

# Health and Safety Guide 3

## Boat Use at Work





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# 1 Introduction

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## 1.1 General

A wide range of BMF members use boats in the course of their businesses. This use can be a relatively small part of the businesses activities, or the principal activity such as with a sailing school. Small or large, the use of boats of any type requires careful consideration of safety, particularly when members of the public are involved. There is a complex quantity of legislation governing boats and their use which businesses have to be aware of and respond to.

Boat-using businesses also have to manage the risks from the land based side of their activities which, again, will usually entail dealing with the public.

This guide is intended to give a broad overview of the main health and safety issues which boat-using businesses have to deal with, both on and off the water, and guide them to resources which will help them find solutions that are realistic and pragmatic. It does not attempt to be comprehensive.

The BMF *Guide for Members* describes how the U.K. health and safety regulatory system works, the principles behind it and the main requirements. It is presumed that readers of this guide will be familiar with the content of the *Guide for Members*, hence that material is not repeated here.

This guide will also make reference to HSE guides on specific health and safety topics relevant to boat-using businesses. These include topics which are generally applicable throughout UK businesses, for example, assessing computer workstations and welfare requirements.

A brief guide such as this cannot comprehensively cover all the health and safety issues in a particular boat-using business. The *Guide for Members* and Sector Guides provide an overview of statutory requirements and some guidance on how to comply. They are not exhaustive and it is the responsibility of each employer to ensure that their particular business complies in the context of the services they provide and the circumstances of their operation.

Whilst great care has been taken in the preparation of these guides, the British Marine Federation and its advisers cannot be held responsible for any errors or omissions, or for any consequences arising.

## 1.2 Scope

This guide covers the use of a range of boat types used by BMF members in UK waters, as well as shore-based facilities. It is not an exhaustive list. The types of boats and activities covered include:

- Charter/rental operations
- Holiday hire

- Provision of boats for use by clients
- Schools/Tutors
- Safety boats
- Passenger operations
- Trips
- Work boats
- Brokerage

Note that where the boat is involved in a water sport involving other equipment such as water-skis, the guide will only discuss the boat and its operation and not the sports equipment.

- The guide provides a basic introduction to operational and technical standards.
- The scope of this guide does *not* include:
  - Refuse and waste disposal activities
  - Events such as races or regattas. These require safety planning in their own right
  - Security
  - Environmental management
  - Health and safety during construction activity beyond the duties of the business as 'client' for these works (see Section 4.6 for further information)

### 1.3 Structure of this Guide

These are the sections of the guide:

**Section 2. Safety Management Overview.** Outlines the main health and safety issues facing boat using businesses

**Section 3. Risk Assessment.** Discusses some of challenges in risk assessing boat-using businesses

**Section 4. Land-based Activities.** Discusses some of the main land based safety issues

**Section 5. Waterborne Activities.** Some of the technical and crew competence issues which BMF members need to manage, including emergency preparedness

**Section 6. Communications.** Effective communications with boat-users

### 1.4 Enforcement

Where the main activity is in relation to leisure, enforcement activity can be expected to be carried out by the Local Authority. Where the main activities are more related to boat repair, boat building, or the running of a dock, the Health and Safety Executive (HSE) would take enforcement responsibility.

The principal regulator for marine activity is the Maritime and Coastguard Agency (MCA) with accidents being investigated by the Marine Accident Investigation Branch (MAIB).

The Adventure Activities Licensing Authority has contracted their day-to-day activities to the Adventure Activity Licensing Service (AALS) whose inspectors have similar powers of access, investigation and enforcement to HSE inspectors. Compliance with adventure activity requirements does not remove the need to comply with other health and safety and marine legislation.

In addition to their responsibilities for enforcing the Health and Safety at Work Act, Local Authorities also have discretionary powers to licence craft under the 1907 Public Health Acts Amendment Act. They also have powers to make or amend coastal byelaws under Public Health Act 1961, Section 76, and the Local Government, Planning and Land Act 1980, Section 185, for which the MCA provide model text.

Subject to their statutory powers, navigation authorities may have powers to regulate and license boating activity. Harbour authorities may have powers to regulate boating activity in their areas.

If the business has facilities for dispensing petrol, the licensing requirements (see Section 4.1) will be enforced by the local petroleum licensing authority, usually the local authority trading standards department, or in metropolitan areas, the fire authority.

Arrangements for fire safety are enforced by the local fire and rescue authority. Further information is available on the HSE website<sup>1</sup>.

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<sup>1</sup> [www.hse.gov.uk/toolbox/fire](http://www.hse.gov.uk/toolbox/fire)

## 2 Safety Management Overview

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This section takes an overview of some of the safety management challenges which boat-using businesses need to deal with.

### 2.1 Planning for Safety

Whilst there are some things that the law requires you to do (such as having a safety policy, or displaying the health and safety notice), the adequacy of what you do to satisfy most health and safety law will be subject to a test of reasonableness. Your safety management arrangements (refer to the *BMF Guide for Members* for further information) will include risk assessments which identify foreseeable risks and how you propose to control them. It is likely that you will have operating instructions which set down the details of what you will do. It is important that these are kept up to date as circumstances and conditions change.

