

**SMALL COMMERCIAL VESSEL CODE
BAILIWICK OF GUERNSEY
(SCV (BoG) CODE)**

CONSULTATION FEEDBACK SUMMARY

JUNE 2017



Introduction

The Harbour Master has prepared a draft Small Commercial Vessel Code for the Bailiwick of Guernsey (SCV (BoG) Code).

The purpose of the Code is to consolidate the requirements for the operation of Small Commercial Vessels and their crews, whilst operating in and around the Bailiwick of Guernsey. It incorporates the latest construction standards adopted by the UK whilst recognising the unique situation Small Commercial Vessels and their crews encounter by extending operating limits and parameters to incorporate all potential operations within the Bailiwick.

Existing legislation and procedures are outdated and cumbersome and therefore the new Code shall address these issues by providing a 'one-stop' reference to commercial operators.

The Code will harmonise the requirements for commercial vessels and provide a more efficient and effective licensing regime for the crews of these vessels.

The Code will prescribe standards of construction, manning and emergency equipment for small commercial vessels operating from a harbour within the Bailiwick of Guernsey and will be given legal effect by regulation, creating criminal offences in respect of breaches of, and non-compliance with, the Code.

The standards in this Code have been developed by the States of Guernsey Harbour Master, and are directly linked to United Kingdom (UK) requirements. Where this Code does not provide specific requirements to be complied with, it highlights where those requirements may be found.

For existing licence holders, the requirements for manning and crewing will be phased in over a period of 2 years from implementation. This will reduce the initial burden of ensuring compliance and will provide suitable opportunities to undertake the relevant training, whilst still being able to operate.

Benefits of the new Code

- Ensure the highest of standards are met by domestic small commercial vessels
- One Code of Practice applicable to all commercial vessels (excluding fishing vessels)
- Structured crew licencing
- 5 yearly licencing renewals rather than annually
- Introduction of a Local Knowledge Endorsement requirement for Boatmaster licence holders.

- Introduction of the requirement to hold professional maritime qualifications to support domestic crew licensing
- Extended operating limits for all vessels to meet the needs of the outlying Bailiwick communities
- Alignment to existing UK standards of construction and operations

Consultation

The proposed Code was published for Consultation in December 2016. The purpose of the consultation was to gather the views from professional mariners and operators of small commercial vessels operating within the Bailiwick of Guernsey.

A strong response was received from 45 of the consultees regarding a number of different points within the Code. The accompanying table lists all topics raised in the consultation and also provides feedback on what action Guernsey Harbours has taken. In almost all cases, the Code has been amended to reflect the feedback received.

The States of Jersey has also been consulted and is considering adopting the Code, which would allow for the potential of a Channel Island wide Code for all small commercial vessels.

The purpose of this further consultation is to gather the views from professional mariners and operators of small commercial vessels operating within the Bailiwick of Guernsey on the second draft which incorporates feedback received during the first round of consultation.

(Although the implementation of the Code is unlikely to have an impact on leisure boats, the consultation has been extended to this user group as a courtesy.)

The full code is available at: <http://www.harbours.gg/article/152097/Commercial>

All submissions should be made in writing to the address below and received no later than noon on Friday 1 September 2017.

Information received from this consultation will assist Guernsey Harbours in:

- Ensuring that the Code is appropriate to the operations of small commercial vessels within the Bailiwick of Guernsey.
- Ensuring the manning and associated licensing requirements are appropriate for domestic operations.
- Ensuring that the scope and coverage of the new Code is appropriate and meets local needs.

Please send your comments to:

By post Guernsey Harbours
 PO Box 631
 St Julian's Emplacement
 St Peter Port, Guernsey
 GY1 3DL

Or by email: guernsey.harbour@gov.gg

Next Steps

Following this consultation, the feedback will be considered and, where appropriate, incorporated into the Code. New legislation will then be drafted to give legal powers to the Code.

The new Code and legislation will be implemented in January 2018.

Circulation

This paper has been sent to the following individuals/organisations:

The States' Trading Supervisory Board
Chief Secretary *to the* Committee *for* Environment and Infrastructure
Chief Strategy and Policy Officer *to the* Policy & Resources Committee
The Chief Executive of the States of Alderney
The Senior Administrator of the Chief Pleas, Island of Sark
External Monitoring & Assurance, Maritime and Coastguard Agency
Principal Officer *to the* Transport Licensing Authority
The Law Officers of the Crown
General Pilots
The Herm Island Company
Jethou Island
The Senior Sea Fisheries Officer
The Guernsey Fisherman's Association
Isle of Sark Shipping Company
Trident Charter Company
Brecqhou Development
Small Commercial Vessel (SCV2) Operators
All existing Small Commercial Vessel crewing license holders
Royal Channel Island Yacht Club
Guernsey Yacht Club
Guernsey Boatowners Association

