.4 We are concerned that the costs quoted do not take into consideration the fragmented nature of the industry. Apart from around London the industry is characterised by being spread very thinly over the rest of the country, with skippers based on the canals in the centre of the country, on larger waterways near to the coasts and in isolated ports and harbours round the whole of the coast of the UK. This means that in many cases the prospective Boatmaster is not only faced with the cost of the training courses, exams and licence but also with a not insignificant cost of travel and accommodation to attend both the course and an examination at a different location. The MCA has, to a certain extent, dealt with this by not requiring all training to be carried out in a formal setting. But despite this the costs involved even for existing skippers will be significant and are not quantified in the Impact Assessment.

3.5 Extra costs due to transiting arrangements.

3.6 Many of the smaller vessel categories trade extensively across the inland waterways network. These vessels are all under 24m long and specifically designed to operate on the smaller “narrow” type canals and waterways, but as part of accessing these waterways they need to transit some of the larger waterways.

3.7 Two instances of this are the River Thames from Teddington Lock to Brentford lock giving access to the Grand Union canal and the River Trent from Cromwell Lock (near Newark, Notts) to Torksey giving access to the River Witham (involving the use of category Class C waterways).

3.8 The skipper of this type of vessel would require a Tier 2 Boatmasters Licence (or one of the alternatives) for the vast majority of the time, but would need the top level Tier 1—Level 2 licence to transit the short sections of Class C waterways.

3.9 Skippers currently operating would qualify for a Tier 2 licence for the Category A + B waterways but are unlikely to have sufficient service time to be entitled to the Category C waterways under the transitional arrangements. They are therefore forced to choose between several expensive options:

- Retrace the voyage taking over two weeks to get from Teddington to Brentford, via Oxford, Banbury and Milton Keynes (This option is not available from Cromwell to Torksey).
- Shut down their business so as to obtain sufficient service time on Category C waters.
- Obtain the services of a suitably qualified Boatmaster to “pilot” the vessel.

3.10 In reality under the new regulations the third option is the only realistically economic one, but does impose a significantly increased cost burden on an operation that is already economically marginal. This is estimated to be of the order of £150 to £300 including the cost and time to return the “pilot” to the start point.

4. **LOCAL KNOWLEDGE (MGN334)**

4.1 The original EC document 96/50/EC specifically required all countries to work towards removing the areas in which Local Knowledge is required. It has now been accepted that some areas of Local Knowledge will continue to be necessary though these are required to be kept to a minimum.

4.2 The CBOA is content with the areas of Local Knowledge that have been agreed and those that have been refused up to now, but the CBOA is concerned that the MCA is not being even handed in the Qualifying Service Requirements.

4.3 The CBOA fully supports the MCA’s local knowledge area and Qualifying Service Requirements for the Thames as we feel that it has managed to provide an equitable balance between the Watermen and Lightermen on one hand and those holding other types of licenses already operating in the area.

4.4 Unfortunately the Qualifying Requirements for other areas have not all been published and we are extremely unhappy with the published requirements for Portsmouth which at 6 months and 60 days (for experienced Boatmasters) are excessive and well above those recommended by the MCA Local Knowledge Equivalence Committee.

5. **BOATMASTERS LICENCE MORE ONEROUS THAN 96/50/EC REQUIRES**

5.1 The licence currently being implemented by the MCA is in several respects more onerous than that proposed by the MCA and more onerous than any currently in force in other countries in the EC.

5.2 These differences result from the MCA viewing the Boatmasters Licence as an offshoot of current seagoing type qualifications instead of from the EC expectation that Inland Waterways operations, though water based, are inherently different in outlook.

5.3 This occurs in two main areas:
— The new Boatmasters Licence requires a minimum number of days of operation within the 5 year currency of the licence for it to be revalidated at the end of five years. This works directly against an industry where due to the small number of operations in some areas, Boatmasters are forced to find work outside the industry when no work is available. No other European country operates this type of system and it a distinct extra restriction on UK residents.

— The MCA requirement to have a number of fairly basic Specialist Endorsements is outside the requirements of 96/50/EC and is likely to cause problems for Boatmasters transferring from one type of operation to another. This applies specifically to the Specialist Endorsements for Cargo Operations and basic Towing and Pushing which in all other countries are part of the standard licence.

5.4 Specialist Endorsements or some similar arrangement are standard throughout the EC for Dangerous Cargos, Large Passenger, Dredging and Radar.

5.5 This will also be a problem for UK Boatmasters wishing to transfer to another EC country as it may be very difficult for them to be able to obtain the required Specialist Endorsements.

5.6 We should be pleased to provide verbal evidence as well, if requested.

February 2007

Memorandum submitted by the Association of Inland Shipping Operators

1. SUMMARY AND RECOMMENDATIONS

1.1 In principal, AISO is in favour of the new BML Regulations. There is concern however, that the costs that will be incurred for training existing and new Boatmasters will have to be met from current freight charges. This will no doubt have a significant impact on the profitability or non-profitability of our members' organisations particularly where there is no opportunity to re-negotiate contracts or where contract prices are already at the maximum levels.

1.2 Any changes to the local knowledge requirements under the BML for the River Thames will have a significant impact as it will ensure that the current closed shop operation continues as at present. Those operating under the SCV Code do not have to meet the local knowledge requirement.

1.3 AISO would recommend to the Committee that the current Regulations be allowed to come into force and that a Fund be established for employers to drawn down from to train crew and those who are progressing to Boatmaster Licence Holders.

1.4 AISO would also recommend to Committee that any costs incurred for gaining a Special Endorsement be included in the above Funding.

2. WHO IS THE ASSOCIATION OF INLAND SHIPPING OPERATORS (AISO)?

2.1 AISO is an association of Shipping Operators that work mainly within categorised waters and near coastal waters. There are some 21 members who operate craft within categorised and near coastal waters.

2.2 Members carry cargo, run towing and passenger operations, mainly on categorised waters, throughout the United Kingdom. This ensures that freight is moved on water rather than on the UK’s over crowded roads. The fuel consumption per mile/tonne of cargo is far better on water than on the roads.

2.3 Freight on Water is the main thrust of our Members lives. Over the past four years they have increased the tonnage of cargo they move by sea and hence decreased the tonnage of cargo that would have been moved by road.

3. BACKGROUND TO BOATMASTERS LICENCE (BML)

3.1 To date there has been no regulation or legislation covering vessel standards or crew training and certification for Inland Waters craft unless they were classed as passenger vessels. This has led to many problems when these vessels have been asked to carry certain cargos within categorised waters. Within the Construction Design and Maintenance Regulations there is a requirement for the Owner/Main Contractor to ensure that all the persons employed within the site are properly trained and that the plant and equipment meets the “standards”. As there have been no standards for vessels or crew this has created many problems for the industry.

3.2 In about 2003, AISO were invited by the Maritime and Coastguard Agency (MCA) to discuss the appropriate way forward, in light of the European Licensing requirements that would become legislation in respect of Inland Shipping in about 2008. It was recognised at this meeting that experience shows it would be totally inappropriate for the UK to assume the EU Legislation, as the manner of operation in UK Categorised waters is totally different than in Europe.
3.3 Following this meeting, which was attended by many organisations including UK Major Ports Group, Commercial Boat Owners Association, Honourable Company of Watermen & Lightermen, Training Providers, RMT Union, T & GW Union and other operators, a decision was taken to establish a Steering Group to review Vessel Standards and also crew licensing. AISO was asked by the MCA to be involved in both the Steering Group and Training Working Party.

3.4 These two groups were tasked with devising the appropriate standards for both vessels and crew, taking into account the special circumstances that exist within UK categorised waters when compared to the rest of Europe.

3.5 Over the past three years or so, the Steering and Training Working Groups have met on many occasions to discuss and finalise the vessel standards and the most appropriate manner for crew to be trained and certificated.

3.6 Captain Heather Chaplin, Owner River Sea Trading, Captain Phil Dunham, Director KD Marine and Captain John Percival, John Percival Marine Associates, represented AISO at these group meetings. Captain John Percival has attended most of the Training Working Group Meetings over the past three or so years.

4. THE WORK OVER THE PAST THREE YEARS

4.1 Over the past three years the Steering Group has devised the Vessel Standards for vessels operating in categorised and near coastal waters. The Training Working Group has worked on the most appropriate training and certification of crew, both existing and future.

4.2 This involved detailed discussions regarding the standards for crew training that were to be included in the UK Regulations, ensuring that as far as possible, a level playing field was established.

4.3 Discussion on how crew training and certification for categorised waters should fit in with those already in existence for vessels that operate within the Small Commercial Vessel (SCV) Code, operating anywhere in the world, was debated at length. Existing levels of training and certification were considered to ensure that crew were trained and certificated to the appropriate level for the type and size of craft they were to operate. These discussions took into account that under the SCV Code a person can command a vessel of <24 metres carrying <12 passengers holding an RYA Day Skipper Certificate of Competence (Shorebased and practical certificates), commercially endorsed.

4.4 It is estimated that AISO Members, particularly Captain Percival, have contributed some 40 days of their time to the Steering and Working Groups. No costs have been re-charged to any Government Department but borne either by AISO or the member concerned.

5. CREW TRAINING AND CERTIFICATION

5.1 Over the past three years there has been great debate, some of it quite heated, as to the minimum level of training and certification that is required in order that a person may be qualified to be either a crew member or Skipper/Boatmaster of a vessel or craft operating in categorised and near coastal waters.

5.2 It must be bourn in mind that the heated debate has probably resulted from the fact that the River Thames has an established training process which involves a five year apprenticeship scheme, whereas elsewhere there is no required certification for crew members and in many areas no requirement for any formal training. Our members do not agree that there is a requirement for a five year apprenticeship scheme, particularly when vessels coded under the Small Commercial Vessel Code (SCV Code) can operate within categorised waters with what may well be considered less onerous training requirements. In certain instances, the SCV Code allows an individual with twelve months experience holding an appropriate Royal Yachting Association (RYA) qualification, to be a Skipper of a craft up to 24 metres in length carrying up to 12 passengers.

5.3 AISO Members, unlike the representatives from the Trades Unions, do not believe that a five year apprenticeship is necessary for the whole of the categorised waters within the UK. We believe that the training should be appropriate to the duties that are required to be carried out. We deem that the new BML training is more than sufficient; in fact some members think it may be too onerous. We also believe that, as there is an element of navigation and pilotage included within the Training Record Book and the certificate Examination, there is, in the vast majority of cases, no need for an extended period of time to be spent operating in an area to gain a local knowledge endorsement.

5.4 AISO believe that the requirements included within the Boatmaster Regulations are fit for purpose and will meet the needs of all parties involved in operating vessels in categorised and near coastal waters.

5.5 We accept that the new BML Regulations are probably different to those that will be required by the EU but we are concerned that unless action is taken now by the UK Government we will end up with EU Regulations that will not fit the requirements of the UK.
6. SAFETY

6.1 Safety is a major issue whether vessels are trading in categorised waters or at sea. The possibility of a disaster depends upon the cargo being carried and the area in which the vessel is operating. AISO does not wish to see a degradation of safety on board vessels, however it must be borne in mind that we can not have different safety standards for different parts of the country.

6.2 It is accepted that there is a need for different amounts of safety equipment on board passenger vessels compared to cargo vessels and that there may be a need for more onerous standards of equipment. What cannot be accepted is a requirement for all rivers, estuaries, lakes etc to be at the same standard. Safety must be based upon risk assessment.

7. REGULATORY IMPACT ASSESSMENT STATEMENT

7.1 Throughout all the discussions on the new Regulations, AISO has been asking how the additional crew training and vessel standards are to be funded. It is therefore quiet amazing that the RIAS states that there are limited additional costs when quite clearly this is not the case.

7.2 The Course fees for the STCW 95 Basic Safety Training Courses are about £740, depending upon the provider that is used by the employer. Subject to the decisions from the MCA regarding which Basic Safety Courses they will accept, this will be lowered to an estimated £400.00 per person.

7.3 What Members must recognise is that, with the possible exception of the Thames, most operators are spread throughout the country on inland waterways, lakes, rivers and estuaries. They are not necessarily close to a Training Provider who offers such courses and so there may be travel, accommodation and subsistence costs to be added to the course costs. When a crew member is attending a course like this the vessel would hopefully still be operating and thus there will be a need for a replacement crew member.

7.4 There is a requirement for special endorsements within the BML Regulations and in principal these are accepted as necessary. However there will again be a requirement for money to be provided to cover training and associated costs.

7.5 In order that a person can be awarded a BML Licence there is the necessity for an Examination by the MCA or a person designated by the MCA. Currently, apart from passenger vessel Boatmasters, no other person is required to be examined. There is a charge made by the MCA for the Examination that is approximately £140.00 per examination. This is an extra cost that has to be met from within existing freight charges.

7.6 There is a requirement for re-validation as with all certificates issued through the RYA and MCA. This is accepted as appropriate but what is not included in the RIAS is the costs of re-validating which, at minimum, will include a MCA ENG1 Medical Clearance. Again Doctors who are approved to carry out these examinations are not readily available inland. There will therefore be travel and associated costs for members who operate away from UK Major ports where most of the Approved Doctors are based.

8. ESTIMATED COSTS OF TRAINING FOR EXISTING AND NEW BOATMASTERS

8.1 Taking into account the costs that are currently charged by Training Providers it is estimated that it will cost in the region of £400.00 per Boatmaster for training courses to enable them to retain their employment.

8.2 Without doubt there will also be additional costs associated with the training of new Boatmasters, which has not been the case in the past. Previously the training for new Boatmasters was all carried out as “on the job” training. This did not normally incur any costs to the employer, as it would be carried out whilst undertaking loading/discharge, preparing for a passage, on passage etc. Although this will still be the case with some of the training there will be a requirement for new Boatmasters to undertake the new “safety courses” and also any courses and examinations attached to the new Endorsements.

8.3 AISO Members support the creation of the new Boatmasters Licence but are concerned about the source of funding as we have been advised by the MCA that our members will not qualify for SMaRT Funding unless the crew members proceed to sea and meet all the remaining funding requirements. It is not expected that any AISO members will qualify for SMaRT Funding.

12 February 2007
Witnesses: Mr Peter Hugman, Commercial Boat Operators’ Association, Captain John Percival, Member and Training Adviser, and Captain Heather Chaplin, Director, Association of Inland Shipping Operators, gave evidence.

Q92 Chairman: Good afternoon to you, madam and gentlemen. Could I ask you first to identify yourselves for the record.

Captain Chaplin: I am Heather Chaplin. I am an inland waterways and coastal shipping operator and I also hold a Merchant Navy Coastal Shipping Master’s Certificate. I have been involved in a wide range of inland waterway businesses, and operational, and apart from Continental inland range of inland waterway businesses, and Master’s Certificate. I have been involved in a wide range, not to mention in the Mersey region.

I am also one of the founder members of the Association of Inland Shipping Operators, particularly in order to work on these issues.

Captain Percival: Good afternoon. I am John Percival. I am a member of the Association of Inland Shipping Operators, amongst other organisations. I actually hold a foreign-going Master’s ticket. I took my first command in 1973, but I am now a marine training provider and one of my roles in AISO is to give guidance on training provision and I have worked on the working group virtually since its inception, just over three years. I currently drive vessels of up to 100 metres, both small craft and what are referred to outside this Committee as “white boats”, which are the super yachts which we see down in the Riviera and the Caribbean at this time of year. So a wide range of operations, both dredging and providing training to port authorities and operators, particularly in the North-West, Mersey Docks and the Harbour Company amongst others.

Mr Hugman: My name is Peter Hugman. I am here on behalf of the Commercial Boat Operators’ Association, of which I am the treasurer. I have held a British old-style Boatmasters’ Licence for nearly 30 years and I hold a full Rhine licence and a Danube licence and I am one of the few English nationals, British nationals, who hold such a licence.

Q94 Chairman: That is very interesting. I am very grateful to you all. We will try and cover, if we can, some aspects of everything your experience teaches you. Can I ask you first of all, Captain Percival, broadly speaking are your members happy with the new licensing system?

Captain Percival: Broadly speaking, yes.

Q95 Chairman: Do they think it is going to benefit the industry in terms of professionalism and mobility?

Captain Percival: It is going to provide a level of qualification which is not currently there. If we leave the Thames aside for one moment, the rest of the country has no regulation with regard to certification for freight vessels. This provides a number of problems, particularly within the Marine Port Safety Code, where the ports are not comfortable with vessels carrying what is loosely termed as “dangerous cargo” under the International Maritime Dangerous Goods Code.

They are not comfortable with vessels carrying that unless they can show that the captain has a relevant qualification or the bargemaster has a qualification. There are issues about this. There are also issues with regard to construction, design and maintenance regulations and meeting the requirements of the CDM with regard to safe vessels and qualified crews.

Q96 Chairman: Are you telling us that this new licence would address that?

Captain Percival: I believe it will go some way towards addressing that, but at the end of the day everyone has to be competitive.

Q97 Chairman: What exactly do you mean by that comment?

Captain Percival: When we have this new licence it will mean that the inland operators will now be able to provide prices and quotes to move dangerous cargoes by water which is currently operated or being travelled by road.

Q98 Chairman: Because they will be able to calculate in these protections which were not there before?

Captain Percival: Yes.

Q99 Chairman: Is that going to be enough to get the freight off the road onto the water?

Captain Percival: It will contribute to it. What has to be shown is that it is an effective way and that the owners of the cargo will save money by doing it.

Q100 Chairman: Can you describe the old licensing regime for the masters of boats on the inland waterways other than the Thames before the new regulations?

Captain Percival: Apart from passenger vessels, there were no regulations.
Q101 Chairman: You really mean no regulations?

Mr Hugman: No regulations.

Mr Hugman: I think it is important that the Committee realises that it is not only areas outside the Thames but it is also the Thames historically where there are people operating, even now, with no licences. Some of our members are entitled to operate through parts of the Thames, the tidal Thames, on a freight-carrying vessel with no licence because they are under 24 metres and they are coming from the non-tidal Thames going to a canal.

Q102 Chairman: So it is limited parts of the Thames, but nevertheless it could be a busy and a “dangerous” part of the Thames?

Mr Hugman: To a certain extent, yes, and in other parts of the country, as John has said, it is only the passenger vessels which have licences, and work boats in the main and freight vessels do not have licences, and yet there appears to be no problem with a high number of accidents. Nobody here has said at all that accidents are being caused by unlicensed skippers.

Q103 Chairman: No, although there was some problem about why they are not published and why they are not easily accessible.

Mr Hugman: That is very true, and I think they are actually more difficult to get than we have already been led to believe.

Q104 Chairman: Why would you think that was so?

Mr Hugman: Because in most cases they are being reported to individual harbour authorities or British Waterways inland and though some of them may get to the MCA, not all of them will do. There is no national register.

Q105 Chairman: You are saying there is no national necessity for them to be recorded?

Mr Hugman: Well, necessity maybe, but no requirement at the moment.

Q106 Chairman: Because of your background and the difference between the three, you must be very much aware of the difference between the three waterways which you have the right to work on. Do you accept that in fact there is a fundamental difference between the United Kingdom position and those which apply on, for example, the Danube?

Mr Hugman: You are talking about the conditions of the waterways?

Q107 Chairman: Yes.

Mr Hugman: Great Britain in general has waterways which are dissimilar from the majority of mainland European waterways. There are two main things. One is the tidal rivers. We do not need to know the names, we all know the names. The other extreme are the narrow canals in the centre of England.

Q108 Chairman: So really you are saying that there is a fundamental difference and being trained to operate on the Rhine or the Danube is exponentially different from anything you would expect to apply within the United Kingdom in those categories you have specified?

Mr Hugman: Yes, but it works both ways. When I went to the Rhine that was as much of a shock as anything else.

Q109 Chairman: Yes, I am sure the Rhine has had that effect on many hundreds of people over many centuries!

Captain Percival: In previous evidence there was a question, I think from Mr Stringer, with regard to the necessity to report accidents and confidential reporting. There are two opportunities of confidential reporting which may not be widely advertised. One is through an organisation called the Nautical Institute, which has a marine accident reporting system, and it is confidential. There is also another one called CHIRPS (Confidential Hazardous Information Reporting System) which is operated, I think, through one of the government agencies. They are the two, but they are voluntary reporting, they are not required reporting, and I think it responds to your question to an earlier group of witnesses.

Q110 Graham Stringer: I was going to follow up the question through either yourself or any of the witnesses about accident statistics. Is what you are saying that on the Manchester Ship Canal or on the Tees there is an obligation to report accidents but they are only kept locally?

Captain Percival: It depends on the scale. We had an accident on the River Mersey a week last Saturday in very poor visibility where a ferry and a tanker had a collision. The tanker had a river pilot on board and the ferry actually had two people with Pilot Exemption Certificates and Foreign-Going Masters’ Tickets. I was not there, so I cannot comment on it, but I just make a statement that here we have a pilot who holds a Masters’ Foreign-Going Unlimited Certificate as a pilot and we have two Pilot Exemption Certificate holders with the same Foreign-Going or class I Unlimited Masters’ Ticket and, for whatever reason, there was a coming together. That was reported to the dock company and it is being investigated by whomever, and I am afraid I cannot tell you who it is because I am not involved, but I have no doubt MAIB will be involved and the dock company, amongst others.

Captain Chaplin: With regard to common practices in the Manchester Ship Canal and the Mersey on much smaller incident levels or possible incidents, near misses, the MAIB has certain requirements of the harbourmaster or the lock master in charge, like at Easton for the Manchester Ship Canal and Mersey Docks and Harbour to report certain levels of incident. So if there is a grounding other than a deliberate grounding—which is where, with the barges, we come into a grey area and we have recently discussed this with them because sometimes the barges ground deliberately to wait for water—they are very, very particular in their reporting to MAIB. So MAIB do have certain requirements and certain categories of terminology which is
understood for the harbourmaster to be required to report. Then if there is a near miss situation with a view to two vessels, the one which considers it was not its fault, that it was compromised, would be sure to be on the radio to complain, or when they enter the lock they will then make it clear to the local lockmaster or harbourmaster that there was a near miss, that this was untoward behaviour. So that would be done at a local level and then the other vessel will maybe get a verbal warning but over the mobile phone or non-public radio because there is a non-public radio channel working there. So there are various levels of reporting and ways of dealing with these things.

Q111 Graham Stringer: And the harbourmaster will record that?
Captain Chaplin: Oh, yes. Can I say, I am not so sure that they actually record the mobile phone conversation. No, probably not. VHS, yes.

Q112 Graham Stringer: So is this a fair assessment of what you are saying, that each waterway has its own system of standards and reporting system and those statistics are never correlated nationally?
Captain Chaplin: Well, apart from the MAIB reporting and also the MCA, other than MAIB, probably have some coming together –

Q113 Chairman: But you would know that, would you not? You are all so experienced. If there was some sort of clear bit of machinery where they collated the information you would know that?
Captain Percival: MAIB reports.
Captain Chaplin: An MAIB report.

Q114 Chairman: But MAIB, by your own definition, will only take it over a certain size and in certain conditions, and if they can demonstrate it is really a “dangerous incident” –
Captain Chaplin: There is an awful lot which is actually reported through to MAIB. There is a lot of very small incidents which actually get reported, but the public or the private operators do not always have access to everything which has been reported, but then there is a certain amount that is printed out or in Lloyd’s as casualties, and so on, but it is down to each region. The answer is that it is down to ABP for the Humber essentially, Mersey Docks and Harbour and the Manchester Ship Canal Company for the River Mersey and PLA for the Thames, and so on, in their way and notices to mariners. They can put out local notices to mariners if there are particular issues they want to raise. Whether they actually send them to all the operators is another matter.

Mr Hugman: To put your mind at rest, I think it is very important to say that if there is an accident involving a passenger vessel on any waterway or a significant injury to a crew member not on a passenger vessel, that is reported and it is a bit like saying if you are driving your car and you have a little bump you do not talk to the police, you just talk to your insurance company. That is probably the nearest analogy and those sorts of things are much less likely to be reported in any system.

Q115 Graham Stringer: What I am interested in is— and I hope it is the right question—is are the Thames and the other commercial waterways getting safer or less safe, and how would I find that out? Do you not think it is a good thing that we should know whether they are getting safer?
Captain Percival: If I may respond, the incident on the River Mersey, the collision a week last Saturday, was the first collision on the River Mersey for over 40 years. I am afraid in safety terms—and this is not meant to be taken the wrong way—today we are close to the accident we have not had for a long time, I am afraid.

Q116 Chairman: On a statistical basis, you are saying?
Captain Percival: Yes, and when we look at scenarios and the MAIB reports and we investigate these accidents, most of these accidents are caused by human error, fatigue, rather than lack of qualifications and experience. That is actually borne out by the recommendation from the MAIB and the introduction of various merchant shipping regulations into the Merchant Navy. May I just make a point about accident reporting? I would like the Committee to understand that category A and B waters have never really been part of the remit of the MCA, it has always been British Waterways. The MCA always looked after category C and D waters.
Chairman: We do know that, Captain, but some of the questions we are going to ask you about the Directive will actually play in on that because that is a big change.

Q117 Mr Leech: You were very categoric that that was the first accident on the Mersey in 40 years, but how do you actually know that when there seems to be this query about whether or not accidents are actually –
Captain Percival: It was the first collision between two vessels in 40 years, and that is because I had been advised by the Deputy Harbourmaster. Because we actually do training for the company, I asked the question, “When was the last time that we had a collision on the River Mersey?” and he said it was over 40 years ago, and I think it was probably round about 1963 when we had a very unfortunate incident with a boat called The Lady Gwendolyn, which hit and sunk a dredger and there was loss of life.

Q118 Mr Leech: That is assuming that these collisions have actually been reported?
Captain Percival: They have been reported. Under the Port Management Safety Code of all safety ports and minor ports like Air Traffic Control we have VTS, Vessel Traffic Services, which are there to oversee what is going on. They are not in control and they cannot direct ships as to what to do, but they do monitor.
Chairman: Forgive me, the changes over 40 years, the amount of radar, the amount of control on most estuaries is now exponentially different from anything, presumably, when you entered the industry. There are certain things I think we have to take for granted. I want to come on to the working group.

Q119 Mrs Ellman: Were you satisfied with the way the working group operated?
Mr Hugman: Yes, is a very blunt answer. Having sat through an awful lot of committee meetings or working group meetings, sometimes as many as one every two months at some point during these proceedings, things have gone to the extent that people have always been allowed to make their point and sometimes we have gone over the same points two or three meetings after each other. So everybody has had their chance to make their opinions known and what they feel about the prospective regulations at the time. What one person thinks is good another person will think is bad, and it comes from all parts of the people involved. I think everybody has had a chance to –

Q120 Chairman: That is not quite the question actually, Mr Hugman.
Captain Percival: Am I satisfied with the outcome? I think it is the best that can be achieved, bearing in mind that we are looking at a national licence and we are dealing with so many different categories of waters and different conditions on various rivers, estuaries and sheltered waters.

Q121 Mrs Ellman: It has been suggested to us that everything was compromised, with the implication that no one was really satisfied.
Captain Percival: What the working group has tried to do is to recognise that away from categorised waters there is a number of vessels that operate under the Harmonised Code (soon to be the Small Commercial Vessel Code) and the qualifications and education and training requirements for operators of under 24 metre vessels extend to about 12 months. We were trying to come up with something for categorised waters which was a little better but actually was fit for purpose, and this I think is the best possible fit for purpose that we can get.

Q122 Mrs Ellman: What about the operation of the Equivalence Committee? Are there any changes in the Committee?
Captain Percival: I think there has been a bit of a misunderstanding. Every port in the UK was given the opportunity and every waterway was given the opportunity to apply to the MCA for a local knowledge endorsement. I am afraid I cannot tell you exactly how many people applied or how many people the MCA wrote to, but I am sure the MCA officers can provide you with that. I am aware that there were two ports which applied for local knowledge and the Equivalence Committee did not feel that they had actually met the requirements with regard to the hazards and there was a visit by MCA officers, myself and Peter to do a formal visit and an assessment. I think what has been missed by some people is that the Tier 1 licence actually covers pilotage in a general way, like all certificates of competence do, and it recognises that in certain areas there are very special circumstances, and I think there are 12 ports where local knowledge endorsements have been identified as appropriate, but they are only the ones who have applied. Lots of ports never bothered applying.

Q123 Mrs Ellman: Should there be any more local representation on the Committee?
Mr Hugman: I do not think there should be any more local representation, but where there has been a question about whether the Equivalence Committee accepts the local knowledge or not, where there has been a meeting in the locality, then local practitioners have been included in that meeting in each case. So where there has been a question about whether the local knowledge should exist or not, then the local practitioners have been involved, but what the Equivalence Committee does not look at is if a request for local knowledge has not come in or that the area is wrong, which is something that we do not look at.

Q124 Chairman: Wait a minute, let us get this straight. They are all self-select, in other words they apply? It is just a matter of them applying. If they apply, it will be looked at?
Mr Hugman: Yes.

Q125 Chairman: Nobody works out why certain places have not applied or makes any attempt to get in touch with them and say, “Why haven’t you asked?”
Mr Hugman: No, that is not true. There are areas where people have questioned why they have not applied and they have been written to and I think contacted verbally several times by the MCA, because I myself have queried quite vigorously why one has not applied and I know that the MCA has talked to them about it.

Q126 Chairman: And they still have not applied, is that what you are saying?
Mr Hugman: It is still ongoing at the moment. The Equivalence Committee is still sitting. There are several working specialist groups dealing with the BML and some of it is still being negotiated.

Q127 Chairman: What happened with the local knowledge requirement for the Thames?
Mr Hugman: The PLA applied for the local knowledge and there was a very short discussion and everybody said, “Yes, of course.”

Q128 Chairman: And did they apply for a wider area?
Mr Hugman: No, certainly not to the committee. The local knowledge which is in the Boatmasters’ Licence now is as it was presented to the Equivalence Committee.
Q129 Clive Efford: Were you made aware at the committee then of the concerns of the organisations on the Thames?

Mr Hugman: Yes.

Q130 Clive Efford: So did you have a discussion about the different areas that were being proposed?

Mr Hugman: It came up in the Equivalence Committee and it had also been quite extensively discussed within the larger working group. Because it was the most important local knowledge area and the first one that was ever asked for, I cannot remember how many meetings but certainly at two or maybe three meetings this subject was raised about what the local knowledge area would be.

Q131 Clive Efford: So it was considered whether it should be a bigger one that was being asked for by the PLA?

Mr Hugman: It had been looked at, yes.

Q132 Chairman: Was there no dispute? Forgive me, what I cannot understand is how all this work has gone on, how there has been all this consultation, how everybody gets their word put in and suddenly, when we get to the point where it is all made public, all hell breaks loose. There seems to be a mild gap in perception.

Mr Hugman: My members’ attitude is that the Thames local knowledge as it now stands is correct because the thing is within the Boatmasters’ Licence there are actually three different licences lumped together and what we are really talking about is Tier 1, level 2, which is the biggest licence, shall we say, for the most onerous waterways. It covers all waterways up until class D, so the tidal waters. The whole point about the new Boatmasters’ Licence is that the things which are covered within the generic licence are sufficient to enable people to navigate safely on tidal waters, general tidal waters. Then the question is, within a local knowledge area what is special about that piece of water that is more onerous than a generic part of tidal water? There are special things about the Thames, especially the bridges in Central London, there is no discussion about that, but a tidal estuary is to a certain extent a tidal estuary. If somebody can navigate on the Humber with a 10 metre rise more than the Thames, and it has in certain areas anything up to 6 knots of current, why can’t somebody who can navigate there come and navigate on the lower Humber and the Thames?

Q133 Chairman: I have to tell you, Mr Hugman, this Committee has taken evidence from the pilots on the Humber and they have very firm views about the quality and what is required and whether or not anybody else can do it, but I would not want to disagree with you.

Mr Hugman: Yes, but this is one of the problems with the Boatmasters’ Licence and it comes back to the original EC Directive. There is a difference in emphasis between an inland waterways ship, skipper and ship, which is designed and spent all their lives navigating on constricted waterways, and a sea-going vessel which spends all its time in open sea and for short periods of its voyage comes into enclosed waterways. A boatmaster spends all his life trying to go between narrow banks, whether they are narrow banks on a small river or the sandbanks at low water on a big river like the Humber or the Thames.

Q134 Chairman: The Fowey Harbour Commissioners say to us in evidence, “Under the new regulations holders of the Tier 1 Boatmasters’ Licence are not required to demonstrate specific local knowledge of the port unless a local knowledge endorsement to that port exists”—and you have told us there are some who have not even asked for a local knowledge endorsement—“and in addition the regulations state, ‘The holder of such a qualification would not be required to hold a local licence issued under local legislation byelaw.’” They then go on to say that removes a risk control, and they identify potential scenarios which they think are very dangerous, and in other parts of their evidence they say, “The requirements for an extensive qualification for medium and large commercial vessels is well understood,” and they spell it all out, and they spell out the difficulties which they see. Now, Fowey on the whole does not have a particular desire to distort its evidence, does it, so if they think that the new licence is actually detrimental are they wrong?

Mr Hugman: I would say that when a harbour authority applies for local knowledge it is looking at its own situation almost in isolation, and the whole thing about the Boatmasters’ Licence and the Equivalence Committee is that it has to take a view of how that local area relates to the generic licence, which is very much more strict than any original Boatmasters’ Licence and in some ways more strict than the EC regulations, whether that specific area actually meets the criteria of local knowledge as stipulated by the MCA.

Q135 Chairman: I am sorry to keep quoting Fowey but their evidence is very interesting, “It led to the identification of a potential scenario whereby a commercial vessel of less than 37.5 metres could enter the port without any local knowledge on board,” and under the port safety regime they considered that was unacceptable. They then go on, I may say, to set out in considerable detail their dealings with the MCA where they made it very clear that they were asking for a local knowledge endorsement for Fowey and were sent off with a flea in their ears.

Captain Percival: May I respond to this, not on behalf of the MCA but as someone who actually attended Fowey for this review meeting with the harbourmaster, and they very kindly took us out and showed us the whole area. I drive vessels in many parts of the world and I go into ports quite frequently for the very first time in various size vessels. When you are taught piloting you are taught to refer to the various books and publications which are readily available to everybody. The other thing we have to remember, and I am sorry to repeat this,
is that Fowey has a VTS, a vessel traffic service, and it operates 24 hours a day. When a commercial vessel is going and operating within the port and it is turning around within the port, that is transmitted over the radio. So anyone who is working the port, where they are up to 37.5 metres or a pleasure craft which is not within the licensing requirements, which is under 24 metres, they will listen on the radio and they can take the action which is appropriate. The pilot has communications with the craft through the VTS.

Q136 Chairman: So it is not a genuine worry when they say that a master of a 12 metre estuary ferry carrying 13 passengers would require a Tier 1 BML, which requires a qualifying period of 24 months, and then it sets out all the other boats, whereas the master of a 23 metre tug work boat carrying 12 passengers operating in the same waters as the ferry and up to three miles to sea would only need to possess an RYA Day Skipper Motor Passport Certificate?

Captain Percival: This is where we come with coded vessels within the Small Commercial Vessel Code, or the Harmonised Code, and the Boatmasters'. This is where we get this difference, and when we went to look as the Equivalence Committee we were looking with the MCA within the Boatmaster Regulations, not within the Small Commercial Vessel or Harmonised Code, I am afraid.

Q137 Chairman: They are very concerned because their byelaw gives them control over assessing the level of local knowledge in passenger boat skippers and they say, “Our reading of s.21 is that this byelaw ceases to have effect where persons are qualified to the standard set within the new regulations,” and then they go on to say that it has not actually been repealed so they do not know where they are. Is that a genuine worry?

Captain Percival: Obviously the harbourmaster has a genuine worry and it is something which I cannot comment on really. It is an issue for the MCA to discuss with the harbourmaster because they approved the safety –

Q138 Chairman: But you would accept that what they are saying is that they set out to the committee the problems that they encountered, they still are not clear and they still feel there is a genuine problem? Would you accept that?

Captain Percival: I actually voted against agreeing to local knowledge apart from the upper reaches in Fowey.

Q139 Chairman: Because you genuinely believe that the overall training at a certain level will carry people through irrespective of the local conditions?

Captain Percival: That is what I believe.

Q140 Chairman: You may not be entirely in the majority, Captain. Do you believe there are any parts of the UK’s categorised waters for which a five year apprenticeship should be required?

Captain Percival: I would prefer not to answer that. I would prefer to turn round to you, madam, and say currently, apart from the Thames, there is no requirement for regulations and certification and an introduction of a scheme which provides—

Q141 Chairman: Yes, I think we accepted that, but that was not actually what I asked you.

Captain Percival: Well, I have never worked the River Thames and I cannot say whether five years is the time that you need to spend to gain the knowledge and experience. I would respond and say to you that elsewhere within the Merchant Shipping Regulations people with twelve months’ experience can actually take command of vessels up to 24 metres commercially and put to sea with under 12 passengers.

Q142 Chairman: I can see I am going to have to be very careful which ships I travel on in future! Is the Government right to argue the inclusion of a practical assessment in the new licensing system is better than relying on time served?

Mr Hugman: Can I answer the previous question first, if you do not mind, Chairman?

Q143 Chairman: I do not want to go back too often, Mr Hugman, but certainly if you have some new insight we would love to hear it.

Mr Hugman: As far as I am aware there are on the Thames at the moment people who have PLA licences (i.e. not watermen and lightermen) and they have a significantly less onerous qualification period.

Q144 Chairman: And are they restricted to particular areas?

Mr Hugman: No.

Q145 Chairman: So we have already got into this situation where we have a fine old mix of people doing various things is what you are saying?

Mr Hugman: Exactly.

Q146 Chairman: And you do not really accept the view that the nature of the Thames and its traffic makes it a special case?

Mr Hugman: No, I did not say that. I agree that within the local knowledge it is an area which requires local knowledge, and quite an onerous local knowledge, by far the most difficult local knowledge area.

Q147 Clive Efford: I just want to clarify something about the local knowledge area. What restrictions are there on people who do not have the qualifications to go into that area? Is there any kind of enforcement or is there any form of penalty that people might incur if they do enter it and they do not have the necessary local knowledge?

Captain Percival: I assume that they would be prosecuted under the PLA byelaws.
Q148 Clive Efford: Is it enforceable?
Captain Percival: Yes, it will be within the PLA byelaws, I would assume, but I am sorry, I have not read the byelaws.

Q149 Clive Efford: What is there to stop someone just ignoring that and entering? Is it likely?
Captain Percival: There is nothing to stop them.
Mr Hugman: At the moment historically nothing because people have been able to do various things without any licence whatsoever, so what was the point of looking? In the future, I understand that the MCA is looking for lock-keepers, for instance, not to actually police it and prosecute people but to act as the policemen, shall we say, to possibly check licences. But that has not been sorted out.

Q150 Clive Efford: So in your opinion it is not a system which is going to fall into disrepute because it is not enforced? So we set up this wonderful system and it is not going to be ignored?
Mr Hugman: I think it will be made to work, yes, but it depends on the operator of the waterway, the navigation authority, whether they make it work or not. The MCA, I suspect, have not got the people to make it work in general and will depend on the navigational authorities to check people's licences, but then they do now.

Q151 Clive Efford: So do you think it is likely that we will have the scenario where somebody who should not enter that area will think, “Well, I need to get this job done,” or whatever, and just chug up the Thames willy-nilly?
Mr Hugman: Any scenario is possible.
Captain Percival: How many people are driving without driving licences on our roads?

Q152 Chairman: That is precisely why we are asking you these questions, because the people who are driving without driving licences are frequently the people who have accidents and kill not only themselves but other people. So we do have rather an interest in this before it all goes pear-shaped.
Captain Chaplin: I would just like to make a comment towards the question of local knowledge, just around the country. People have talked about tides and sandbanks, but the level of traffic, other sea shipping traffic I think is a very essential factor to the justification for regulation and training of the barging operators, and there it also comes in how important it is for them to understand, perhaps in a sort of outline, minimal way, the sort of operational regime in terms of technology which everybody else is operating in. They have been using VHS for quite a long time, but understanding the other equipment. This has come into the Boatmasters' Licence, so there is an appreciation of the use of radar in the C and D waterways. Even if you have not got radar on your vessel, you need to understand that the other ships have, and I think the development in technology is a very, very important factor in what we are looking at here.

