



Maritime and Coastguard Agency

General Exemption

This General Exemption is issued in exercise of the powers conferred upon the Secretary of State by Section 48 of the Merchant Shipping Act 1995, from the requirements of Regulation 8 of the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006, 'the Regulations', which require masters of vessels on inland waterways to be qualified in accordance with the Regulations.

This General Exemption makes minor amendments to and replaces the General Exemption dated 05 September 2008.

For the purposes of this exemption:

- 'non-navigable waters' means waterways which are not open for the normal passage of vessels but admit the access of vessels for maintenance works and similar limited purposes.
- 'small vessels' means a vessel which does not carry more than 12 passengers (if any) and which, in the judgement of an MCA Surveyor, does not pose a risk to other vessels operating in the same area.
- other terms have the meaning as assigned to them in the Regulations.

Further, the following certificates are also accepted as alternative qualifications (in addition to those set out in SI 2006/3223) for commercial vessels less than 24 metres in load line length, carrying not more than 12 passengers and which do not go to sea:

- RYA Inland Helmsman certificate – Category A and B waters only
- RYA Powerboat Level 2 certificate, without commercial endorsement and 12 months experience – Category A and B waters only
- IWA Certificate of Boat Management – Category A waters only.

Vessels operating under the following conditions are exempted:

- 1) If less than 24 metres in load line length and carrying not more than 12 passengers:
 - horse-drawn vessels
 - unpowered vessels, including oared and poled vessels, for example, bell boats (10 seat canoes), dragon boats or vessels engaged in white water rafting.
- 2) Vessels in use primarily as a home for the owner, where any trade carried out from the vessel is ancillary to that purpose, and the vessel is not licensed or registered for commercial purposes by the competent navigation authority.

The following conditions apply to the exemptions numbered 3), 4) and 5):

- a) the company or organisation has carried out a favourable risk assessment of the operation either:
 - i. in accordance with the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, or
 - ii. (where those Regulations do not apply) in a manner which would comply with those Regulations if they did apply; and
 - b) the company or organisation runs an in-house training scheme which covers safe operation of such vessels, meeting the requirements of workplace safety; and
 - c) the person serving as the master on the vessel has received appropriate training or experience to minimise the risks identified.
- 3) Vessels which are not normally used for commercial purposes, are only so used very occasionally, and if not so used would be pleasure vessels, for example:
- when used for local fetes
 - when used for boat demonstrations, 'Try a Boat' events or second hand boat show trips
 - an historic vessel operated during a festival or similar event
 - undertaking trials following repair work or on a new build vessel but not proceeding beyond the 'limited coastal area' as defined in the Regulations.
- 4) Small vessels in use as a working platform for works in non-navigable waters or in waters where there is no other commercial traffic.
- 5) Small vessels in use:
- within a marina, dock or similarly enclosed or partially enclosed premises, or
 - for occasional trips in support of the operation of the business in those premises within the local area but not proceeding to sea.

This General Exemption shall have immediate effect until either the relevant parts of the Regulations are amended, or this General Exemption is amended or revoked.

Any question as to whether a condition or other requirement of this General Exemption is met may be addressed to the Maritime and Coastguard Agency whose decision will be given in writing if so requested.

Dated 15 July 2009



Philip Naylor
Maritime Services Director
MCA