Subject	Comment	Response	Action Taken	Section of Code
12 and under versus 12 and over pax	Little distinction between the 2 types of vessel	Noted.	Code separated into sections applicable to different types of vessel	Section A - All vessels Section B - Over 12 Pax Section C - 12 and under
Non - local vessels	Discriminatory against local operators. What about application to visiting operators	The code will apply to any vessel operating from a harbour within local waters. This is the same arrangement now. If a passage COMMENCES here, the code will apply. Mention Jersey and Alderney	No further action required.	Section 1.1.1
RIBs	No Mention of RIBs	Noted.	Applicability to RIBs inserted where appropriate	Throughout Code
Single Handed Operations	12 and under operations sometimes are appropriate with single handed skipper.	Noted. Whilst not recommending single handed operations additional guidance and provision will be made	Areas of Operations introduced. Manning Matrix adapted and an additional section added to cover single handed operations.	Section A8.2 and Annex 1
Engineer on 12 and under	Heavy handed to require an engineer on 12 and under vessels	Agree. This was never the intention and was an error in the Code. Engineer only required for over 12.	Code amended to reflect	Section A9.2
Why introduce the Code	What has led to the need for the code?	Existing requirements are undefined and legislation is outdated. Requirement to uplift coding requirements to meet industry and Bailiwick standards.	None.	
Application to other vessels operating privately	Does this apply to Sarnia, Leopardess, Little Herm, Jethou Flyer etc?	Applies to vessels operating for hire or reward but not specifically to SoG vessels, pilot vessels or vessels in private operation. This is the same as existing requirements.	None.	
Sark and Alderney based vessels	Will the code apply to vessels based in Alderney and Sark or for those operating solely in and around Alderney/Sark?	To be confirmed by Alderney and Sark.	None.	

Subject	Comment	Response	Action Taken	Section of Code
Cruise Ship Tenders	Why should cruise ship tenders not have radar?	The equipment fit of tenders is for the flag state and operating company. This is covered in the ship's SMS.	None. Outside of scope.	
Surveyor qualifications and affiliations	A clearer definition is required.	The administration recognises Surveying Authorities not individual Surveyors and therefore the qualification is part of MCA audit of the CAs.	None.	
CA certification	Question over SCV and SCV2 requirements.	Existing arrangements remain extant. A vessel is required to submit an SCV to the administration under the terms of that CA. Typically annual owners declaration. Annual owners declaration will ensure continued compliance.	None	
12 and under standards	Standards adopted by CA is MGN280.	Same standards are adopted in Guernsey where applicable.	None	
Partial Declaration of Survey	Covered by MGN 280	Noted. Section not actually required for BoG.	Section removed.	
PRM requirements	Not appropriate for 12 and under vessels	Agree. This was never the intention and was an error in the Code.	PRM requirements only apply to more than 12 pax.	
Construction standards sections	Sections not included and reference made to other documents.	This was intended to remove the need to repeat existing standards.	These sections are now included in entirety for both 12 and under and more than 12 pax vessels.	Section B3.0
Section 11 - Lifesaving Equipment	Parts not applicable to 12 and unders or over onerous	Agree.	Section reviewed and updated.	Section A2.0
Section 12 - Communications	Various comments about AIS and DSC requirements	It is the view of the administration that all vessels operating commercially should be equipped with DSC and AIS. This requirement will remain in the code.	None	
Section 12 - Communications	Requirement to maintain a radio log is impractical for local operations.	Noted and agree.	Requirement removed.	Section A3.0

Subject	Comment	Response	Action Taken	Section of Code
Section 12 - Communications	A hand portable radio for each liferaft is not viable or practical.	It is recommended that there is a method of communicating from each survival craft however a minimum of one is required.	Requirement amended.	Section A3.11
Section 13 - Emergency Information	How can this be done for 12 and unders.	Provision already made for less than 60 pax and 12 and under vessels.	None	
Section 14 - Means of escape	Applies to 12 and unders?	Agree.	Moved to part B.	Part B
Section 15 - SAR plan	Questioning need for 12 and unders.	Agree.	Moved to part B.	Part B
Section 18 - Safety Management	Applies to 12 and unders?	Agree.	Moved to part B.	Part B
Section 19 - Access and Mooring	Harbour should have some responsibility for provision.	The responsibility for safe mooring and access remains with the vessel.	None	
23.4 Alcohol and Drugs	Impairment is subjective and open to interpretation.	Specific limits will be laid down in regulation which supports the code.	None	
23.5 Emergency Station Bill/Poster	Not practical on 12 and unders	Agree.	Applies if 2 crew or more are carried.	Section A8.6
Licencing	Will previous service/history be taken into account.	Yes. No existing holders will be required to sit exam for LKE or Syllabus requirements.	None	
Manning Matrix	No account for 12 and unders	Agree.	Matrix updated.	Annex 1
Annex 2 - Syllabus for Boatmaster.	Generally fine but doesn't differentiate depth of knowledge for 12 and under versus more than 12.	Not intended to show differentiation other than grade requirements. Examination will be appropriate to level and operation.	None.	
Annex 3 - Engineer syllabus	Questions over 2 grades.	Engineering grade removed as engineer only required on 12 and overs.	Section updated.	Annex 3