Q153 Mrs Ellman: You suggest in your evidence that the qualifying service time for local knowledge endorsement for Portsmouth is excessive. Are there any other examples?
Captain Chaplin: Yes, the Portsmouth.
Mr Hugman: Yes, that was in my submission, quite right. Portsmouth is the one which causes certainly me concern and I believe some of the other members of the Equivalence Committee, but with most of the other areas which have been identified as requiring local knowledge the MCA has not yet published what the qualifying service time will be so I cannot comment.

Q154 Mrs Ellman: Are there any other areas where you think wrong judgments have been made?
Mr Hugman: No. Within the local knowledge, no.

Q155 Mrs Ellman: So you will wait and see what the other judgments are?
Mr Hugman: Yes. As I said, it is a committee which is still ongoing and I think yesterday we were told that there will be another meeting in the near future. So it is an ongoing thing.

Q156 Mrs Ellman: What about the cost of obtaining a new licence? Can you assess the cost of obtaining the new licence including fees, training and travel compared with the old system?
Captain Percival: I am actually a training provider, as I mentioned, and we are training a lot of people at the moment. One of the issues we have with these courses is that with the exception of the Thames area what we will be looking at for existing boatmasters and for new boatmasters is limited numbers of people who want to be trained. So the economics of it all, I am afraid, means that the courses will be relatively expensive. I estimate that for an existing boatmaster having to do the three basic safety courses will be in the region of £800 or £900, including any examination and certification, but excluding the subsistence and accommodation and replacement crew which may be required and the travel costs. For a new boatmaster over the two years, based on the MCA's figures of the Tier 1, level 2, the requirement was for 40 days in college. That would add up to just under £7,500 as a ballpark figure, and that is one of our concerns. So £100 a day for training people if there are 10 people in a class, yes, that is more than adequate and people can cope, but with the exception of Gravesend or the National Sea School training centre down at Gravesend I am unaware of any colleges which want to participate in this because there just are not the numbers of potential trainees or students and therefore it is not cost-effective for them. There is no source of funding. It is not part of the Learning Skills Council funding and certainly the marine colleges that I talked to in the North-West do not want to participate because I am afraid they have, in their view, more important things to do with the Merchant Navy and sea survival and those sorts of things at Fleetwood and simulator work at Birkenhead.
Q157 Graham Stringer: What are the rewards? The boatmaster is presumably employed by the boat owner. What sort of reward will they get?

Captain Percival: I cannot answer that because I am not an operator, I am afraid.

Mr Hugman: Usually the minimum wage or not very much above. It is not a high-paying industry.

Q158 Chairman: So where is the incentive to spend that amount of money?

Captain Percival: Exactly!

Mr Hugman: This is one of the reasons why the CBRA, with a fairly national membership, has been very insistent that we keep away as far as possible from requiring mandatory college courses. Even without that, there will be course work of some sort required. If the courses can be sorted out to be distance learning, or whatever, you have still got to set all these courses up and that is a considerable cost, and where is the money to come from?

Q159 Mrs Ellman: How is this actually going to work in practice? Will the courses exist and who is going to pay for them?

Captain Percival: I think it will be very much as it is at the moment with commercial operators who want special courses, so they will contact a training provider and say, “Can you provide that particular course for me for this number of people, and I require it in this sort of timescale?” and the training provider will then provide a price. This is, of course, subject to them being approved by the MCA as a provider of this training within the Boatmasters’ Licence. There is a cost to the training provider of actually getting MCA accreditation to deliver the course.

Q160 Mrs Ellman: What is the cost there?

Captain Percival: I recently had a one day course approved and that was a £500 fee to the MCA, in surveyor’s time at £78 an hour.

Mr Hugman: The problem, as John has said, is that it is fine if you have a company which can provide eight or 10 students, shall we say, to go on a course. The vast majority of companies are running a few vessels at most and so they will be training one skipper at a time, and how then do you get a course together in that situation?

Q161 Chairman: Were these points made to the Government at the time?

Captain Percival: Yes.

Captain Chaplin: Yes.

Q162 Chairman: Should the Government have resisted the Directive or sought a more comprehensive exemption?

Mr Hugman: Realistically, everybody realises that some sort of national licensing is required. The question has been how we get to it and then, more importantly, how we pay for training new people. We are not talking about existing skippers. Okay, there is a cost there, but the existing skippers are going to get a licence by grandfather rights, and with the new Boatmasters’ Licence people who are on the small waterways can go for an alternative licence, again with quite limited cost implications. The problem comes with the people who need to have the top level, i.e. the C and D waters. They are, shall we say, stuck with these sorts of costings.

Q163 Chairman: What is the difference between that proposed cost and the existing cost?

Mr Hugman: For somebody who has not got a licence at the moment, who has no requirement for a licence –

Captain Percival: There is no cost.

Mr Hugman: —there is not a cost. If we forget the freight vessels, for the existing passenger vessels which have an existing licence, the old style Boatmasters’ Licence, the cost involved there is significantly different because it is effectively what is now going to be called the Tier 2, where all the training is on board, i.e. you learn by experience and it is restricted in area and all you do is you pay for an MCA examiner to come out for one hour.

Captain Percival: On basic safety.

Mr Hugman: No, not at the moment, not on the old Boatmasters’ Licence. They will be required to do the basic safety on the new one. So it is not even a step-change, it is like a mountain for people who up until now have had no requirement for change.

Q164 Clive Efford: How many people can we expect to go through this every year on average?

Mr Hugman: You are talking about new skippers. If we are not careful, none outside the Thames because there will be no employment. It is already an ageing industry because in some ways it is unattractive to young people because of the lifestyle. If you then make it enormously expensive to implement, it is going to become almost prohibitive. If you asked me how many new skippers on average we have had in the last 10 years I would have to pull a figure out of the air because there is a lot of people who are not even members of the A7 CBOA. You are talking of more than 10 but less than a hundred per year.

Q165 Graham Stringer: How does that scenario where there might be no people getting these new licences square with what you told us earlier on, that this might open up new commercial opportunities for taking freight off the road?

Mr Hugman: That was not my evidence, that is somebody else’s evidence.

Captain Percival: What I was saying in that situation, particularly with dangerous goods and with construction and chemicals is that the licensing of boatmasters and vessel standards will actually potentially allow these vessels to bid for the work to move this dangerous or hazardous cargo around from one location to another by sea. It is then up to the owner of that cargo whether they do that or whether they keep their current system, which may be either by road or by rail.

Q166 Graham Stringer: I understand that you get the protection of regulation and certain standards, but what I am trying to put together is that there is a sort of bleak scenario coming from Mr Hugman that
nobody is going to have a licence and you are saying it is going to expand. I am just trying to square those two.

Captain Percival: I say that the new Boatmasters’ Licence provides the opportunity. Okay, there is an issue about the funding of the training, but in principle the Boatmasters’ Licence provides that springboard. There is an issue over funding of the training.

Q167 Chairman: You do say that you thin the taxpayers should pay for that, but why should they?

Captain Percival: I am looking for some source of funding. Within the Merchant Navy, within general shipping we have smart funding.

Q168 Chairman: But Captain, without being argumentative, is it not true that as a nation we import something like 80% of our goods and we need a Merchant Navy. We are an island and we really do need a Merchant Navy.

Captain Percival: I totally agree with that.

Q169 Chairman: We may not man it with our own nationals, but we certainly need it! What is the comparable argument?

Captain Percival: The Government’s attitude is, freight on water and remove traffic off the roads.

Q170 Chairman: I know about the Government, I listen to them every day. What is the comparable argument? Why do I need this? Madam Chaplin, you can tell me?

Captain Chaplin: What I was going to say is that concerning funding generally for the industry in terms of new vessels and this sort of thing, with the new regulations, there is demand but we are still using old vessels. The schemes which have been adopted by Holland, Germany, certainly Ireland, in terms of investment for private individuals as a group to invest in new tonnage with certain limitations on how long before they can be sold—do you know the scheme I am talking about? It would be very, very useful if that was also applied within UK shipping. Certainly for the coastal ships we are not able to compete properly with these other countries which are building new again and again, and looking at this with a view to the need for the smaller coastal ships and renewals it struck me the other day that this is actually something which could very much be energised and worked up with the shipping policy division looking at it for the inland shipping as well, but that needs to be done—obviously it is a tax department issue, but they would need to know that there is a demand from the transport and shipping industry and why not this sort of scheme, which is private investment? I am sorry, I may be speaking against the Government but this is actually from my own experience. We see shipping growing but this is all through those countries within the EU regulations. There are schemes for private individuals to group together to fund and invest in new shipping, and the inland side of inland shipping. I am talking about the estuarial sort of craft rather than the larger waterways, so much needs new vessels to be able to come in. Obviously we also need to encourage new blood coming into it and the younger people and to have a qualification to aim for I think is a motivational thing, what they get out of it, and probably initially the shipowner/operator would have to pay towards some of this training we have been talking about. However, their margins at the moment are so low, but presenting the old barges that we have, you know, is not very good form. There is growth in new tonnages, new types of commodities. In the Mersey Ship Canal they are coming to the end of an eight week trial and they have been very busy with it, with a firm doing containers between Seaforth and Earlamol (?) and Seaforth and they are adapting one of the barges by moving the centre bulkhead to be able to take more containers. The system of freight grants is very, very cumbersome and the limitations and parameters to work within. I would like to see a private investment scheme where we as a country, both for coastal shipping and inland, could definitely benefit from it.

Q171 Chairman: I am going to stop you there. It is very interesting, but it is not strictly speaking what we are supposed to be talking about. Revalidation: do you approve of the new licence?

Captain Percival: I think the MCA may have missed a couple of points in the Certificate of Competence we actually have on revalidation in addition to the five years. Within the five years we have associated employment but we also have an opportunity where, if for any reason someone has not completed the qualifying time, they can become a supernumerary or to do a course or an examination, and that is actually missing from the regulations. I just wonder whether that is an oversight and certainly I did not pick it up when we were looking at the regulations.

Q172 Graham Stringer: Are there any areas where holders of the new licences, in your opinion, will not be qualified to do the work which that licence entitles them to do?

Captain Percival: I think we need to be careful. The licence says someone has the necessary training and skills, it does not say they have the necessary experience. In life we can be trained and we can have qualifications, but we need to gain experience to be able to command these vessels. So just because someone has got the qualification does not mean they are actually going to be capable of carrying out the full range of tasks in command of that vessel. It is down to the operator to make a judgment and an assessment, through risk assessment and looking at the individual and assessing the individual, of whether he should in actual fact command that vessel.

Q173 Graham Stringer: You placed heavy emphasis on “broadly” in answer to the Chairman’s question
when she asked the same question the other way round. That is what you meant, was it, that it does not necessarily equate to experience? There are no gaps in the system where people will not be qualified? I did not understand why you laid such heavy emphasis on “broadly”.

Captain Percival: I did not mean to make that statement, not directly. The issue is that I do not know all of the waterways around the United Kingdom, with the best will in the world. I am not sure about my colleagues.

Q174 Graham Stringer: But there is a specific area about which you are concerned?

Q175 Chairman: Are there gaps, is what you are being asked. Mr Hugman: There are no significant gaps that we are aware of.

Q176 Chairman: Insignificant ones? Mr Hugman: No, or they are significant but they do not come into my head. That is the answer, is it not, really? Chairman: Do not worry about it. Mr Hugman. Go away and do your homework and write me a note. Madam and gentlemen, thank you very much. It has been very interesting to listen to you all. We are enormously grateful to you. Thank you.

Supplementary memorandum submitted by the Association of Inland Shipping Operators

May I offer my apologies to you and your Committee for my initial flippant response to a question from Mr Stringer in respect of monitoring and control of Boatmaster Licences? You moved on before I could provide the questioner with a full response and so would ask, if I may provide a written answer to you and your Committee?

Employed

In response to the question, I would state that it is the Employers responsibility to ensure that all employees hold the qualifications that are stated in their initial application for employment. It is then the Employers responsibility to ensure that these qualifications are maintained as appropriate. eg in the case of the new BML holding a valid ML5 or ENG1 medical clearance or one that is acceptable to the MCA, all the time and through re-validation. The Employer can, if they wish, contact the MCA with the certificate/licence details of the individual certificate or licence.

Self Employed

This case is a little different however the vessel/crafts Insurance Company will require the person to operate their vessel/craft within the law, ie to hold the appropriate Licences and Endorsements. This may provide an area for abuse however, the operations within an Inland/Categorised waters area is monitored very closely by those who normally operate there. In my experience it does not take long before checks are made by current operators with the appropriate body/organisation to see what certificates and/or licences a person holds. This check can be made via the MCA who hold a central database of all certificates and licences that they issue.

I would suggest that this is the case currently in locations where local licensing is required and in respect of passenger vessels-craft.

In both cases there will also be monitoring by the Navigation or Harbour Authority where the vessel/craft is operating to ensure that any vessel is operating within the requirements of any Regulations and/or Bye Laws that may be in force. This will be requirement under the Safety Management Systems that these organisations must have in place.

In addition the MCA inspect vessels on an ad hoc basis. During these inspections they also request to see the qualifications on board.
Wednesday 7 March 2007

Members present

Mrs Gwyneth Dunwoody, in the Chair

Clive Efford
Mrs Louise Ellman
Mr Philip Hollobone

Mr Lee Scott
Graham Stringer
Mr David Wilshire

Memorandum submitted by the Marchioness Action Group

SUBJECT: TO PROTECT “SAFETY” ON THE RIVER THAMES

In the interest of the public with MAG and all party support remember “The safety of the people shall be the Highest Law” Cicero 106 to 53 BC

BACKGROUND INFORMATION

Why and how did the Disaster occur in 1989

PLA ACCOUNTABILITY

The PLA had removed Pilots in the area that the Bowbell and Marchioness were on the night of the disaster. Difficulties navigating the River Thames had been drawn to their attention by RMC owners of the Bowbell and other interested parties one being a Richmond Magistrate who said it would only be a matter of time before a serious incident with loss of life would happen on the River Thames. The PLA refused to reintroduce Pilots back onto that part of the River Thames.

TRANSPORT MINISTRY ACCOUNTABILITY

We were in charge of issuing licences for craft on the River Thames and gave permission to add additional decks to boats that were originally built for non tidal waters hence making these craft unsafe and without acceptable visibility. They also gave an A1 pass licence to the helmsman on the Bowbell on that fatal night of the disaster when he had cancer of the throat, wore bifocal glasses and a hearing aid.

Over the past 17 years plus I have worked with Government, Watermen and other interested parties to improve practices on the River Thames to increase experience and training requirements of masters, watermen, boat owners and other agencies.

To apply their trade with full knowledge of importance to safety that directly or indirectly affects thousands of people daily.

It appears that the Government has reneged on the hard fought gains in safety obtained over those years.

It defies logic to believe that relaxing standards will not impact on safety. Also there does not seem to be any attempt or desire to accept professional opinions of others who are experienced in navigating these waters. This closed mindedness can only lead one to assume that “Safety” comes after political or economic concerns. Certainly the value of “human life” is not “highly placed”.

The Department of Transport, PLA and other Departments have shown themselves to be woefully negligent in a number of areas. In one instance they resistend the placement of a rescue service on the River Thames actively denying its need. Thankfully that grossly incompetent position has now been corrected due to the campaigning of MAG. RNLI boats are now in service 24 hours a day all year round. The RNLI annually report that the Thames Stations are the most active units in its UK service. What can be concluded in this?? Only that the Minister, PLA, MCA have little knowledge or required experience of working and navigation on what is considered the most difficult Tidal River in Europe, Do they really care?!

AT THE END OF THE DAY

Instead of relaxing standards there should be increased emphasis on “Safety Factors”. Disaster preparedness requires that drills should be held on a regular basis involving multi agency emergency personnel and boat owner’s. Passenger boats should be inspected more regularly to insure that “safety” measures are being complied with and crews should be drilled in evacuation procedures. Many of the boats now plying the Thames are older boats that have structural deficiencies making them unstable when fully loaded with passengers. These boats should have limited licences and be replaced with craft designed to navigate tidal waters.
DOCUMENTS TO TAKE INTO CONSIDERATION
Lord Justice Clarke Report
Hayes Report
Dr Toft Report
MAG 17 years of work without it NO improvements for “Safety” would have occurred.

REQUEST FOR THE FOLLOWING PERSONS TO BE CALLED TO GIVE ORAL EVIDENCE:
Lord Justice Clarke
Rt Hon John Prescott MP DPM
Mr Hayes
Margaret Lockwood Croft
Alex Hickman
Scott Newton
Paul Baker
I have curtailed my family visit to New Zealand to be able to attend the oral submissions on the proposed day of 7 March.
7 February 2007

Witnesses: Ms Margaret Lockwood Croft, and Mr Malcolm Williams, Marchioness Action Group, gave evidence.

Chairman: Good afternoon to you. May I just tell you one or two house rules. This is a room which absorbs sound and the microphones in front of you are actually here to record your voices so they do not project them so perhaps you would remember that. The other thing that is important is of course that we have one little bit of housekeeping before we begin: Members having an interest to declare?
Clive E Vord: Member of the Transport and General Workers’ Union.
Graham Stringer: Member of Amicus.
Chairman: Aslef.
Mrs Ellman: Member of the Transport and General Workers’ Union.

Q177 Chairman: Thank you. May I ask you firstly to identify yourselves for the record.
Mr Williams: My name is Malcolm Williams and I am a survivor of the Marchioness disaster.
Ms Lockwood Croft: Margaret Lockwood Croft, Director of the Marchioness Action Group and bereaved mother. Malcolm is also a committee member.

Q178 Chairman: Thank you very much, Mrs Lockwood Croft. Did you have something you wanted to say briefly before we go to questions or may we go straight to questions?
Ms Lockwood Croft: Before we go to questions would it be possible for both of us to say something and then have questions afterwards? I would like Malcolm to start because he has written something—

Q179 Chairman: Yes, the only constraint is, frankly, you will understand that as we are bit pushed for time if you go on too long. I am afraid the Chairman may be a bit rough.

Ms Lockwood Croft: We want to take very quickly what we have to say.

Q180 Chairman: Mr Williams, would you like to begin?
Mr Williams: I talk really as a member of the public and a survivor of the Marchioness. However, that was 18 years ago now and in the intervening years I have attended many investigations and inquiries to give information or to help the process and they have not been easy because every time I get drawn back into discussions my day-to-day dreams and lifestyle is interrupted by memories and images, which is very unpleasant, but I manage that. In 1989 I remember walking onto the deck of the Marchioness feeling that I was going to have a good time and I was in safe hands. I anticipated that people would be knowledgeable, experienced and in a fit state to ensure my safety, but in the event all those factors did not seem to play, and I found myself struggling for my life in the river in the middle of the night. After 12 years of waiting, the public inquiry was held and Lord Justice Clarke made recommendations which seemed to me to have a major effect on the way in which the safety of the river was considered. Major changes were made and issues around training for watermen and boatmen were impressive to me as a laymen and it made me feel that maybe my friends—and the majority of my friends I had made in London died that night—had not died totally in vain and there may be something happening to honour them in some way of achievement. The knowledge I am picking up now is that all this is being changed and that sense of something happening seems to have changed and the rigorous and stringent measures seem to me, from what I have been hearing and reading, to be being seriously relaxed, so my concerns have been raised. My
concerns were further raised—and I can only really relate to what I see in public—by an article in the *Evening Standard* recently where there seemed to be great differences of opinion and a polarisation of views between Dr Ladyman and his experts and the people who actually run the river, the watermen and the boatmen, which also gave me great concern. It seemed to me at the time that the newspaper article showed the boatmen in a bad light in this sense. I felt that was unfair at the time but I realised from that article that they seem to be being accused of running a closed shop and having to work to onerous rules which might prevent the development of a more diverse workforce. In the same article what concerned me more was a suggestion that Dr Ladyman had got it wrong. He commented: “What a horrid thought that changes I made might cause someone to lose their life...” but he went on to say: “I am absolutely confident that if anything I have erred on the side of caution.” My sincere hope, Chairman, is that the arguments over whether the boatmen maintain a closed shop or not and how to encourage a more diverse workforce do not in any way deflect attention from the important things they have to say about their work and how to maintain their high standards of training. I had thought that the higher standards of training and the so-called “onerous rules” had in fact been instigated by Lord Justice Clarke—

Q181 Chairman: Mr Williams, we want to ask you a number of questions that will touch on these things. 
Mr Williams: So can I come quickly to my last point?

Q182 Chairman: If you would. 
Mr Williams: My feeling is that I am very grievously anxious that if the phrase “absolute confidence” does not turn out later to be true then many people are not going to be impressed, particularly those parents and families and friends who lost people in that incident.

Q183 Chairman: Thank very much, that is very helpful. Mrs Lockwood Croft?
Ms Lockwood Croft: Firstly, Chairman, thank you for inviting the *Marchioness* Action Group here today. In 1991, we started campaigning for there to be national licences covering the different avenues of water—canals, lakes, rivers, tidal waters and offshore waters—so we do welcome that. We feel sad that they did not take up our recommendation then which was to have an independent research team looking at what was out there in training, whether there were incidents in any parts of Scotland, England, Wales or Northern Ireland that were recorded, and to assimilate all that information before making licences. We took the opinion from the start that you could not have one size fits all. You would have to research first to see what type of comprehensive training is appropriate to those particular waters. We consider it is necessary for all personnel, managers and owners to have training because we view this as a corporate responsibility. We feel if that had occurred our country would be the lead to Europe and we could have presented to them rather than the EU Directive being presented to us, so I consider time and resource has been wasted. If that had occurred we would not be here today. It concerns me now that we have a licence that does not cover the different perspectives across our country, I think that is important, because we do not have the true facts and figures. I want to remind the Committee—and I am not wanting to be derogatory because any remark I make I want positivity to be taken out of it—of what caused the incident in 1989 and that departments can and have made errors, and I feel that at this juncture another error has been made and I hope it will be rectified. The Port of London Authority withdrew pilots on the part of the River Thames where the incident occurred. The Ministry of Transport of the day, as it still does, issues licences and they issued licences for craft like the *Marchioness* and its sister ship the *Hurlingham* to have decks added to them causing lack of stability and for them to be unbalanced. They were not weighted the right way so if you all rushed to one side, the ship went to one side and it took on water. It concerns us that there are still craft like that were built for upper reaches and non-tidal waters plying their trade on tidal waters. I can back that up with physical evidence and send it to the Committee because we were given the original architects’ drawings of the *Marchioness* that were presented to Lord Justice Clarke. A reminder too that there were two combined departments, which to us facilitated that disaster occurring. That is why we had recommended after the death of our loved ones that there should be independent research handed back to the government; as I said time and effort wasted. It concerns me now with this new licence—and this can be validated by the professionals themselves, the watermen and lightermen, particularly Captain Scott Newton and Alex Hickman and others, that with this new licence they could go on to the Mersey—

Q184 Chairman: I am going to stop you there, I am sorry Mrs Lockwood Croft, I am going to be a bit brutal because it is important that we ask you these questions related to the points we want to raise. Thank you very much, that is very helpful. I need to be quite clear in my own mind; are you saying that you object to a national licence or not?
Ms Lockwood Croft: No, as I said before, we have been campaigning since 1991 that there should be one.

Q185 Chairman: So in fact it is not the principle, it is the way in which it is going to be implemented?
Ms Lockwood Croft: Yes, and there is not sufficient diversity to cover the inland waterways.

Q186 Chairman: What measures have been taken in response to the *Marchioness* disaster that have contributed to improved safety?
Ms Lockwood Croft: Through our campaigning, with the support of the Deputy Prime Minister and other Labour MPs, which we acknowledge with gratitude, we had the inquiry. Many people facilitated data to that from many different groups.
From that, slowly over a period of time, safety has changed: attitudes to it, procedures and laws. One thing we fought and campaigned for is that there should be alcohol and drug law the same as we would have on our roads. We also fought for and did fundraising to obtain the search lifeboats which have proven, and the RNLI can validate this, to be the busiest crafts throughout the UK. We were told by professionals that they were not necessary so we have proven that wrong. We have also campaigned that there should be emergency exercises, in line with what national airlines have annually to see that we could deal with an incident. The very first combined one took place on 1 November 2006 on a bright, clear day with 25 volunteers to be survivors and 25 dummies thrown in to be people rescued, and even on that clear day five of the dummies went missing. To us that would be five dead people that the family liaison police officers would be knocking on people’s doors to say, “I am sorry, your loved one is dead.” It showed that you need that and I picked up 10 glitches which they have taken on board. I understand from the professionals that they are considering doing that once every four years. To us safety should be reviewed annually and exercises like that taken on board. All boat owners working on the River Thames should do that also with their own crews and their own staff to add safety. Solely through the loss of 51 people we have achieved these standards and the additional safety factors that have been put in place.

Q187 Mrs Ellman: It has been argued that the Port of London Authority licensing system was based on time served rather than assessing skills which is central to this licence. Do you agree with that?

Ms Lockwood Croft: We have always maintained that you need comprehensive training and we have pushed that it should be college based with exams as well as practical training. We also have advocated over the years—and we have written about it—saying that we would like to see such training as a national licence base coming within our educational system, so that it is recognised as a college or university degree, depending on which area they are working in, whether they are bargemen or sailing in offshore waters or tidal waters. We are also very concerned about the Port of London Authority in this respect: they are a trust and, sadly, there is a loophole in the Freedom of Information Act that trusts are exempt, so that is an area that we would like to see changed as well. I appreciate that will probably take several more years of campaigning to get the amendment to the law so that trusts like that cannot be exempted. We cannot get the information or facts or figures ourselves from them.

Q188 Mrs Ellman: What sort of information have you been trying to get?

Ms Lockwood Croft: To get the full information on how they deal with incidents on the River Thames, the procedures, and how many they have had, and whether they were qualified watermen and lightermen pilots or whether they were not qualified persons who have been practising under the new EU licence, because there has been some sort of research or practice on that basis, and we feel that is important.

Q189 Mrs Ellman: Have you tried to get this information?

Ms Lockwood Croft: Yes we could not because the answer I got back was they were trusts and they are exempt from the Freedom of Information Act. That was validated by the agency that deals with complaints when I wrote to them, because I was trying to get details about coroners and I was informed by them that the coroners are not exempt so they do have to make comment, but a trust is exempt. We have said before about safety issues, and our recommendations were again that safety issues should be under a separate body perhaps because it could be perceived—I am not saying it necessarily occurs—that there is a conflict of interest between commerce and safety and we would see that risk of compromise taken away if it was a separate body dealing with safety.

Q190 Mrs Ellman: I want to look further at the provisions of the new licence. One of the issues of concern that you raised before was about the medical fitness of people in charge of boats?

Ms Lockwood Croft: Absolutely.

Q191 Mrs Ellman: Under the new licence there is to be a medical assessment and that did not exist before; does that not give you more confidence?

Ms Lockwood Croft: We welcome that but, as I said before, we pointed this out many years ago back as far back as 1991 to the Ministry, having got documents that happened to be conveniently passed on to me showing how the helmsman of the Bowbelle at the time had been passed as A1 when the poor gentlemen had cancer of the throat, wore a hearing aid and bifocal glasses. Under the maritime laws he should not have been given a licence.

Q192 Mrs Ellman: But this will be changed in the new licence.

Ms Lockwood Croft: Absolutely and we welcome that. There are areas within it that we positively welcome. I cannot see that one size fits all. We consider medical fitness to be necessary and, as with driving, if you had epilepsy or some illness then you would not be able to hold your road licence, so that to me is logical and practicable.

Q193 Mrs Ellman: So this is a positive change?

Ms Lockwood Croft: Absolutely, I welcome the positive change. What I do not welcome is the fact that you have gone from five years’ training and a college-training base and extended training facilities down to—

Q194 Chairman: We must try and get everything in. Mr Williams?

Mr Williams: My concern is that the issue of experience and there being no substitute for it is not lost entirely and the comment about the feeling that the watermen base too much on that very aspect of
it. When it comes to working on the river, experience is crucially important and this is what the watermen and lighter boatmen say, and I am prepared to believe that.

Q195 Mr Wilshire: Can I just say at the outset that I too am a bereaved parent, under different circumstances but equally difficult I suspect, and I therefore understand how you react to issues of this sort, but forgive us if we press you a bit. You refer in your submission to relaxing standards; can I just press you on the detail of what you see is relaxation, not just the one or two main ones but all of the issues where you think standards have been relaxed?

Mr Williams: The initial impression I had from looking at the way in which the qualifications had been reduced from five years to two years is that there has been some collapsing of the importance of experience in that, and it felt like some sort of fast-tracking qualification was being introduced. From my own experience in my work, fast-track qualifications lead to shallow learning and shallow learning leads to mistakes. When safety is involved it concerns me that shallow learning might become the major baseline for this new licence. I do not think you should streamline anything in any way where safety is a major issue. That comes from my work in working in child abuse when social services tried to streamline services but had to give many exemptions to the child care departments in order to protect the fact that they did need more qualifications and more experience.

Q196 Mr Wilshire: Having identified those as possible causes of trouble if they are relaxing standards, is there any evidence subsequently to demonstrate that your anxieties are well-founded?

Ms Lockwood Croft: If this licence remains, time itself will prove from the day-to-day workings by the experts who work on those rivers and from our personal experience there will be defects and problems. I have no doubt whatsoever that incidents will occur on the River Thames and not just on the River Thames because it is cross-applied to other tidal waters and other areas, and there will be incidents in other areas of the British Isles which could lead to loss of life. We cannot say at this time because the licence was only introduced on 1 January. We need a period of it being in use before we can make further comment. However, I do not want to see that time proving our experience and other people’s experience who have the expertise and work on these rivers and inland waterways on a day-to-day basis right. As I said to you, I wanted to highlight points that had gone wrong in the past that the departments have made. It saddens me that we have gone forward and they have supported our campaigning gradually over the years—and I have to say those things that we have succeeded in have been us being like a dripping tap and nagging people and getting support from MPs to see that the different stages of recommendations were implemented—but if you have spent hundreds of thousands of pounds of public money on inquiries, again what I would put forward straight away is that you should have an oversight body afterwards to see the recommendations made are complied with within a reasonable time-frame. I did not expect 18 years (as it will be this August) after the death of my son and the other 50 people that I would still be having to chase to see that safety standards went forward. As I said, we have craft there that in my opinion, having researched in Europe, on the Seine and in the Netherlands and Germany, that should have been removed a long time ago.

Q197 Chairman: Did you want to add to that, Mr Williams?

Mr Williams: Yes just briefly. I remember Lord Justice Clarke at the time of the inquiry praising the watermen and lightermen’s licence exactly for requiring a two-year apprenticeship followed by three years as a professional waterman. I want to know what has changed since then. As a member of the public and a layman on the subject, I think, “Fine, that sounds great,” but what has changed in the last 10 years? Has the river got less busy? It is going to get busy with the Olympics coming up. I am hearing from the people who work the river, the watermen and lightermen, that the present licensing arrangements are not enough. I can only say, “Really, are they not? You should know.” That is what I feel and 10 years or 12 years ago Lord Justice Clarke saw fit to praise just that regime of training.

Q198 Mr Wilshire: Can I just press you on the question I actually asked you and that was about any evidence that has arisen. I can understand given where you are coming from and the expertise you have built up that you can point to these things and say, “They look like lowering of standards to me.” Can I just ask you again: is there any evidence subsequently of these things producing either an accident or a potential accident?

Ms Lockwood Croft: There is some evidence. I wrote to my local MP, Gerald Howarth, to see if I could get the information on the facts and figures of incidents which have occurred over the last couple of years, which he obtained. The NCA do not routinely record all incidents to define non-qualified persons who have had incidents to the qualified, and the number of unqualified incidents far outweighs any of the professionals—

Q199 Chairman: Mrs Lockwood Croft, I need to know what this evidence was from. Was it from the Department?

Ms Lockwood Croft: Dr Ladyman’s Department.

Q200 Chairman: Will you please give us a copy of what it was—not this minute—but thank you. Mr Williams, you wanted to add to that?

Mr Williams: The question is a slightly doubled-edged sword because it is a very new set of licensing regulations so we do have to wait to some extent to find out what will happen with them. I would just like to go back to my analogy of social work in which childcare was taken out as an exempted form of care to gain greater qualifications and experience. Working with the elderly in my time and with the
disabled, sadly, mistakes are made a lot and not even noticed or they are forgotten or they are picked up in practice by senior practitioners trying to keep their team up-to-date. However, when it came to childcare and child abuse you could not afford to make those sorts of same mistakes. When it comes to safety, what I am saying is I am hoping that the decisions made to bring about the new licensing regulations have been thoroughly gone through so that Dr Ladyman can make that statement that he is absolutely confident, because at present I am not led to feel that.

Ms Lockwood Croft: Can I make one more comment. We all of us here. I am sure, have experience of our own family lives and seeing the difference between an 18-year-old and then someone at 21. Members of my own family at 21 have looked back and said, “Mother, did we actually do that when we were 18?” At the end of the day I think there is a conflict. We are talking about increasing the age of leaving school to 18 from 16 and emphasising going to college and university. This new Directive is completely opposite to what you are trying to achieve. There is no substitute to the correct training and experience and that cannot or will not be obtained in this way. As I said, it is so relaxed. How can you have a five-year good solid apprenticeship in training and then introduce a two-year one with so many loopholes? If you actually studied it, there are so many loopholes, and I consider these loopholes will cause incidents where we will all suffer. I appreciate and I am sure you do that you hold a heavy load on your shoulders in your conclusions because if an incident occurs in the future you could say, “If only I did this or got this presented into Parliament into a good debate for change, that would not have occurred,” and I would not want you to be in that position.

Q201 Mr Wilshire: Having asked you a bit about the standards that concerned you, could you be specific about any reservations you have on the general terms of the licences?

Ms Lockwood Croft: Particularly on local knowledge. To me in any format it is paramount that you have full local knowledge. They have broken it down into sections so that they can be passed as having local knowledge on the section but not on the whole. Let us take the scenario, if we have another incident, it would be illegal under the maritime laws and the by-laws if they went to assistance because they have to be within the jurisdiction and they would not have the local knowledge to go on to that particular part of the river anyway where the incident occurred. The Thames tidal waters here are recognised in Europe as being the most dangerous. I have had people from Germany and the Netherlands write to me saying, “We cannot comprehend your Government reducing the age. We are retaining our age in our country and we are retaining our four years.” If there was comprehensive enough training within those four years with college attendance and exams, we are not arguing about that, but where it is the wrong is because the Government is pushing saying, “You need comprehensive and appropriate training to get your college degrees; it is necessary if you are going to have a life.” I have supported that myself and supported that for my children and later in adulthood it has been proven to be correct and right for them. I consider that you have to have a good basis of foundation to go forward. This to me is not a good foundation, it is a hotchpotch of events with loopholes. There are too many loopholes to go into today but I can write to the Committee about it. You could have a skipper from here with a new licence on the River Thames going to Merseyside and having no local knowledge. To me that does equate to any common sense at all. To me it equates to lunacy and to possible disaster in that area, and vice versa, we could have someone from another EU state come here with their qualifications which we would have to accept and they could work on our waterways as well but they would not have the local knowledge.

Q202 Clive Efford: Just to follow on, Mrs Lockwood Croft, regarding the Thames local knowledge area because you have referred to local knowledge, could you just clarify for me your position regarding the new area. My understanding is that on the previous extended area that existed in the local area of knowledge, on the Thames somebody could come from an area of Tilbury, which is less tidal, and work there for many years and then move into the more dangerous area which is now covered by the local area knowledge and not have the local knowledge of that particular part of the river that is required to navigate safely. Do you have any comments on that?

Ms Lockwood Croft: Again to me this leads straight away to unsafe practice. You have got to have the full local knowledge, you cannot have it piecemeal, it has to be the whole. In time you are bound to have incidents. Incidents do occur and it concerns me now that the number of incidents is increasing and it has been through unqualified personnel not having the local knowledge.

Mr Williams: What we are after really I suppose in one way is flexibility so that within the European demands and so on there is some flexibility for a special river like the River Thames. There is no other river like it.

Ms Lockwood Croft: What is so frustrating and saddening to us is that there is a clause there that we could have taken so our River Thames could have been exempt. You have got top professional people from other countries saying, “Why on earth are you not taking that exemption that is relevant to you?” Other countries have. We do not link to any other waterways in Europe so on that basis alone we can be exempt. Yes, we would have to devise something for other inland waters but where we have already got a good standard of training and apprenticeship we are entitled to hold on to that.

Q203 Clive Efford: But there is a local knowledge area that applies to the Thames. It has been reduced from the previous area. Are you saying that we should have kept the original local area of knowledge on the same boundaries?
Ms Lockwood Croft: Yes absolutely, we need to keep the original and what the watermen and lightermen have now. To cut it down piecemeal into sections or bring in other areas is terrifying. I have cousins who hold the correct licence in sailing for certain yachts and they would be under this new regime quite entitled to come into these tidal waters without any knowledge.

Mr Williams: I can take a tug with a barge behind it on my leisure qualifications and I have not sailed for the last 10 years.

Q204 Clive Efford: If I could just repeat because I do not think I put it very well and I will try again: under the previous boundaries what has been suggested to us is that it is possible to work in the upper reaches, say around Tilbury, and not have the knowledge of the rest of the river because of the size of the local area of knowledge. Then after several years of working there and no experience of working other parts of the river, you just move down the river with no requirement to do any further local area knowledge. That is the old system. Are you saying we should have retained that system?

Ms Lockwood Croft: Where they have worked on the river we are saying local knowledge is paramount. If you are going into a different area then you need that additional knowledge as well because the tidal waters here and the differentials at different tides whether it is spring, summer or autumn are very different. Under the new scheme we have seen it being cut down to sections and it will not be as wide as it was before. It is reducing something and not retaining what we had before. As I said, over the years we have wanted to extend the existing systems for improvement. Gradually, very slowly now, with my tinted glasses off, I realise how long it takes going through the different procedures. We wanted to extend it. As I said, we still see areas relevant to changes on our inland waterways, particularly on the Thames which we are closely related to.

Q205 Chairman: Can I thank you both very warmly for coming this afternoon. Could I point out to you that even though our session has been very brief it is very important for us to hear what you have to say and we do appreciate the effort that you have made. Thank you very much.

Ms Lockwood Croft: Can I just say one thing, Chairman. It is for us very poignant today because of the 20th anniversary of Zeebrugge yesterday and a very dear friend who helped set up the Marchioness, the late Maurice de Rohan, I know would have been here supporting us, and he emphasised that you had to have the appropriate and proper training for the particular area of business; safety first.

Chairman: Thank you very much indeed.

Memorandum submitted by the National Union of Rail, Maritime and Transport Workers (RMT)

INTRODUCTION

The National Union of Rail, Maritime and Transport Workers (RMT) welcome the opportunity to contribute to your Inquiry into the introduction of the new National Boatmasters Licence. RMT represent over 70,000 workers in a number of transport industries. We are the specialist union for seafaring ratings and represent the majority of UK seafaring ratings currently in employment. In addition we also represent watermen and lightermen engaged in employment on the River Thames.

The central issue for RMT is that the introduction of the new licence has lowered safety standards on the River Thames. We welcome the fact that the new regulations will place training and certification for non-passenger vessels in UK inland waterways under a statutory footing. However this must not be at the expense of safety on the River Thames where detailed local knowledge is required for the conditions that apply on different sections of the River.

RMT is joined by the Transport and General Workers Union and the Marchionness Action Group in strongly opposing this legislation.

KEY POINTS

The introduction of the requirements for the new National Boatmasters Licence has devalued safety standards that were previously applicable on the River Thames through the Port of London Act and the Watermen & Lightermen Byelaws. In summary the proposals changes existing requirements on the following basis:

— Remove all mandatory college based training.
— Reducing the number of examinations to one as opposed to the four that were previously required.
— Substantially reduce the scope of the local knowledge (LK) area.
— Downgrade the required service for local knowledge on the River Thames from 2 years to 6 months.
— Reducing the overall qualifying service from five years to only two years.
It is important that the committee is aware that higher standards can be retained on the River Thames, alongside the introduction of the legislation that gives effect to the EC Directive. This has been confirmed by the European Transport Workers Federation.

As a result of representations made by trade unions during the consultation process the local knowledge endorsement required for the Thames was increased from 16 trips to six months service and for an increased age requirement from 18 years to 21 years for cargo vessels over 40 metres in length. However unfortunately these minor changes do not make a substantial difference to the regulations and they are therefore still a long way from being acceptable.

The standards that we seek to protect are those that were originally put in place following the Bowbelle/Marchioness disaster.

BACKGROUND

The Government consultation and new legislation have been driven by a number of factors, the most important of these being the European Union Directive on Harmonizing Boatmasters licences.

Between December 2003 and 2006 The Maritime and Coastguard Agency (MCA) carried out three consultation exercises on this matter. The MCA have also considered the issue at a special consultative working group on which the union has been represented. New provisions for National Boatmasters Licences finally came into effect on January 1st 2007.

INVESTIGATIONS INTO SAFETY OF PASSENGER VESSELS

Following the Bowbelle/Marchioness disaster, the Thames Safety Inquiry led by Lord Justice Clarke and a further Formal Inquiry recommended strengthening the requirements for passenger vessels.

In 1993 the Port of London Authority amended the Watermen & Lightermen’s byelaws. The amended bye-law meant that five years qualifying service and training was required with a minimum of 150 days per year of service prior to a full licence being issued with a minimum age of 21. The regulations now stated that a passenger vessel on the River Thames must not only be commanded by a waterman but also must be navigated by a fully qualified waterman. It is these standards that have now been eroded.

BAXTER EADIE REPORT

The Port of London Authority commissioned two reports into the skills and competencies required for work on commercial vessels in navigation on the River Thames.

The first studied the requirements for Watermen & Lightermen (Baxter Eadie 2001) and stated that on a modular training scheme “The continuing progression of on the job (OTJ)—course qualification—higher responsibility—OJT, should last for a further decade beyond the initial license. The end result will be a professional waterman/Lighterman who can deal not only with the immediate boat operating functions but also has a good understanding of the wider issues of safety, marine technology and river management”.

The second report into the competencies and skills required by River Thames operators (Baxter Eadie 2002) identified 500 skills required for operating vessels on the Thames. Despite the fact that these reports are still highly relevant neither of them were made available to the Boatmaster working group or the steering group tasked with developing the new boatmasters licence.

TRAINING AND EXAMINATIONS REDUCED

The qualifying service time needed for operating on the Thames has been reduced from five years to two years. A passenger licence can now be obtained with two years training with a minimum age of 21, whilst a licence for carrying cargo can also be obtained in this time period with a minimum age of 18 for a vessel up to 40 metres in length.

The top up local knowledge required for the River Thames in addition to the two years general training detailed above will be the completion of six months Thames local knowledge. After this time a Boatmaster who has obtained his qualification elsewhere can command a vessel of similar size to the Bowbelle on the River Thames. They could come into close contact with a passenger vessel carrying 250 people or more commanded by a Boatmaster who also gained their qualifications elsewhere and who has completed just six months local knowledge and experience to obtain the endorsement.

In contrast the previous regulations for watermen or lightermen required, in addition to other qualifications, the completion of a full two years local experience before being permitted to be in charge of one of the above vessels on the River Thames.
We would also like the committee to note that previously watermen & lightermen underwent four examinations, the PLA grade 1 & 2 and an examination for a provisional licence after two years service and a further examination for a full licence after another three years service. In other words there were four examinations in total which has now been replaced by one examination for the generic Boatmaster licence and a further one for the local knowledge if operating in that area.

**SHORE BASED TRAINING**

Under the previous regulations shore based training was mandatory and was undertaken at the North West Kent College. This particular institution specialises in safety and is especially effective in the training of sea survival, fire fighting and first aid. The standards are in accordance with those set by the Merchant Navy Training Board and the Maritime & Coastguard Agency, and National Vocational Qualifications (NVQ).

The trainee starts with one week plus two weeks induction courses, followed by a four-week course to PLA Grade II standard, and a one week First Aid course within the first three years and a further four-week course to PLA Grade I standard within the final two years. The former is primarily safety oriented and the latter is split between seamanship and chart work.

There is no requirement under the new regulations for any college based training; this is a further erosion of standards.

**LOCAL KNOWLEDGE—AREA REQUIREMENT**

In addition to the reduction in actual training, the implementation of the new regulations resulting from this Directive has more than halved the current area for Local Knowledge endorsement required for Watermen and Lightermen. The Baxter Eadie 2001 report commissioned by the Port of London Authority (PLA) had originally stated that it was proposed to extend the Licensing area for Thames Watermen and Lightermen to the “Port Limits”.

The Port of London handles 55 million tons of cargo and this is forecast to increase on the lower reaches of the Thames with a new terminal at Shell Haven and the expansion of the liquid petroleum gas terminal at Canvey Island. Passenger traffic is also steadily growing due to increased demand from the tourist trade. In their justification for these changes the Port of London Authority has not provided a full independent risk assessment justifying the change on the basis of potential risks in the tidal Thames.

**SKILLS IN NAVIGATION**

It is of major concern to RMT that the new Boatmaster regulations no longer ensure that a vessel cannot be navigated by a person who is not competent to do so. The previous Port of London Authority Watermen & Lightermen’s Byelaws 1993 (as amended) provide that a passenger vessel on the Thames is not only under the command of a licensed waterman but also must be navigated by a fully qualified licensed waterman.

The formal inquiry into the Bowbelle/ Marchioness disaster noted the original recommendations of the Marine Accident Investigation Branch Inquiry into the accident, and outlined progress on items in Annex Y 13.

“The current Port of London Act and Watermen & Lightermen Byelaws provide for regulation of the competency of persons navigating passenger boats and lighters on the Thames. In the case of passenger boats the legislation requires licences to be held by all persons who navigate, rather than command a boat used for carrying passengers for reward”.

This is an important distinction from person in “command” of a vessel as it requires that a qualified person must be on the “Bridge” of the vessel whilst being navigated. Under the new proposals inland waterways vessels carrying cargo or passengers will be under the command of a Licensed Boatmaster but the vessel can be navigated by any person that the Boatmaster believes is competent to do so.

Consequently if the Master deems it to be acceptable a vessel the size of the Bowbelle (80 metres) may be navigated by any person over the age of 16 years who is not properly qualified or who has not even undertaken a medical. At the Adjournment Debate on 10th January 2007 the Minister failed to address this important and very concerning weakness in the regulations.
ETF Position

The Government can retain higher standards for the River Thames whilst still implementing the EC Boatmasters Directive. The European Transport Workers Federation has studied the Directive and has stated:

“Whereas national navigable waterways not linked to the navigable network of another Member State are not subject to international competition and it is therefore not necessary to make compulsory on those waterways the common provisions for the granting of boatmasters certificates laid down in this Directive”.

It is regrettable that the ETF believe that the British licences are now likely to be viewed as second class licences as the levels of skills obtained in gaining this British licence are below those of many other EU Member States.

In conclusion they state that the maintenance of UK National licensing provisions based on former arrangements through the provisions for certificating Watermen and Lightermen of the River Thames, or a system based on the current Rhine Patent, would be preferable until such time as the Community and the Central Commission for Navigation on the Rhine arrives at some form of conclusion on the question of harmonisation and standardisation.

Lack of Reciprocal Recognition of UK Certificates

The UK Boatmaster’s licence holder will be required to obtain further endorsements and qualifying service time to enable them to obtain a UK Boatmaster Certificate, with no guarantee that it will be accepted by other EU states. The UK Boatmaster will not be able to work on the Rhine at all.

Other EU Member States Boatmasters Licences (four years service) are able to operate in the UK subject to local knowledge requirements. At this stage a Pan European Boatmasters Licence has not been developed and there seems little prospect of that happening for the foreseeable future.

Conclusion

RMT are seriously concerned over the erosion in standards for watermen and lightermen working on the River Thames arising from the implementation of the regulations dealing with the EC Boatmasters Directive.

Our concerns as outlined in this paper relate to the reduction in overall training required from five years to two years, and contained within this the specific local knowledge for the unique operating environment of the River Thames has been downgraded from two years to six months. The lesser training requirements also mean that no mandatory college based training is included and the number of examinations significantly reduced. The area of the River Thames required for local knowledge has also been reduced.

The Government did not need to downgrade the standards on the River Thames as the ETF have confirmed that it is not necessary to make compulsory the common provisions for the granting of the boatmasters certificates as laid down in the Directive, higher standards for the River Thames can still apply alongside new regulations to implement the Directive elsewhere in the UK.

We trust that the Transport Committee will give full consideration to this paper and we do hope to be able to provide oral evidence to the committee next month.

13 February 2007

Memorandum submitted by the the United Kingdom Maritime Pilots’ Association

The current trend in safe, environmentally acceptable working practices is founded upon a thorough and professionally recognised industry standard training. This overall view applies to any industry, especially one that is sensitive, in the public eye and media-attractive if things go wrong.

In our unique port operations environment, we are concerned that the present BML does not allow sufficient time to gain the required experience and more importantly is not enhanced with a mandatory area-specific local knowledge endorsement.

In any harbour area where large commercial vessels are operating, the following risks have to be considered:

- cargo operations—loading/discharging oil, gas, chemicals, containers etc, heavy lifting operations;
- bunkering—either at anchor or at a berth;
- navigation—strong tides, shoal areas, drying patches, counter currents, prohibited areas, anchor limits dangerous anchor areas (eg pipelines, wrecks, foul areas ), restricted river-room for deep-draft ships; and
- vessel traffic service (VTS) broadcasts and instructions.
It is custom and practice in most pilotage areas for commercial traffic to manoeuvre, swing, and deploy tugs etc in a specific manner appropriate to the local conditions. It is fundamental to safe, close-quarters operations that all river users have an understanding of the requirements of merchant vessels. This knowledge is only acquired through experience over a period of time as to the customs and practice of heavily congested navigational areas, knowledge of port regulations and the understanding of VTS instructions.

VTS frequently transmit navigational data relating to a particular area of river/harbour (eg slow downs, diving operations, bunkering, sensitive cargo operations). River/harbour users need detailed local knowledge, and sufficient English, to understand and be aware of the specific area in question. Lack of this knowledge, and therefore action required, poses a risk to life, property or the environment.

Craft operated by BML holders can include relatively large, heavy vessels. This can include tugs, loaded barges and passenger vessels with upwards of 100 people on board.

As professional and well-trained pilots we are concerned that a lack of local knowledge and experience increases the risks and allows the potential for a major incident.

We have concerns about the minimum age limit of 21 for anybody to be in charge of any ship, especially passenger ships, particularly whether such a person can gain the experience to deal with some of the emergencies detailed in the syllabus. Most UKMPA members will have served somewhere in the region of 10 years at sea before starting training as a pilot. Training then takes between five and 10 years (depending on local requirements).

The UKMPA has worked, and continues to work, with various Government departments DfT, MCA, PSSL (formerly BPIT) in helping to make UK Ports safer for all stakeholders. We question whether the MCA, or “person approved by the MCA” will have a suitable degree of local knowledge in order to properly examine candidates.

Many pilots will have had experience on the inland waterways in foreign countries; some are well regulated and have few incidents, however, this is not the case in all waters, and there is often confusion caused by use of different languages—this often leads to incidents.

13 February 2007

Memorandum submitted by the Transport and General Workers Union

Executive Summary

—— The equivalent qualification to the former Waterman’s Licence under the new regime requires just 360 days service (420 days in Central London). This is a reduction of 55% (44% reduction in Central London).

—— Previous guidelines within Byelaw 12 of the Port of London Authority (PLA) Craft and Boat Registration and Regulation Byelaws (2002) define appropriate competency requirements for craft towing tugs. The recommendation is nine years experience for this operation. The new licensing regime will allow qualification in just two and a half years, a reduction of 72%.

—— Commercial vessels operating both to the East of Margaret Ness (near Woolwich) and to the West of Putney could be at the command of individuals that have never been there before.

—— The Thames local knowledge area requiring assessment has been reduced by two thirds.

—— Thames pilots train for five years in the Thames to become an unrestricted PLA pilot after gaining STCW qualifications to become a Class 1 Master. The new Boatmaster’s Licence qualifies captains to command freight vessels with no upper size limit after only two years.

—— Shore based training for delivery of underpinning knowledge has been removed. Yet “moving away from classroom training to ‘hands on time’ will result in Watermen/Lightermen who may be too narrowly trained and who may not develop a professional ethos in their work as boat skippers.” Independent study by Baxter Eadie Ltd August 2001.

—— UK Boatmasters will be unable to work on the European Mainland without further qualifications yet Boatmasters from the European Mainland will be able to work on UK waters immediately.

—— The new regime may affect the ability of the river community to react in an emergency in the same way as on 7 July 2005 when 100 000 people were evacuated from Central London and Canary Wharf by river.

—— Both the T&G and the ETF have serious concerns as to how this is being introduced in to Great Britain.
INTRODUCTION

The Transport and General workers’ Union (T&G) along with Inland Navigation Section of the European Transport Workers’ Federation (ETF), to which we are affiliated, have concerns about the current developments in Great Britain concerning revision of the qualifications necessary for attaining a Boatmasters’ certificate.

The two concerns are in regard to the Council Directive 96/50/EC, specifically:

(a) the introduction of common provisions; and

(b) the need to make safety requirements generally stricter.

QUALIFYING SERVICE AND SCOPE

Currently to fully qualify as a Thames Waterman requires five years training, including 750 days service is required. Apprentices usually demonstrate in excess of 1,000 days experience and the Waterman’s Licence qualifies individuals to command passenger vessels alone.

The holder of a full waterman’s licence is licensed to work as a waterman in the navigation of passenger boats on all parts of the Thames between the landward limit and Lower Hope Point.

PORT OF LONDON AUTHORITY WATERMAN AND LIGHTERMAN BYLAWS 1992

Currently, other freight/towing operations are covered by the PLA Craft Registration Policy and Management Guidelines on Competencies (Bylaw 12) January 2002. The recommended qualifying service defined in these guidelines for towing vessels is nine years, and for a motor barge skippers it is five years service.

Throughout the UK ship towing tug operations are regulated by the STCW 95’ qualification that demands between six and nine years experience.

LOCAL KNOWLEDGE

No independent evidence has been presented to support the new position that only the area from Putney down to Woolwich needs assessment and experience.

We believe that local knowledge assessment should be required below Woolwich as this is where 95% of the cargo is handled in the Port of London each year. The Lower Thames will be subject to huge redevelopment and will expect increased traffic. There have also been major accidents in this area.

Local knowledge assessment is also required above Putney, as these stretches are characterised by a very restricted tidal navigation, where the river is shallower and narrower and the bridges are lower than on the Thames in Central London. This area is also often congested by leisure users who have no professional training.

TRAINING AND ASSESSMENT

The Transport Minister, Dr Stephen Ladyman is satisfied by the process and expertise of the MCA and PLA, despite the fact that these experts do not hold the qualifications to command non-seagoing commercial vessels on the Thames.

The “Study into the Competencies and Skills Required by Operators on the River Thames”. Baxter Eadie Ltd. (September 2002) identifies around 500 skills required to work on the River Thames. It would be impractical, if not impossible to test all of these skills with a practical test. Nor would competence be guaranteed in conditions other than that of the hour of the examination. Practical skills need to be assessed in: variable weather conditions; different traffic density; emergency situations; variable visibility and tidal conditions.

It is proposed that the modular structure of the new licence explains the reduced experience requirement. But because new captains will be gaining generic knowledge at the same time as specialist knowledge prior to examination at the end of the first two years, this modular route has been brought into question.

When asked, Dr Hazel Rymer, Dean of curriculum planning at the Open University states: “it seems odd to follow a programme of study that involves a hierarchy of knowledge in a sequence that fails to reflect that hierarchy”. This puts into doubt whether a modular structure is actually in place for an individual who intends to obtain only one specialism. Dr Rymer also states: “This abbreviated route may not be pedagogically desirable (and may lead to surface learning)”.


Reciprocal Recognition

The holder of a European Boatmaster’s Licence (which requires four years service as standard) will be able to transfer to the UK without any further assessment, whereas the holder of a UK BML will have to gain further qualifications before being able to work on Inland Waterways of the mainland Europe.

At present there are no plans for the Rhine Navigation to accept the UK BML or the European BML for operating on that Navigation. Harmonisation is therefore biased against any UK BML holders. Holders of a Rhine Patent (which requires six years service) can transfer to any other European Inland Waterway and are only required to complete local knowledge requirements.

The aim of the Directive is to create a single boatmaster’s certificate for the Community, and the current situation is that for states such as the United Kingdom that the changes are voluntary.

This being the case, the Department for Transport (DfT) have considerable freedom of movement in drawing up the national requirements.

The Minister for State has recently outlined how he has gold plated the directive for the UK licence. Yet he has not informed anyone how he might resolve the fact that the new regulations allow Boatmasters from the European Mainland who qualify under the EC Directive to transfer to the UK without any of that “gold platting”.

Restricted Operations

The new Boatmaster’s Licence regulations will enable captains to qualify for a smaller zone within the Thames local knowledge area. Passenger carrying vessels may therefore be restricted to Westminster Pier to Tower Pier for example. In the event that should a location outside of the Captains operating area require evacuation due to an emergency similar to that of 7 July 2005, the Captain and vessel would not be able to respond. On 7 July 2005 approximately 100,000 Londoners were evacuated from Central London and Canary Wharf by river in a well organised operation involving several passenger vessel operators.

Other Points

The new legislation will cover all passenger operations including ferries, but its sole application to other freight vessels is limited to vessels over 24 metres. This will leave many vessels including craft towing tugs and workboats compromised within the Boatmaster’s Licence regulations as many equivalent qualifications can be obtained in a fraction of the time needed for the UK Boatmaster’s Licence. This will be a number of new grey areas.

Ship mooring operations have been excluded from the new licensing regime despite advice through the consultation process for its inclusion, albeit through a specialist endorsement.

NAIADES and Qualifications

The NAIADES Action Programme (2006) identified harmonisation of training and licencing as being important for the future of inland waterways due to the future development of the industry. To quote from Chapter 3 “Jobs and Skills”:

Staff and entrepreneurial shortage has become a major problem. In the 1990s this could partly be counterbalanced by technological innovations and enhanced mobility of crew members from countries inside and outside the EU.

Improving working and social conditions through a constructive social dialogue at European level must be at the heart of such a strategy. The definition of EU-wide professional qualification requirements through greater mutual recognition of qualifications, eg via the European Qualifications Framework (EQF), will enhance labour mobility. Additionally, recruitment initiatives could create awareness beyond the sector on the job and career opportunities in inland shipping.

Invest in human capital

A functioning education and training system is a fundamental condition for a sound and competitive labour market. The existence of education and training institutions in the sector has to be secured and their curricula adapted to current managerial, technological, linguistic and nautical needs. Conversely, knowledge on inland navigation should also be included in logistics education programmes. Modern learning tools such as simulators for navigation in unknown and critical areas need to be introduced in curricula. Life-long-learning should be encouraged.

NAIADES identified the following instruments and actors in this area:

— Common framework for education and training standards (responsibility: EU and member states).
— Harmonisation of manning requirements and boatmasters’ certificates (responsibility: EU).
OTHER EUROPAN TRAINING SYSTEMS

In mainland Europe inland navigation activity and employment is centred on two river and canal systems:

— the Rhine, with approximately 80% share (France, Belgium, Netherlands, Luxemburg, Germany and Switzerland); and

— the Danube, with a approximately a 10% share (Germany, Austria, Hungary, Slovakia, Romania, Bulgaria and a number of non-EU states).

The remaining activities are around the Elbe (Germany, Poland and Czech Republic) and a number of other isolated inland waterway systems such as those in Scandinavia (Sweden and Finland), and Italy. In some countries inland navigation is viewed as an extension of coastal shipping and the qualifications required are consequently maritime in their character.

The system of training on the Rhine has been the dominant one in western Europe. Broadly speaking the qualifications necessary for a Boatmaster’s Licence (or Patent) are as follows:

— A three year apprenticeship (nine months school, four months holiday, 19 months work) leading to a qualification as a boatman. In the 3rd year the apprentice is counted as a full crew member.

— After a full year (180 working days) the boatman can qualify as a steersman.

— “Attestation” (Patent): At least 21 years old with four years as crew member at least two of which as a boatman. Acquisition of local knowledge: at least 16 journeys2 on the route within the last 10 years including three return journeys in the last three years. Then, following written and oral examinations which take a full day, acquisition of “attestation” (patent) holder and first then the possibility of employment as a boatmaster.

In eastern Europe the level of training has traditionally had a higher academic input with a Danube captain received a through marine engineering education beside the practical training. Indeed in some states the training of inland waterways personnel also takes place at maritime institutes. These differences have arisen from the differing character of the river systems (the Danube being in many areas still a natural river) and the trading patterns with longer voyages further away from technical infrastructure and support.

THE RHINE SYSTEM AS BENCHMARK

Indeed, the directive recognises the Rhine Boatmasters’ certificate for use throughout the EU (Article 5). This being so, it would seem appropriate to draw on the experiences made in the Rhine states in the issuing of certificates and take this as a benchmark to achieve the highest prevailing standards to:

(a) ensure the highest safety levels in Great Britain; and

(b) offer British Boatmasters better employment possibilities within the EU.

CONCLUSION

Well trained and qualified boatmasters are valued members of the European and Great Britain’s workforce.

The proposed British system has a short training period and periods of experience before attaining a boatmasters’ licence can hardly be considered comparable with the Danube and Rhine regimes.

In our opinion, British licences could only be recognised after a considerable dispute at a legal level within the, and would probably only be recognised within the Rhine and Danube shipping communities as a second class licences. As the training levels attained are below those of rest of the Community, including new member states.

Both the T&G and the ETF is of the opinion that the maintenance of UK National licensing provisions based on former arrangements through the provisions for certificating Watermen and Lightermen of the River Thames or a system based on the current Rhine Patent would be preferable until such time as the Community and the Central Commission for Navigation on the Rhine arrives at some form of conclusion on the question of harmonisation and standardisation.

The introduction of national regulations whilst that is in principle welcome should also have aimed at the highest standards possible.

The weakening of the training and qualification standards for British boatmasters as it currently stands does not, in the opinion of both the T&G and the ETF, contribute in any way towards achieving these two goals.

2 Journeys for the “great patent” (grosses Patent) for the stretch North Sea–Basel requires a minimum of 8,546 miles (13,760 kilometres) of navigation. Depending on the crew rostering this takes at least five months of continual working and may extend to eight months.
APPENDIX

This table compares and contrast the final position on the new Boatmasters Licence and the Former Licensing Provisions for Watermen of the River Thames

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Boatmaster's Licence</th>
<th>Thames Watermen</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shore based training</td>
<td>1 week—safety training</td>
<td>10 weeks mandatory</td>
<td>90% reduction</td>
</tr>
<tr>
<td></td>
<td>1 examination for underpinning knowledge</td>
<td>2 examinations for underpinning knowledge</td>
<td></td>
</tr>
<tr>
<td>Qualifying service</td>
<td>30 months—incl central London</td>
<td>5 years</td>
<td>50% reduction</td>
</tr>
<tr>
<td>Days required to work</td>
<td>360 Days (420 for central London)</td>
<td>750 Days</td>
<td>55% reduction (44% in central London)</td>
</tr>
<tr>
<td>Revalidation service Required</td>
<td>Equivalent of 24 Days per year</td>
<td>Equivalent of 50 days per year</td>
<td>52% reduction</td>
</tr>
<tr>
<td>Examinations</td>
<td>1 or 2</td>
<td>4 examinations</td>
<td>50–75% reduction</td>
</tr>
<tr>
<td>Minimum local experience</td>
<td>6 months</td>
<td>2 years</td>
<td>75% reduction</td>
</tr>
<tr>
<td>Locally experienced Watermen as examiners</td>
<td>Not agreed in capacity</td>
<td>Yes</td>
<td>Not agreed</td>
</tr>
<tr>
<td>Log book</td>
<td>Yes, TRB</td>
<td>Yes</td>
<td>—</td>
</tr>
<tr>
<td>Assessment of practical skills</td>
<td>Practical test</td>
<td>LPV has practical test.</td>
<td>BML offers guaranteed practical test.</td>
</tr>
<tr>
<td></td>
<td>Local Watermen as examiners not guaranteed.</td>
<td>Watermen required to gain testimony from other practitioners as to their practical competence in all conditions.</td>
<td>BML’s practical skills not assessed in conditions other than those on the day of the exam.</td>
</tr>
<tr>
<td>Practitioner Testimony</td>
<td>1</td>
<td>6</td>
<td>83% reduction</td>
</tr>
</tbody>
</table>

Witnesses: Mr Mick Cash, Senior Assistant General Secretary, and Mr Paul Baker, Boatmasters’ Representative, National Union of Rail, Maritime and Transport Workers; Mr Richard Flynn, Port of London Pilot, and Mr Dave Williamson, Liverpool Pilot, UK Maritime Pilots’ Association (Part of the T&GW); and Mr Roger Sealey, Transport Researcher and Mr Richard Crease, Coastal, Maritime and Towage, Transport and General Workers’ Union, gave evidence.

Q206 Chairman: Thank you for coming. I am going to ask you very briefly to identify yourselves. Some of you already know the rules: if you agree, please do not repeat what somebody else has said; if you do not agree, try and catch my eye and if we can keep the answers fairly succinct, that would help us all. Can I begin with your identification from my left, which is your right: would you tell us your name, sir? Mr Cash: Mick Cash, Senior Assistant General Secretary, RMT. Mr Baker: Paul Baker, Secretary of the RMT River Thames Branch and I was on the BML Working Group and the Steering Group. Mr Williamson: David Williamson, United Kingdom Maritime Pilots’ Association and a senior pilot at the Port of Liverpool. Mr Flynn: Richard Flynn, the United Kingdom Maritime Pilots’ Association representative and a Thames pilot. Mr Sealey: Roger Sealey, Transport Researcher, Transport and General Workers’ Union. Mr Crease: Richard Crease, Transport and General Workers’ Union. I also represent the Union on the Steering Group of the Boatmasters.
Q207 Chairman: That is extremely helpful. Did anybody have anything they wanted to say first or can we go straight into questions? I hope we will cover everything. Can I ask you about this new licence; do you have any objection to the principle of a single national licence with local endorsements? Who wants to kick off?

Mr Crease: As far as the licensing regime is concerned, as long as there is a level playing field there is not an issue, but the fact of the matter is it is not because effectively in Europe they have not harmonised. I sit on the ETF maritime group on behalf of the Transport and General Workers' Union—

Q208 Chairman: I am going to stop you, the European—?

Mr Crease: European Transport Federation—and there is no intention to harmonise within Europe. I have spoken to my comrades within other unions and even at the sector dialogue we have raised the issue with the employers' side and there is no agenda at this present time to harmonise the regimes. They are acting under a closed shop regime so what we have effectively done in the UK is downgraded our qualifications that we have had in place to a lower standard than what is in place in Europe.

Q209 Chairman: So you are saying that if there were to be a national licence you might go along with it but what is being proposed is not a national licence that can be used elsewhere? Is that what you are saying?

Mr Crease: Effectively what we are seeing is a dumbing down of the standards on the Thames. I accept the fact at other ports within the UK there are no standards. What we should have done is what was in place within the Thames we should have based a standard throughout the UK on that.

Mr Williamson: Just to emphasise that point, some of the earlier work done by the Maritime and Coastguard Agency actually recognised that. In their regulatory impact assessment they said they would have to reduce UK standards to meet the EU Directive.

Chairman: You have got that quote, have you? Thank you very much, Mr Stringer?

Q210 Graham Stringer: I have not got the Minister’s exact quote before me but the burden of what he was saying was what this change represented was breaking down a de facto pre-entry closed shop which was leading to no black people and very few women being recruited into these positions. What would your response be to the Minister’s views?

Mr Baker: You are talking about on the Thames?

Q211 Graham Stringer: Yes?

Mr Baker: Under the watermen’s by-laws since 1908, and the previous by-laws, it has always been open for people to take another route other than the apprenticeship. Employers have always been able prior to 1908 to contract someone for two years whomsoever that may be and pay for the training and then go for examination. After 1908, when it became the responsibility of the PLA, any employer could employ any person for two years and put them for examination before the examining committee. Of course, the Port of London Authority is the one that has employed the Watermen’s Company as agent so within their terms of contract I would assume that they have ensured that there is no discrimination, particularly in recent years, on ground of race, or any other ground.

Q212 Graham Stringer: You assume; do you have any evidence?

Mr Baker: When I worked for the Port of London Authority I do not think they had done any ethnic monitoring within their own organisation, but what I do know is that in recent years the Watermen’s Company has gone around the schools. They have had grants from Greenwich Council and Newham Council to encourage people to come on the River Thames and those grants were particularly for ethnic groups. It may be that it is something to do with the wages, the long hours and the other opportunities that are available for people in London to get a good living.

Q213 Graham Stringer: Do you know what the drop out rate is?

Mr Baker: No, I have no idea.

Graham Stringer: Does the T&GW have any views?

Q214 Chairman: Do you have any idea, Mr Sealey, of the dropout rate?

Mr Sealey: We can try and get those figures and let you have those if that would be helpful. I think the point to make is there are other barriers to people coming into the industry other than what is argued to be the pre-entry closed shop. It is the working conditions, it is the hours and the perception of the industry. The industry itself has been very remiss in promoting its own image over the years. The only time literally you hear or see anything about the industry in the press is when there is a disaster or something negative.

Q215 Graham Stringer: So are you saying you think there is some validity in what the Minister said?

Mr Sealey: I think that ministers tend to put forward what they see as the most expedient argument or the most justifiable argument for what the restrictions to people entering the market are, but I think there are others which are more important than the ones that they put forward. It would be interesting to test them as to why they have not looked at those areas themselves.

Q216 Chairman: You are not saying, are you Mr Sealey—we need to be clear—that the Minister was justified in saying that this was a closed shop incapable of taking in anyone other than a very tiny group of white, male workers, are you? You are not saying that?

Mr Sealey: No, what I am saying is that there are other factors that are more important than that.
Chairman: I think we have got that point but we need to be quite clear what it is you are saying, Mr Stringer?

Q217 Graham Stringer: I want to push you because I am still not totally sure what Mr Sealey’s answer is. What are the other factors and are you saying de facto whatever the other factors and reasons are that this business is, in effect, restricted to a relatively small number of families?

Mr Sealey: No, I think what I am saying is that like other industries where we have had this argument put forward before, when we actually look at the issues that are involved there are other issues rather than those issues of pre-entry closed shop which are the ones which affect how people enter the industry.

Q218 Graham Stringer: And the other issues are?

Mr Sealey: Long hours, the training and the others which I think have been mentioned earlier.

Mr Crease: If you look even within the seafaring section, which is closely allied to the boatmasters, it mirrors off there, that effectively we are seeing a shortage of seafarers, a shortage of people who are interested in being boatmasters, and not just here, there was a study done in Europe on the seafarers which identified a shortage, and it is based on employment and flags of convenience and various other issues that people no longer see it—it is no longer part of our curriculum of education promoting that we are a seafaring nation. Nobody wants to go to sea any more and it is the same within Europe. The Inland Navigation Group have investigated that and there is going to be a shortfall on the boatmaster regime within the Rhine, the Danube and the Elbe. It is rife throughout Europe. That is within the boatmaster and within the seafarer section of the community.

Q219 Mrs Ellman: Would I be right in saying that the main reason for your objection to the new licence is to do with the reduction of safety standards on the tidal Thames? Is that where your concern is and not about anywhere else?

Mr Baker: I think that the standards elsewhere in the UK in the majority of cases on inland waterways will rise. We may have a difficulty with the canals of A and B where sufficient service in a tier two licence will remain, but on the Thames what has happened is there has been a levelling down rather than maintaining that standard that was already there for length of service, experience and mandatory college-based training, so there was an opportunity there to either designate the River Thames as an “international waterway of importance”, along with other waterways of similar character and have that higher standard on there than the rest of the UK, so there would have been a three-tier system, if you like, so those waterways with high-density traffic and difficult navigation could have applied that throughout other waterways in the UK, but that opportunity was not taken up.

Mr Williamson: I do not think the want for higher navigational standards is particularly for the River Thames, although obviously there is the PLA requirement for their local knowledge; the want for higher standards is nationwide. In the Mersey where I come from unfortunately our competent harbour authority (CHA) submission to the MCA with regard to what we would have liked for local endorsement and local knowledge was somewhat watered down, which we were particularly disappointed about.

Q220 Chairman: Wait a minute, you are saying that you have put in, in effect, a demand for a certain set of standards because you believed that that was essential throughout the waterways and that was watered down by whom?

Mr Williamson: By the MCA.

Q221 Chairman: By the Marine Agency themselves?

Mr Williamson: Yes, all participating bodies and CHAs were asked to submit. Our submission on the bits that were accepted—and I say “our” and I am using that term loosely, it was given by the harbour authority and not the piloting service, we were not directly consulted—

Q222 Chairman: But you did make that point very strongly, did you, about standards?

Mr Williamson: About standards and, as I say, that was watered down to particular tidal and current applications and the approaches to the various locks and docks that are within our Port of Liverpool system.

Q223 Mrs Ellman: Mr Williamson, Could you say a little more about how this might impact on Merseyside?

Mr Williamson: I think on Merseyside at the moment we have a good safety standard. We have had our incidents of late but we have a good high standard. We see the standards falling and again a lot of it is centred around the want for skills and the want for people in seafaring generally throughout the UK. The seafarers provide pilots, they provide people who go into the port services support, and UK seafarers are few and far between these days. The view is that we are lowering the standards to meet the skills available. We are not improving and training to the extent we should be.

Q224 Mrs Ellman: Are you saying that these changes in regulations are in fact reducing standards?

Mr Williamson: My own view, UKMPA, is that it is a lowering of standards.

Q225 Mrs Ellman: I would like to ask you some more about the importance of local knowledge because this issue seems to keep being brought forward. Would you say that local knowledge is so important that somebody working in one area cannot transfer to another without intensive retraining?
**Mr Crease:** I myself work aboard a tug in the Port of Southampton and to transfer my knowledge from Southampton to another port, effectively towing in different conditions in that port, I could not achieve overnight, and this is what we are seeing here. That is why in a previous session in front of you we have advocated the Port Marine Safety Code—because these things are all linked to the Port Marine Safety Code—however, the major ports would use that as their vehicle to say, “Look, this is a voluntary code and these standards that are mentioned in this code are effectively voluntary as well,” so there is no link between boatmasters and STCW 95 and because the code is voluntary they see the standards as voluntary as well. That is why we are arguing the fact that it should be a mandatory code.

**Q226 Mrs Ellman:** You name particular places where you could not go from one place to another overnight but what does all that mean more generally?

**Mr Crease:** My certificate would allow me to go anywhere within Europe. That would be to go and tow a ship in another port. I would not entertain that as a master because I would not have the knowledge or the expertise. The Mersey has different tidal flows to the Port of Southampton. There are vast arrays of change in tidal drops—

**Q227 Mrs Ellman:** How long would it take you to get that knowledge?

**Mr Crease:** That would only be by training. If I went to that port, I would have to go alongside another master and be trained and when I felt confident it would be between myself and himself as to whether I was competent to actually operate within that port, when I felt satisfied and he felt satisfied that I could do it.

**Mr Williamson:** I think it is naive to expect the regulations to be wholly generic. There has to be port-specific local knowledge. Tides, winds, currents in ports are all different; at the same time each day, they are different.

**Q228 Mrs Ellman:** In your evidence, Mr Williamson, you are saying the fact a port has vessel traffic services would not reduce the requirement for local knowledge. Is that correct?

**Mr Flynn:** I could answer that. Yes, it is correct because in vessel traffic service broadcasts, quite often those broadcasts contain information, for example that there is an ease down or a slow down at a particular place or there is a dangerous cargo being worked at a place on the river or that there are underwater operations/diving operations going on at a particular place. If you do not have the local knowledge as to where these places are, how are you to digest the information being given you as to where you need to slow down, you need to be careful, et cetera, et cetera.

**Q229 Mrs Ellman:** Is this issue as important everywhere or is it certain specified waterways where there is a particular problem?
are effectively seeing the fact that the UK standards will be applied within Europe and that is a concern to them. It is a dumbing down of their standards.

**Q234 Mr Hollobone:** To come back to that first question, Chairman, are we all in agreement that if there were an EU-wide licensing scheme which had the UK’s highest standards but with local port endorsements that is something everybody could live with?

**Mr Sealey:** Could you clarify the use of the UK’s highest standards or the EU’s highest standards?

**Mr Hollobone:** I am taking the UK’s highest standards as those applicable to the tidal Thames?

**Q235 Chairman:** The answer to that is yes, I take it?

**Mr Flynn:** Yes, the answer is yes.

**Q236 Chairman:** Mr Baker, a reservation?

**Mr Baker:** Yes, a reservation on the fact that we have the Rhine Commission which operates on its own, and in the foreseeable future there is no pan-European boatmasters’ licence being achieved.

**Q237 Chairman:** I think Mr Hollobone is just trying to define what we would regard as acceptable standards. We are not arguing that there should not be any. We need to know within a very clear definition what it is you feel is important.

**Mr Williamson:** I think in a general sense, yes, being properly supported by local knowledge and local endorsements.

**Q238 Mr Hollobone:** But what we have at the moment then in practice is a new boatmasters’ licence in the UK which has seen, especially on the tidal Thames, a lowering of standards and in any case because other EU countries are not implementing this, there is really no transferability from the UK to other EU countries.

**Mr Crease:** That is right.

**Mr Hollobone:** Effectively what we have ended up with—

**Q239 Chairman:** That was a no, was it, Mr Crease?

**Mr Crease:** That was a no.

**Q240 Mr Hollobone:** Given it is a no, what we have ended up with is lower standards in the UK and non-transferability of qualifications from here to abroad?

**Mr Baker:** The UK boatmasters’ licence as it stands will not be accepted in any other European country, but it is a national licence and each state under the Directive has to implement its own standards in its own country. Although it was for harmonisation and recognition of mutual licences, it is up to the individual state whether it recognises another country’s licence. They would not for the two year licence and I doubt whether the four year boatmasters certificate will be accepted on the Rhine either.

**Q241 Mr Hollobone:** And the reason that it would not be accepted on the Rhine, for example, is because?

**Mr Baker:** Because it does not meet their standards.

**Mr Cash:** It is a lower standard.

**Chairman:** Thank you, that is helpful. Mr Wilshire?

**Q242 Mr Wilshire:** I wonder if somebody could help me with the confusion that I am finding with this. I have heard three things. I have heard first of all that there is dumbing down going on because of European Union involvement. I then heard that there is gold-plating by the British Government going on, which seems to be the exact opposite of dumbing down, and now I have heard that it is up to each state to implement its own standards. Could somebody sort that confusion out for me? Which is it?

**Mr Crease:** There is no gold-plating going on in the UK; it is a dumbing down of the UK standards; and effectively there is no harmonisation going on within Europe, so we have implemented a piece of legislation effectively that does not do us any favours. In fact, that is why we are sat here today on the basis that the concern we have got yet again is that the UK Government have implemented an unwanted piece of policy that does not improve standards, it lowers standards to the bottom; it does not allow us to compete equally within Europe; and the issue of market forces dictating yet again will not work within this industry.

**Q243 Mr Wilshire:** I have got rid of one bit of confusion by being told that was not the case to have it replaced by another piece of confusion because what I have now heard is that there is no harmonisation and it is up to each country to implement its own standards and that there is no gold-plating. So can I try again: what actually is the argument out of all this?

**Mr Baker:** Directive 96/50/EC was for the harmonisation of standards for obtaining a boatmasters’ licence, and that sets out certain criteria, but it is up to each country to legislate and bring in its own under those headings, but it does not necessarily have to mutually recognise other states’ boatmasters’ licences, so you would need to go to that one with your boatmasters’ licence and see the authority there and say, “Would you accept this as a certificate of competency and would you issue me with that; could I work on your waterways?”

**Q244 Mr Wilshire:** So we can still set our own standards?

**Mr Baker:** That is what we are doing.

**Q245 Mr Wilshire:** So there is not any dumbing down if we set our own standards?

**Mr Baker:** It depends where you dumb down from or level up to or where you set your criteria.

**Mr Wilshire:** But any dumbing down is a result of us choosing to do it. It ill-becomes me to defend the EU on most occasions but on this occasion any dumbing down is a British matter and not an EU matter.
Q246 Chairman: Does Mr Sealey want to comment on that?
Mr Sealey: We tried to deal with this in our evidence on page 3 which is about reciprocal recognition, if you look at that, where we are saying even if you have a boatmasters' licence in the UK, if you were going abroad it would not be recognised in other EU countries. You would have to have additional training in other countries to operate there. By gold-plating—and I should maybe have said copper-plating—the Government have taken the lowest possible option open to them under the options and bought into that one whereas other countries, ie Germany and the Rhine, have gone to the highest possible standard.