Subject	Comment	Response	Action Taken	Section of Code
Operational Parameters	Wind and tides etc omitted.	Noted. Not considered appropriate for Code as tend to be vessel/route specific. Will be included on vessel certificate.	None.	
Appeals and Arbitration process	Not clear.	Included in the regulations supporting the code.	None.	
MARPOL	No reference.	MARPOL is not in force in Guernsey.	None.	
Section 11.6 - Parachute Flares	Why carry 12?	Agree.	Reduced to 6.	Section A2.6
Carrying of second radar	Too onerous for 12 and unders.	Agree.	Changed to apply to more than 12 pax operations.	Section A5.2.2
Annex 5 - Training	Will recognition of equivalent training be accepted.	Yes. No existing holders will be required to sit exam for LKE or Syllabus requirements.	Section updated.	Annex 5
Charging for licence application	Will there be charges?	Yes - as per existing arrangements.	None	
Liferaft requirements	Code implies more than one raft to be carried which is impractical.	Agree.	Section updated to reflect different vessels.	Section A2.2
Immersion Suits	Too onerous.	Agree.	Requirement removed.	
Line throwing device	Questioning need.	Agree.	Requirement removed.	
Communications Section	Requirements are a little onerous and sweeping.	Agree.	Section rationalised.	Section A3.0
17.3 Fire Safety	Unfamiliar terms.	Full requirements now included as per construction standards. More applicable to a surveyor/builder.	Sections updated.	Section B10.0 and Section C11.0
Navigational Equipment	Whistle? Log requirement? Rudder angle indicators for RIBs.	Noted. Apply generally. As with all vessels, certain exemptions may apply such as to RIBs.	Section updated where appropriate.	Section A5.0
AIS requirements	Question over Type A and Type B.	Section describes functional requirements which equates to a Class B.	Clarity provided.	Section A5.2.3
21.3.3 Navigation Lights	Impractical	Agree.	Requirement removed.	Section A5.3

Subject	Comment	Response	Action Taken	Section of Code
Local Knowledge Endorsement	Doesn't cover Eco Tours.	Agree. Current requirement is for a testimonial from the operator. Rest of LKE will still apply to assess overall competence. Certificates will be annotated as they are now.	None.	
24.5.4 - Restrictions.	Requires clarification on what these might be.	Restrictions might include recommendations from a medical examination, colour blindness mitigation etc.		
24.8.2 - Practical tests	Query over size of vessel	Size should be 15m to 24m to cover larger vessel capability.	Section updated.	Section A9.5
Application to existing and new vessels	Concern that existing or replacement vessels if not new may not comply with certain elements of the code.	Noted. Construction standards allow for existing and new vessels. Operational requirements of the code will apply to all vessels.		
General - Timing of implementation	Concern that Q2 2017 may be too difficult for operator to achieve all requirements.	Noted. Intention is to continue with implementation timeline and allow a period of overall implementation.		
General - Exemptions	Should be ability for HM to issue exemptions for certain matters.	Agree. Code allows for this.		
Access and Mooring	What are the expectations of other ports other than St Peter Port?	This is a matter for the other ports. The vessel remains responsible for safe mooring and access between ship and shore.		
Boat Engineer qualification requirements	Requirements over onerous leading to a potential shortfall.	Noted and agree. Requirements changed to just the RYA one day awareness course and remove the MCA AEC requirement.	Code updated.	Section A9.2 and Annex 5
Surveyors	How will MCA surveyors familiarise with code.	MCA in full consultation. The code mirrors most of MCA requirements. Operational elements particularly to the BoG will be covered by DSM.		
CA and Class definitions	Need clarification around terms.	Noted.		
Examiner definition.	No definition who this is.	Noted.		

Subject	Comment	Response	Action Taken	Section of Code
Certificate Renewal	Allowance for extension by HM to renewal for whatever reason	Noted.		
18.2 Exemptions under DSM	Do exemptions apply to DSM only in this section.	Yes.		
Echo - Sounding device	Question over need.	Noted and agree for local operations.	Requirement removed.	A5.2.2
Dedicated Look-out	The code should prescribe when a dedicated lookout is needed.	No. This is a matter for the Master/Company to determine.		
Competent Crew training	Vessel Master to act as examiner to reduce burden on Harbour.	Agree. Good idea.	Code updated.	A9.3.3
Examination process.	Boatmasters may carry over parts but engineers not.	Boatmaster exam is in 2 parts whereas only 1 part to engineer.		
Training Courses	Should be available locally.	Agree. RYA courses listed which are available locally.	Section updated.	Annex 5
Existing license migration	Further details required.	Noted.	Included in code and cover letter.	
Alderney				
Sark				