Q247 Mr Wilshire: Could you perhaps help me out with one other bit of evidence that I do not wholly understand. The Thames local knowledge area; the powers that be suggest that above Putney Bridge there is no need for special requirements and that below the Barrier the tidal conditions in that estuary are such that local knowledge is not required. They have recognised and increased the limits for vessels under their pilotage directions: those that do not need mandatory pilotage and those that do not. They have recognised and increased the limits for vessels towing in that area and vessels in that area would otherwise require mandatory pilotage; if the vessels are registered in London and they operate regularly in those areas, they will not require a pilot. In effect, therefore, their own pilotage directions are saying that there is recognition of local knowledge within that area under their pilotage directions, because someone coming from another area would require an authorised pilot. In effect, although they have changed those areas in another part they recognise it, so there is a dichotomy between their views.
Mr Wilshire: Is there any one of the six of you who would speak up in favour of the new estuary local knowledge area? I think silence means none of you.
Chairman: It means none actually, yes. I want to move on to Mr Eddy if I may.

Q248 Clive Eddy: I want to follow up on that one point. Is there an argument for another local knowledge area in the Thames estuary? Is that what we want to see, that local ports or local harbour authorities introduce their own higher standards?
Mr Williamson: It is a case of ensuring that standards are maintained. Throughout the UK in UK CHAs the standards are in the main good and they are high. Just referring to the initial regulatory impact statement, the MCA says: “. . . in order to provide that Boatmasters’ Certificates issued by other Member States are acceptable for operations in UK waters, without which we could be subject to infraction procedures.” It is bending to that EU directive and that legislation and that standard—again, one operator apparently is already asking for a 2012 licence to come in and operate on the Thames and, under the EU legislation which at the moment we are not conforming to, he will have to be allowed to come in, that French operator must be allowed to come in.

Q249 Clive Eddy: He would not be allowed to have any extra training in terms of the local knowledge area?
Mr Williamson: I think and hope he would, but whether we can enforce that—

Q250 Chairman: I need to ask you on that, is it possible for a port or harbour authority that is unhappy with the local knowledge endorsement to increase its pilotage requirements?
Mr Williamson: No, Chairman, quite the contrary. Again, the regulatory impact assessment that was initially carried out by the MCA says “These regulations legally override local qualifications.” It also says—

Q251 Chairman: But do they also override the pilotage requirements?
Mr Williamson: It also says that it will enable some port authorities to remove pilotage requirements.

Q252 Clive Eddy: But not to impose additional ones.
Mr Williamson: It does not mention that here.

Q253 Clive Eddy: On the new licensing, the Thames watermen have been able to convert to the new tier one licensing but other boatmasters licences have not been recognised in that way. Should other people who work in tidal estuaries and on rivers be allowed to transfer to tier one licences?
Mr Williamson: As the only non-Thames person here I would say the Mersey in the main operates under pilotage directions.

Q254 Clive Eddy: In terms of transitional arrangements should those licences then be recognised and be granted tier one?
Mr Williamson: They are higher than tier one anyway.

Clive Eddy: The information that we have is that in terms of the transitional arrangements it is only Thames watermen who have actually been recognised and granted tier one licences.

Q255 Chairman: You are saying that you would operate under a different set of standards. What you are saying is you are operating as pilotage and we have been talking about watermen, so the transitional arrangements for watermen would not affect you because you are operating under pilotage.
Mr Williamson: We are operating under pilotage, but according to the information I have here that could be overridden.
Q256 Chairman: That is helpful to know. Has there been any debate with the pilots about the effect of the overriding?
Mr Williamson: We have not had local debate as yet.

Q257 Chairman: Has anyone in the Marine and Coastguard Agency raised it with you?
Mr Williamson: Not that I am aware of directly with the UK MPA.

Q258 Clive Eppard: I was just going to go on to the costs of the new licences. Have you got any concerns about costs of obtaining new licences, licence fees, training courses, travel accommodation, time off work; are there any issues around that for people trying to obtain licences?
Mr Sealey: If I can answer the previous comment about restrictions on the labour market, then obviously any sort of increased cost element will make entry to the market more difficult, especially for people coming from possibly ethnic or other areas. It will increasingly act as a barrier.

Q259 Clive Eppard: It will or it has?
Mr Sealey: It will.

Q260 Clive Eppard: You have no examples of where it has those impacts?
Mr Sealey: Not at the moment, but I can try and find out whether there have been any specific examples.

Q261 Clive Eppard: Any other comments?
Mr Baker: On the cost side, of course, you have got the tier two licence where there will be negligible cost because those boatmasters of passenger vessels on canals who maintain that will have no increase in the cost. The freight people obtaining a tier two licence which restricts them to their area will have some additional cost and of course there may be a cost in people's jobs where they now have to go and have a medical and may not meet those medical requirements, so there may be people put out of work with, as yet, no offer of compensation for the loss of that job. On the tier one licence, apart from the Thames, the costs are going to be greater than what they currently pay or used to pay for their training courses at Denton, and of course we have had no costing on any of these courses. I can see there is going to be a significant increase on what they have paid in the past at Denton for these and there will be costs for us.

Q262 Chairman: Gentlemen, before I let you go I need to have some pretty short, sharp answers and I need to put to you the arguments that have been used against you. The argument is that it is impossible for anyone outside a small and very selective area to enter the profession; is that right, yes or no?
Mr Baker: No.
Mr Crease: No.
Mr Williamson: No.

Q263 Chairman: No all round?
Mr Cash: No.
Mr Flynn: No.
Mr Sealey: No.

Q264 Chairman: No all round. Is there a shortage of people entering the industry which makes it necessary for you to expand?
Mr Baker: Yes.
Mr Crease: Yes.
Mr Sealey: Yes.

Q265 Chairman: Has there been a concerted attempt to recruit new people into the industry?
Mr Sealey: No.
Mr Baker: There has been an attempt by the Watermens Company to encourage people to come into the industry by visiting schools and that.

Q266 Chairman: What has been the result of that?
Mr Baker: Very little.
Mr Williamson: Chairman, it is a national problem. The skills shortage is something that the Government should be recognising and there should be proper support to where the port services come from. The UK and its seafarers have been grossly undermined for many years now, and the lack of support in training in our UK seafarers is, in my eyes—

Q267 Chairman: Mr Williamson, I ask you again, do you recognise this description of pilots, for example, since I am asking you, refusing to recruit either women or young people, anyone from an ethnic minority, into the pilotage?
Mr Williamson: Not at all, Chairman.

Q268 Chairman: You have never encountered any of these problems.
Mr Williamson: Not at all.

Q269 Chairman: Nor has this accusation been put to you about pilots?
Mr Williamson: Never.

Q270 Chairman: Mr Crease?
Mr Crease: Not at all within our union. We have 5,000 to 6,000 members within the coastal maritime sector and we have never once had an accusation that we have disbarred, whether in a closed shop or anywhere, to stop people from entering.

Q271 Chairman: What is the average age of your members in the maritime part of your union?
Mr Crease: The average would be somewhere in the region of 50 to 55.

Q272 Chairman: Mr Williamson, what is the average age of pilots?
Mr Williamson: In Liverpool in the region of 50 to 55 and nationally, I would say, it may even be higher.

Q273 Chairman: When do you retire—not you personally. Is there a national requirement for retirement age and what is it?

Mr Williamson: The retirement age at the moment is 65.

Q274 Chairman: What do you say to the argument which is put consistently by ministers that there is no need for the degree of local knowledge and that in fact there could be an easy acquisition of skills by anyone with a suitable qualification; is that the case?

Mr Williamson: Anybody with that opinion, Chairman, is naïve.

Q275 Chairman: Thank you, Mr Williamson. Anybody else? Mr Crease.

Mr Crease: I totally agree; that type of thought will lead to an accident which inadvertently will bring us back to where we started from in the beginning.

Q276 Chairman: Has there been any suggestion by any of your groups that the new licence would be capable of being used elsewhere on the Continent?

Mr Crease: No.

Mr Williamson: No.

Q277 Chairman: Has there been any suggestion that it would not enable you to work in any other port or any other maritime situation other than the United Kingdom?

Mr Sealey: We have indicated in our evidence to you that we see there would be a barrier in Germany on the Rhine.

Q278 Chairman: I need to know whether or not there has been any factual basis for that. Has it been indicated to you as workers in the maritime industry that this qualification would not give you freedom of movement and interchange with European ports?

Mr Sealey: The only evidence that we would be able to produce is that given us by our social partner in Europe, the ETF, which is the co-ordinating body for all the unions on inland waterways—

Q279 Chairman: Mr Sealey, I need some précis of that evidence and I need it quite quickly.

Mr Sealey: I will see what we can get for you.

Q280 Chairman: Gentlemen, there is just one other question that is very frequently posed in relation to this. Is it fair to say the new licence relies on assessment of a candidate’s skills whereas the old one simply looked at the time served and the endorsement of several serving masters?

Mr Sealey: There is some confusion on this. My understanding is that although it was time-served there were two periods at which assessment took place; that was once after two years and the second time after four years.

Q281 Chairman: Do you believe that is because the modular system candidate would need to serve significantly less time to get a new licence?

Mr Baker: If you have the equivalent of the previous waterman and lighterman’s licence then significantly less, even with the modular learning. The modular learning, although it is put forward as that—the two modules on the Thames can be taken, the passenger and the cargo, within those 240 days within those two years. The only other addition to that would have to be if they wanted to work in what has been designated as the local knowledge area which is another 60 days. Previously that would have had to have been 750 days, which would now be reduced to 300. What I find strange within that area is that someone who obtains his generic licence on the Thames, working in what is designated the local knowledge area, will then do a further six months and 60 days, so in effect the Port of London Authority is saying that someone who works in that area needs to do two years six months in that local area whereas previously he only had to do two years local knowledge between Teddington and Lower Hope.

Q282 Chairman: Is it true that the Vessel Traffic Service and the port information services would directly affect some of the arguments you have put forward; do they still need detailed local knowledge to make sense of VTS?

Mr Baker: Yes.

Q283 Chairman: Yes Mr Flynn?

Mr Flynn: Yes.

Q284 Chairman: Why?

Mr Flynn: Because it helps them to understand the information being disseminated by VTS broadcasts. As I said earlier, the place names, operations going on at different locations, you need to have the local knowledge to know physically where those places are, so, yes.

Q285 Chairman: Come, Mr Flynn, let us be devil’s advocate for a moment. I am the trainee and I nowadays have many more sophisticated pieces of equipment that will tell me very efficiently not only where I am but where everything else is in the river. Why should I not be able to interpret VTS?

Mr Flynn: Electronic information is all well and good but it is not always 100% up to date.

Q286 Chairman: You are saying wind, water and physical conditions will not—

Mr Flynn: Not about wind, water or physical conditions, although they change considerably all the time. The thrust of my argument really is that geographical knowledge, which is a part of the local knowledge requirement, is important.

Chairman: Gentlemen, you have been very helpful; thank you very much indeed. Next time bring all the female members of your job. Thank you very much.
Transport Committee: Evidence  Ev 73

Memorandum submitted by Port of London Authority

EXECUTIVE SUMMARY

— The new regulations introduced a requirement, from 1 January, that the Masters on all passenger vessels and commercial vessels over 24-metres operating on inland waterways (categorised waters) should have a revised Boatmasters Licence (new BML).
— This change is motivated by the desire to improve standards of navigational safety on inland waterways and to increase their use within a more sustainable, integrated transport network.
— The Port of London Authority (PLA) has been working with the MCA and other stakeholders including the trades unions and Company of Watermen & Lightermen on the development and introduction of the new BML on the tidal Thames, the busiest and most complex inland waterway in the UK.
— To qualify for a new BML, candidates have to demonstrate their professional maritime competence. It is a competency-based modular system which includes appropriate examinations and practical assessments of boat handling skills.
— On the Thames, the new BML supersedes the previous local licensing regime, which required those navigating a passenger vessel on the Thames to hold a Port of London Authority (PLA) Waterman’s Licence.
— Important elements of the new BML for the Thames are that:
  — it is a thorough and transparent licensing regime;
  — examinations are the determining factor as to whether an individual receives a licence—not the length of time served;
  — actual competence in boat handling is now assessed;
  — it expands the requirements for holding a licence to cover all commercial vessel types—passenger, ferry and freight (previously it was only passenger); and
  — it includes a local knowledge endorsement, for the Thames between Putney Bridge and the Thames Barrier Control Zone, which has been established by risk assessment as the most navigationally demanding area on the River.
— The introduction of the additional requirements of the new, more comprehensive standard leaves the Thames well placed to handle the expected growth in trade on the River.
— The PLA would welcome the opportunity to give evidence to the Committee.

1. INTRODUCTION

The Regulations introduced a requirement, from 1 January, for operators of commercial passenger and freight carrying vessels over 24 metres in length working on UK Inland Waterways (categorised waters) to hold a relevant Boatmaster’s Licence, with appropriate endorsements. This follows the initiative by Government to comply with the requirements of a long standing European Directive.

The new BML is a national system which has been introduced to raise the standard of navigational safety on inland waterways. It is founded on licence holders being able to demonstrate appropriate professional maritime, navigational skills and knowledge. The new competency base of the system includes appropriate examinations and practical assessments of boat handling.

One of the main benefits of the new arrangements will be to underpin an intended increased use of the inland waterways to carry freight, with an appropriate safety regime. Achieving this will be key to securing a proper place for the inland waterways as part of an integrated, sustainable transport system. As a national licence, the establishment of a pool of qualified Boatmasters also removes an artificial barrier to trade inherent in any river-specific licensing regimes.

In London, the requirement to hold a new BML supersedes the previous local licensing regime, which required those navigating a passenger vessel on the Thames to hold a Port of London Authority (PLA) Waterman’s Licence. A Lighterman’s Licence was required for those navigating “dumb” craft (ie: barges, which do not have their own propulsion systems). It should be noted that a recent legal opinion obtained, whilst the new Boatmasters regulations were being developed, indicated that a Waterman’s licence was no longer the only legitimate licence for masters of passenger vessels on the Thames and that a Boatmasters Licence obtained under the 1993 Regulations was also valid.

As the statutory harbour authority for the tidal Thames, the PLA is responsible for providing a safe environment. To enable it to do so, the PLA maintains a navigational safety management system as required by the Port Marine Safety Code, and is compliant with the Code’s wider requirements. Since 2002, the PLA has been working with the MCA and other stakeholders including the trades unions and Company of Watermen & Lightermen to develop the new Boatmaster’s standard and ensure that the practical application of the new rules acts to enhance safety on the tidal Thames.
This approach was in line with and overtook the plans PLA already had in hand for improving the previous system. The national BML regime draws heavily on work that PLA completed prior to 2002 as it prepared for a “root and branch” revision to its own licensing byelaws, such as the introduction of an endorsement for those in charge of the larger Class V passenger vessels. The PLA provided the MCA with an independent skills review completed by Baxter Eadie, undertaken following a recommendation from the Marchioness Formal Investigation. This now forms the basis of the new BML standard.

This submission supports the PLA’s case that the new BML will raise navigational standards and therefore safety. It includes details of the PLA’s work to implement the new BML regime on the Tidal Thames and how it compares to the Watermen’s Licence that it replaced.

2. BACKGROUND TO CHANGES IN LICENSING REGIME ON THE TIDAL THAMES

From circa 1915 to 31 December 2006, The Company of Watermen and Lightermen managed on PLA’s behalf the qualification process and the issuing of local PLA licences required for those in charge of passenger vessels (not tugs, freight vessels or ferries) on the Tidal Thames. They also issued Lighterman’s licences needed for working or navigating dumb craft, ie: barges or lighters.

The associated PLA Byelaws enforcing these requirements have been the subject of periodic review and in 1998 PLA started its most recent work on revisions to these regulations. It is helpful to understand developments over the subsequent years, where our work on local matters evolved in the light of the national move towards the new BML. This is set out below in Annex 1.

3. COMPARISON OF BOATMASTERS LICENCE AND WATERMAN’S LICENCE

Some concerns have been expressed about how the new BML regime compares to the Waterman’s Licence that it replace on the Thames. Annex 2 allows an easy comparison of the two regimes.

4. SPECIFIC AREA OF INTEREST

Qualification periods

The qualification stages to be in charge of a passenger vessel on the Thames under the new Boatmasters Licence are a direct parallel of those that applied under the Waterman’s Licence. A generic Boatmasters Licence can be gained at 18, but the endorsement to skipper a passenger vessel is only given to licence holders who have demonstrated the appropriate skills and are 21 years of age or over (this compares exactly the previous Provisional (18) and Full (21) Waterman’s Licences). Under neither system can someone under 21 skipper a passenger boat on the Thames. The key difference with the new BML is that it covers all commercial vessels—freight and passenger.

It is also important to recognise that under the Boatmasters system examinations are the determining factor as to whether an individual receives a licence—not the length of time served. Time served in the new system is simply a pre-requisite to sit the exams. In introducing this regime to inland waterways, the MCA has simply extended the long established principles for determining competence used across the world by the International Maritime Organisation in the certification of those navigating commercial shipping in coastal and deep sea waters.

Local knowledge endorsement

The level of knowledge of seamanship and navigation required to be demonstrated at a generic BML examination qualifies the holder to navigate in most categorised waters in the UK. However, the MCA recognises that the complex and challenging nature of some rivers or waterways in the UK are such that an element of local knowledge is required to ensure that they can be navigated safely. MCA pointed out the following in its consultation on the introduction of the new licence:

Because of the comprehensive generic requirements of the Tier 1 Boatmasters Licence, local knowledge requirements will be the exception rather than the rule. However, MCA recognises that, in certain areas, thorough local knowledge is a necessity for safe operation. To operate in those areas, it will be necessary for a boatmaster to have a local knowledge endorsement on his licence. It is essential that local knowledge requirements are clearly justifiable, and are not seen as artificial barriers to free movement and trade.

The four criteria MCA identified against which local knowledge proposals could be made are:

— high traffic density, types and patterns;
— difficult/complex tides and streams;
— particular physical hazards (and the difficulty of negotiating them); and
— if no suitable charts are available for the area.
The PLA’s application for a Local Knowledge Endorsement for the tidal Thames was supported by an internal risk assessment. This applied these criteria and established whether the knowledge required to navigate safely in specific areas of the port was integral to the generic BML qualification or was clearly specific and “local” knowledge. The risk assessment was undertaken by three senior PLA officers, the:

- Chief Harbour Master.
- Navigational Safety Management System Manager.
- Deputy Harbour Master (Upper)—Chief examiner for Watermen and Lightermen.

Their initial assessment concluded that the tidal Thames should be considered in three areas for comparison with the MCA’s criteria:

- Teddington Lock to Putney Bridge.
- Putney Bridge to the Eastern Edge of the Thames Barrier Control Zone (currently Margaretness).
- Margaretness to outer port limits—the mouth of the Thames estuary.

These areas are shown on Map 1, over.

The area between Teddington Lock and Putney Bridge is the main centre for rowing and other leisure pursuits on the river. In 2005, together with the Thames Regional Rowing Council, the PLA commissioned an independent safety of navigation risk assessment into the interaction of rowers and motor vessels on the tidal Thames above Putney. The risk assessment did not identify any specific need for local knowledge and, as a result, a new Rowing Code of Practice has been introduced to improve navigational safety in the area. It is also noted that there are very few commercial vessels, subject to the BML regime, trading in this area, which is primarily used by leisure craft. The effectiveness of the new code is kept under review.

The unique stretch of the Thames from Putney Bridge to the eastern edge of the Thames Barrier Control Zone includes the area of central London with strong, complex tides, reduced sight lines caused by the multitude of bridges, other obstructions and large numbers of vessels. Our assessment indicated that this area clearly met the criteria for a local knowledge endorsement. We subsequently successfully applied to the MCA’s Equivalents Committee for BML holders working in this area to hold a local knowledge endorsement.

**Map 1—Tidal Thames safety management zones**

The Thames from the Eastern edge of the Thames Barrier Control Zone to the outer Estuary is essentially the same as many other estuarial ports in the UK. Holders of the generic BML are fully equipped to navigate safely in this part of the river.

The new BML regime now also ensures that people experienced in working on one section of the river cannot automatically transfer to the central area, where they have no recent experience, without having the required experience and being appropriately examined. For example, under the previous system a licence holder who had worked for, say 20 years, at Tilbury could on the basis of his Waterman’s licence, transfer overnight, with no extra training, to skipper a passenger boat carrying 150 people in the far more complex and demanding waters in central London.
Under the new regime, local knowledge of the central area of the Thames will be assessed after six months of pre-qualifying service in that area, to ensure that the knowledge demonstrated is practical, not theoretical. Such knowledge will be assessed in examination by MCA and PLA examiners with the assistance of local practitioners. Local knowledge will now be re-examined every five years rather than being a “life time” qualification.

5. **Key Benefits of the New Boatmasters Regime on the Thames**

**Thoroughness and Transparency**

The new BML is a “transparent” qualification. It is gained through demonstrating theoretical knowledge, practical skill and competence. The new regime requires candidates for a licence to complete a task record book as a clear demonstration of activities completed during training.

**Boat handling tests**

The new BML introduces a practical test of a candidate’s boat handling abilities. Previously under the Waterman’s Licence regime, no such assessment was required and these skills were assumed from time-served, plus testimonials from fellow Watermen.

**Types of vessel**

The requirement for operators to hold the new BML applies to passenger vessels, plus ferries and freight vessels; the old Waterman’s Licence only applied to passenger vessels. Importantly, the new legislation extends the requirement for competency standards to powered freight carrying vessels, which in itself is a significant enhancement in safety.

**Modular training structure**

Study to gain the new BML will cover topics ranging from basic navigation to emergency procedures, but more wide-ranging and an improvement on the Waterman’s Licence syllabus. The new BML also includes a generic module and separate endorsements covering further specialisms such as dredging, towing, cargo, dangerous goods and passenger operations. The training is based on completion of a comprehensive task record book. The training also includes essential maritime skills such as chartwork and the use of radar.

Attendance at college is not mandatory as the MCA recognises that education today can take many forms and is not restricted to classroom teaching. However, it is unlikely that candidates will pass the examinations without attending a formal course and suitable programmes are being prepared which will have a focus on the tidal Thames.

**Supporting increased use of the Thames**

The Thames is already the busiest commercial waterway in the UK. The new standard helps with moves towards sustainability, as waterborne movement of bulk materials is proven to have a lower carbon footprint than movement by road. It also helps keep lorries off London’s overcrowded roads.

The movement of freight and passengers on the river is set to grow over the next five to 10 years with the development of the Olympic venues and the Games themselves, the opening of the 02 entertainment complex and continued interest in the river as a highway for building materials and waste transfer. The introduction of the BML, which also applies to freight and ferries, is therefore particularly timely.

Under the new regime, Boatmasters who qualified elsewhere will be able to work on the Thames, provided they have the right endorsements and then gain and demonstrate the necessary local knowledge. This will give the river community the flexibility to respond to the increasing demand for moving passengers and freight on the Thames.

Annex 1

**TIMELINE: PLA’s WORK ON BOATMASTERS AND LOCAL KNOWLEDGE ENDORSEMENT**

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2000</td>
<td>PLA started root and branch revision of the PLA Waterman &amp; Lighterman Byelaws with the full participation of the Company of Watermen &amp; Lightermen, which included extending the licensing area to the former PLA seaward limit (Warden Point to Havengore Creek), in the absence of a national competency regime for freight vessels.</td>
</tr>
</tbody>
</table>
February 2001  Marchioness Formal Investigation (MFI)—Recommendation 13 tasked the PLA with reviewing the Waterman & Lighterman training syllabus and course content.

August 2001  Baxter Eadie Report No 1—establishing numbers of W&L and age profile.

August 2002  Hinkley Meeting—MCA announced their intention to introduce a National Boatmaster Licence to cover both passenger and freight vessels in line with EU regulations and shift the emphasis to professional maritime knowledge and charts rather than learning local knowledge by rote i.e a move away from a reliance on “Local Knowledge”. Overtakes PLA work on Waterman & Lighterman Byelaw revision and Baxter Eadie Report 2.


December 2002  PLA formed a working group of practitioners to agree a formal Local Knowledge syllabus to use at Company of Watermen & Lightermen exams (there was not a formal syllabus up to then).

2002–06  Series of Working Group and Steering Group meeting (very heavy London representation) tasked with developing and agreeing the new BML standard. During the debates it became apparent that some areas required additional local knowledge over and above that in the generic syllabus.

March 2003  PLA provides revised Local Knowledge syllabus to MCA as example and basis of future formal Local Knowledge Endorsement application. PLA uses syllabus in all future Company of Watermen & Lightermen and PLA 1 & 2 examinations (to December 2006). This has been erroneously reported as our first bid for a Local Knowledge Endorsement area.

2005  After agreement by both the Steering and Working Groups, the MCA issued the four criteria required to trigger a Local Knowledge Endorsement application.

March 2006  PLA conducted an in-house risk assessment against the four criteria and deduced that only Thames Barrier Navigational Control Zone to Putney fulfilled the criteria. PLA therefore applied for a Local Knowledge Endorsement area based on the risk assessment.

2006  MCA formed the Local Knowledge Equivalents Committee to examine and assess the applications from various navigation authorities. The Committee’s assessment varied from rejection to suggesting increasing the area.

July 2006  First meeting of Equivalents Committee—PLA’s Local Knowledge Endorsement application accepted.

Annex 2

MAIN ELEMENTS—BOATMASTERS LICENCE AND WATERMAN’S LICENCE

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Waterman’s Licence</th>
<th>Boat Masters Licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of experience/training needed to apply for examination</td>
<td>Minimum two-year qualification period for mature entrants.</td>
<td>Minimum two-year qualification period.</td>
</tr>
<tr>
<td></td>
<td>Minimum 2 years to sit Provisional Licence exam</td>
<td>Minimum age 18 for generic licence and cargo and dredging endorsements.</td>
</tr>
<tr>
<td></td>
<td>A further 3 years to sit Full Licence exam.</td>
<td>All other endorsements, including passenger—minimum age limit 21.</td>
</tr>
<tr>
<td></td>
<td>Examination criteria—time served and recommendation from other skippers</td>
<td>Oral Examination</td>
</tr>
<tr>
<td></td>
<td>Oral examination</td>
<td>Practical examination of competence in boat handling</td>
</tr>
<tr>
<td></td>
<td>No practical assessment of boat handling skills</td>
<td>Passenger vessels, ferries and freight vessels.</td>
</tr>
<tr>
<td>Vessel types covered</td>
<td>Passenger vessels only (excluding ferries)</td>
<td>Passenger vessels, ferries and freight vessels.</td>
</tr>
<tr>
<td><strong>Criteria</strong></td>
<td><strong>Waterman's Licence</strong></td>
<td><strong>Boat Masters Licence</strong></td>
</tr>
<tr>
<td>----------------------------------</td>
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</tr>
<tr>
<td>Vessel specific knowledge</td>
<td>Not included</td>
<td>Skippers have to complete additional specialist endorsements for the particular type of vessel (cargo, passenger, tug and tow) they are in charge of.</td>
</tr>
<tr>
<td>Requirement for local knowledge examination</td>
<td>Yes, from Teddington Lock to Lower Hope Point (just below Gravesend). Examined by PLA, supported by local practitioners.</td>
<td>Yes, Putney to eastern edge of Thames Barrier Control Zone. Examined by MCA and the PLA, supported by local practitioners. (Local knowledge endorsement area will be regularly reviewed by the PLA.)</td>
</tr>
<tr>
<td>Reassessment of local knowledge</td>
<td>None</td>
<td>Every five years</td>
</tr>
<tr>
<td>Mandatory basic safety training</td>
<td>Introduced in 1990; those qualified before then did not have such training.</td>
<td>Yes, includes firefighting, personal survival, first aid and passenger management in emergency situations. Safety courses are subject to periodic renewal.</td>
</tr>
</tbody>
</table>

**SUMMARY OF NAVIGATIONAL INCIDENTS IN THE PORT OF LONDON**

January 2000 to February 2007

**INTRODUCTION**

An integral part of the port’s navigational Safety Management System (SMS), which is required under the Port Marine Safety Code (the Code), involve the investigation of all marine incidents that are reported to the Harbour Master. Following an initial assessment, all navigational incidents (those affecting or having the potential to impact upon navigational safety) are investigated further, from both a regulatory and safety perspective. Details of the incident, the investigation and outcomes are recorded in a bespoke incident database—PLACID.

Navigational Incidents are categorised within two groups—Safety Incidents and Navigational Occurrences, comprising:

**Safety Incidents**

Collision (between two or more vessels), Contact (between a vessel and a fixed object), Grounding, Near Miss, Fire/Explosion, Pollution, Loss of Hull Integrity and Swamping.

**Navigational Occurrences**

Berthing/Manoeuvring Incident, Navigational Hazard, Wash, Contravention of River Byelaws, General Directions or Pilotage Directions, Inappropriate Navigation and Other.

The histograms below provide a summary of navigational incident trends in the Port of London for the period January 2000 to February 2007. This data is included in a biannual report to the PLA Board, which as Duty Holder under the Code, is ultimately responsible for ensuring the PLA’s compliance with the Code and meets its wider statutory responsibilities.
PORT OF LONDON AUTHORITY

NAVIGATIONAL SAFETY INCIDENTS JAN
2000 – FEB 2007

SAFETY INCIDENTS

NAVIGATIONAL OCCURRENCES
Witnesses: Mr David Snelson, Chief Harbour Master and Mr Julian Parkes, Navigation Safety Management, Port of London Authority, gave evidence.

Q287 Chairman: Gentlemen, before we begin, could I just point out that if you have brought your teaching aids with you, you are going to present us with a minor problem in as much as it is rather difficult for Hansard to record charts. They are the most talented group of men and women, but they will find it difficult to record charts.

Mr Snelson: I understand that, Chairman. Can we wait until the point where I think it will help make a point and you can decide whether or not it does help the Committee to understand?

Q288 Chairman: Mr Snelson, as long as we have established that you might get the sharp end of the Chairman’s tongue.

Mr Snelson: Fair enough.

Q289 Chairman: Would you like to identify yourself first?

Mr Snelson: My name is David Snelson, I am the Chief Harbour Master of the Port of London Authority. I have been in this job since January this year; prior to that I was 37 years in the Royal Navy, went to sea in 1970, commanded three ships, one within the last five years, and therefore have a current STCW ticket as it is known, master mariner’s colloquially, and I also have a Royal Yachting Association coastal skipper’s ticket.

Q290 Chairman: Thank you very much.

Mr Parkes: Julian Parkes, I am responsible for the administration of the PLA’s navigation safety management system. I am a mariner by profession, with 13 years at sea as a navigator and I hold a master’s unlimited certificate. I have had 20 years experience in the ports industry, the last 17 at the PLA.

Q291 Chairman: I hope both of you will forgive me if I address you as Mr?

Mr Snelson: Certainly.

Q292 Chairman: I am not too good on Rear-Admirals. Tell us about the PLA’s role under the old licensing system?

Mr Snelson: The PLA is responsible for navigation on the tidal Thames and under the previous system masters of vessels on the Thames could have a number of licences. There would be STCW, as I have mentioned, the deep sea ones, mostly in the estuarial section; the inland waterways vessels which was an old BML licence or waterman and lighterman’s licence, issued on behalf of the PLA by the Company of Watermen and Lightermen and then of course the Royal Yachting Association, right down to pleasure vessels, private pleasure vessels, that would not have a licence at all. What changed under the new regime since 31 December last year is that all of the masters’ licences are issued by another body, whether it is the International Maritime Organisation issuing STCW as before, or whether now it is the Maritime and Coastguard Agency issuing the new Boatmasters Licence or the Royal Yachting Association as before.

Q293 Chairman: Is that an advantage?

Mr Snelson: Yes, I think it is, because it means we are working a safety system on the Thames and all of the licences where vessels’ masters hold those licences are at some form of national or international standard.

Q294 Chairman: Was that what was wrong with the old licence, that you did not maintain international and national standards, or you did not have any?

Mr Snelson: Perhaps I can go through the advantages of the new Boatmasters Licence in short, three key points. One is that the new Boatmasters Licence applies to all inland waterways vessels, not just passenger vessels, which it did in the past. The second is that it is a modular system, built upon a basic generic skills licence and then there are modules for all the different specialist jobs like towing cargo vessels or passenger licence or whatever, with examinations at every stage. My final point is that the new licensing system in terms of skills and competencies is at least twice as good as the previous boatmasters licence system. Here, if I can beg your forgiveness and produce my visual aid—and you will tell me whether I can use this or not—one of the key things to get over is that this chart here shows the tidal Thames from Teddington, our responsibility, out to the port limits which are right out in the estuary north of Kent. The new Boatmasters Licence covers category C and category D waters, and that means waters that come out to where this red line is, halfway through the estuary. The previous licence went only to just beyond Gravesend. The skills needed by somebody to navigate in these estuarial waters—largely out of sight of land, with shifting sandbanks, Vessel Traffic Services, big ships, small ships, buoyage and so on and lights—are the sort of skills that deal with any of the hazards on the rest of the tidal Thames, and the syllabus for the new Boatmasters Licence, which I can go into a bit more detail, reflects that as a significant increase in standards.

Q295 Chairman: In other words, your support for the new licence is not unconnected with the extension of your responsibilities and the control it will give you over the traffic.

Mr Snelson: That is part of it. We have control over those waters I have just been describing in the estuary anyway; what it means is that we have people who come up through the new system, who gain the new Boatmasters Licence qualification who are at a much higher standard of competence and skills.

Q296 Chairman: Would it be surprising to you, Mr Snelson, if I told you that that is not a generally held view?

Mr Snelson: I have heard that view and I have to say that the evidence that has been given to you by most commentators, not all, does not stand up to scrutiny with the facts.
Q297 Chairman: Everybody is wrong except the PLA.

Mr Snelson: No; but I am not the only one saying this, and you will hear from the Maritime and Coastguard Agency and indeed the minister later. Can I illustrate the point I am making, because this is absolutely key. I am a new boy here, as I indicated, and to some extent that is an advantage because I have come to the job with a mariner’s knowledge and skills and said “What is all this fuss about, about the apparent lowering of standards, show me all the facts and the evidence”, and I have gone into it in some detail. If I pick out the syllabus on tides in the old boatmasters and the new boatmasters for instance, just bear with me if I go through the points. The old Boatmasters Licence syllabus had three points about tides that a candidate had to know: minimum/maximum depths over banks and obstructions. That was written for local knowledge and somebody committing to memory an area they were working in and was not transferable to another place. Then: currents and abnormal streams and a general knowledge of the times and heights of spring tides; that was the tidal syllabus of the old licence. Coming to the new one: the theory of tides; the causes of tides; spring and neap tides; sources of tidal information—tide tables, tidal stream, tidal heights, tidal diamonds; tidal terminology, tidal—

Q298 Chairman: A little slower, Mr Snelson, we are taking notes.

Mr Snelson: I am trying not to take up too much of your time, but I can provide this afterwards. Tidal terminology: mean high water springs, mean low water springs, tidal ranges.

Q299 Chairman: Mr Snelson, I am going to stop you there. How much of this would not be acquired by someone who is actually doing the job from local knowledge. Forgive me saying so, but are tides not by definition, because they are different every day, something that people have to find out about by practical knowledge, or is it possible—I am very interested to hear whether it is possible to sit in a classroom and learn through tide tables how to control a particular piece of water. It is not my experience, but I am very happy to hear it.

Mr Snelson: Practical knowledge is of course part of it. The bit I did not get on to was the bit about calculation of tidal heights—

Q300 Chairman: Are you suggesting that that would not be a skill that would be acquired by a boatman?

Mr Snelson: That has not been part of the required skill set because in the past the Boatmasters Licence has required people only to learn the local signs of the heights of tides and so on, not to actually calculate from first principles and from a proper maritime perspective what the air draught is beneath a bridge at a particular time, or what the height of tide over a particular bank is. That is the key thing about the new Boatmasters Licence, it seeks to give people the skills that can go from one port to another, and to do that you need a proper baseline knowledge so that you can work out these things in different places.

Q301 Chairman: Why then is it that so much of the new licence is being moved away from classroom tuition into a situation where apparently it is not thought necessary?

Mr Snelson: It has not. The provision that has been made under the new training scheme is to allow scope for distance learning in the future. The North West Kent College—and I am talking here about obviously a local training provider—has already worked up the syllabus, classroom-based, for the new Boatmasters Licence scene. What you hear quoted about a reduction in classroom time is in fact a provision for distance learning when distance learning courses become available, they are not available yet and it would be foolish for somebody to allow regulations where you could not have distance learning under any circumstances. My personal belief is that classroom training is the best and we have training courses for that.

Q302 Chairman: I see, so we are moving away from a system where people could learn on the job and discover what is going on to a system which is very much based in a particular area, which happens to be one that you have already determined.

Mr Snelson: We are moving to a system of enhanced skills and competencies, double the previous system, which is properly taught and, crucially, examined at every stage.

Q303 Chairman: Mr Parkes, you have been convinced.

Mr Parkes: If I could just add, I have here the proposed training scheme timetable from North West Kent College for the new BML and it mirrors almost exactly the previous waterman and lighterman training regime of periods at college and pre-safety training that we had in place under the old system.

Q304 Chairman: Which is it, is it different or is it exactly the same?

Mr Parkes: It is not exactly the same, but the structure—

Q305 Chairman: It “mirrors” it; what is the difference between mirroring and not being exactly the same?

Mr Parkes: I can explain. Putting it simply, there are some basic safety training courses which continue from the previous regime, there is a period of onboard experience, there is a period again at college, more onboard experience and then back again for preparation at college prior to the examination. That followed the same regime as we had in safety training, two years experience and then a provisional waterman licence, more experience, college and a full waterman’s licence.
Mr Snelson: I would add, if I may, Chairman, that a candidate who was having to meet the new generic skills by examination would have to be demonstrating a much higher level of skill at the completion of that process that Mr Parkes has just talked about before they could take an examination, so they would actually be cramming more into the same period of time.

Q306 Chairman: You have said that the new licence is favoured by you because it is a “transparent” qualification, “gained through demonstrating theoretical knowledge, practical skills and competence”. In what way was the old system not transparent?
Mr Snelson: The new system benefits from being a national one, run by a national agency, the Maritime and Coastguard Agency and it is a set syllabus—

Q307 Chairman: No, how was the old one not transparent?
Mr Snelson: Because it was one just for the Thames, by the Company of Watermen and Lightermen—

Q308 Chairman: Surely that was because other areas did not demand a licence; it was not that anyone was specifically taking unto themselves this commitment only to the Thames. Mr Parkes?
Mr Parkes: The situation that has been touched on earlier this afternoon is that in a lot of ports across the UK they utilised their pilotage directions under the Pilotage Act to require examination and assessment of local knowledge through pilotage directions, and some ports indeed have mandatory pilotage for vessels as low as 20 metres in length.

Q309 Chairman: That was an arrangement which was perfectly capable of being understood. In what way was it not transparent?
Mr Parkes: That is a completely different system, the Pilotage Exemption Certificate (PEC) examination system. On the Thames the Company of Watermen and Lightermen licence regime was very much an in-house assessment until the last decades of the last century, until the 1990s, when the PLA became involved in the examination processes of the company.

Q310 Chairman: You are not suggesting that up to now, before the new licence came in, it was not a transparent system because you are saying that you were involved in it, even though it may only have been in the Nineties.
Mr Parkes: We were involved in it, that is correct.

Q311 Chairman: Did you keep any records of the gender or the ethnic origins of licence-holders?
Mr Parkes: The records were maintained on our behalf by the Company of Watermen and Lightermen and I do not have them to hand.

Q312 Chairman: Did you ask them to maintain records about gender and ethnic origins? Since this is one of the arguments that you are advancing I would have thought it was one of the elementary things you would have asked them to do.
Mr Snelson: Can I come in there, Chairman?

Q313 Chairman: Please, Rear-Admiral.
Mr Snelson: The business of employment, ethnicity and diversity and so on is fundamentally a matter for the employer and the people who employ people should be those who are watching that. In the Port of London Authority we take great care to make sure that we meet ethnicity and diversity targets.
Chairman: One would hope so. Mr Stringer.

Q314 Graham Stringer: I accept the point you make about employers’ responsibility, but are you at all concerned about the balance and the make-up of the people who get access to these licences?
Mr Snelson: Yes, I am concerned. I have to say, again as a newcomer to it, and having come from an organisation which takes it pretty seriously, I was pretty surprised to see how the river community was and I asked some of my PLA colleagues what have we been doing about this over the years, and there have been, as I understand it, efforts made but, frankly, resistance by the river community has made that extremely difficult.

Q315 Chairman: You have evidence of that, do you?
Mr Snelson: No, that is an opinion; I do not have evidence but, since you are pressing me, that is what I am going to say. Therefore, one of the spin-offs of a national system, run by a Government agency, is that it should make it easier for employers to increase or meet their ethnicity and diversity targets.

Q316 Graham Stringer: What form would the resistance take?
Mr Snelson: I do not know, having not been on the river. Julian, you have been around for longer.
Mr Parkes: We can give you some examples. Certainly, during the 1990s the PLA employed over two dozen marine apprentices as its own employees to go through the waterman and lighterman regime. One of those was a young lady and the second was a young black man. He, I believe, joined in the early 1990s. Unfortunately, to go through the Company of Watermen and Lightermen licensing apprenticeship you have to have someone to act as your master; we were unable to find any licensed waterman to act as his master and in the end, I believe, our own chief executive acted as his master. Unfortunately, the young man left after about two years I believe.

Q317 Graham Stringer: What do you think the make-up is of the holders of these licences? Is it a relatively small number of families, essentially white and male?
Mr Parkes: It is primarily white and male, yes, it has to be. I do not know personally the make-up and the constituency of the various families but I do know that there are a number of long-established families who have worked on the river for many generations.

Q318 Chairman: But you have no evidence that, for example, the numbers of people being recruited into the industry are controlled on that basis.

Mr Parkes: I have no evidence at all, no.

Q319 Chairman: The PLA presumably, faced with this problem of one recruitee, then immediately mounted a campaign to recruit across the ethnic minorities and to monitor the numbers of people coming into the jobs?

Mr Parkes: I am not aware that we did at that time.

Q320 Chairman: It is a little tiny bit uncertain this evidence, is it not, Mr Parkes?

Mr Snelson: If I can say, Chairman, the responsibility of the PLA is fundamentally navigation.

Q321 Chairman: I do understand that, Mr Snelson, but the point is being made here that one reason why you support the new licence—and you will forgive me being boring about this—is that you believe it will open up not only recruitment to the river but you are actually suggesting that there are existing barriers. That is the burden of your argument and that is, presumably, the evidence that you have given Her Majesty’s Government. If that is the case I want to know why it is that there is difficulty recruiting people onto the river, and if you really feel it is because the watermen are deliberately barring new entrants I want to know evidence of how and why? You are telling me that is not your responsibility but that of the employers.

Mr Snelson: It is fundamentally, and that is now in the past. We are now in the era of a new Boatmaster Licence scheme, much higher skills, administered by a Government agency, and that can only improve things.

Q322 Chairman: We can take it generally, therefore, that that is not a valid argument?

Mr Parkes: What we can say, Chairman, is that it is a national regime; it will allow people to hold a national licence and to move and work in other ports around the UK, and that means to and from the Thames.

Q323 Chairman: Would they be required to have an endorsement of local knowledge?

Mr Parkes: If they came to work on the Thames and required to work in the central area, yes. Likewise, if they moved to a port which had local knowledge requirements they would require that as well.

Q324 Chairman: There is not going to be a swift movement from the Thames to Liverpool, for example.

Mr Parkes: No, but it is a movement which probably would not have happened before.

Q325 Clive Efford: We had some evidence earlier on that two local authorities had provided funds to encourage people from ethnic minorities and other sections of the community into the industry to promote diversity. Are you aware of those schemes and how successful they were?

Mr Snelson: Perhaps I can pick that up. I can only speak for what we are doing now in terms of supporting training. It is very important that the new Boatmaster Licence scheme is supported by a good training scheme and one of our concerns is obviously that that gets off to a good footing, the Port of London Authority board will be making financial support to the training schemes and that will help the point that you are pressing.

Q326 Clive Efford: I take it that the answer is no then, you do not know about those schemes.

Mr Snelson: I personally do not.

Mr Parkes: I am not aware of them.

Q327 Clive Efford: What is the role of the Port of London Authority in establishing a requirement for a local knowledge endorsement?

Mr Snelson: As a statutory harbour authority, under the new licensing scheme it is our responsibility to apply to the Maritime and Coastguard Agency if we think a local knowledge area is required in our waters. When we looked at the new Boatmasters Licence scheme, which again I emphasise is about double the levels of skills and competency of the old scheme, we then assessed those skills and competencies that a boatmaster will hold against the hazards that are on the river, and we did a proper risk assessment based on looking at the hazards—that is a fixed database of hazards which Mr Parkes can describe later—which all the local river users helped to contribute to. We went through those hazards and said can somebody with the new skills and competencies of the Boatmasters Licence deal with the hazard or not deal with the hazard, and that is set against the four criteria that the Maritime and Coastguard Agency laid down, and that was patterns of traffic, the physical obstructions on the river, river flows, tides and currents and the charts. That is how we came to the conclusion that actually you need local knowledge for this centre section of the Thames but not for the other sections, and on that basis we made the application.

Q328 Clive Efford: I take it from that that you did not ask the Equivalence Committee to consider all three areas as areas of local knowledge.

Mr Snelson: No, because we had been through our own risk assessment. Mr Parkes can describe that in a bit more detail if you wish, how we went through that.

Q329 Clive Efford: If he thinks it is relevant.

Mr Parkes: I can perhaps give you an example. With the arrival of the Port Marine Safety Code in 1990–91 we undertook a significant risk assessment in terms of hazards of navigation of the tidal Thames. That process involved practitioners, pilots, river users, and we established a wide range of
Navigational hazards. Those hazards are maintained on a regular review basis to support the navigational system and practitioners are kept up to date and involved and we liaise with them on an on-going basis. Also identified at the risk assessment were risk controls which we had in place to reduce or to mitigate the threat to navigation from those particular hazards such as grounding, contact or sinking. In reviewing the need for a local knowledge endorsement area, as Mr Snelson said, we identified the particular skills which we have in place in the management system which are risk control measures such as knowledge of tides, collision regulations, knowledge of buoyage et cetera, and identified that all those mitigating measures were effectively dealt with and addressed in the improved generic boatmaster standard. Therefore, we looked at essentially the lower part of the river and it is effectively no different to other similar tidal port estuarial waters around the UK and we did not feel that a local knowledge endorsement application to the Equivalence Committee was appropriate.

**Q330 Clive Efford:** Could the Equivalence Committee have gone beyond what you were asking for? Would they have had sufficient knowledge to be able to say we do not agree with you and impose a larger area or an additional area?

**Mr Parkes:** I believe in one or two cases they did indicate to a number of ports that they felt their application was inappropriate, either above or below as it were. Coming back to the responsibility for navigational safety under the Port Marine Safety Code, of course that lies with the statutory harbour authority itself and I suspect that the Equivalence Committee would not be in a position to be able to dictate to the statutory harbour authority how it should manage navigational safety.

**Q331 Clive Efford:** Do you feel comfortable with the fact that organisations representing Thames watermen and lightermen—the company, the practitioners committee, the trade unions and various other lobby groups—say that the Thames local knowledge area is deficient?

**Mr Snelson:** I am disappointed they do not agree, but actually as I have talked to people in my short time on the river and tried to debate this point through, I find that people have not gone into the skills and competencies of the new licence with the real degree of rigour that we have. It is when you go through that with rigour and go through the process that Mr Parkes has just described you come to the conclusions you come to. This system we keep under constant review. My navigational management team, reviewing hazards, constantly review how navigation advisory panels look at hazards. If circumstances change, if the traffic happens to change for instance, then of course we would look again at the MCA criteria and we could always apply for a change, but at this stage with the traffic patterns and with the competencies I do not see a need for that.

**Q332 Clive Efford:** Look at it from my viewpoint as a lay person looking into this subject. You have all the practitioners who are on the river day to day, day in and day out and have been there for many years, standing against you saying you have got it wrong.

**Mr Snelson:** With all respect to them they have not been agreeing with the fundamental point that the new Boatmaster Licence scheme is twice as good as the old one in terms of skills and competencies. The development of this scheme started back after the Thames safety inquiry, when the Port of London Authority wanted to further improve safety on the Thames. A company called Baxter Eadie were brought in by the PLA to look at the skills and competencies required and they came to a level and enumerated what that was. That eventually translated into this new national scheme. At the same time they then reviewed the existing licences like the 1993 Boatmasters Licence, the Company of Watermen licence and so on, and not one of those schemes even came to 50% of the skills and competencies required. Interestingly, the PLA’s own scheme, colloquially known as the “Ones and Twos”, came to 49% and the 1993 BML and the Company of Watermen and Lightermen were down in the thirties and twenties per cent. If you do not accept that fundamental point then of course you are going to be saying you need local knowledge, but it flies in the face of the competencies of the new scheme.

**Q333 Clive Efford:** We are talking about the local knowledge areas and we were told at the last hearing we had on this subject that five of the top 10 risk areas on the Thames are actually outside of your local knowledge area.

**Mr Snelson:** But risks that can now be dealt with by somebody with the skill sets of the new licence; it is as simple as that.

**Q334 Clive Efford:** Let me just put this to you, because this is your risk assessment but this is the evidence that we have had put to us in response to what you are asserting, which is that this risk assessment was criticised by the watermen themselves who described it as “rudimentary at best and embarrassing to the trade”. How confident are you that the risk assessments that you carried out, which do fly in the face of the people who are actually plying their trade on the river, are adequate?

**Mr Snelson:** I am confident. Obviously I personally was not there in the process but I have looked at the process used. That comment about rudimentary refers to the fact that we summarised the risk assessment on one sheet of paper, but we did it in that sort of Churchillian way of let me have all the arguments on one sheet of paper. Underneath that was our safety management system and the rigorous process that Mr Parkes has described of going through each risk and seeing whether it could be met by the skills, and of course when you got to the central section of the river it came to a different conclusion, that the hazards there were such that they could not be met with the basic skills and there had to be a local knowledge endorsement.
Q335 Clive Efford: Let me put this to you, because you have come here to the Committee, clearly convinced of the argument you are putting forward. Why did you not commission an independent risk assessment then so that there was more widespread confidence in what you are putting forward?

Mr Snelson: Because that is what statutory harbour authorities do because they are the experts on a river and they are there to make these sorts of assessments and decisions. I have to say that the river users are part of that risk management system. Julian, do you want to describe it a bit?

Mr Parkes: Perhaps I could just add that in terms of the risk assessment, the main risk assessment was undertaken, as I said, in the early parts of this decade and all practitioners and representative bodies were involved in that. The Port Marine Safety Code is quite clear, and the supporting guide to good practice, that statutory harbour authorities are not obliged to employ consultants to undertake so-called independent risk assessments. You face the problem in many cases of course, which is “I am a consultant, give me a watch and I will tell you the time”, and as Mr Snelson has described the real local skills and knowledge and understanding lies within the port with the port authority and the practitioners. It is not always appropriate and it is not required that a risk assessment should involve and be undertaken by independent consultants, it is very much best kept inside. We did not just have one risk assessment five or six years ago, we have had several since on particular areas and the hazards that were referred to in the previous evidence, that was a snapshot in time at the beginning of the process and we have moved on significantly in those six or seven years and the ranked hazard list is now different. The whole purpose of having a ranked list of top hazards with supporting risk control is that you are continually trying, through introducing new risk control measures and improving navigation safety, which we are, to reduce the score and therefore the ranking of those hazards and reduce the impact and the likelihood that they will occur.

Q336 Clive Efford: It is not unheard of for any organisation, particularly one that is dealing with as high risk areas and areas of safety as you are, to be externally moderated, is it, and to have an independent view taken which might help to alleviate some of the difference of opinion?

Mr Parkes: Of course, and we have undertaken probably five or six risk assessments in the last five to seven years where we have employed external consultants to assist us in the process.

Mr Snelson: We will be reviewing our safety management system with an external expert in the coming year because that is a sensible thing to do every few years, and it will include this sort of process.

Q337 Clive Efford: The old PLA licence had a local knowledge syllabus which covered a more extensive area than the current local knowledge area; why the U-turn?

Mr Snelson: It is not a U-turn, it is the change again in skills and competencies. You may be referring to the local knowledge that we had back before the new licence, in 2003 and 2004. Of course, then the skill levels were lower and the area was bigger because you needed local knowledge based on lower skills to deal with the hazards. Now, with higher skills and competencies, you do not need the same local knowledge area.

Chairman: I want to move on to Mr Hollobone, then Mrs Ellman and Mr Stringer.

Q338 Mr Hollobone: If the increase in standards has been so great as a result of the new Boatmasters Licence—I think you said double?

Mr Snelson: Yes.

Q339 Mr Hollobone: Over what were widely recognised as fairly rigorous standards, especially on the tidal Thames. Why is it that other EU countries will not accept watermen with the new licence?

Mr Snelson: I regret that is outside my field of competence. I really can only speak for the Port of London Authority; that is a question you will have to put to the Maritime and Coastguard Agency; it is not something I have researched at all.

Q340 Mr Hollobone: Looking at it the other way, would it be easier or more difficult now for a foreign boatmaster to ply their trade on the Thames?

Mr Snelson: If they come with a generic licence there are parts of the Thames where they can ply their trade, where local knowledge is not needed, but of course where local knowledge is needed, which is in the crucial centre part of the Thames, then they have to pass a local knowledge examination. Julian, do you have anything to add?

Mr Parkes: No.

Q341 Mrs Ellman: Who do you disclose your safety record to?

Mr Snelson: If you are referring to the freedom of information point earlier on, certainly to the Department and it is available to people if they want it; we have certainly disclosed it in the past.

Mr Parkes: Perhaps I could add, Chairman, as part of our navigation safety management system we have regular and quite extensive consultation and involvement with practitioners and representative bodies on the river. We meet every six months—three separate groups meet every six months with a total of up to 50 separate bodies, including the unions, the T&G and the Company of Watermen and Lightermen. The navigational safety statistics are discussed at those particular meetings and the minutes of those meetings are available on our website, and we have provided information through Parliamentary questions on it and some data.

Q342 Mrs Ellman: Are there any areas where you have refused to disclose information?
Mr Snelson: Not to my knowledge.
Mr Parkes: Not that I am aware of, no.

Q343 Mrs Ellman: We have been informed by the Marchioness Action Group that they have been refused information on safety records; is that correct?
Mr Snelson: I heard that; I did not recognise that as something we have done.
Mr Parkes: I am not aware of that. I was aware of the question of Mr Howarth MP in recent months and we have provided that information.
Mr Snelson: In fact, it is sensible that we put the information in a way that we have done. It went round on Monday, yes.

Q344 Chairman: Any information you have that is factual would be very helpful.
Mr Snelson: Chairman, I am holding up a visual aid again for which you will give me a hard time. Did your clerk circulate the incident statistics which were provided before the meeting?

Q345 Chairman: It went round on Monday, yes.
Mr Snelson: May I just take you through it and interpret it? You will see there are two histograms there; just turning to the bottom one first the category of navigational occurrences is a category where, for instance, somebody has not been navigating on the correct side of the river or something like that, so somebody who gets a harbourmaster’s ticking off for being on the port side of the river when they should be on the starboard side of the river, that is a navigational occurrence. As you can see from that histogram, we have managed to drive down the rate of navigational occurrences very significantly, so that is good news.

If you look at the top graph, which is incidents, occurrences very significantly, so that is good news.

Q348 Chairman: Mr Parkes, why are you so confident that a system that relies on two assessments at the end of a candidate’s training is better than one which relies on continuous assessment and experience over a period of several years?
Mr Parkes: There was no continued formal assessment in the watermen and lightermen regime; there was a provisional examination and then a full licence examination for two fixed periods. Indeed, the new BML regime, because it extends importantly to freight vessels—and there is a significant amount of freight vessel traffic on the Thames—the modular system gives a whole range of endorsements and specialisms which were never tested before because historically, the waterman’s licence only allowed someone to navigate a passenger vessel. By custom and practice and because there was a void nationally, with no qualifications required for freight vessels, it happened that people with watermen’s licences navigated tugs, motor barges, motor tank barges et cetera. There are now specialist endorsements so there is greater assessment overall from the safety courses underlying it to the radar and to sea endorsement which the BML introduces.

Q349 Graham Stringer: You have answered virtually all my questions. The only question that remains outstanding in my mind is: are you responsible for safety protocols and procedures on board vessels in the Thames?
Mr Snelson: In one sense on those vessels that we licence, but again I will ask Mr Parkes to answer that.
Mr Parkes: Not as such; we cannot ensure navigational safety, no port authority can. We are there to facilitate navigational safety and to provide as safe an environment as we can for shipping within it. The ultimate responsibility lies with the person in charge, the masters of those vessels.
Mr Snelson: Yes, but of course some of the skills that somebody needs, the competence to deal with passenger evacuation and so on, are embedded within the Boatmasters Licence scheme.

Q351 Graham Stringer: There is an overlap.

Mr Snelson: There is an element there, that some of the core skills to deal with that emergency situation are built into the master’s training, but how those are actually conducted on the day obviously is down to the master and to his employer who has kept him trained.

Q352 Graham Stringer: When we were told before a collision, the master and to his employer who has kept him trained, there is an element there, that some of the core skills to deal with that emergency situation are embedded within the master’s training, but how those are actually conducted on the day obviously is down to the master and to his employer who has kept him trained.

Mr Snelson: If there is a collision, the actual competence scheme that is in place.

Q353 Chairman: Is the new licence going to encourage lots more people onto the Thames?

Mr Snelson: It is difficult to assess. What it will allow and what it is designed to allow is a greater mobility of labour, workforces between ports, which we have covered, and so to that extent and because it is modular and because you can build up the right portfolio of skills that you need for a particular job, whether it is tugs, passenger vessels or whatever, it will be easier for employers to find the right people and fill gaps. That can only be a judgment at this stage.

Q354 Chairman: Is it true that there is low pay, long hours and this is a deterrent to people wanting to work on the Thames?

Mr Snelson: I do not have experience to say that.

Mr Parkes: I could not answer that in detail, Chairman.

Q355 Chairman: You must in general know, Mr Parkes, whether people are well-paid or badly paid presumably.

Mr Parkes: We do not employ them.

Q356 Chairman: You cannot really judge whether the new licence is going to make any difference at all.

Mr Parkes: What I would say is that clearly the economic demands and the opportunities that there are for the movement of freight and passengers on the river will determine the demand for people to work on the river. If the commercial demand is not there and there is no demand for vessels, then people will not come and work on the river regardless of the actual competency scheme that is in place.

Mr Snelson: Yes, but of course some of the skills that somebody needs, the competence to deal with passenger evacuation and so on, are embedded within the Boatmasters Licence scheme.

Q357 Chairman: I accept your arguments, Mr Snelson, but if in fact there are vacancies does it suggest to you that there are barriers to getting onto the river? If it is difficult to recruit people now to work on the river, what is the barrier?

Mr Snelson: The barriers will be less now that we have got the new scheme, in my view, and of course the other thing is market forces, in terms that if employers want to meet the trade then they need to pay the going rate for the job and people respond to that sort of market force.

Mr Parkes: I am also not sure, Chairman, how much difficulty there is. I am not fully briefed on it, clearly, but I believe in the last few years, certainly, the Company of Watermen and Lightermen has regularly been recruiting 25 to 30 apprentices each year.

Q358 Chairman: I see, they are regularly recruiting, so there is not any barrier as far as they are concerned, or are you suggesting they are still only recruiting from a limited number of families?

Mr Parkes: I do not know who they are recruiting from. I believe they are recruiting from wherever they can.

Q359 Chairman: Forgive me, one of the arguments has been that they do not recruit widely. We have a little gap here; I am not very clear and I do not understand how they can say that low pay and long hours make it difficult to find people to work and you can say they have been recruiting widely, there is not a problem.

Mr Parkes: I did not say they have been recruiting widely, what I said was my understanding, and I am not close to it. It is not part of the statutory harbour authority’s responsibility.

Q360 Chairman: You would not really be able to assess whether the new licence would make any difference, would you?

Mr Snelson: Chairman, we have given you a view and as a statutory harbour authority responsible for the safety of navigation, that is where we are coming from, that the new system is an improvement.

Q361 Chairman: That is helpful, it is your opinion.

Mr Snelson: Yes, but an opinion backed up by fact when we come to the safety of navigation—I am talking about the safety of navigation.

Chairman: That has been very helpful, gentlemen; thank you very much indeed.
INTRODUCTION

An integral part of the port’s navigational Safety Management System (SMS), which is required under the Port Marine Safety Code (the Code), involves the investigation of all marine incidents that are reported to the Harbour Master. Following an initial assessment, all navigational incidents (those affecting or having the potential to impact upon navigational safety) are investigated further, from both a regulatory and safety perspective. Details of the incident, the investigation and outcomes are recorded in a bespoke incident database—PLACID.

Navigational Incidents are categorised within two groups—Safety Incidents and Navigational Occurrences, comprising:

Safety incidents

Collision (between two or more vessels), Contact (between a vessel and a fixed object), Grounding, Near Miss, Fire/Explosion, Pollution. Loss of Hull Integrity and Swamping.

Navigational occurrences

Berthing/Manoeuvring Incident, Navigational Hazard, Wash, Contravention of River Byelaws General Directions or Pilotage Directions, Inappropriate Navigation and Other.

The histograms below provide a summary of navigational incident trends in the Port of London for the period January 2000 to February 2007. This data is included in a biannual report to the PLA Board, which as Duty Holder under the Code, is ultimately responsible for ensuring the PLA’s compliance with the Code and meets its wider statutory responsibilities.

PORT OF LONDON AUTHORITY


SAFETY INCIDENTS
INTRODUCTION

An integral part of the port’s navigational Safety Management System (SMS), which is required under the Port Marine Safety Code (the Code), involves the investigation of all marine incidents that are reported to the Harbour Master. Following an initial assessment, all navigational incidents (those affecting or having the potential to impact upon navigational safety) are investigated further, from both a regulatory and safety perspective. Details of the incident, the investigation and outcomes are recorded in a bespoke incident database.

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SEVERITY RATING
Each incident also rated on a scale of severity 0 to 4, dependent upon the associated outcomes; in respect of the impact on people, the environment, property and port stakeholders, where:

0—No/Negligible impact;
1—Minor
2—Significant;
3—Serious; and
4—Major.

A more detailed description of the individual severity criteria in attached at Annex.
This summary provides an overview of reported navigational incidents in the Port of London, for the area between Teddington and Sea Reach No 1 Buoy for the period January 2002 to December 2006.

To reflect the current debate over the new BML Thames Local Knowledge Endorsement, the data has been divided into three separate areas. These sections also reflect the three distinct areas of the Port of London i.e. the predominantly leisure area above Putney Bridge, the tourist focussed area in central London and the major commercial area of the port to the east of Woolwich.

A. SAFETY INCIDENTS

1. Teddington to Putney Bridge

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<th>Severity 3</th>
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2. Putney Bridge to Margaretness

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* (1—Vessel type unknown.)

3. Margaretness to Sea Reach No 1 Buoy

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* (1—Vessel type unknown.)
B. NAVIGATIONAL OCCURRENCES

1. Teddington to Putney Bridge

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2. Putney Bridge to Margareteness

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3. Margareteness to Sea Reach No 1 Buoy

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Some of the above data is presented in graphical form on the following pages, in order to present a clearer picture of incident trends.
Combined Safety Incidents and Navigational Occurrences - Teddington to Sea Reach 1 Buoy (involving Inland Waterways vessels only)

Combined Safety Incidents and Navigational Occurrences - Teddington to Sea Reach 1 Buoy (involving Inland Waterways vessels only)
Safety Incidents Teddington to Putney
(involving Leisure Vessels only)

Safety Incidents Putney to Margaretness
(involving Inland Waterways Vessels only)

Safety Incidents Margaretness to Sea Reach 1
(involving STCW Vessels only)
### SEVERITY RATINGS FOR INCIDENTS

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<th>Port Business</th>
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<td>Negligible (&lt; £5K)</td>
<td>Negligible (&lt; £5K)</td>
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<tr>
<td>1</td>
<td>Significant (Multiple moderate or single major injury).</td>
<td>Minor (&gt; £5K)</td>
<td>Minor Tier 1 (&gt; £5K)</td>
<td>Minor (&gt; £5K)</td>
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<tr>
<td>2</td>
<td>Serious (Multiple major injuries or single fatality).</td>
<td>Moderate (&gt; £50K)</td>
<td>Moderate Tier 2—Limited outside assistance</td>
<td>Oil spill or environmental amenity impaired.</td>
</tr>
<tr>
<td>3</td>
<td>Major (More than one fatality).</td>
<td>Serious (&gt; £500K)</td>
<td>Serious Tier 2—Regional assistance</td>
<td>Oil spill, localised flooding or multiple amenities impaired.</td>
</tr>
</tbody>
</table>

---

**Memorandum submitted by the Department for Transport**

**BACKGROUND**

**Reasons for Implementation**

There were three main reasons for introducing a national boatmasters’ licensing regime. Foremost was the necessity of addressing recommendations arising from inquiries into the Marchioness disaster.

The “Thames Safety Inquiry”, conducted by Lord Justice Clarke in 1999, recommended that:

27.12 “Consideration ought to be given to the imposition of crewing requirements for any vessel in the Inquiry area that is capable of causing significant damage either to other vessels or to fixed structures on the Thames (or which, for any other reason, ought to be navigated by a suitably qualified person).”

In response to this recommendation, the Maritime and Coastguard Agency developed competency standards for boatmasters on non-passenger vessels taking into account the proposed further harmonisation of EC boatmasters’ certificates and the recommendations of the Freight Study Group for the development of certification for those working in the inland waterways industry.

In addition, the “Marchioness Formal Inquiry”, also conducted by Lord Justice Clarke, recommended:

39.13 “We recommend that the PLA or other responsible body review the syllabus and course content leading to the licensing of watermen and lightermen to ensure that they are aware of any special problems affecting safe navigation on the river. We also recommend that all training requirements be kept under continuous review to reflect changing circumstances and conditions.”

In response to this recommendation the PLA commissioned, in January 2002, a comprehensive review of future competencies for Watermen and Lightermen on the Thames. A report by Baxter Eadie was submitted in October 2002. However, this work was overtaken by the UK Government’s decision to develop national standards for the navigational standards of passenger and freight vessels in the form of a revised boatmasters’ licence. The list of competencies identified as necessary by the PLA study were made available to the MCA for this purpose. The PLA and the Company of Watermen and Lightermen were involved in the development of these standards.

The second reason for introducing the new regime was a recommendation put forward by the Freight Study Group in its report “Freight on Water—A New Perspective” to increase confidence in the inland shipping industry:

1.13 c. “Support should be given to the MCA’s proposed public consultation on the establishing of competency standards for crew and boatmasters, following Lord Justice Clarke’s findings in the Thames Safety Inquiry Report and the notification of proposals for the harmonising of boatmaster qualifications within the European Community.”

1.13 d. “The MCA’s remit for inland waterway transport should be clarified and, in the absence
of other national standard setting authorities, the MCA should be charged with the task of developing vessel and crew standards for the industry.”

The third reason was the need to harmonise standards within the European Union, as per Council Directive 96/50/EC, facilitating trade and movement of labour:

“Whereas, because of differences in national legislation relating to the conditions for obtaining boatmasters’ certificates for inland navigation and the need to make safety requirements in the inland navigation industry gradually stricter, Community rules for the issue of such certificates should be adopted in order to prevent any distortions of competition.”

History of the Directive

The European Commission initially advised that the UK was exempt from the provisions of the Directive under Article 3(2) as it does not possess any linked waterways. The EC advice changed when the UK was challenged by a holder of the EC boatmasters certificate who was refused permission to work on the River Thames.

As a result of this challenge, the UK was required to implement the Directive despite having no linked waterways in order to allow mutual recognition of licences issued under the Directive. If we had not implemented the Directive, the UK would have had to accept the standard requirements for the European boatmasters certificate and would have had no say in the type of licence needed by holders of this qualification to operate in any particular waterway in the UK.

Benefits

Besides a requirement for the Government to comply with European law, there are significant benefits that can realised by introducing a national licensing regime.

One of the main benefits is that industry believes that a national licence will help the inland waterways freight industry to develop. Transporting goods by water is more economical than road or rail, as outlined in the Freight Study Group’s report “Freight on Water—a New Perspective”:

3.8 “A more recent Dutch study suggested that, in comparison with an inland ship, rail uses 1.3 times as much fuel per tonne-km, and road uses 2.7 times as much. A similar comparative study carried out in Germany gave the figures as 1.7 and 4.1 respectively. In addition to advantages of sustainability this gives water obvious economic benefits over the other modes.”

The potential to reduce the environmental impact of freight transport is especially relevant given the recent public concern surrounding the effects of human activity on climate change.

The main direct benefit of these measures is to improve safety standards. These improvements take two forms:

— Comprehensive training, experience and examination are used to ensure that each master has suitable knowledge and skills to perform his particular job. Compared to systems of qualification that existed before the introduction of the BML regime, the new standards of examination and qualification can be shown to be more transparent, independent and objective.

— The changes ensure consistent national coverage, replacing the patchwork of regimes that was previously in place and filling holes in legislation.

An additional benefit of the new national BML is that it facilitates trade and movement of labour on the UK’s inland waterways and on those in other EC countries. UK qualified boatmen will be able to ply their trade in other EU member states a small amount of additional training and examination.

Consultation

Consultation during the development of the BML was intensive. The Government went beyond its statutory requirements, and consulted according to the following timetable:

— February 2003—Freight Standards Steering Group and BML Working Group formed to represent key stakeholders.

— December 2003 to February 2004—Non-statutory consultation, 1 of 2.


— April 2006 to July 2006—Statutory consultation.


Annex A provides details of the membership of the Freight Standards Steering Group and BML Working Group as well as a list of organisations consulted by the MCA during the development of the new regime.
Several key elements of the proposals were added or strengthened as a result of this consultation, most notably:

— Two-Tier system to account for the range of operations on UK inland waterways.
— Requirement for consecutive, rather than concurrent qualifying service days.
— Revalidation of Thames local knowledge endorsement every five years.
— Experience towards Thames local knowledge endorsement may only be obtained after acquiring a generic licence.

**Extent of Support**

The regulations enjoy broad support nationally, particularly from members of the freight industry where they are seen as a huge step towards improving the image and credibility of inland waterway freight transport, making it a viable alternative to road and rail.

Opposition on the grounds that the regulations compromise existing safety standards has come from the Company of Watermen and Lightermen, and the RMT and TGWU unions, and a representative of the Marchioness Action Group.

Despite this, many organisations have supported the provisions as they relate to the Thames, including the Port of London Authority and a number of private operators.

**Areas of Contention**

The vast majority of representations opposing the regulations originate with the Thames Practitioners Committee, representing working Watermen and Lightermen, and the RMT and TGWU unions.

Although they claim to represent the majority of inland waterway operators, the Company of Watermen and Lightermen in fact represents no more than 600 individuals compared with the MCA’s current estimate of more than 3000 throughout the rest of the UK. This total is based on those operators represented by trade associations such as the Commercial Boat Owner’s Association and the Association of Inland Shipping Operators, as well as many smaller organisations operating outside the Thames area.

**Local Knowledge Area**

Local knowledge endorsements are qualifications granted to those who have demonstrated through practical experience and/or examination that they are familiar with operations within a specific area that is deemed particularly hazardous or difficult to navigate.

Due to the comprehensive range of skills demanded by the new generic qualification, a local knowledge endorsement is not a general requirement.

A requirement for a local knowledge endorsement is identified by the relevant navigation authority that assesses the area against four criteria:

— The density of traffic: types and patterns.
— The difficulty/complexity of tides and streams.
— The presence of particular physical hazards (and the difficulty of negotiating them).
— Whether suitable charts are available for the area.

These criteria were independently derived by the Freight Standards Steering Group and the BML Working Group and incidentally closely match the criteria proposed for use by the Rhine Commission to determine its areas of local knowledge.

Advice on whether a proposed local knowledge area should be endorsed is provided by an Equivalence Committee chaired by the MCA and comprising representatives from port and navigation authorities, passenger and freight operators. In addition, for each of the areas requiring detailed discussion, local representatives of the groups mentioned above will be invited to attend the relevant meeting.

The Equivalence Committee reports its decisions to the MCA and notifies the concerned navigation authorities and industry representatives. The Committee may reconsider an earlier decision if there has been a significant change in the conditions or the navigational environment originally appraised.

The introduction of the BML saw a reduction in the local knowledge area required for the Thames (previously from Teddington to Lower Hope Point and now from Putney Bridge to the eastern limits of the Thames Barrier control zone, currently at Margaretness). The decision to reduce the local knowledge area was taken with consideration given to areas of risk identified by risk assessments carried out for the PLA.
Authorities over areas with similar operating conditions to those parts of the Thames that are no longer covered by the local knowledge requirement either did not submit applications (Rivers Tees and Mersey) or had their applications rejected by the Equivalence Committee (River Clyde).

New Training and Examination Regime is Fit for Purpose

The Baxter Eadie report delivered in 2002 incorporated a comparison of the coverage of the skills and competencies that are required for operations on the Thames and that are provided by existing systems, including those administered by the Port of London Authority, the Maritime and Coastguard Agency and the Company of Watermen and Lightermen.

A table showing a summary of the comparison is attached as Annex B.

The findings of this comparison show that there are large gaps in the knowledge and skills imparted by the syllabus that was previously covered by the Watermen and Lightermen, which included the regimes of both the Company of Watermen and Lightermen and the Port of London Authority. The new Boatmasters’ Licence covers.

One of the key areas of complaint for the Watermen has been that local knowledge competencies have been compromised under the new regime. The Baxter Eadie report shows that the local knowledge imparted under the Company’s syllabus covered 34% of the content required to ensure sufficient competency.

The report also points out that judgements of maturity and the level of experience suitable for an operator to be granted a licence are subjective and that this problem is not specific to work on the River and is inherent in many industries. As a solution, it recommends that relevant experience is recorded in detail in a career log book and that a minimum necessary number of movements within an appropriate time period are carried out. This objectifies criteria that have previously been left to the judgement of an operator’s peers and has been implemented under the new regime, through a mandatory task record book for trainees, a work record, and a local work record for the local knowledge endorsement for the Thames.

Further comparison with similar regimes, which also refutes the claim that the new BML is an inferior level of qualification compared to similar systems, is attached as Annex C.

Wider European Situation

Much has been made by opponents of the BML of the perceived special provisions for some waterways in Europe, in particular the Rivers Rhine and Danube, two major European waterways that are managed by their own commissions independently of the European Commission.

The Rhine and Danube Commissions, and their licensing regimes, were in place long before the EU Directive, and each of the commissions comprise states that are not subject to EU regulation. In fact, the text of Council Directive 96/50/EC explicitly excludes the Rhine from its scope.

The proposal that the River Thames should follow their example and implement local rules is impossible to justify. Whilst Switzerland (Rhine) and Moldova, Russia and Ukraine (Danube) may not be subject to EU regulation, the UK certainly is. Nevertheless, work is underway to harmonise the standards governing these rivers and other inland waterways with the intention of allowing the EU and UK boatmasters certificates to form the basis of a qualification suitable to operate on them.

Conclusion

Whilst the Government recognises the concerns detailed above, it has committed substantial resource to ensure that the new measures are more robust and fit for purpose than those they have replaced.

The implementation of the new regime will underpin safety standards whilst facilitating trade and movement of labour on UK waterways and on those in other member states. Excessive regulation for the Thames, not justified on safety grounds, would constitute a restrictive working practice, unfairly limiting the ability of boatmasters from the EU and other parts of the UK to work there.

February 2007

Annex A

BML WORKING GROUP—MEMBERSHIP

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<th>Name</th>
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<th>Organisation</th>
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<td>John Percival</td>
<td>AISO (Association of Inland Shipping Operators)</td>
<td>John Percival Associates/Hoylake Sailing School</td>
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<td>Neil Caborn</td>
<td>AISO (London)</td>
<td>Cory Environmental</td>
</tr>
<tr>
<td>Capt Heather Chaplin</td>
<td>AISO (North)</td>
<td>Riversea Trading</td>
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<tr>
<td>Phil Dunham</td>
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<td>Andy Crawford</td>
<td>BTA (British Tugowners Association)</td>
<td>Serco Denholm</td>
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<td>David Bell</td>
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<tr>
<td>Colin Harper</td>
<td>T&amp;GWU</td>
<td></td>
</tr>
<tr>
<td>Alex Hickman</td>
<td>T&amp;GWU/Thames Practitioners Committee</td>
<td></td>
</tr>
<tr>
<td>David Foster</td>
<td>UKMPG/BPA (UK Major Ports Group/ British Ports Association)</td>
<td>Port of London Authority (PLA)</td>
</tr>
<tr>
<td>Steve Knuckey</td>
<td>UKMPG</td>
<td>Mersey Docks and Harbour Company</td>
</tr>
</tbody>
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MEMBERS OF THE FREIGHT STANDARDS STEERING GROUP

<table>
<thead>
<tr>
<th>Representing</th>
<th>Name</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Association of Inland Navigation Authorities</td>
<td>Ian White</td>
<td>British Waterways</td>
</tr>
<tr>
<td>Association of Inland Shipping Operators</td>
<td>Capt Heather Chaplin</td>
<td>River Sea Trading Ltd</td>
</tr>
<tr>
<td>British Tugowners Association</td>
<td>Mike Tyrell</td>
<td>Chamber of Shipping</td>
</tr>
<tr>
<td>David Lapthorn</td>
<td>R Lapthorn &amp; Co. Ltd</td>
<td></td>
</tr>
<tr>
<td>Commercial Boat Operators Association</td>
<td>Peter Hugman</td>
<td></td>
</tr>
<tr>
<td>NUMAST</td>
<td>Allan Graveson</td>
<td></td>
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<tr>
<td>Transport and General Workers Unions</td>
<td>Richard Crease</td>
<td></td>
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<tr>
<td>UK Major Ports Group/British Ports Association</td>
<td>Captain Julian Parkes</td>
<td>Port of London Authority</td>
</tr>
<tr>
<td>Maritime and Coastguard Agency</td>
<td>Roger Spence (Chairman)</td>
<td>Director Quality and Standards</td>
</tr>
<tr>
<td>&quot;</td>
<td>Julie Carlton</td>
<td>Head of Inland Waterways Team</td>
</tr>
<tr>
<td>&quot;</td>
<td>Richard Bone</td>
<td>Secretariat</td>
</tr>
<tr>
<td>&quot;</td>
<td>Alex Steele</td>
<td>Survey Policy</td>
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LIST OF CONSULTEES

NEW BOATMASTERS LICENCE, STATUTORY PUBLIC CONSULTATION

Aberdeen College  Glasgow College of Nautical Science
Abwood Marine Limited  Gosport Ferry
AC Bennett & Sons  GPS, 58-61 Cannon Workshops
Acaster Water Transport  Greenshields and Co
Acorn Shipping  Greenwich Launches
Alan Oliver Workboats  Hargreaves Canal Transport Services
American Wharf  Health & Safety Executive
Any Freight  Henty Oil Ltd
Apem Ltd  Hepworth Shipyard
Arun Marine Design Ltd  Highland Marine Transport Ass.
Assembly Government for Wales  Hornshaw Water Transport
Asset Co Ltd  Humber Barges
Associated British Ports  Iguana Seacraft Ltd
Association of Inland Navigation Authorities  Illeta Col (Marine) Services
Association of Pleasure Craft Operations  Inland Waterways Association
Association of Watermen and Lightermen  Institute of Licencing
AW Marine Services  Intermodal Solutions Limited
Banff and Buchan College of Further Education  International Association of Marine Institutes
Barge Consult  International Institute of Marine Surveying
Birmingham Canal Boat Services  IWAAC
Blackpool and Flyde College  J H Whitaker Tankers Ltd
Boatwerk (Thames) Ltd  J.J. Prior (Transport) Ltd
Branford Barge Owners  JD Evans Waterways Consultant
British Marine Federation  Jenkin’s Marine Ltd
British Ports Association  John Percival Associates
British Tugowners Association  K D Marine
British Waterways  KB Mason Marine
Cabinet Office Regulatory Impact Unit  Keel Marine Limited
Caledonian MacBryne  Kilkeel College of Further Education
Canal Aggregate & Freight Co Ltd  L. Bain & Co LTD
Canal and River Services  Lafarge Aggregates LTD
Canal Boat Project  Lairds Maritime Centre
Carradon District Council  Land & Water Services Ltd
Carmet Tug Company  Laphorn Shipping Ltd
Carriick District Council  Liverpool Water Witch
Catamaran Cruises  Livetts Launches
Central Scotland Passenger Vessel Association  Lloyd’s Register of Shipping
Chamber of Shipping  Loch Lomond Association
Chas Newens Marine Co Ltd  London Party Boats
Cleantaway Limited  London River Services Ltd
Clifford Shipping Services  Lowestoft College
Coastal Launch Services  Lupin Canal Services
Colne Valley Carriers  Mainmant Ltd
Commercial Boat Operator’s Association  Manchester Ship Canal Company
Company of Watermen and Lightermen  Marine Support ThamesMcTay Marine Ltd
Cory Environmental Pollution Services  MECAL Ltd
Deans Tug & Workboats  Medway Bunkering Services
DEFRA  Medway Ports
Department for Transport  Medway Towing Services
Department of Culture, Media & Sport  Merchant Navy Training Board
Derham Marine  Mersey Docks & Harbour Company
E V Waddington Ltd  Mersey Tanker & Lighterage
Eastdown Institute of Further Education  Mikes Boat Yard
English Partnerships  Ministry of Defence
Environment Agency  MMS Ship Repair and Dry Dock Ltd
Environment Agency Wales  Morley Canal Contractors Ltd
F C Larkham & Sons  Mowlem Marine
Falmouth and Penryn College  MSO Marine
Farradon Marina  National Association of Boat Owners
Felixxar Marine Ltd  National Federation of Charter Skippers
Ferran Port Services  National Sea Training Centre
Firth of Lorne Sea School  National Workboat Association
COVERAGE (%) OF REQUIRED SKILLS AND COMPETENCIES BY EXISTING SYSTEMS

<table>
<thead>
<tr>
<th>Core competencies</th>
<th>PLA</th>
<th>CWL</th>
<th>MCA</th>
<th>BTA</th>
<th>RYA</th>
<th>BW</th>
<th>PSS</th>
<th>STCW</th>
<th>EU 96/50</th>
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<tr>
<td>Seafarership</td>
<td>53</td>
<td>18</td>
<td>29</td>
<td>28</td>
<td>20</td>
<td>11</td>
<td>23</td>
<td>39</td>
<td>15</td>
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<tr>
<td>Ship Handling</td>
<td>60</td>
<td>19</td>
<td>38</td>
<td>37</td>
<td>44</td>
<td>17</td>
<td>21</td>
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<td>Navigation</td>
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<td>56</td>
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<td>60</td>
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<td>Communications</td>
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<td>38</td>
<td>46</td>
<td>54</td>
<td>8</td>
<td>15</td>
<td>54</td>
<td>8</td>
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<td>Safety</td>
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<td>13</td>
<td>53</td>
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<tr>
<td>Engineering</td>
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<td>20</td>
<td>11</td>
<td>6</td>
<td>9</td>
<td>1</td>
<td>2</td>
<td>78</td>
<td>4</td>
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<td>Local Knowledge</td>
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<td>3</td>
<td>14</td>
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<td>Operations</td>
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<td>0</td>
<td>0</td>
<td>31</td>
<td>31</td>
<td>31</td>
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<tr>
<td>Pollution and Dangerous</td>
<td>61</td>
<td>28</td>
<td>11</td>
<td>17</td>
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<td>22</td>
<td>11</td>
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<tr>
<td>Goods</td>
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<td>23</td>
<td>54</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>40</td>
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<td>Passengers</td>
<td>67</td>
<td>44</td>
<td>61</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>17</td>
<td>0</td>
<td>83</td>
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<td></td>
<td>PLA</td>
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<td>MCA</td>
<td>BTA</td>
<td>RYA</td>
<td>BW</td>
<td>PSS</td>
<td>STCW</td>
<td>EU 96/50</td>
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<td>----------------------</td>
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<td>-----</td>
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<td>----------</td>
</tr>
<tr>
<td>Mooring</td>
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<td>8</td>
<td>0</td>
<td>0</td>
<td>17</td>
<td>0</td>
<td>33</td>
<td>0</td>
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</tr>
<tr>
<td>Overall Total</td>
<td>49</td>
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<td>31</td>
<td>26</td>
<td>24</td>
<td>9</td>
<td>15</td>
<td>41</td>
<td>20</td>
</tr>
</tbody>
</table>

PLA  Port of London Authority  
CWL  Company of Watermen and Lightermen  
MCA  Maritime and Coastguard Agency  
BTA  British Tug Owners Association  
RYA  Royal Yachting Association  
BW  British Waterways  
PSS  Port Skills and Safety  
STCW  Standards of Training, Certification and Watchkeeping  
EU 96/50  EU Directive  

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### Annex C

#### UK BOATMASTERS’ LICENSE

<table>
<thead>
<tr>
<th></th>
<th>Rhine Patente (Grande Patente)</th>
<th>EC Directive</th>
<th>UK BML (Tier 1)</th>
<th>W&amp;L</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Application</strong></td>
<td>All vessels</td>
<td>All vessels carrying more than 12 passengers, All tugs and pusher craft, All other goods vessels over 20 metres. All vessels operating in Categorised waters and limited coastal operations. Waterman’s Licence—command of passenger carrying vessels, Lightermen’s licence—non-powered lighters (non-command).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Exemptions</strong></td>
<td>Vessels under 15 metres other than passenger ships and tugs and pusher craft, Ferries, Non-motorised vessels (National certificates apply) Lesser licences for vessels under 35 metres and pleasure vessels under 25 metres.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Valid for</strong></td>
<td>All vessels</td>
<td>All passenger ships (in some member states, requires additional examination for passenger transport), All freight vessels, Vessel carrying no more than 12 passengers, or workboat, plus, Vessels for which endorsement held. Passenger ships, Tugs and pusher craft, Goods vessels, Workboats/dredging, Line handling vessels, Dangerous cargoes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum age</strong></td>
<td>21 years</td>
<td>21 years, but member states may allow licences to be issued for use on their own waters at 18 years, 18 years (21 years for passenger ships, tugs and pusher craft or freight vessels over 40 metres), 22 years for LPV endorsement. 18 years for vessels carrying no more than 12 passengers (provisional licence), 21 years for passenger ships (full licence).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>QST</strong></td>
<td>4 years, including 180 days per year as matelot, matelot garde-moteur or maitre matelot. 4 years or 2 years in professional training or 1 year with practical examination (limited to vessel with “same navigational characteristics”) 2 years including at least 120 days per year for generic licence plus specified number of days on relevant vessel for any endorsements held (Total 660 days for passenger, freight and towing endorsements, dredging and oil cargoes) 2 years (150 days per year) for provisional licence, 5 years in total for full licence (Total 750 days) 24 years for LPV endorsement.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Local knowledge</strong></td>
<td>16 trips in last 10 years, of which 3 in each direction in the last three years. Area to be specified by candidate, Supplemented by written examination (medium difficulty) and oral examination (severe difficulty), Provided for, but no provision as to method of obtaining/examining knowledge, For Thames, 6 months (60 days) Area to be specified by candidate, LKE for Thames to be revalidated every 5 years. Incorporated in figures above, For competent person from outside the area—2 years (300 days). Whole area must be learnt.</td>
<td></td>
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</table>
Medical fitness

<table>
<thead>
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<th>Rhine Patente (Grande Patente)</th>
<th>EC Directive</th>
<th>UK BML (Tier 1)</th>
<th>W&amp;L</th>
</tr>
</thead>
<tbody>
<tr>
<td>At age 65 and annually thereafter</td>
<td>At age 65 and annually thereafter</td>
<td>5-yearly from age 45 (on revalidation)</td>
<td>5-yearly from age 45 (on revalidation)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At age 65 and annually thereafter</td>
<td>At age 65 and annually thereafter</td>
</tr>
<tr>
<td>Training</td>
<td>Not specified</td>
<td>Ancillary Safety courses</td>
<td>10 weeks training</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(including PLA 1 and 2 training)</td>
</tr>
</tbody>
</table>

Examination—Theoretical

<table>
<thead>
<tr>
<th>Rhine Patente (Grande Patente)</th>
<th>EC Directive</th>
<th>UK BML (Tier 1)</th>
<th>W&amp;L</th>
</tr>
</thead>
<tbody>
<tr>
<td>See separate paper on differing examination requirements</td>
<td>Outline syllabus specified detailed syllabus specified.</td>
<td>PLA 1 and PLA 2 examinations</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Separate examinations for generic licence and most endorsements.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Examination centres to be MCA approved and audited.</td>
<td></td>
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</tbody>
</table>

Examination—Practical

<table>
<thead>
<tr>
<th>Rhine Patente (Grande Patente)</th>
<th>EC Directive</th>
<th>UK BML (Tier 1)</th>
<th>W&amp;L</th>
</tr>
</thead>
<tbody>
<tr>
<td>Practical examination limits scope of licence to specific vessel type</td>
<td>Practical and oral assessment in addition to written examinations for generic licence</td>
<td>None for Waterman’s or lighterman’s licence. Required for PLA LPV endorsement.</td>
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<tr>
<td></td>
<td></td>
<td>Separation revalidation of LKE.</td>
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</table>

Revalidation

<table>
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<tr>
<th>Rhine Patente (Grande Patente)</th>
<th>EC Directive</th>
<th>UK BML (Tier 1)</th>
<th>W&amp;L</th>
</tr>
</thead>
<tbody>
<tr>
<td>None required</td>
<td>None required</td>
<td>Revalidation every 5 years on basis of continuing service (demonstrated by work record). Separation revalidation of LKE.</td>
<td></td>
</tr>
</tbody>
</table>

Further supplementary memorandum submitted by the Department for Transport

Obligation to Report

The Merchant Shipping (Accident Reporting and Investigation) Regulations 2005 (No 881) (attached as Annex A) requires the master, senior surviving officer or owner to report any accident involving a UK ship or ships in UK waters to the Chief Inspector of Marine Accidents, who leads the Marine Accident Investigation Branch (MAIB).

— “Accident” is defined in section 3 of the Regulations.
— The range of vessels and scenarios for which the Regulations apply is outlined in section 4.
— Those with an obligation to report to the Chief Inspector are named in section 6.

Guidance on these Regulations is available to seafarers and vessel owners in the form of MGN 289 (Annex B).

For the purposes of accident reporting, the MAIB provide an “Incident Report Form” (Annex C).

Responsibility for Inland Waterway Incident Response

Responsibility for the co-ordination of search and rescue (SAR) on inland waters rests with local police forces and is derived from their duty to protect life and property. The Maritime and Coastguard Agency (MCA) has, through a series of Memoranda of Understanding, been delegated responsibility for SAR on a limited list of inland waters:

— Derwent Water, Lake Windermere, Ullswater, Lake Coniston.
— Norfolk and Suffolk Broads.
— River Severn to Gloucester.
— Upper River Clyde (not yet finalised).
— Loch Ness.
— Loch Oich.
— Loch Lochy.
— Lough Neagh.
— Lough Erne.
In addition, Lord Justice Clarke in Section 3 of the Thames Safety Inquiry: Final Report expresses the point of view that the Department for Transport is in the best position to provide SAR capability for the River Thames. In response to this recommendation, the MCA have SAR responsibility for the tidal Thames.

**Recording and Analysing Accident Statistics**

The MAIB maintains a detailed database of all accidents reported to them under the statutory obligations of Merchant Shipping SI 2005 No 881. In addition, the MAIB keeps records of incidents reported to the MCA or through news media, including Lloyd's List.

This database can be interrogated to produce statistics related to a wide range of incident attributes: type and size of vessel, location, type and causes of incident and so on. Attached as Annex D is a sample of the information that the MAIB is able to produce.

The MCA maintains a database of all incidents for which they are contacted as SAR provider on the inland waters over which they have jurisdiction, whether or not SAR action is instigated. These records are currently in the process of being audited and standardised to make them suitable for statistical compilation and analysis.

For those waters that are not delegated to the MCA, the relevant local police constabulary holds a command and control record for each incident to which it responds. There is no co-ordination of this data on a national level.

Similarly, individual port and navigation authorities collect statistical information on the incidents that happen within their areas of jurisdiction. The following table details a sample of the information held by the Port of London Authority for reported incidents on the River Thames:

<table>
<thead>
<tr>
<th>Year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
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</thead>
<tbody>
<tr>
<td>Incidents</td>
<td>3</td>
<td>25</td>
<td>21</td>
</tr>
</tbody>
</table>

The need for a consistent, national framework governing the recording of incident information has been recognised. The National Water Safety Forum (NWSF) is a body comprising non-government organisations that reports to the strategic-level Government Interdepartmental Group on Water Safety. The NWSF is seeking to establish a process through which all incidents relating to water safety can be centrally recorded for analysis to inform and monitor the implementation of future policy.

Witnesses: Dr Stephen Ladyman MP, Minister of State for Transport, Ms Theresa Crossley, Head of Shipping Policy Division, Department for Transport and Mr John Astbury, Chief Executive, Maritime and Coastguard Agency, gave evidence.

Q362 Chairman: Minister, you are most warmly welcome.

Dr Ladyman: Thank you, it is always a pleasure to be here.

Q363 Chairman: Of course, we know how much you look forward to it. Would you be kind enough to identify yourself and your colleagues?

Dr Ladyman: I am Stephen Ladyman, the Minister of State for Transport and responsible for shipping matters; I have John Astbury, the Chief Executive of the MCA with me and Theresa Crossley from our shipping division at the DfT.

Q364 Chairman: Would you like to say something or can we go straight to questions?

Dr Ladyman: You can go straight to questions.

Q365 Chairman: We have heard some fairly contradictory evidence on this particular question, Minister. Let me ask you first of all: are, overall, the UK’s classified waters safe?

Dr Ladyman: I believe so. I believe we have taken appropriate action in light of previous events. We have implemented the recommendations that Lord Justice Clarke gave us, for example, and I believe that these particular measures that we are debating today are a significant step forward in safety terms.

Q366 Chairman: Are you saying that the old licensing system was a significant factor in the number of accidents?

Dr Ladyman: I am saying that there were obvious gaps in the old licensing system, there were people who did not need to have appropriate training and licensing, as identified by Lord Justice Clarke, and this plugs the gap.

Q367 Chairman: The new system is going to actually deal with safety problems and increase confidence, is that what you are telling us?

Dr Ladyman: I certainly hope it will increase confidence, yes.

Q368 Chairman: You hope it will? Is it going to make a major contribution to modal shift?

Dr Ladyman: I would not see it as a major contributor to modal shift. I hope that having safe waterways and safe shipping ways will itself be a contributor to modal shift, but that is not the primary reason for doing these changes.
Q369 Chairman: Your feeling was that under the old system you had no guarantee of the safety levels or the training levels of the people on the waterways, is that what you are in effect saying to us?

Dr Ladyman: Correct, and that was the view of Lord Justice Clarke who identified some gaps that he recommended were filled.

Q370 Chairman: That was some time ago and you took action on those particular recommendations, did you not?

Dr Ladyman: The introduction of this new licence completes some of those recommendations.

Q371 Mr Hollobone: The Government has already told the Committee that one of the reasons for introducing the new Boatmasters Licence was the relevant EC directive. What do you, Minister, see as the aim of that directive?

Dr Ladyman: The aim of that directive is to ensure that there is a constant and good level of safety standards on the waterways all around Europe, but also to ensure that there is free movement of labour between the different waterways of Europe where that is appropriate.

Q372 Mr Hollobone: We have heard quite a lot of evidence today that that is not happening, directly from watermen involved, that even if they were to achieve the new Boatmasters Licence they would not be able to ply their trade on the waterways of other EU countries.

Dr Ladyman: I do not believe that is the case. I have made a commitment to them that if I find that any British mariner is excluded from a European waterway unfairly, having got this new licence, then the Government will report that fact to the Commission and press for that country to be infracted. Bear in mind that one of the factors in taking the decision to move to this new licensing regime was that we were reported to the Commission because a Dutch mariner was excluded from the Thames, and so the Commission said that we were preventing the free movement of labour unfairly and we had to review our regime as a consequence of that. We have done that, I believe we are compliant with the directive and I will make sure that any British waterman that wants to go and work in Europe, once they have got this new licence, gets the same opportunity.

Q373 Mr Hollobone: There was overwhelming endorsement from the watermen witnesses that we have seen today that the standards applying in the UK would be lower as a result of the Boatmasters Licence than before, but there was support that UK standards be applied across Europe with local port endorsements. What is your reaction to that?

Dr Ladyman: I do not accept that at all. Many of the people plying their trade on British waters had to have no licence at all under the old regime; now they have to comply with the training and licensing regime. For example, if we just look at the Thames—as I imagine many of those people whom you are referring to are plying their trade on the Thames—and the curriculum that people on the Thames covered, when we had that assessed it covered only a quarter of the things that a mariner ought to be aware of. The new curriculum actually covers all of the issues that somebody ought to be aware of, so I believe there is plenty of objective evidence that this is a levelling up of standards, not a levelling down of standards, and it is an application of standards to some parts of the waterway network of the United Kingdom that simply was not there before.

Q374 Chairman: Did you apply for a derogation for the Thames in the way that the Danube and the Rhine have derogations?

Dr Ladyman: The Danube only has a derogation outside Europe, where European legislation has no standing: the Rhine has a derogation only because it is covered by the Rhine Commission because the Rhine serves a non-EU state, Switzerland, and even there there are discussions afoot to bring them in line with this new regime.

Q375 Chairman: With all respect, Minister, the Rhine has had derogations ever since I was a Member of the European Parliament and it has always operated under completely different rules. You did not feel the necessity to try and apply the same sort of equality of treatment between the Rhine and the Thames?

Dr Ladyman: The Rhine is controlled by a Rhine Commission because the Rhine serves Switzerland and so there has to be a non-EU state involved in the decision.

Q376 Chairman: That is not the point I am making. The point I am making is that the Rhine’s different conditions are controlled by a derogation; what that derogation involves is not the argument, the fact is that the authorities concerned believe it is acceptable to have a derogation from existing EU rules. You did not feel the need to ask for the same protection for the British.

Dr Ladyman: As you are aware, initially we were under the impression we did not need to implement this directive in the UK because we do not have any interconnecting waterways. We then had advice from Lord Justice Clarke that there were gaps in our licensing regime that had to be filled, we had evidence of our own that suggested that we needed to provide a more uniform regime and we were reported by a Dutch mariner who was excluded from working on the Thames. The Commission then came back and said that we did have to apply the directive in the UK and we did have to move to a compliant system of licensing. Whatever the situation might be on the Rhine and whatever the legal basis is for their current situation, I can tell you that discussions are afoot to bring the Rhine into compliance with this new regime.

Q377 Mr Hollobone: My last question, Chairman, is that the UK Government has gone further than required by the EC directive with regard to the medicals that boatmasters will be subject to. Are you concerned that were that Dutch mariner now to pass
Dr Ladyman: I am being accused of dumbing-down the regime in the UK and also gold-plating it, is that the proposition you are putting to me.

Q378 Mr Hollobone: I am asking for your reaction to the accusation that the legislation in this country is being gold-plated.

Dr Ladyman: We have certainly gold-plated in a number of respects. We have gold-plated the medical, the fitness regime, as a result of consultation—people came to us when we consulted on our proposals and said that was a flaw in what we were proposing to do, and so we did indeed have a more stringent requirement. We got a more stringent requirement in there in terms of local knowledge—the initial consultation document, for example, proposed that you should do your local knowledge whilst you were doing your two-year generic licence and I have made that a consecutive period of service instead of a concurrent period of service as a response to the consultation. I believe where we have gold-plated—if that is the term for it—we have done it for very good reasons and it will be part of making sure that we do have very high safety standards.

Ms Crossley: If I may add, chairman, our understanding from contacts with our colleagues in other Member States is that in fact the way we have gold-plated in terms of medical requirements and medical validation is actually being taken up in other Member States as well, so we are not the only Member State which is actually requiring more stringent medical examination than the directive lays down.

Mr Astbury: I understand that the previous Waterman’s Licence required the same medical requirements that we now have in the BML.

Q379 Chairman: So the inadequate required the same standards as the one that you have brought in.

Mr Astbury: I believe so, in medical terms.

Q380 Chairman: So it could not have been that inadequate, could it?

Dr Ladyman: Perhaps it was not inadequate in that part of it.

Q381 Graham Stringer: Is it your view that—I am not sure what the right word is, but a pre-entry qualification might define it—basically a number of families controlled entry into this trade and, therefore, it was very difficult if you were black or a woman to get into the trade. Is that your view?

Dr Ladyman: It is my view that the people who work on the Thames do not reflect the society that those people are drawn from accurately. That was not a reason for implementing this new regime, I have simply mentioned that in the past because when one weighs the objections of people who have made comments on the new regime, one has to make a decision to what extent those objections are objective or subjective. If people have a clear vested interest then one might assume that they are less than objective; to that extent it is significant that we have not implemented this new regime as a means to break down a closed shop or to encourage social inclusivity on the Thames, although it would be a happy consequence of this new regime if we did improve social inclusivity on the Thames.

Q382 Graham Stringer: Do you have hard evidence as opposed to subjective evidence that the make-up of the people working on the Thames does not reflect the social make-up of the banks of the Thames?

Dr Ladyman: The evidence I have is only the evidence I have been provided with by the watermen themselves when I have quizzed them on whether they have a population that reflects the London population. If you look at the debate that we had in Westminster Hall, the answers I was given were “We must be inclusive, we have just had a couple of taxi-men’s family members starting to train”; another waterman told me “We definitely had an Asian once” although it turned out when I pressed him that the Asian did not complete his training. When I have asked how many women there are working on the Thames I am told two or three. It is easy for those people who want to defend their position to come and tell me that I am wrong about this, that they are not a largely male and white group of people, and if they can show me that they are not then I will happily withdraw those comments.

Q383 Chairman: If there are vacancies on the Thames, if some local authorities have sought to recruit in their local schools—presumably not saying we only want white males—would that not indicate to you that there is no barrier because in fact there are existing jobs available, or do you have some very clear evidence from people who have applied and been turned down?

Dr Ladyman: If you look at the procedures that are necessary in order to begin your training, you have to be, first of all, bound to a master; there is some doubt there and I am told by the PLA that you need six signatures of other watermen at that point in order to begin your training, although if you look at the watermen’s website it does not indicate that you need six signatures at that point. It certainly indicates that once you have completed your training you need six signatures of people to attest to the fact that you have done your service on the Thames, and then you need six signatures of freemen to actually qualify and go through your training ceremony. If you look at the application form that you need to fill in, although their website says that you can download it from the website, actually I could not find it on their website but I have seen a copy of it and you need to give your father’s name and telephone number in order to apply to go on there. When I have spoken to watermen, I was told by one waterman it is true that he is only allowed to sign on behalf of friends and family members—“close friends and family members” was the expression he used. I am prepared to believe that all
that I have been told about this group—and, frankly, this is the least important aspect of this debate—

Q384 Chairman: I agree with you, that is why I am asking do you accept that there are vacancies that have not been filled.

Dr Ladyman: Fine, and if they are filled by Catholics, Jews and black people I will accept it is not a closed shop, but so far the evidence is not suggesting that they will be. Maybe that has all changed, maybe they are now inclusive, maybe they now do represent the population of London—let them come forward and show us the ethnic breakdown of the workforce.

Q385 Chairman: You can give us, for example, a detailed breakdown of the number of people who are both female and of ethnic minorities who have applied for jobs and not been successful.

Dr Ladyman: I cannot give you that breakdown.

Q386 Chairman: “Evidence” was the word you used, Minister, just now.

Dr Ladyman: I am saying if they would provide the evidence of what it is I am happy to withdraw these comments.

Q387 Chairman: Ms Crossley, do you have evidence that there are people who have not been permitted to go forward for these vacancies that exist?

Ms Crossley: No, Chairman, we do not have that evidence.

Q388 Chairman: Do you have anything in the Maritime and Coastguard Agency?

Mr Astbury: No, Chairman. We can actually provide male and female on the basis of the applications, but that is all.

Q389 Mrs Ellman: What would you say is the most important aspect of the new system that makes it safer than the old one?

Dr Ladyman: Most important is that it is safer than the old one?

Q390 Mrs Ellman: What are the qualifications that the examiners are required to have?

Dr Ladyman: The qualifications of the examiners and the assessors are in excess of those of the boatmasters. Mr Astbury can probably give you the details of those qualifications, but I am confident that those are very professional people doing a very thorough, independent assessment.

Mr Astbury: Our surveyors are master mariners, chief engineers, senior naval architects and are qualified to the required charter standards and are in excess, as the minister says, of those people who are actually being examined.

Q391 Mrs Ellman: Are you certain that this is preferable to continuous assessment?

Dr Ladyman: I am certain that it is a more objective and rigorous way of assessing people’s attainments.

Q392 Mrs Ellman: We have had a great deal of evidence and concerns being expressed about the importance of local knowledge and of experience; do you think any of that is going to be diluted in the new scheme?

Dr Ladyman: I do not believe so because local knowledge is required under the new arrangements where local knowledge can be justified, in other words where the conditions are such that the generic licence has not equipped you to be able to cope with them. Local knowledge is still required, of course, and that local knowledge is only on that part of the waterway where you actively serve, so it does not cover you for the whole of the local knowledge area, it covers you for only one part of that waterway; if you then change jobs and need to use a different part of the waterway you have to do another local knowledge endorsement on that particular part of the waterway and your local knowledge will be revalidated every five years, so it is certainly not a dilution and in many respects it is an improvement.

Ms Crossley: If I might add, in terms of the local knowledge constituents when the examination is taking place, it will be MCA surveyors from the local marine office who already have an element of local knowledge working in partnership with the competent harbour authorities and local practitioners who will be assessing those candidates, so the local knowledge experience is built into the assessment process.

Q393 Mrs Ellman: Why do you think there is so much opposition from Thames boatmasters and vessel owners to the new system? They think it is going to be less safe.

Dr Ladyman: We all worry about change and we worry if the qualification regime changes after we have been through a particular process. Every time qualifications for any trade are changed, people who went through the old system say it is being dumbed down, it is being made easier. It is our job to look at these things objectively and to try and determine whether or not we are dumbling down or improving. I have looked at them objectively and I believe that they are going to be certainly no less safe and in many respects more safe under the new regime.

Q394 Mrs Ellman: Can a port or harbour area increase its pilotage if it is unhappy with the local endorsement?
Dr Ladyman: Absolutely. If a harbour authority decides it wants to go the pilotage route by insisting on pilotage, it can do that, and some harbour authority areas have decided to go that route rather than asking for a local knowledge endorsement.

Q395 Mrs Ellman: Do you know which areas have decided to do that?
Dr Ladyman: If we do not have them to hand we will certainly write to you and tell you.

Q396 Clive Efford: In terms of training requirements and licensing, what is the difference between a local information requirement and a local knowledge area?
Mr Astbury: I have never heard that expression before.

Q397 Clive Efford: I understand that there are about 100 such local information requirements notified by the MCA as part of the introduction of the new system.
Mr Astbury: Local information areas? Perhaps we will have to correspond on that.

Q398 Clive Efford: Given that there are a number of local knowledge areas, is this a national licensing system or is this a system that actually requires people to get a series of licences in order to move about and achieve the mobility that we are trying to get?
Dr Ladyman: When you have got the core generic licence you are qualified to a level which will allow you to cope with most waters. Where there are specific additional requirements in a local area, that local area can apply for a local knowledge endorsement and it does that by approaching the Equivalence Committee that is chaired by the MCA and making the case that there is some specific complexity in the local waterway, somebody with generic knowledge would not be able to cope with it and then they must do the local knowledge endorsement for that area, but it is certainly a lot easier to have mobile skills under this new arrangement than under the old arrangement.

Q399 Clive Efford: How would the local knowledge areas impact on your Dutch waterman?
Dr Ladyman: The Dutch waterman would have to do the local knowledge endorsement if he wanted to work within the local knowledge area on the Thames, but that would only take him six months. Assuming he had the generic licence in the first place he would only need to do the six months local knowledge.

Q400 Chairman: Is there any language element in that?
Dr Ladyman: I do not know the answer to that question.

Q401 Chairman: Mr Astbury, do I need to speak Dutch in order to take over the Port of Rotterdam tomorrow?
Mr Astbury: No, because the international language of the sea is English.

Q402 Chairman: We are assuming that whoever applies will automatically be able to speak English.
Mr Astbury: They will be able to speak English.

Q403 Chairman: Do you assess that at any point?
Dr Ladyman: There is a written test as well and we only have plans for doing the test in English, so if anybody cannot speak and write English they will not pass the test.
Mr Astbury: There is a written, an oral and a practical and all of those are in English.

Q404 Chairman: Surely, Minister, the requirement to do it in English would be regarded by the European Court of Justice as a barrier to free movement.
Dr Ladyman: I am sure the European Court of Justice would take account of the International Maritime Organisation and the view that English is the language of the sea, so all mariners should know English.
Chairman: I am glad to hear they take notice of anything. Mr Efford.

Q405 Clive Efford: Given we have got 12 local knowledge areas, what qualifications and experience will MCA examiners have in order to test new people coming into the industry?
Dr Ladyman: As Mr Astbury has just said the surveyors have got higher levels of qualifications than those people they are testing and, as Ms Crossley has just said, part of the assessment team will be MCA surveyors from the local area so they will also have local knowledge that they can use as part of the assessment process.

Q406 Clive Efford: Where are you recruiting them from then if they have all this local knowledge?
Mr Astbury: We have been very careful to make sure that the local knowledge tests are appropriate local knowledge tests and we have the surveyor from the local marine office, we have a representative of the local port where the test is being carried out and we have a practitioner, an experienced practitioner from the port, so there are three elements of the local knowledge test. The MCA itself does not actually carry out the test alone.

Q407 Clive Efford: You have a local practitioner or is that a desire to have?
Mr Astbury: No, it is part of the process.

Q408 Clive Efford: We have people who are local practitioners who are participating in this new training programme, who have the sort of local knowledge of the people we have heard of at this Committee who feel that the new safety standards have been reduced?
Mr Astbury: Yes, indeed. On the Thames, for example, the Company of Watermen and Lightermen themselves nominated the practitioners. We held surgeries before the regulations came in to
advise people how to fill the forms in, and we worked with the port and with local practitioners of the Company of Watermen and Lightermen and they nominated practitioners to carry out the local knowledge test.

Q409 Clive Efford: So the company that is not satisfied with this new regime is actually participating.

Mr Astbury: They have indeed participated.

Q410 Clive Efford: Presumably they are continuing to raise their concerns about standards of the new training scheme.

Mr Astbury: We had our first test last week, the practitioners were involved and they commended the test and said that they were perfectly happy with the way the test had been conducted.

Q411 Clive Efford: That is the Thames Watermen and Lightermen Company.

Mr Astbury: I do not know who the practitioner was; I think he was from a local company on the Thames, one of the operators on the Thames. Whether he is a member, I do not know.

Dr Ladyman: I can tell you the name of the gentleman concerned was Chris Livett of Livett’s Luxury Cruises.

Q412 Clive Efford: Can I just go back to the local information requirements? They are listed in Annex 1 to the marine guidance note 334(M) but I am afraid I have not got access to it so I cannot quote it. I am reliably informed that there are actually 100 local information requirements nationally, which will require local operators to have a degree of local training, and no one is aware of them.

Mr Astbury: We have got them in the annex but I am not sure we refer to them as local information areas.

Q413 Clive Efford: The information I have, so that you are clear what I am asking you about, says: “Furthermore, candidates are tested on local rules for the area in which they are assessed. For example, a candidate who qualifies in Cardiff must be familiar with the Cardiff Dock & Harbour Bye-laws 2003 whereas one who qualifies in Southampton must be familiar with the Southampton Harbour Bye-laws 2003. Mr Astbury: Sorry, we are at cross-purposes with the term local information areas. The annex refers to port and harbour authority, local requirements notified to MCA.

Q414 Clive Efford: I did actually say, what is the difference between local requirements and local knowledge areas?

Mr Astbury: That is what each port has actually explained to us that they require within their various ports.

Q415 Clive Efford: I will go back to the question I was going to ask then, which is how does that militate against freedom of movement if you have to have this local information?

Mr Astbury: Every port and harbour in the UK has particular requirements. For example, if you took a book called the Index Nauticus every mariner—

Q416 Clive Efford: What is that?

Mr Astbury: It is a book that tells you all about local places around the UK and most mariners would carry it because if they wanted to enter a port they would wish to be familiar with the general conditions in that port. That is all this saying.

Q417 Clive Efford: This is saying you should carry that book.

Mr Astbury: No, it is not; it is that sort of requirement. The Index Nauticus is a general maritime book, and the mariner or somebody who wants to go to a new port in the world or anywhere in the UK can consult that book to find out what the local requirements and conditions are. All this is doing is setting out 100 locations in the UK, just telling mariners what the conditions are in general in those particular ports.

Q418 Clive Efford: There is no requirement for them to have any formal qualification or training on those 100 areas of local information requirements?

Mr Astbury: Absolutely not, it is just general information.

Dr Ladyman: Can I just add something here? Mr Astbury can confirm this, but in order to get your generic licence you would have to understand that this is the sort of thing you as a professional mariner needs to check before you go into a port, so you would not actually need to know the detail of what the bye-laws in Cardiff were if you were not actually going to be going to Cardiff in the near future, but you would need to know that were you to go to Cardiff this is the sort of thing that you would check before you went.

Q419 Clive Efford: If I am somebody who has been charged with the responsibility of ensuring safety in Cardiff—there is no reason why we should pick on Cardiff, it is a very fine place—and I want to know you have paid attention to these local requirements, how do I check that?

Mr Astbury: You would not be able to check.

Q420 Clive Efford: It is completely worthless.

Mr Astbury: No, it is not, if you are going into Cardiff the jurisdiction of the port—

Q421 Chairman: Mr Astbury, how often would a master take a vessel into a port without having a pretty good idea of what the conditions were?

Mr Astbury: I would hope not at all, Chairman.

Q422 Chairman: So you are not exactly telling them something terribly revolutionary, are you? You are telling them it might be useful to equip themselves with suitable information. We are simply following the evidence that was given to us; you will forgive us, but we do occasionally read the MCA’s evidence, all of it.
Mr Astbury: They are not local knowledge examinations.

Q423 Clive Efford: The issue is about mobility and making sure that we are not introducing something—

Mr Astbury: If you were a boatmaster on the Thames and you wanted to go to Cardiff, this tells you basically what the basic requirements are.

Chairman: But you cannot do it with local knowledge.

Q424 Clive Efford: Presumably, in terms of this mobility and a unified system across the whole of the EU, similar local knowledge requirements apply across the whole area—and of course we have heard about the Rhine and Danube. How much is freedom limited by these local knowledge requirements?

Dr Ladyman: By the local knowledge requirements or the local knowledge endorsement?

Q425 Clive Efford: The local knowledge areas. There must be similar systems in other countries.

Dr Ladyman: Yes, in those areas where a local knowledge endorsement is required you would have to do the local knowledge endorsement before you could ply your trade in that area; however it is not five years. There is a difference between asking somebody to do local knowledge for a period of six months and asking them to go through an apprenticeship that takes five years before you can ply your trade, in terms of the social mobility that that allows.

Q426 Chairman: Minister, you know that we have great excitement starting at half past five and you will happily of course escape, but I do have some things I want to ask you quite quickly. Two of the local knowledge areas—London and Fowey—have already proved controversial. Are you satisfied that the Equivalence Committee is making the right decisions?

Dr Ladyman: I do not have the expertise to personally make that decision, but I have spoken to my officials who do have that expertise and I have had them explain to me how those decisions were taken and who was involved in taking them. I am confident—

Q427 Chairman: Why then are Fowey, for example, thinking of amending their pilotage requirements?

Dr Ladyman: That is a matter for them, they can do that. Mr Astbury will give you details of the committee that went there and the opportunity they were given to make the case that they should have a local knowledge endorsement and the reasons why it did not succeed in that application. I have had them go through with me the reasons for that and I am convinced it was an objective process. However, the key thing is that there is a process here, so if anybody does believe that the endorsement areas are wrong, that somewhere should have a local knowledge endorsement, or an area should be extended, there is a process by which they can have that considered.

Q428 Chairman: Do you think local people were sufficiently involved in these decisions, Mr Astbury?

Mr Astbury: Yes. In fact, Chairman, the upper reaches of the Fowey have now got a local knowledge examination as a result of the Equivalence Committee going down there.

Q429 Chairman: Are the Fowey harbour authorities content?

Mr Astbury: They wanted it for the whole of the river.

Q430 Chairman: Exactly, so I ask you again.

Dr Ladyman: Can I give you a list of the people who actually are involved?

Q431 Chairman: I shall accept that in writing, Minister; I have several things I want to ask you. Dr Ladyman: I am very happy to do that.

Q432 Chairman: Is there an alternative revalidation process for licence holders who cannot show 120 days’ service, because we have been told that because of the situation on the river there will be people who need to take employment outside the system?

Dr Ladyman: Is the evidence you have received that in a five year period people will not be able to show the length of time they need to be qualified in that local knowledge area?

Q433 Chairman: We are told that on some occasions they are forced to find work outside the area. Is there any way in which they can be involved in the revalidation or are you content to remain with your existing basis?

Dr Ladyman: I believe we have it right at the moment. If somebody can indicate to me that we have it wrong I am prepared to have a look at that because I do not want to unfairly exclude anybody from work, but if somebody is arguing that they should be given their local knowledge endorsement for life, even though they are not working in the local knowledge area—

Q434 Chairman: I do not think we are saying that.

Dr Ladyman: I am afraid that is the old system; you got your local knowledge and you never got tested on it ever again. If you are saying that people in a five-year period do not spend sufficient time on the river to be able to revalidate their local knowledge, that blows out of the water entirely the old system of doing people’s local knowledge.

Q435 Chairman: It is 120 days, yes. I need to know a little bit about small boats. Will the new regulations affect the masters of vessels under 20 metres in length or carrying fewer than 12 passengers, and in what way?

Mr Astbury: No, they will not. The idea is that the Boatmasters Licence will be for vessels that have more than 12 passengers.

Q436 Chairman: We need to ask you, Ms Crossley, about the accident statistics. There does not seem to be national co-ordination.
**Ms Crossley:** It is recognised that the system for collecting statistics on accidents on inland waterways is not sufficient. Lots of different organisations—

Q437 Chairman: I gather that, but who brings them all together?

**Ms Crossley:** There is actually work under the National Water Safety Forum which is a group of all the key organisations involved in inland water safety and, working under the auspices of an inter-governmental group, it is actually currently pulling together a single database which will allow statistics collected by, for instance, fire and rescue services, police, the Maritime and Coastguard Agency, the RNLI, all to be brought together and to be put on a comparable footing so that we can actually extract information in the format we need.

Q438 Chairman: How long will it be before we expect that to be available, because one of the arguments obviously is the absence of accurate statistics?

**Ms Crossley:** The costs of setting up the database are being funded by the Department for Transport and the work is being done by RNLI, so they are currently scoping the work: they think they have the basis in place but the key challenge is to get all those different bodies to submit their data. For instance, fire and rescue authorities, police authorities collect information locally and inconsistently.

Supplementary memorandum submitted by the Department for Transport

**LICENSING REQUIREMENTS BEFORE THE BOATMASTERS’ LICENCE**

The new licensing provisions introduced by Statutory Instrument 2006 3223 replace a national regime that had been in place since 1993 (attached as Annex A is MSN 1525, which describes the provisions of the 1993 BML).

**COMPARISON OF BML 1993 AND TIERS 1 AND 2 OF BML 2006**

<table>
<thead>
<tr>
<th>BML 1993</th>
<th>BML 2006 (Tier 1)</th>
<th>BML 2006 (Tier 2)</th>
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<tbody>
<tr>
<td>Applied to the masters of passenger ships (those carrying 13+ passengers).</td>
<td>Applies to the masters of all commercial vessels 24 metres and over, and all passenger ships carrying 13+ passengers irrespective of size.</td>
<td>Applies to the masters of all commercial vessels 24 metres and over, and all passenger ships carrying 13+ passengers irrespective of size.</td>
</tr>
<tr>
<td>Allowed operation only within designated areas, for which the holder had been tested, could be attained for Categories A to D waters.</td>
<td>Provides a generic qualification suitable for all inland UK waterways except those requiring specific local knowledge.</td>
<td>Allows operation only within designated areas for which the holder has been tested, restricted to Categories A, B and certain non-linked C waters.</td>
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<tr>
<td>Consisted of three grades, governing the type of waters on which a holder can operate, and the number of passengers that can be carried on those waters (see table in MSN 1525 at Annex A, page 2).</td>
<td>Modular structure allows for specialist training to qualify the holder for endorsements, allowing them to master vessels performing specific tasks upon the completion of additional experience and examination.</td>
<td>Not graded or modular.</td>
</tr>
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Ev 112  Transport Committee: Evidence

Supplementary memorandum submitted by Dr Stephen Ladyman MP, Minister of State for Transport

When I gave evidence to your Committee’s inquiry into the new boatmasters’ licence (BML) regulations on 7 March, I promised to let Committee Members have additional information on two issues:

(i) membership of the Equivalence Committee, the body charged with the task of assessing applications for the establishment of local knowledge areas under the new regime (Q431 from the evidence session on 7 March);

(ii) the number of harbour authorities that intend to use pilotage as an alternative to a system of local knowledge endorsements for their area (Q395 from that same session).

Annex A to this letter sets out the composition of the Equivalence Committee and provides a table of current standing membership.

Annex B provides some background on the relationship between the BML and pilotage legislation. Unfortunately, I am unable to supply a list of specific harbour authorities that intend to use pilotage as an alternative to local knowledge endorsement. Under the Pilotage Act and the Port Marine Safety Code, pilotage arrangements are determined, implemented and enforced locally—authorities have no obligation to inform the Government of such arrangements, nor is the Government required to monitor them.

Lastly, I would like to clarify the apparent contradictions in the position of Mr Chris Livett, Member of Court and Past Master of the company of Watermen and Lightermen, who gave evidence to your Committee on 21 February 2007 and who subsequently participated in a trial of the Thames local knowledge examination on 2 March, as a local practitioner (Q408 and Q409 from the evidence session on 7 March refer). Although, when he spoke in opposition to the new licensing regime on 21 February, Mr Livett was representing the views of the Company of Watermen and Lightermen, the present Master of the Company wishes to make it clear that when he subsequently participated in the new regime, by acting as an independent local practitioner in the local knowledge examinations (a key part of the new regime), Mr Livett was not representing the Company.

23 April 2007

Annex A

Membership of the Equivalence Committee

According to its Terms of Reference, membership of the Equivalence Committee comprises the following list:

Chairman:  Head of Seafarer Training and Certification (Nautical)

Secretariat:  Inland Waterways Safety Team

<table>
<thead>
<tr>
<th>BML 1993</th>
<th>BML 2006 (Tier 1)</th>
<th>BML 2006 (Tier 2)</th>
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<tbody>
<tr>
<td>Each grade had minimum age requirements (see MSN 1525 at Annex A, sections 3.1, 3.2, 3.3).</td>
<td>Generic qualification (up to 12 passengers) attainable at 18. Passenger endorsement (up to 250 passengers) available at 21. Large passenger (250+ passengers) at 22.</td>
<td>Up to 100 passengers at age 18. 101—250 passengers at age 20. 250+ passengers at age 21.</td>
</tr>
<tr>
<td>Practical and oral examination on: relevant topics from Annex I of M.1525, as appropriate to grade of licence; and local knowledge. No set minimum experience requirements.</td>
<td>Written examination of underpinning knowledge, practical and oral exam, minimum of 240 days experience in two years, maintenance of Task Record Book. Mandatory Personal Survival, First Aid and Fire Safety training.</td>
<td>Practical and oral examination of relevant competencies and local knowledge, no set minimum experience requirements, maintenance of Work Task Record Book. Mandatory Personal Survival, First Aid and Fire Safety training.</td>
</tr>
<tr>
<td>Until age 65, revalidated every 5 years, requiring a minimum of 50 days relevant work in that period. From 65, revalidated every year, 10 days minimum work.</td>
<td>Revalidated every 5 years, requiring a minimum of 120 days relevant work in that period.</td>
<td>Until age 65, revalidated every 5 years, requiring a minimum of 50 days relevant work in that period. From 65, revalidated every year, 10 days minimum work.</td>
</tr>
<tr>
<td>Medical examination upon application, 5-yearly from 45, and annually from 65.</td>
<td>Medical examination upon application, 5-yearly from 45, and annually from 65.</td>
<td>Medical examination upon application, 5-yearly from 45, and annually from 65.</td>
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</table>
— 1 representative of port authorities;
— 1 representative of navigation authorities;
— 1/2 representative(s) of passenger operators (with practical experience in the industry)—nominated by DPSSG;
— 1/2 representative(s) of freight operators (with practical experience in the industry) nominated by operator representatives of Boatmaster’s Working Group; and
— 1 employee representative (with practical experience in the industry)—nominated by Union members of Boatmaster’s Working Group.

In addition for each of the area(s) requiring detailed discussion, the following would be invited to attend the relevant meeting:
— a nautical surveyor from the MCA Marine Office/s;
— a representative from the Port or Navigation Authority;
— a representative from the relevant operator association/s (with practical experience in the industry); and
— a suitable, experienced person with practical experience in the industry representing employees in the area.

Standing membership is detailed in the following table:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Category of Waters Represented</th>
<th>Operating area</th>
</tr>
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<tbody>
<tr>
<td>Richard Crease</td>
<td>TGWU</td>
<td>C/D</td>
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Annex B

**Pilotage as an Alternative to Local Knowledge Endorsement**

Port and harbour authorities have the power to determine, implement and enforce pilotage requirements on the waters within their jurisdiction where they believe local conditions require it. These powers are unaffected by any secondary legislation such as the Boatmasters Licence regulations.

In making their decision, they will weigh up the potential risks to be addressed and the range of mitigating actions available to them.

**Pilots and the Pilotage Act**

The statutory basis for harbour pilotage is the Pilotage Act 1987.

This Act defines Competent Harbour Authorities (CHA) as those organisations with statutory powers in relation to the regulation of shipping movements and the safety of navigation within its harbour or its approaches. They are solely responsible for determining any requirement for the provision of pilot services to secure the safety of ships navigating within their jurisdiction. There is no requirement to notify central Government of any pilotage regime adopted.

**Port Marine Safety Code**

The Port Marine Safety Code (PMSC) is a regime that was first-implemented in 2000, and it sought to introduce a national standard for every aspect of port marine safety. It is under the PMSC that harbour authorities can be held accountable for the legal powers and duties which they have to run their harbours safely.
**INTERACTION WITH BOATMASTERS’ LICENCE (BML)**

The provisions of the BML are secondary to the Pilotage Act and CHA retain their responsibility to ensure the safety of navigation within their respective harbours. Individual CHA may continue to require pilot services irrespective of the BML regulations—the two regimes are not mutually exclusive.

**INFORMATION ON PILOTAGE REQUIREMENTS**

The local requirements established by each CHA are detailed in a publication of the UK Hydrographic Office titled Admiralty List of Radio Signals, Volume 6, Part 1. This document is a carriage requirement for all UK vessels and must be held by all CHA. Updates are issued on a weekly basis via Notices to Mariners, which are available through CHA and shipping agents.
Wednesday 14 March 2007

Members present

Mrs Gwyneth Dunwoody, in the Chair

Clive Efford
Mrs Louise Ellman
Mr Philip Hollobone
Mr John Leech

Memorandum submitted by British Tugowners Association

1. The British Tugowners Association represents the port towage industry. Its members provide an essential safety-related service, assisting ships to and from berths, and are a key element in ensuring a safe maritime environment in and around the UK’s ports. Some 150 tugs are operated, ranging from large powerful sea-going vessels to smaller tugs which operate only within harbour limits.

Certification in the Towage Industry

2. The BTA, in partnership with the MCA, has devoted considerable resources over the last decade in enhancing skills and safety in the industry. A key element to that was the introduction of national standard certification for the first time in the industry, within the framework of STCW95, encompassing both deck and engineering crew. Recognising the specific situation of employees in port towage and the nature of the industry, VQ-based qualifications were developed with a focus on port-based learning. At the same time the ENG1 was adopted as the relevant medical fitness standard.

3. When these qualifications were introduced it was recognised by the MCA that in an industry that had not had formal qualifications before, it was necessary to establish a continuity for those already working in the industry who had high levels of experience and the necessary skills. The MCA introduced a “Fast Track” procedure, for a limited period. Many tugmasters obtained their new certificates on this basis—others, who did not meet the tug-specific STCW95 standards, by examination or Fast-Track, or the required medical standards, left the industry or were employed elsewhere.

4. At the same time the BTA recognised that, for small vessels operating within the confines of a port, STCW95 certification was not required and a Boatmasters Licence (BML) was more appropriate. We consequently participated actively in the MCA’s development work on the new national BML. We do share the view that the proposed national BML regime will make a positive contribution for safety and careers for those in command of smaller tugs in the port environment. In particular we wished to ensure that there would be appropriate links between BML and STCW95 qualification in the interests not just of consistency, but also to enhance career progression opportunities.

5. The BTA has been paying careful attention also to the cut-off point between BML and STCW certification. For some years this was set by the MCA at 24 metres length, the top limit for application of the Workboat Code. After careful review of the developments in tug design and technology, in particular the significant growth in installed power in compact hulls, it was proposed by the BTA in July 2004, and supported by the TGWU, that an additional demarcation criterion should be set, at 20 tonnes bollard pull. This was understood to be accepted by the MCA.

Port Marine Safety Code

6. The importance of properly-trained and qualified tug crew to port safety cannot be overstated. This is emphasised in Paragraph 2.7.1 of the Department for Transport’s Port Marine Safety Code. Harbour authorities are advised in the accompanying Guide to Good Practice that “towage guidelines should be developed and kept up-to-date. The guidelines should cover the competence and training of tug crew” (para 9.3.1).

7. The Guide goes on in Section 10.6 to consider the certification of tug crew in greater detail, firmly endorsing the training programmes developed by the BTA and recommending port authorities to ensure these standards are met through their Towage Guidelines. Furthermore, the Guide to Good Practice goes on to provide that, following the transitional period, now past, “the certificates listed (ie the tug-specific STCW95 certificates developed by the BTA) will be required as a minimum for tug masters and deck watch keepers aboard tugs over 24 metres in length and to engineers aboard tugs of more than 750kW registered power.”
NEW NATIONAL BOATMASTERS’ LICENCE

8. Our prime concern with the BML regulations, as published, is that they appear to turn the clock back on all these safety-related developments of the last decade:

— Regulations 7 and 8, when read together with the MCA’s Merchant Shipping Notice 1808(M) Section 3, seem to provide that a tug of any length or power may be commanded under a BML not only within harbour areas, but also in Categorised Waters generally and, indeed, also on domestic voyages to sea, provided they are within 60 miles from a safe haven. MSN 1808(M) provides for a “sea endorsement” to a BML, though that does not seem to be provided for in the Regulations themselves.

— Under Regulation 8, even a BML is not required for non-seagoing tugs under 24 metres length, regardless of power, operating anywhere in categorised waters. An Inland Waters Small Passenger Boat Code or SCV Code qualification would be sufficient.

9. The BTA does not agree that this can be the correct way forward to advance safety and skills. It is entirely inconsistent with the MCA’s own regulatory policy development over recent years. The industry has been consistently advised by MCA until now that STCW95 certification is a necessity for seagoing tugs. In accordance with that MCA advice, the port towage industry has made considerable investment not only in the development of a practical and relevant training regime for the industry, but also at company level in the resources devoted by management and tug crew alike to practical learning and study.

10. During the consultation period in 2006 we urged the MCA to reinstate the earlier intention that tug-specific STCW certification should be required for all tug-masters operating ship-handling port tugs above 24 metres length or 20t bollard pull, whether in Categorised Waters or at sea, at least until any legal doubts have been resolved. This was not adopted.

11. We also expressed concern that lower levels of medical fitness will be introduced into port ship towage. Consistent with the STCW95 context in which the industry has developed its certification requirements, an ENG1 is the basic requirement for most tug crew working on harbour tugs of over 24 metres. For such an important element in port safety we do not consider that an ML5 certificate is acceptable as a general requirement, and urge that for tugs of above 24 metres length or, say, 20t bollard pull, an ENG1 should normally be required.

12. We recognise that, bearing in mind the position of the responsible operators of workboats and coastal towage vessels, the proposed 20t bollard pull demarcation might be varied following further consultation. However, we do firmly believe that some limitation related to the power of vessels should be applied to ship-assist tugs and that the use of BML’s at sea should not be more liberal than for a coastal tugmaster with a tug-specific STCW95 qualification.

CONCLUSION

13. The BTA feels strongly that these vital issues lie at the core of the Government’s policy objectives to ensure the highest levels of marine safety and security in ports. The high standards of the certification regime developed by the BTA, with support from the MCA itself, make a direct contribution to minimising marine accidents which would otherwise endanger life, property or the environment, and also to the reduction in industrial accidents in the port environment, whether ashore or afloat. Furthermore, the implementation of the regulations will lie with harbour authorities and their application of the Port Marine Safety Code, which remains a voluntary framework with varying levels of practical application from port to port.

14. We remain disappointed that the regulations as brought into force have not taken these concerns on board. Belatedly, the MCA has initiated discussions between the various sectors of the towage industry—some sectors, for example the workboat and marine contracting operators, consider the BTA-sponsored STCW95 certification inappropriate for their operations, even outside harbours. It may be that the MCA will even now be able to develop practical solutions to some of these problems, but it remains of concern that the new Regulations have already been introduced in a form which we believe poses serious threats to the maintenance of high safety standards and undermines the investment made by the industry in its training and certification scheme.

February 2007
Witnesses: Mr Andrew Crawford, Chair, Technical Committee (Serco-Denholm), and Mr Mark Ranson, Member, Technical Committee (Adsteam UK), British Tugowners Association, gave evidence.

Q443 Chairman: Good afternoon, gentlemen. We are grateful to you for coming this afternoon and we are sorry to have made you late. Would you identify yourselves for the record please?

Mr Ranson: I am Mark Ranson from Adsteam UK.

Mr Crawford: I am Andrew Crawford, Serco-Denholm, and Chairman of the Technical Committee of the BTA.

Q444 Chairman: Do either of you want to say anything to begin with?

Mr Crawford: We thought we would give you a short introduction, Chairman. The British Tugowners Association represents the port towage industry and we operate through our members some 150 tugs providing a vital safety service for the entry and departure of ships, including the largest ships that operate in and out of the UK, and we consider that we operate a critical safety service within the ports of the UK. Although the size of our tugs is wide, the largest and most modern having engines up to 9,000 brake-horse-power and pulling power of up to 100 tonnes, the latest designs and technology have considerably reduced the size of the tugs hulls and in fact increased power. We now get tugs of under 24 metres in waterline length with a bollard pull of round about 60 tonnes. The introduction in 2002 of the STCW95 certification standards internationally required us to bring our crews up to the recognised standard. This is because they periodically operate outside of category C and D waters on escort duties, coastal towing, taking tugs to refit, and indeed repositioning. We have members today who are repositioning tugs around the UK. As presently drafted the BML regulations allow a vessel of any size—

Q445 Chairman: Before you get on to the next bit, Mr Crawford, could I just ask you, is that very different from what you were required to do before in the standards?

Mr Crawford: In terms of the 1995 certificate, before that we were operating under the regulation which pre-dated that where we did not have to have certificated personnel in vessels of under 500 gross tonnes. As presently drafted the BML regulations allow a vessel of any size operating within a harbour, that is, C and D categorised waters, to do so with a boatmasters’ licence, and up to 24-metre tugs can work both within the ports and at sea near to the ports. We recognise the value of the BML; indeed, many of our members, including my company, have staff with that qualification operating in our ports and have done for some time, particularly in the smaller tugs and workboats, and we consider it a good qualification. The difficult area, the one we are trying to bring to your attention, is the demarcation on certification between STCW95 and the new regulations. Our staff now meet an inshore tug qualification which we developed with the Marine and Coastguard Agency and has been in place for some time and has in our view raised the standards of our staff to a reasonable level in terms of their certification and indeed their experience. After failing to address the issue last year the MCA belatedly began to talk to us and others as recently as last week. We are now working actively with the MCA, the Transport and General Workers’ Union and other trade bodies, such as the Workboat Association, to find practical solutions and we are optimistic that we are making progress.

Q446 Chairman: We have been told by several of our witnesses that because of the difference between continental Europe and British waters a single EU qualification is inappropriate. Do you think that is the case?

Mr Crawford: I think there is a problem in interpretation. There are good facets to the BML. We particularly like the requirement of harbour authorities to put a local knowledge qualification in. It is implicit with tug operators in ports that if you are doing ship assist or towage you have a close understanding of the waters you are navigating in, and it is part of the safety case for the port. I think that is a good thing within the existing regulation. Other than that we are content that the way the European directive is being interpreted is okay. The area where we have concerns is in the tug endorsement which, to be fair, I think is now work in progress with the MCA as to how we can define the competence levels within the endorsements, and that is the subject that we are talking about.

Q447 Chairman: So what you are really saying is that the restrictions on the endorsements are such that this is the reason you are objecting to tugmasters being able to take the vessel onto an inland waterway? Is that it? You are saying that at the moment you require local knowledge and skills before you operate efficiently?

Mr Ranson: No, it is slightly wider than that in that our concern is that as the regulations were originally framed someone with a boatmasters’ licence could take any size of tug out to sea three miles off the coast and 15 miles from a safe port, and to our mind the boatmasters’ knowledge requirements are considerably less than the inshore tugmasters’ and we feel that is inappropriate for handling larger powered tugs.

Q448 Chairman: I understand that, but would anybody want to do that? Would anybody want to take a tug three miles out to sea without some vague idea of what they were doing?

Mr Ranson: They would have a vague idea supposedly under the boatmasters’ licence but we would say not sufficient.

Q449 Chairman: And you say that because you would say that it is essential to have knowledge of local waters, local conditions, and also the difference and the flexibility in size of the vessels that you would be handling? Is that what you are saying?

Mr Ranson: Yes. It is basically the difference in experience in handling the towage side of things. Someone could achieve a boatmasters’ licence within three years whereas it would take them nine
years of experience before they could achieve an inshore tugmasters’ qualification, so they have a larger breadth of experience.

Q450 Clive Efford: Why nine years?
Mr Ranson: Because of the transitions through the VQ system. This is assuming somebody coming in new to the industry.

Q451 Clive Efford: Why nine years? It seems a very long time for someone to become qualified.
Mr Ranson: Because they work through from being a deck hand to an officer of the watch to a tugmaster.

Q452 Chairman: So it is in effect an incremental experience?
Mr Ranson: Yes.

Q453 Chairman: And that is the point that you are making?
Mr Ranson: Yes.

Q454 Chairman: And you are saying that the alternative at the moment would be a very short period of time in which people could then take over a tug as though they had had that much experience?
Mr Ranson: That is right.

Q455 Clive Efford: I am sorry, but does it need to take nine years? This is one of the issues that has come up with the boatmasters’ licence, the length of time the apprenticeship takes, and that is something they were being critical about.
Mr Ranson: I think if someone is starting from scratch, assuming a school-leaver type entrance, then yes, we would think so. We do get people who come in from deep-sea careers who have all the ship knowledge, et cetera, whom we are then teaching to handle the tug, and they could obviously achieve the same level in a much shorter space of time because they have done their experience elsewhere.

Q456 Chairman: Would it be possible for a master to carry out a full range of duties on a seagoing tug with only a boatmasters’ licence?
Mr Crawford: Under regulations—

Q457 Chairman: No, we understand the difference between the regulations but, given that you are saying that this period is incremental, it requires experience, it requires a build-up of skills, would it be possible for somebody to come in with a boatmasters’ licence and operate a seagoing tug?
Mr Ranson: As a responsible tug operator I certainly would not want to put someone out on a large deep-sea tug with only three years’ experience.

Q458 Chairman: No, because you would regard that as hazardous. Is that what you are saying?
Mr Ranson: Yes.

Q459 Chairman: Do I misunderstand you when I think you told me that the MCA had not consulted you until recently on this?
Mr Ranson: No, this is the main problem. As Andrew was saying, now, belatedly over the last six weeks or so, we have a dialogue and a working group going with the MCA after the regulations came into force to achieve some specific criteria to a towing endorsement.

Q460 Chairman: What is the legal position going to be if the framework is already set? What happens if you then agree with the Marine Agency some set of standards? How will that apply, modify, change the existing licence?
Mr Ranson: Already at the moment there is a requirement for a towing endorsement in the boatmasters’ licence.

Q461 Chairman: Yes, I understand that, but what I am trying to work out is what it is that you are seeking to agree with the MCA. Is it something they should have been doing before and they are trying to improve? Is it an extension of the licence? Is it a modification of the licence? What is it you are trying to get at?
Mr Ranson: More specific criteria for what that towing endorsement is.

Q462 Chairman: Was that not a requirement in the original licence?
Mr Ranson: No, the criteria for the towing endorsement were extremely vague.

Q463 Chairman: And is it the intention of the Marine Agency to insist on these circumstances if they agree with you?
Mr Crawford: To be fair, they are—

Q464 Chairman: We are always fair in this Committee, Mr Crawford.
Mr Crawford:— they are not looking for gold-plating if they can avoid it. I am quoting concerns and I think that is probably the right course of action. If we can achieve, for example, a three-tier structure within the towage endorsement I think that would go a very long way to satisfying our concerns.

Q465 Chairman: Which would be tier one?
Mr Crawford: No. Within the endorsement it is probably coastal towing, ship assist and harbour towing, and inland waterway-type operations, because obviously towage takes place right up our rivers and estuaries. The concern that we have had is that bollard pull of tugs and their power, which I referred to earlier in my opening remarks, could be incorporated into that quite sensibly and flexibly, because obviously we need to keep an eye on how technology will take us over forthcoming years.

Q466 Chairman: I am still not clear, because you will know that this has occasioned much angst amongst the river community generally, why is it that it appears that the Marine Agency have sufficient flexibility to in a sense negotiate sensible standards with you, even if somewhat tardily, when presumably some of the other people working on the river do not feel that there is that amount of movement within the existing structures.
Mr Crawford: We are probably in a slightly niche area which may not have been raised as a concern from industry. The two meetings we have had with the MCA have had good representation from the towage sector, from waterways all the way through to the work we do in the ports, and I think I am right in saying that the general concern was about recognising the standards that are required within each of those defined areas.

Q467 Chairman: And have the Marine Agency said to you that a period of nine years is too long to acquire the ultimate standard that they want to insist upon?
Mr Crawford: No, I do not think we have really had that level of discussion. That has not really been a particular bone of contention.

Q468 Chairman: But you will understand why I am asking you?
Mr Crawford: Yes.

Q469 Chairman: Because one of the difficulties we face is that the traditional length of time taken for training is now to be cut right back, and it is very interesting that you are able to come forward and say that in this very specialised group of boatmasters there is not only a different set of circumstances but that the Agency appears to be responding flexibly. Is that because I do not understand it or is that because it really is happening?

Mr Crawford: There is an understanding by the MCA that the industry is coming to them with safety-based concerns. There is also an understanding by the MCA that all sectors of the industry apply their own criteria to new staff and that applies equally within the upper reaches of the Humber and in the ports, duty of care by the owners, if you like, to make sure that staff are suitably qualified.

Q470 Chairman: Yes, but you will understand that, of course, those who are plying the lower reaches of the Thames, if asked, would say that that is exactly their position in relation to their own waters, so what is it that is so different about you? Are you in short supply? Are you specially skilled? Forgive me, but I just smell an interesting set of circumstances here. What has suddenly made you interesting to the Marine Agency?
Mr Crawford: If you lay the two sets of regulations down there is, of course, now a double standard, particularly in coastal waters, and that is, I think, a slight embarrassment because we have now got this situation that up to 60 miles off the coast you could be operating with a boatmasters’ licence, where normally that is considered to be at sea and therefore you have to have international certification, so there is an overlap which needs to be thought through a little bit more.

Q471 Chairman: You are being very diplomatic, Mr Crawford, but what you are really saying is that you were not consulted before, they have suddenly discovered they have got dual standards and now they are rapidly scrabbling to get back.

Mr Ranson: Yes, that is fair comment, that when they were originally under pressure to push the boatmasters’ licence through to comply with the EU legislation they seemed to be ignoring what we were saying about the safety case from the inshore tugmasters’ angle and they have now belatedly picked that up.

Q472 Mr Hollobone: That is very interesting. You say they ignored what you were saying. Who has ignored you and what evidence have you presented to whom?
Mr Ranson: We replied twice as a trade association to the third consultation and received no response or acknowledgement of it at all.

Q473 Chairman: This is the 12-month period you are talking about?
Mr Ranson: Yes.

Q474 Chairman: So in this year you replied to two specific consultations?
Mr Crawford: I believe so. In our written evidence, paragraph 10 in particular, we sought the reinstatement of the tug-specific certification limitations on 24 metres and 20 tonne bollard pull, whether in categorised waters or at sea, and this was not adopted within the regulations.
Q475 Mr Hollobone: Your response was to the Department for Transport?

Mr Ranson: Yes, and we should say that those demarcations were in the first two consultations of the boatmasters’ regulations, and certainly when the third consultation appeared that demarcation had disappeared with no warning to us that it was about to do so.

Q476 Mrs Ellman: Are any local knowledge endorsements required for a tugmaster with STCW95 certification?

Mr Ranson: They are not required under the legislation because that inshore tugmasters’ legislation would allow you to operate in any port, but both the harbourmaster of the port and ourselves as a responsible operator would want the local knowledge in a person before we allowed him to work for us.

Q477 Chairman: So it is custom and practice, you are saying?

Mr Ranson: Yes.

Mr Crawford: I suppose you could relate it to a ship which uses the port frequently. You can get a pilotage exemption certificate, so tugmasters operating in a port frequently achieve a level of local knowledge for all the operations and that is recognised. That is why we welcome the Port Marine Safety Code inference of dotting the i’s and crossing the t’s on this, because that is again an improvement in safety within the port.

Q478 Mrs Ellman: Are you generally satisfied with the local knowledge endorsement that is required?

Mr Ranson: Yes. From the latest information I have I think there are only about seven UK ports that are requiring it at the moment. That could grow but I think that is a sensible thing for them to put in place. The nature of towing in a port can be quite hazardous. If you are towing a lighter full of fuel, for example, you are probably one of the most dangerous things moving through that harbour, and certainly if you are connected into a ship you should be more worried about the ship and having confidence in your understanding of the waters than worrying about navigating your tug through the waters, if I can give you that balance. A tugmaster is very focused on delivering the ship safely to its berth and therefore he knows where he can and cannot go, and he has to have that level of understanding. Our members tend to apply that to individuals irrespective of their qualifications, that people have achieved that sort of competence level within that operating area. If someone moves to another port then the same thing would apply.

Q479 Mrs Ellman: Are there any concerns about the cost of a licence?

Mr Crawford: I do not believe so, no.

Mr Ranson: Not from our point of view.

Q480 Clive Efford: What is your objection to the 24-metre cut-off point for a new licence? I understand you had discussions with the MCA where you believed that they were going to have a cut-off based on the tonnage or the thrust of a ship rather than its length.

Mr Ranson: No, it was either/or, that the cut-off point was going to be 24 metres or 20-tonnes bollard pull, which we were quite amenable to. It is the fact that they have taken that demarcation out of the final legislation that was our chief concern, so that now someone with a boatmasters’ licence——

Q481 Clive Efford: So it is being abandoned?

Mr Ranson: It is not even that. They could operate any size of vessel.

Q482 Clive Efford: So you were not arguing that the thrust of a boat is a better criterion than the length?

Mr Ranson: It needs to take account of the size of the tug, bearing in mind that the thrust is relative to the size, given what Andrew said earlier about smaller, more compact tugs now. Something that was over 20 tonnes bollard pull or more than 24 metres in length we would say is a relatively powerful beast that needs more experience to handle it.

Q483 Clive Efford: So just so that I am clear, because the information I have got in front of me says that you had been arguing in favour of thrust being a better measure than length, you were under the impression that it is an either/or that was going to be the case?

Mr Ranson: Yes.

Q484 Clive Efford: And then both those caps were lifted?

Mr Ranson: Yes, they were. To us probably bollard pull became more relevant because of the fact that you were putting bigger bollard pull into smaller hulls now.

Q485 Clive Efford: So is that the position you take with hindsight now?

Mr Ranson: No. We were quite content to stay with either.

Q486 Clive Efford: Bollard pull or a length of 24 metres?

Mr Ranson: Yes.

Q487 Chairman: Can I ask about the medical fitness test for the new licence? Is it less vigorous than the test for seafarers?

Mr Ranson: Yes, very much so.

Q488 Chairman: In what sense, Mr Ranson?

Mr Ranson: The ML5 is a questionnaire to the GP, which is filled in once when the person is 18. If you operate on inland waterways it does not have to be done again until he is 45.

Q489 Chairman: We are accepting that you are an enormously fit profession. I just want to be absolutely certain that I know what the position is at the moment. There are a number of tests, are there?
Mr Ranson: At the moment for an inshore tugmaster you have to have an ENG1 certificate, which is the same as any deep-sea seafarer.

Q490 Chairman: I see, so the standards are exactly the same?
Mr Ranson: But the boatmasters’ licence does not need such a high qualification. ENG1 is every two years up to the age of 45 and then annually thereafter. It involves a physical examination and there are only a limited number of GPs who are registered with the Maritime and Coastguard Agency who have had specific training from the Chief Medical Officer as to what is required who are able to do those examinations.

Q491 Chairman: Whereas this is not going to be the case?
Mr Ranson: No. Under the boatmasters’ licence a lower certification, the ML5, is literally a questionnaire that the person gives their doctor to complete and send in.

Q492 Chairman: And any GP under those circumstances will do it?
Mr Ranson: Any GP, who may have no knowledge of a seafarer’s activities or the sort of conditions he might be working under.

Q493 Chairman: So there wouldn’t be any clear evidence that this person who had ticked in the right boxes at 18 was still not developing early MS or epilepsy or whatever?
Mr Ranson: Precisely. My concern particularly is that, coincidentally, when the inshore tugmasters’ qualifications were being developed, the ENG1 standard was being revised for the Merchant Navy, and at that time I was the Group Safety Manager for P&O chairing the industry safety committee and arguing with the MCA that we wanted to know that the tugs’ crews, who were handling our biggest and highest-risk vessels in inclement weather, were fit to carry out the duties no matter what the conditions.

Q494 Chairman: It does not seem an unreasonable request?
Mr Ranson: And we were quite satisfied when the inshore tugmaster required an ENG1.

Q495 Chairman: And what you are now saying is that that is being totally reversed?
Mr Ranson: That is effectively being reversed in that someone with a boatmasters’ licence only requires an ML5. One of the people representing traditional boatmasters on the working group that we have at the moment with the MCA has only one hand and theoretically with an ML5 he could be operating a tug assisting a gas carrier.

Q496 Chairman: You have made these points to the MCA?
Mr Ranson: Yes, we have.

Q497 Chairman: What is their response?
Mr Ranson: At the moment we have still not had a full discussion on the question of medicals. We ran out of time at the meeting we had last week and it is down on the agenda for next month.

Q498 Chairman: Could you give us an indication of the worth of some of the vessels that would be handled by a tugmaster, not just in tonnage but in monetary worth?
Mr Ranson: The Pride of Rotterdam and the Pride of Hull, two big ferries operating Hull-Rotterdam, cost £100 million each and they leave Hull every night with up to 2,000 passengers and when I was the safety manager there we used to estimate anything up to £50 million worth of cargo.

Q499 Chairman: Would normally the insurance for such a vessel require that those handling it at any juncture during its trip were suitably qualified?
Mr Ranson: Yes.

Q500 Chairman: Do you have anything else you would like to tell us that is equally cheerful?
Mr Ranson: Those are the main aspects that really concern us.

Q501 Chairman: Can I finally ask you one thing? What is the timetable that you have with the Marine Agency for your continuing talks? Am I to take it—and I am trying not to misrepresent you—that you are still continuing to talk to them about medical standards?
Mr Ranson: Yes.

Q502 Chairman: You are still continuing to talk to them about the length of time and the flexibility that tugmasters require which will be different from the normal boatmasters, or is that no longer in play?
Mr Ranson: We are still talking to them about the criteria for the tug endorsement in terms of underpinning knowledge.

Q503 Chairman: So that that is a full endorsement?
Mr Ranson: Yes.

Q504 Chairman: But as far as you are aware both of those are still open to negotiation?
Mr Ranson: Yes.
Chairman: Gentlemen, that has been extremely helpful. Thank you very much indeed.
APPENDIX 1

Memorandum submitted by The River Stour Trust

1. **Summary**

I believe the new regulations affect small passenger craft operated by the voluntary sector in a damaging way. They have been introduced without proper consultation with the voluntary sector, are unjustified and unnecessary and are unfairly different from the code of practice that it is claimed they implement in law.

2. My name is Michael Finch. I am the secretary to The River Stour Trust, which is a charity formed to protect the 300 year old public right to navigation of the River Stour (on the Essex/Suffolk border) when that right was under threat from the Anglian Water authority, riparian landowners and fishermen.

3. However I write as an individual—not on behalf of the charity—but with knowledge gained mostly from my charity role. My concern is with the way these regulations affect small passenger trip boats (no more than 12 passengers) operated by charities and volunteer groups.

4. The River Stour Trust and myself only heard the detail of these regulations in mid-January; the charity is still trying to assess the damage they may cause to its operations. The River Stour Trust runs three small trip boats for paying passengers on the River Stour to show the public the river and raise money for the charity. These are the only commercial trip boats on the River Stour and in one case the only powered boat allowed on part of the river. The Trust’s skippers are the only experienced commercial passenger craft skippers on the River Stour.

5. The boats run trips on Sundays and bank holidays from spring through to autumn. The boats carry hundreds of passengers each year and raise thousands of pounds for charity as a result. The River Stour Trust has about 20 volunteer skippers who each work roughly 10 days per year. A large proportion of the skippers are retired and over 65 years old. The Trust has a training programme for new skippers and is currently working towards implementing the Inland Waterways Small Passenger Boat code of practice (called IWSPB code in the regulations). This was developed and published by the Maritime and Coastguard Agency (MCGA) in February 2004. About a quarter of the Trust’s skippers have so far gained a qualification recognised under that code.

6. The new regulations are a big surprise and bad news for the charity, and I am against them for several reasons.

7. In the run-up to the introduction of these regulations there was no consultation with charities, such as The River Stour Trust, about the regulations or how the law might affect them.

8. Bodies who were consulted—such as the Environment Agency—did not talk about these new laws to charities and similar bodies that would be affected.

9. There was no information or warning from the MCGA directly to charities such as The River Stour Trust about the new regulations.

10. I think that the new regulations are not necessary for inland waterways small passenger craft (12 or fewer passengers) as the EU was not asking for such laws. The Minister of State for Transport in his explanatory memorandum to these regulations notes that the EU is not asking for such craft to be included in legislation.

11. The IWSPB code was only introduced three years ago and has not yet been properly reviewed or assessed into how it is working in practice.

12. The need for skippers to be qualified has not been shown to be necessary for safety. There is only one accident on inland waterways in commercial small passenger craft that is noted in the explanatory memorandum to these regulations, namely the capsize of SWAN in Bath in 2004. The resulting investigation said that the skipper of SWAN already held an existing Boatmasters Licence; that qualification did not prevent the accident. Other factors were important and these regulations do nothing to address them.

13. No investigation has recommended legislation for small passenger craft on inland waterways. The Marine Accident Investigation Branch recommends that the IWSPB code is properly implemented by appropriate licensing authorities.

14. The explanatory memorandum to the regulations says that “there is little evidence of a poor safety record among the vessels concerned”. Yet it also says that it is worthwhile introducing a comprehensive regulatory regime without saying why it is worthwhile or noting the drawbacks.

15. There are two broad categories of qualification introduced in the regulations. They are either a Boatmasters Licence or a “lesser qualification” (as the explanatory memorandum puts it). The Boatmasters Licence is onerous and expensive and seems designed for professional skippers in larger commercial enterprises. The lesser qualifications are intended for skippers in smaller enterprises or the charity/volunteer sector, and are listed in Schedule 2 of the regulations. Despite a changeover period until 30 Sept 2008 for those wanting to get a Boatmasters Licence, there is no changeover for those opting for the lesser qualifications under the IWSPB code. So skippers without a lesser qualification and the organisations that use them—typically the charity/volunteer sector—are immediately criminalised from 1 January 2007.
16. There is a claim in the explanatory memorandum to the regulations that they only implement section 26 of IWSBP code (the section that talks of the skipper’s attributes). This claim is just not true because:

(a) The IWSBP code talks firstly of the need for relevant experience and competence and then says the skipper should either have a qualification or can demonstrate his capability. The new regulations talk only of qualifications (in Schedule 2) and 12 months experience. This is not the same approach as the IWSBP code.

(b) Schedule 2 of the new regulations omits one qualification allowed under the IWSBP code, namely the Royal Yachting Association (RYA) Inland Waterways Helmsmans certificate. No reason has been given for dropping this qualification. In the case of the River Stour Trust that is precisely the qualification the Trust was implementing. The Trust’s skippers who were qualified under the IWSBP code are unqualified under these new regulations.

(c) Schedule 2 of the new regulations modify some of the IWSBP code qualifications in a significant way. They add a need for commercial endorsement (an expensive and onerous addition) to RYA Day Skipper & Coastal Skipper & Powerboat (level 2) certificates. This confuses and changes the position of different lesser qualifications needed for water categories A/B or C/D, making what should be lesser qualifications almost equivalent to a Boatmasters Licence.

1. The Minister of State for Transport is clearly confused by these lesser qualification details as he talks in section 5 of the Regulatory Impact Assessment about a “British Waterways Helmsman’s certificate” when there is no such qualification. If he is confused then the regulations must be regarded as suspect.

2. When skippers in the charitable/volunteer sector realise the full import of the law many will give up, and the operations which depend on them will cease. The River Stour Trust’s income from those passengers is about 20% of its total income. If it lost the capability to run trip boats then the negative publicity and lost income would have a very bad effect, and might even cause the charity to close.

3. In summary I am against the way these regulations have made qualifications for skippers of small passenger craft a necessity as these qualifications are not needed. They are unnecessary for safety and are significantly different from those in the IWSBP code, despite claims to the contrary. I believe this over-regulation is likely to reduce income for charities—with possible closure for some, reduce the availability of boat trips for the public without an increase in safety, and as a consequence reduce the standing of regulatory bodies and Parliament in the eyes of the public.

4. I would like the regulations amended so that small passenger craft on inland waterways are excluded from them, and that the IWSBP code of practice is used for them instead.

9 February 2007

APPENDIX 2

Memorandum submitted by the Cotswold Canals Trust

1. The Cotswold Canals Trust is a registered charity and the largest canal restoration society in the UK with over 5000 members. Its primary objective is to bring about the restoration of the historic Stroudwater Navigation and Thames & Severn Canals which together once again will re-link the River Thames to the Severn.

2. The Trust has operated small canal trip boats for much of the last 20 years using volunteers both to raise funds and to raise awareness of the above canals. The canals themselves are very small by European standards being some 15 metres wide and usually between 1.2 metres and 1.8 metres in depth. The Trust currently runs two trip boats, one operates on the upper Thames at Lechlade and the other at Saul at the junction between the Gloucester & Sharpness Canal and the Stroudwater Navigation. Investment in a third trip boat to take the public for trips into Sapperton Tunnel, once the world’s longest, is on hold whilst the full impact of these regulations are understood.

3. These are small trip boats carrying no more than 12 passengers and are crewed entirely by volunteers operating on a rota basis mainly at weekends. Those operating the boats either have experience as private boat owners, are trained by the Trust or receive external training. The Trust maintains high safety standards in operating these trip boats and everything is supported by method statements and risk assessments appropriate for the specific activity and location. All our skippers operating the Thames trip boat have the RYA’s Inland Waterways Helmsman’s Certificate or greater plus a local conversion / competency course on using the actual boat plus time working with an experienced skipper before they are allowed to be in command. The exemptions listed by the MCA do not allow for this method but they are prepared to accept the RYA Powerboat Level 2 Certificate (albeit with an endorsement) which could be gained by someone in a small open boat with a large outboard motor at sea—this is nonsensical.

4. The trip boats are popular with the public and introduce large numbers of people to our waterways and their heritage. We do not perceive any demand whatsoever from our customers for the new regulations.
5. In addition to the above, the Trust also uses volunteers for physical canal restoration and maintenance and owns boats which are used for this purpose. These working boats are usually the only craft operating on a given length of canal when they are in use. For the more sophisticated work boats such as dredgers and tugs, the operators need to have been accredited for insurance purposes. This takes the form of demonstrating that they either have relevant experience or have received training which is usually provided by an experienced volunteer who has been authorised to do so.

6. The New National Boatmasters’ Licence was not originally designed with such operations in mind and, in spite of some minor concessions, will badly affect the use of volunteer crews and the viability of small volunteer run trip boat operations. As might be expected, the Boatmasters’ scheme is aimed at commercial boating activities where one master is operating a single craft on a full time basis. Under these circumstances, there is only the cost of getting one Boatmaster Certificate and this is supported by a full time commercial income. All the qualifying service times also assume this. It does not work well when you are operating a small trip boat only at the weekend with a rota of six volunteer crews. Under such circumstances, the training/accreditation costs suggested by the MCA could compare with the entire income of the operation over a year.

7. The New National Boatmasters’ Licence goes way beyond that needed for harmonisation with the EU. The EU regulations do not apply to boats of less than 20 metres in length and by bringing in such rules, the MCA is imposing regulations which prevent free movement of labour across Europe.

8. We have researched the accident records of small trip boats and can find little evidence to suggest that the new regulations need to apply to craft under 20 metres in length. Only two serious incidents were found and one of these involved a boat under the control of an MCA accredited Boatmaster in Bath. The other involved the sinking of a boat carrying disabled people on the Leeds & Liverpool Canal. The vast majority of the comparatively rare serious canal boating accidents involve private boaters who will not fall under these regulations.

9. There is a world of difference between large ships and boats operating in coastal or large river environments and small boats operating on relatively shallow canals where the banks are only ever a few metres away. Many of those within the industry which the MCA claim supported these regulations have little knowledge or interest in the problems that they will cause organisations such as ours. Those that do could regard them as a means of wiping out unwelcome competition from the voluntary sector.

10. With respect to extending these regulations to small craft (either working or trip boats) operating on inland waterways I suggest the following:

Is there evidence of a poor safety record indicating that regulation is needed? NO
Are they compatible with EU harmonisation? NO
Are customers/users asking for them? NO
Do they encourage public access/appreciation of our waterways? NO
Is this going to detract from and discourage volunteering? YES
Will it adversely affect charity fund-raising operations? YES
Will some commercial operators have completion eliminated to their advantage? YES

11. I submit that these regulations represent yet another step in the ever increasing swathe of poorly thought out and largely unnecessary regulations that are threatening volunteering in the UK at a time when the Government is seeking to encourage it.

9 February 2007

APPENDIX 3

Memorandum submitted by the Fowey Harbour Commissioners

Local Knowledge Requirements

1. The requirement for there to be local knowledge on board commercial vessels operating within Fowey Harbour is an essential part of the port’s safety regime. This was determined through the use of risk assessment and the resulting controls were incorporated into the port marine safety management system.

2. Prior to the implementation of the Merchant Shipping (Inland Waterway and Limited Coastal Operations) Boatmasters Qualifications and Hours Regulations 2006 these controls included pilotage directions and byelaws concerning the licensing of local boats and boatmen.

3. These controls ensured that all small commercial passenger vessels were under the command of a port authority boatman’s licence holder whilst all vessels over 37.5 metres length overall embarked a pilot.
4. Under the new regulations, holders of a tier 1 Boatmasters licence are not required to demonstrate specific local knowledge for a port unless a local knowledge endorsement for that port exists. In addition, the regulations state that the holder of such a qualification would not be required to hold a local licence issued under local legislation or bylaws.

5. This removes a risk control which has been identified as necessary within the port’s safety management system.

6. This led to the identification of a potential scenario whereby a commercial vessel of less than 37.5 metres could enter the port without any local knowledge on board. Under the ports safety regime, this is considered unacceptable.

7. In a letter to ports sent on 11 April 2006, Julie Carlton (Inland Waterways Safety) stated that “Pilotage legislation is of course unaffected. However, generally we would hope that competent harbour authorities would allow those in charge of domestic passenger and inland freight vessels to use the provision for a local knowledge endorsement on the BML rather than imposing pilotage requirements.”

8. Taking this into account, Fowey Harbour Commissioners proposed to the MCA a local knowledge endorsement for Fowey. The procedure followed is described below.

9. During the initial consultation phase in 2003 the MCA requested, and were sent, details of local regulations and licensing requirements which were subsequently published in a draft MGN. At this point, it was thought that BML holders would require local knowledge to operate in those harbours appearing in the draft MGN.

10. Through our membership of the British Ports Association, we became aware of the letter sent by Julie Carlton on the 11 April 2006 which invited Port authorities to propose areas requiring a local knowledge endorsement.

11. The proposal for a local knowledge endorsement for Fowey was submitted on the MCA’s standard one page form. This was acknowledged by the MCA on 17 May 2006. We were informed that it would be subject to a 6–8 week consultation period before being considered by an equivalence committee.

12. The equivalence committee turned down the proposal on the 4th July based on their belief that the generic skills and underpinning knowledge required by the BML was sufficient. We were not informed of this decision until 19 July. At this point we were invited to submit additional material by 28 July to justify our belief that local knowledge was necessary. We did this and took the step of inviting the committee to the port for a site inspection.

13. Further to our additional submission, the equivalence committee met on the 10 August and agreed the need for local knowledge in the drying upper reaches of the estuary due to the lack of lighted marks or buoys. They also agreed to visit the port to discuss the lower part of the harbour.

14. Members of the equivalence committee visited the port on 25 September and met with the Harbour Master, Deputy Harbour Master and two commissioners with relevant experience. During this meeting, it became clear that the committee’s criteria for assessing a local knowledge endorsement came from a need to defend deviations from the standard requirements by European operators or the commission. (This was confirmed in a letter from Julie Carlton dated 27 September).

15. At the conclusion of the meeting, the committee undertook a short tour of the port before confirming that a local knowledge proposal would not be required for the lower harbour.

16. Despite the decision of the committee, the responsibility for port marine safety is still the port authorities and the identified risk of a commercial vessel operating without local knowledge on board still exists.

17. The committee were informed that the port do not consider the BML without a local knowledge endorsement a sufficient risk control. For this reason the port authority would be reviewing their pilotage directions to ensure that port safety is not compromised. The chairman of the committee, Roger Towner (MCA chief examiner) agreed that this would be prudent action to take. This does not fulfil the spirit of the statement made in the letter of 11 April 2006. “Pilotage legislation is of course unaffected. However, generally we would hope that competent harbour authorities would allow those in charge of domestic passenger and inland freight vessels to use the provision for a local knowledge endorsement on the BML rather than imposing pilotage requirements.”

SUMMARY

18. The requirement for local knowledge on board commercial vessels using the port of Fowey had been established many years ago and had been retained as an identified risk control in the port marine safety system.

19. The principal of the national BML only allows for local knowledge where specific hazards are identified. These have to be justified and meet set criteria so that they can be defended in the event of a challenge by European operators or the commission.
20. It is our view that the two methods for establishing a requirement for local knowledge are incompatible.

21. During the original consultation process in 2003 local knowledge requirements had been identified but not in detail. The final requirements were not apparent until April 2006. This could be due to the web based method of consultation which requires consultees to search for material.

22. We have found the final published regulations confusing and hard to understand. During our meeting with the equivalence committee it was clear that the members had different interpretations as to the application of the regulations. From our experience there is a concern that MCA surveyors will also interpret the regulations differently which could lead to inconsistency. Certainly, our local boatmen are struggling to understand how the regulations will affect them.

23. The requirements for an extensive qualification for medium/ large commercial vessels is well understood and the syllabus/ qualifying periods for the BML seem to meet that need. However, these will also apply to small passenger vessels carrying over 12 persons and it could be that some of the requirements could be excessive or costly for small operators. This would mean that the Master of a 12 metre estuary ferry carrying 13 passengers would require a tier 1 BML which requires a qualifying period of 24 months, the completion of a task record book, an examination of underpinning knowledge and a MCA practical assessment. Interestingly, the regulations need not apply to small commercial vessels. This means that the Master of a 23 metre tug/workboat carrying 12 passengers, operating in the same waters as the ferry and up to 3 miles to sea would only need to possess an RYA day skipper (motor) practical certificate endorsed for commercial operations. We understand that this can be achieved after a four day course. This is clearly an anomaly and we feel that the whole subject of training and certification for small vessel operations (both passenger and non-passenger) in tidal, estuarial and near-coastal areas would benefit from a more holistic view.

24. We have concerns (communicated in an email to Richard Bone, MCA safety policy advisor, on 13 December 2006) about the legality of a regulation superseding a local byelaw. We currently have a byelaw which requires persons operating commercial boats for the conveyance of passengers to be in possession of a Fowey Harbour Commissioner licence. This ensures that we can assess the level of local knowledge in all our passenger boat skippers and sure they are at the correct levels as part of our overall safety regime. Our reading of section 21 of the regulations is that this byelaw ceases to have effect where persons are qualified to the standards set within the regulations but still has effect for the purposes of issuing licences recognised by the inland waterways small passenger boat code. As the byelaws have not actually been repealed, it is not clear exactly where we stand and we are seeking legal advice for clarification. As previously discussed, the ports local byelaws are an essential part of the ports safety regime and it is important that the implications of any changes are carefully thought through and examined. We would therefore have welcomed full and proper consultation as well as dialogue concerning impending changes effecting the status of our byelaw rather than having them imposed on us.

9 February 2007

APPENDIX 4

Memorandum submitted by Capital Pleasure Boats

TRAINING TIME

Under new regulations the length of qualifying service has been reduced from 5 years to 30 months, a 50% reduction in training time. It is in our opinion that this reduction can only be detrimental to the standards on safety on the Thames. In addition to this the number of days required to work afloat has been reduced by 55% from 750 days to only 360 days. A “day” according to the new regulations could be as little as 1 hours work. Taken to its extreme it is ludicrous for 360 hours experience to be deemed as sufficient to qualify for a BML.

SHORE BASED TRAINING

By eliminating the shore based training completely, persons proposing to qualify as Captains will miss out on essential knowledge much of which is impossible to pick up during day to day service as part of a crew owing to tight operational schedules. This training also offers the opportunity for structured classes and allows instructors to identify any areas in which individuals may need further help with.
LOCAL KNOWLEDGE AREA

The new BML proposes to reduce the area where local knowledge endorsements apply. Until now this area has been from Teddington to Lower-hope Point. A distance of 46.19 miles. Under new rules the new area where local knowledge endorsements will apply will be from Putney Bridge to Margaretness. This distance is only 15.92 miles and omits both upper and lower reaches of the Thames originally included.

A Thames Waterman or Lighterman as part of his apprenticeship would have studied and been examined on the entire 46.19 miles.

Above Putney Bridge amongst other things attention would have been paid to depths of the river in different places at different states of tide; heights of bridges (many of which are a lot smaller than bridges further down river and therefore often require substantial skill when navigating large vessels through); tidal sets of each bridge and reach at different states of tide; the location of piers and landing points for passengers in the event of an emergency; experience in navigating large vessels in close proximity with leisure users, many of which have little, incorrect or no understanding of navigation on a tidal river; transition of locks.

Below Margaretness amongst other things an apprentice Waterman would have studied the various reaches in detail including; bearings of reaches; tidal sets; depths of the river in various places; points and way points; locations of working berths; the depths of these berths; shipping and tug movements; entering and leaving docks.

By eliminating the upper and lower reaches of the Thames from the local knowledge endorsement, it is in our opinion that a gap will be created between the level of local knowledge necessary to maintain current safety standards and the level required for the new BML.

EXAMINERS QUALIFICATION TO EXAMINE

Under these new proposals assessment will no longer be by skilled Watermen or Lightermen who have a wealth of knowledge and experience “under their belt”. Assessments are to be carried out by examiners with no real experience of navigating commercial vessels on the tidal Thames. It is possible for someone to learn the names of the bridges, reaches and berths form a textbook without having a real understanding of what it is like to do the job. Much of learning to navigate the Thames is based on real experience and hundreds of different scenarios. If assessors are unable to examine candidates on their ability to handle different ‘real life’ scenarios using their own experience, they will be unable to accurately judge whether or not the candidate is correct in their answers.

IMPACT OF BML ON CAPITAL PLEASURE BOATS

Should the BML come into force, we will of course continue to ensure our Captains and crew held the relevant licences to fulfil their job. However we consider the BML to be insufficient and far inferior to the Watermen and Lightermen’s licences and as such we would expect our Captains to have additional experience and knowledge on a par with the Watermen and Lightermen’s licences.

Although we will take these precautions to try to ensure safety on our vessels, other less scrupulous operators may take the opportunity in employing less experienced Captains, who would be cheaper to employ, and may put the safety of their and our vessels in jeopardy.

11 February 2007

APPENDIX 5

Memorandum submitted by Mr Colin Harper

I joined the Maritime and Coastguard Agency Working Group on the proposed new Boatmasters License representing the Transport & General Workers Union and its members employed in the Inland Waterways and Port Transport Industry and I attended my first meeting of the Group in April 2003.

At that time I was employed by Cory Environmental as the senior tugboat master engaged in the transport of London waste (refuse) by container barge from Western Riverside (Wandsworth) and other London transfer stations to a landfill site on the Thames estuary in Essex. I retired from work last May.

I had also navigated tugs and tows further downstream to Thames Haven, Canvey Island and the River Medway.

I held both a Watermans and Lightermans License and the Port of London qualification for Seamanship and Chart work.

I hope to show in my submission that the Ministers’ claim, that his refusal to accept any changes to the Regulations is based on the advice of the “experts” from the industry, can be challenged.
SUMMARY

— The composition of the MCA Working Group ranged widely in its geographic and industry interest spectrum. It was not a likeminded homogenous group of people and the final proposals were far from unanimous.

— After three years of meetings and discussion the realisation that one size will not fit all led to the MCA deciding that the new “National” license would have to have levels and tiers. In spite of the flexibility this approach would allow it would not be stretched to the extent of the Thames keeping the level of competency so painstakingly built over probably centuries of development culminating in the changes made in the aftermath of the Marchioness/Bowbelle tragedy.

COMMENTARY

1. This broad spectrum on the WG ranged from an ex Royal Navy master submariner representing the U.K Major Ports Group, motor barge owner/skippers, various educational establishments providing courses of a maritime nature, managers of inland shipping companies and myself, a tug master on the tidal Thames.

I was joined in September 2004 by Paul Baker (RMT) and in October 2005 by Alex Hickman (Thames Practitioners’) both Watermen and Lightermen.

2. A flavour of the divergent views on the WG can be got by the disagreement on whether a Boatmaster who will be qualified to navigate on all categorised waters and limited coastal trips, needed to be trained in chartwork (plotting courses and positions and steering by compass).

Some experts said no training was needed because a master could avoid getting caught in fog and other bad visibility by heeding the weather forecast and anyway the compasses on his vessels always got stolen.

My experience and training led me to an unequivocal yes.

Another disagreement arose as to whether a candidate for a national license whose training period was spent on a narrow canal should be expected to know how to anchor a vessel. I felt it obvious that once qualified and able to find employment on other types of waterway and vessels that knowledge was imperative. Other members of the WG thought not.

3. It had been my experience in the Port of London that this sort of training was available locally, could be organised by the Company of Watermen and Lightermen and generally employers were willing to give time off (sometimes paid) to apprentices and trainees for attending college courses.

In some other areas it was different and this led to the different views.

However, these problems must not lead to inadequately trained Boatmasters and the threat to safety it could lead to.

The MCA constantly reminded us that the whole exercise was driven by considerations of safety.

4. Inevitably these differences of approach led eventually to the proposal that the license would allow on one hand a location specific limited qualification, and on the other a transferable national licence. A license with levels and tiers.

The next logical step should have been to allow a Thames Endorsement that would mean maintaining the qualifying service time and formal training that the Waterman and Lighterman regime provided and was supported by Lord Justice Clarke in his report after the Thames Safety Inquiry, saying he saw no reason to change the regime and that it should be extended to the masters of other vessels not at that time covered by any regulations.

5. Unfortunately the Minister has been persuaded that the same level of competency to operate on the difficult waters of the tidal Thames can now be gained with a fraction of the service time and with no formal shore based training. Surely a dangerous step backwards.

11 February 2007

APPENDIX 6

Memorandum submitted by the United Kingdom Major Ports Group

The United Kingdom Major Ports Group (UKMPG) is pleased to submit this short memorandum to the Committee in connection with their inquiry into the new National Boatmaster Licensing arrangements. As the Committee will know, UKMPG is the association which represents the majority of major port operators in the UK. Many of our major ports are located in tidal estuaries where there is often considerable activity involving non-seagoing craft, including passenger vessels, freight vessels, tugs and other workboats. Many of the masters of these vessels will be covered by the new licensing regime. Our members who will be particularly affected by the new arrangements include the Port of London, the Humber ports, Forth ports,
Liverpool, Belfast and Southampton. Ports have a statutory responsibility for the safety of operations within their harbour limits, and UKMPG has taken a close interest in the new regime, and has worked closely with the Maritime and Coastguard Agency (MCA) during its development.

Under the previous regime the only national qualification for this type of vessel was the old Boatmaster’s licence which was required only for skippers of passenger craft carrying more than 12 persons. There was no national scheme for skippers of non-passenger vessels, although there were various local arrangements such as the Thames Waterman and Lighterman licences, which were enforced through Port of London byelaws, but these too did not cover powered freight vessels.

The new regime is being introduced as a consequence of an EU Directive, but we nevertheless believe that it will achieve a worthwhile improvement in the safety standards for the craft in question. This is because:

— the requirement is extended to non-passenger craft, and
— the examination standards are much clearer and the training requirements more rigorous.

Although the period of qualifying experience prior to examination is less than that required under some of the previous local schemes, such as the Thames licence, we believe that the more rigorous training and examination requirements will more than compensate for that. Moreover there is provision for local knowledge endorsements where these are felt to be necessary, and these have been introduced for, for instance, parts of the Thames and the Mersey.

More generally the UKMPG is keen to encourage greater use of inland waterways for movement of cargo to and from seaports. The new arrangements should facilitate this, by easing cross border working and improving the professionalism of inland waterway freight transport. They were proposed by the Freight Study Group which reported in 2003.

The safety record of inland and tidal waterways is generally good, but that is not to say that it cannot be improved further. It is the firm view of UKMPG that the new regime will help to reinforce safety within ports, and we trust that the Committee will support this view.

12 February 2007

APPENDIX 7

Memorandum submitted by the Broads Authority

This memorandum is in response to The House of Commons Transport Committee call for evidence for the inquiry into the new National Boatmasters’ Licence, introduced on 1 January 2007 by the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters’ Qualifications and Hours of Work) Regulations 2006. The Regulations implement EC Directive 96/50/EC on “Harmonisation of the conditions for obtaining national boatmasters’ certificates for the carriage of goods and passengers by inland waterway in the Community”.

1.1 EXECUTIVE SUMMARY

The Norfolk Broads has the third largest inland navigation area in the United Kingdom and is administered by the Broads Authority.

The Broads Authority is designated a “Special Statutory Authority”, affording the same level of protection as National Park status, but with tailor-made legislation relating to navigation. The Authority therefore balances the navigational duties and powers of a harbour authority with the conservation and recreational duties and powers of a National Park authority and planning powers of a local authority. These duties and powers are principally set out in the Norfolk And Suffolk Broads Act 1988.

The Authority supports in principle the Maritime and Coastguard Agency in the requirement for masters of appropriate vessels to demonstrate competence, however the Authority has concerns over the application of the requirements of the National Boatmaster Licence.

1.2 CONFIRMATION ON SMALL PASSENGER BOATS

The Authority both recognises and supports the requirement for the skippers of small passenger boats to hold a Boatmaster licence, as proposed, or equivalent qualification.

The operators of small passenger boats have been subject to a voluntary code published by the Maritime and Coastguard Agency for several years and the Authority welcomes the subsequent formalisation of the competence requirements for skippers.

The Authority also feels that the level of required competence is both appropriate and valid.
1.3 CONFIRMATION OF WORKBOATS, TOWING AND COMMERCIAL VESSELS

The Authority both recognises and supports the requirement for the skippers of workboats, towing vessels and commercial vessels to hold a Boatmaster licence, as proposed, or equivalent qualification.

The Authority welcomes the subsequent formalisation of the competence requirements for skippers of these classes of vessel as previously no training regime or requirement for competence demonstration was required.

The Authority also feels that the level of required competence is both appropriate and valid.

1.4 EQUIVALENCE QUALIFICATIONS

The current requirements of the Boatmaster licence has provision for equivalence qualifications to be recognised as an alternative to the Boatmaster Licence, the Authority has concerns that these equivalence qualifications are not appropriately applied.

One of the equivalence requirements is that of a RYA level 2 power boat course with a commercial endorsement, the Authority has concerns with respect to the requirement for the commercial endorsement for its categories of inland waters, as this adds the additional requirement for a certificate in sea survival and a formal medical examination.

The Authority feels that the commercial endorsement, and subsequently the requirement for a certificate in sea survival to be inappropriate for the classification of inland waters, and that a self declared medical statement would be appropriate as a demonstration of medical fitness.

1.5 APPLICATION TO VESSELS

The Authority questions if it was the intention of the MCA to include within the scope of the Boatmaster Licence scheme, all small commercial vessels?

The current application of the scheme captures all “workboats” and commercial vessels including such craft as patrol boats used for enforcement, small open boats used by conservation staff to collect samples etc, and other small craft which have no inboard engine, which the authority uses for a variety of support functions.

Whilst the Authority recognises that appropriate competence should be demonstrated by all skippers of these type of vessels the application of the Boatmaster Licence would appear to be inappropriate in respect to these types of vessel. The Authority proposes an exemption from the Boat master Licence requirements with respect to craft less than 6 metres in length which are used entirely for supporting the functions of the Authority.

The Authority would also support a similar exemption applied to the inland marine industry limited to craft which were used entirely for supporting their business and not involved in towing and pushing, carrying cargo, or dredging.

1.6 HIRE CRAFT

The Boatmaster Licence regime at present captures all commercial hire boat operators with respect to their staff involved in the show out process, this process is where a representative of the company demonstrates the operation of the hire vessel to members of the public prior to the members of the public taking the vessel for hire.

The application of the Boatmaster Licence to this type of operation would require that all staff involved in the demonstration of vessels would be required to hold a Boatmaster Licence.

The Authority proposes that the requirement for the demonstration of competence be built into the Hire Boat Code, which is currently in development, by the MCA and the inland marine industry, this would allow for an appropriate competence level to be defined at a application specific level in agreement with those affected.

1.7 LOCAL KNOWLEDGE ENDORSEMENTS

The Authority worked with the MCA in an application for The Broads Authority navigation area to require a local knowledge endorsement on the basis that there are areas on the Broads system which may present significant navigational hazards to those Boatmaster tier 1 licence holders who were not familiar with the local hazards.
Despite being unsuccessful in the application for this endorsement it remains the Authority’s view that qualifications required to address safety reasons should be appropriate and relevant to the risks posed. 

12 February 2007

APPENDIX 8

Memorandum submitted by Transport for London

1. Introduction

1.1 Transport for London (TfL) welcomes the opportunity to respond to the Transport Select Committee’s inquiry into the new National Boatmasters’ Licence, introduced on 1 January 2007.

1.2 TfL has a statutory duty to operate the Woolwich Free Ferry which it discharges through an agency agreement with the London Borough of Greenwich, which operates the ferry on behalf of TfL.

1.3 TfL, through its operating subsidiary, London River Services Limited (LRSL) also owns and operates eight passenger piers on the Thames between Millbank and Greenwich. LRSL licenses the passenger services which use its piers and the riverbus service operated by Thames Clippers operates under contract to LRSL. Last year, almost 2.4 million passengers used LRSL piers.

2. The New Licence

2.1 TfL is comfortable with the new licence and its application on the River Thames. As in all forms of transport, safety is of paramount importance and the availability of well trained competent boat captains is an essential requirement for the safe operation of ferry and passenger boat services. The safety elements of the new licence represent an improvement, particularly the requirements for practical examinations and retesting every five years. We are comfortable that the new regime addresses the specifics of operation in central London through the local knowledge endorsement.

2.2 A wrong impression has been created that safety standards on the Thames have in some way been reduced by the new arrangements. We do not hold this view and we are keen that this impression is corrected as it will only act to reduce passenger confidence and potentially depress use of the river.

3 Conclusion

3.1 With moves to make more use of the river, especially in the run up to the Olympic and Paralympic Games; TfL believes the new licence will enable it to draw on a wider pool of skilled skippers to work on the Thames, subject to them gaining the necessary local knowledge endorsements. 

February 2007

APPENDIX 9

Memorandum submitted by Mr Ian S Owers

1. I am both an operator and an existing MCA Boatmaster operating a Class VI passenger vessel out from the port of Fowey on limited coastal operations, and this is the first opportunity that I have had to make any constructive comment upon the new regulations.

2. There has been precious little consultation regarding this new legislation. With a title of Inland Waterways, most of us working category C or D waters and coastal operations, have not been alerted to the proposals. Even for those of us who have been alerted, we have only had access to the syllabus and application forms in the last two or three weeks, further to which, “approved” training establishments have yet to be published. It is thus only now that we coastal seafarers are able to make constructive comment.

3. My first comment is that it is quite evident that the Thames Water and Lightermen have had a lot to say already regarding the formulation of these regulations, to the point that a level of “protectionism” can be seen within the documentation. From reading the details of the “Local Knowledge” endorsements (MGN 334 (M) claim to have many unique requirements (most of which we take as the norm. I find their claim rather odd, but then they probably have not attempted to navigate areas such as the Isles of Scilly or any other notorious coastal area about a shore. As such one must forgive them. But how come they are able to claim they are the best? (see para 5 below)

4. Now that the syllabus has been published, I, as a coastal skipper see little fault with the Tier 1 level 2 requirements, it is no more than I would expect of a coastal skipper. However these requirements are way excessive for some operations. By example I quote the Polruan Ferry (Polruan—Fowey) which operates on
waters categorised as cat “C”. The crossing within the harbour is just 10 minutes! and that’s at six knots. Does that really demand such a high level of qualification, for that is what the new requirements demand (Tier 1 level 2). If this is just one example, there must be many more.

5. Whilst various documents have stated that existing Boatmaster’s will be granted a new certificate when renewal is due, it is only with the publication of form MSF 4362 Application for Existing Boatmaster’s that the conditions are revealed. On the very last page, it states the type of licence one will get. “Existing MCA Boatmaster will get a Tier 2, valid for current area and operation”, ie a second rate certificate worthless in any other area, requiring the holder of an existing BML to re qualify in accordance with the new regulations should he wish to go to another area to work. But how come PLA Watermen will be granted a Tier 1 certificate, that would entitle him to work around any of the most challenging coastlines of the British Isles?

6. IMPACT UPON OPERATORS

I fear the MCA consultation regarding the impact of these regulations was flawed inasmuch that operators such as myself were without any detail upon which to make constructive comment. The impact is not confined to monitory matters, expensive as it will be.

6.1 See item 4 above. Wholly inappropriate requirements for some operations.

6.2 See item 5 above. Existing Boatmaster’s being penalised should they wish to change areas.

6.3 Whilst “approved” training establishments have yet to be published, it would appear that existing boatmaster’s will not be able to train others “in-house”, or is that the reason that the Thames Watermen are calling for a five year apprenticeship?

6.4 Who’s to pay for the high cost of training, or is one operator expected to pay for the training, only to loose that person to another operator. This problem will lead to a reduction of the available pool of suitably qualified skippers.

6.5 What stepping stones are there, if any, to enable say RYA Yachtmasters to short cut the generic training?

6.6 As stated in item 5 above, existing MCA Boatmaster’s are only to receive a Tier 2 licence, but any new person I employ as skipper will have to have a Tier 1 at level 2. Justify that, or is this just “Gold Plate”?  

13 February 2007

APPENDIX 10

Memorandum submitted by Strathclyde Partnership for Transport

I am writing on behalf of Strathclyde Partnership for Transport which operates the Renfrew Yoker Ferry. We understand that it’s proposed that all future recruits applying for a Boat Master’s Licence Tier 1 will have to accrue 24 months’ service before they can sit the test. This will cause significant difficulties for our operation and I would be pleased if consideration could be given to a relaxation from this requirement.

For over 500 years, a ferry has operated between Renfrew and Yoker. Not only is it one of Scotland’s oldest passenger ferries, it’s also one of the most popular, carrying 150,000 passengers across the Clyde each year.

The Renfrew Rose and the Yoker Swan are 65.1 tonnes Class V passenger vessels which carry 50 passengers and two crew members. They travel the 200 metres between graded slipways at Renfrew on the south bank and Yoker on the north. Crew members can see passengers waiting on the other side so they can cross on demand.

We are currently looking at options to extend our operations to Braehead Shopping Centre on the Glasgow/Renfrew boundary on the South bank of the river. The vessels operate outwith passenger service to Greenock/Port Glasgow in connection with annual passenger certificate work.

We are proud to say that we adhere to all the requirements for Search & Rescue, Port Waste Management and Safety Management, including assessment of all the risks associated with our operations. We also ensure that working hours are controlled and that personnel are medically fit.

We have a small crew of eight qualified boatmasters, including a Supervisor and Charge Hands. We have procedures to train them and assess their competence on an ongoing basis. Competencies includes sea survival, radio communications and emergency response. Experience has demonstrated that new recruits can be successfully trained up to a standard where they can sit and pass their Boatmasters’ Licences within six months.

Although we have a low staff turnover, extending the qualifying period to 24 months would cause operational problems when staff retire, move to another job or in the event of sickness cover.
In view of our relatively large operating subsidy of £359,000, which is funded from the public purse, it is not economically viable to employ staff members for an extended period who are not qualified to handle vessels. The costs associated with extending this period appear to outweigh the safety benefit for our limited operation.

In conclusion, I appreciate that the changes are driven by the need to provide standards BMLs recognisable throughout the European Union but in this instance, I would ask you to consider their application to our operation and the scope for some relaxation.

14 February 2007

APPENDIX 11

Memorandum submitted by the River Association for Freight & Transport

The employers of watermen and lightermen on the Thames and Medway rivers generally welcome the introduction of the National BML with local endorsements.

There is genuine concern for the shortage of skilled and licensed operators for the future arising from a watershed of men reaching retirement age. In the busy period for inland waterway transport during the 1950’s and 60’s there was a substantial intake of apprentices to supplement the 5,000 or so experienced watermen and lightermen who are now reaching retirement age. Over the 40 years or so the 5,000 employed on the river Thames and Medway has reduced to around 400 active practitioners with probably 50% over the age of 60 years. In an industry that probably has an ongoing demand for 300 in the Southeast of England there is not time to recruit and train new people using the old apprenticeships schemes. The new BML will in our view allow labour from the short sea and fishing industries that are already trained in seamanship and navigation to obtain a license with their generic skills and be trained by employers over a relatively short period to obtain local knowledge and skills required for operating the specialist river craft.

As experienced employers of license holders however, we are concerned for the system of assessing candidates for their local knowledge. The assessment itself will be carried out by the local MCA officer with a representative of the local harbour authority. We assume that both of these officers will be Master Mariners although that has not been publicly announced and that they will both have sufficient local knowledge themselves to reach a judgment on the applicants knowledge. Again these are assumptions based on our experience and that is what we fear is the experience or lack of it on behalf of the assessors.

We have certain knowledge of the induction and assessment of river pilots who are recruited in the main from sea-going Masters much the same as the potential BML assessors. In the case of pilots they are given a period of induction to familiarise themselves with the pilotage area which they may not be to familiar with but their generic knowledge of ship handling and navigation makes them quick learners in comparison to a new recruit with no previous experience. In London the pilot induction may include visits to the VTS Centre, the ship simulator and a voyage on the smaller vessels operated by BML holders to give them experience in the less used channels and creeks. At the end of their short training period they are assessed by other pilots and given license to provide pilotage services to visiting ships. With regard to the pilot the training is similar to the BML and so is the training period for local knowledge. However the major difference is the approval of ones peers who have the up to date knowledge essential during everyday operations.

The previous system to the BML had more time for training and gaining experience in all conditions. It placed emphasis on the opinions of the applicant’s peers and employers and the assessment was carried out by a panel that included practicing license holders. In our opinion it will be unwise to fully implement the BML without having a greater emphasis on the supporting evidence of the applicant’s ability from other license holders and employers.

We understand that the MCA are addressing this matter within the Task Record Book, however without seeing the final version we cannot be completely satisfied.

14 February 2007

APPENDIX 12

Memorandum submitted by Westminster Party Boats Ltd

My name is Antony Maynard, I am currently the MD of Westminster Party Boats Ltd, George Wheeler Launches LTD & Kingwood Launches Ltd, having held office at WPB Ltd since April 1989. I have seen many changes on the Thames, some of them good and some bad. During this time I have been fortunate enough to witness the education of over 20 young men from raw novices to experienced men of the river. During this period for some of them it has not always been easy, and mistakes have been made, but fortunately the benefit of experience of the people around them, has bought them through to the stage, where
they are then able to offer those less experienced than themselves the benefit of their knowledge. Due to this alone I feel that the minimum time period of five years experience on the River Thames should be enforced to obtain a full Captains Licence.

Secondly as I own vessels that operate and are licensed from Gravesend to Teddington, and indeed are examined by the MCA for their suitability to do so, the Masters of my vessels do undergo a local knowledge examination for these same areas. To suggest that the Thames Barrier to Putney is a sufficient local knowledge area is absurd. Indeed the upper reaches of the Thames, and below the Thames Barrier can prove to be among the most treacherous areas of the tidal waters in the UK.

Therefore the above companies will continue to employ apprentices & full Licence holders who have benefited from the original licensing scheme set up by The Company of Waterman & Lighterman to ensure the safe passage of all our vessels and passengers carried on them.

APPENDIX 13

Memorandum submitted by Mr S Cooke

It’s a long time since ships set sail with an oil lamp on each side and a fraction of red or green glass to indicate the side of the boat on which the lamp was displayed. Yes, we all know that red is for port and green is for starboard but things are changing in the world. There are a vast number of people in the world that are red green colour blind and are excluded from employment and enjoyment by this old system. The system needs to be reviewed and would be simple to be made inclusive to all. The people that are OK with red green vision are already tested in the system as boatmasters, trainers, etc. and have little interest for the problems of the many people with colour blindness. (over 1 in 10 men and also many women are colour blind).

By replacing, say the red lights, with a red flashing light over the next few years and changing channel lights in the same way the world can be a more inclusive place. New lights need to be fitted and therefore little cost would be involved to meet a new standard.

Is this an idea that could be considered for a better future? Can you ask this question for all the colour blind people?

APPENDIX 14

Memorandum submitted by the Association of Waterways Cruising Clubs

EXECUTIVE SUMMARY

The Association of Waterways Cruising Clubs (AWCC) represents the interests of over 20,000 club boaters. We are the “self-help” people within the boating fraternity and express concern about the potential for over regulation within the inland waterways legal framework and the affect that this may have on volunteers. Our specific points are summarised as follows:

— The vibrant inland waterways scene is supported by many volunteers.
— Volunteers need to be encouraged to give more by use of sensible regulation.
— The current boatmaster licence should not be expanded to other users.
— The already complex legal framework of the inland waterways should be simplified before more regulation is added.
— Parliamentary time should be given to a Regulatory Reform Order on the 1968 Act.

INTRODUCTION

1. The Association of Waterways Cruising Clubs (AWCC) exists primarily to foster the interests of cruising on the inland waterways. We have a direct interest in the continuing regeneration and development of an integrated system of waterways in the UK and its organisation through the major Navigation Authorities (NAs). We are an Association of over one hundred cruising clubs with more than 20,000 affiliated members. We represent the interests of self-help people within the boating fraternity and promote our cruising aims through a policy of mutual assistance exercised through our clubs. We enter consultations and negotiations with British Waterways (BW) and the Environment Agency (EA), and other bodies at national, regional and local levels. We join with other national waterways user associations as an Associate Member of the Parliamentary Waterways Group (PWG). The AWCC has a positive view of the future
development, maintenance and use of the waterways, which we have expressed before previous Select Committee inquiries. We offer the following short memorandum in initial written evidence to the House of Commons Transport Committee.

2. The AWCC has in the past joined with the Inland Waterways Association (IWA) and the Waterways Recovery Group (WRG) in making representations to the Maritime and Coastguard Agency (MCA) on the subject to be considered by the Committee. The IWA has shared with us their concerns as expressed in their written memorandum to you. We wish to express concurrence with their arguments and views. The object of this memo is to take that as read and to simply add our individual view.

**OUR GENERAL VIEW**

3. The restoration of our inland waterway has gathered much momentum over many years. It has led to much rural and urban regeneration—there are many splendid examples. Volunteers have been at the forefront of this resurgence, many of which may never own a boat of their own, but nevertheless, they greatly enjoy what they do and their contribution to the activity in particular and society in general deserves to be encouraged in every respect. This must include the ability to handle workboats and small trip boats at a reasonable cost to them and without undue administrative requirements. If it is not so they will simply give up!

4. Whilst we appreciate that European regulations need to be harmonised within the UK, it has to be appreciated that vessels on the UK system are much smaller and slower that on the European system and that a blanket transfer of regulations is neither practical, sensible nor desirable. (The author has travelled extensively on European waterways and has appreciated the difference at first hand.) Within the UK, canals are much smaller and shallower than most rivers. Hence, the provision of a two-tier boatmaster licence structure in terms of Category A and B waterways covering most inland canals and river navigations is considered appropriate. It is possible that a third more simplified tier relating solely to canals under restoration by volunteers, where water depth may be just sufficient to float a boat, could be sensibly considered. In our joint discussion with MCA we believe that they have adopted a fair and helpful attitude in finding a solution to the application of the regulations for volunteers, which we hope will continue.

5. However, AWCC is totally opposed to the expansion of skipper certification to any further application of boatmaster licences to pleasure craft users. The AWCC believes in a voluntary code of safe and good behaviour, such as that set out by the RYA Helmsman’s Scheme. In the past, we have co-operated with RYA, IWA and BMF and others to ensure that this voluntary scheme meets the need. We have actively pursued a policy of voluntary practical training, thinking that education is better than regulation.

**OUR PARTICULAR VIEW**

6. The history of the restoration of the canal network has been forged by the commitments of volunteers both physical and financial. Many of AWCC’s older members helped create and develop club moorings and facilities on derelict land. Younger members now expend personal effort on maintaining these facilities, maybe on top of contributing to the restoration activities of the WRG. The larger clubs will certainly possess workboats in order to do this and some may even run small trip boats.

7. The AWCC’s approach to boat owning is called “The Third Way”, because it provides an alternative to mooring with British Waterways (BW), or in a commercial marina. It is aimed at keeping costs down. It recognises both the social aspects of being a canal enthusiast and the fact that many of our members are doing their boating on a rather limited budget. They understand the need for some regulation and, for instance, have given their support over many years for reform and evolution of the Boat Safety Scheme (BSS) as something that now yields safer boats, without being over-burdensome on regulation. (The AWCC represents users at all levels on the scheme’s management committees and our President chairs one of them in a private capacity.) Our members understand the need for sensible regulation, but they will feel betrayed and their efforts wasted if lawmakers appear unresponsive to their situation. It would not be surprising, if costs and regulation increases, that they withdraw their support for ongoing restoration, and regeneration of moorings, and leave the waterways scene somewhat embittered.

**A WIDER VIEW**

8. The AWCC was represented at last summer’s conference of the Association of Inland Navigation Authorities (AINA) by the author. The subject under discussion was the legal framework of the inland waterways. The common theme of all speakers, including the one from the MCA, was the complexity of that framework and the difficulty in working within it. In very many instances, the law is just unworkable. We give you two brief examples:

- The oldest Act of Parliament that BW have to consult regarding their waterways goes back to 1426 and is written in Norman French, making comprehension somewhat difficult.

1 AWCC Memoranda to ETR Select Committee Secretariat dated 28 September 2000 and to the EFRA Select Committee dated 14 January 2007.
— A smaller independent Navigation Authority still has the penalty on the statute book for boaters using a lock on a Sunday as, transportation to Australia!

9. These examples may seem somewhat extreme and hilarious, but there are many more which prevent AINA members from running their waterways in a sensible fashion. Our point in raising these matters is to emphasise the need for sensible legislation to the Committee. Parliamentary time is precious. We ask the Committee to lead from the front and ask for Parliamentary time to simplify the legal framework that exists in the UK and not to add significantly to it until reform has been achieved.

10. The specific recommendation of the AWCC is that the Committee should promote a Regulatory Reform Order to the 1968 Transport Act that is currently being pursued by BW.

12 February 2007