Major factors in the successful management of risks are having staff who are trained and competent, as well as having effective communication and consultation with staff and clients.

### 2.2 The Public

As a boat-using business it is likely that you will have extensive contact with the public either directly as with passengers or pupils, or indirectly when they or their friends or relatives arrive at your premises which the law regards as your workplace. They will also:

- Have a wide range of safety expectations ranging from negligible risk in the case of boat passengers, to a degree of risk and adventure being an integral part of the experience. The risk expectations of the visitor may also vary depending on whether they are on an adventurous part of a trip, or a more mundane part, such as using the car park or other base amenities.
- Arrive with a range of competencies and abilities to deal with the situations they may encounter. Their perceptions of their own abilities may often over or underestimate the actual.
- Be generally less prepared to be controlled (compared with someone in your employment), particularly during the less adventurous parts of the trip.

These factors need to be taken into account in the risk assessments of your activities, services and facilities. Refer to Section 3.

### 2.3 Operational Bases

Operational bases and the facilities installed will vary greatly between the types of boat using businesses covered by the scope of this guide and safety management arrangements put in place accordingly. It is likely that public access issues will figure prominently even where the numbers involved could be quite small.



There may also be employees of other companies sharing the site with whom you will need to co-operate on safety management arrangements. These could include boat surveyors and specialist contractors. You should inform them of any hazards to their work of which they may not be aware (for example, presence of hidden gas or electricity services, or scheduled lifting operations), and require them to comply with your site rules, including any requirements for insurance. Refer to the *BMF Guide for Members* for more information on managing contractors.

## 2.4 Boat Technical and Operational Standards

The scope of this guide includes many types of craft and their safe performance and operation depends on a complex set of technical standards and crew competence standards. These are discussed further in Section 5.

Note that where the boat is involved in a water sport involving other equipment such as water-skis, this guide will only discuss the boat and its operation, not the sports equipment.

## 2.5 Emergencies

Planning for emergencies in boat-using businesses can involve a wide range of scenarios and the emergency responses can involve several agencies, so careful planning and co-operation with the other agencies likely to be involved is a key requirement. The sections which follow discuss emergency response further, both for land and water based scenarios.

## 2.6 Communications

Good communications with your staff, clients, visitors and the businesses with whom you deal will be a major factor in achieving good standards of safety management. This is discussed further in subsequent sections.

### 3 Risk Assessment

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BMF's *Guide for Members* gives background information and principles on assessing risks where members of the public are involved. Reaching decisions on appropriate levels of risk control requires balanced judgements to be made which need to take account of, amongst other things, the expectations of the clients, the duties of the business to the client, the costs of controlling risks and the potentially adverse effect of excessive controls on the benefits and appeal of the activity.

For boat-using businesses involving clients who are members of the public, the following factors are emphasised:

Sports governing bodies often set down 'good practice' for the activities they lead based on the experience of their members. Used within the circumstances it is intended to cover, this provides powerful advice.

The competence of your clients will be a major factor in the level of risk control you provide. Even the most experienced and competent client will not wish to be confronted with any 'nasty surprises'.

Be clear on the 'foreseeable risks' in **your** business and have in place risk controls that work in **your** circumstances.

For occupational risks, that is to those who are 'at work', most of the hazards which need to be addressed are subjects of advice and guidance put out by the principal regulators.

## 4 Specific Activities – Land Based

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The topics covered here are just some of those more likely to arise during the land-based activities of a boat-using business. Your risk assessment will identify the full range of hazards on the site and where risk controls are needed.

### 4.1 Access To and Around the Site

Your site could be accessed by a number of types of people who may include:

- a) Clients arriving for tuition, a trip or other experience. These clients will have arrived for the primary purpose of some boat-related trip or activity. They will not be expecting to deal with any significant hazards at the land base. Your assessment of risk will need to address issues of preventing access to hazardous areas such as chemical stores, identifying safe routes through the site, water safety (see 4.3), emergency evacuation routes, etc.
- b) Employees of companies to whom you are providing boat-using services. These could be the only type of service your business provides. In general you should treat these employees as though they were members of the public ((a) above) and make no presumptions of any particular level of knowledge or competence.
- c) Employees of other businesses providing services. The fact that these employees are working for other businesses does not absolve you of responsibilities for them and you should work in co-operation with their employer to ensure that safe systems of work are adopted. You will need to ensure your contractors are fully aware of your site rules regarding matters such as vehicle access, use of plant and machinery, and that they are informed of any hazard of which you are aware and they may need to know about. Examples of the latter include hazards such as asbestos in buildings and hidden electrical services. If you see contractors adopting unsafe practices you should inform their managers as soon as possible or stop the work yourself if the danger is immediate. This duty is particularly strong when the contractors are engaged in work in which your own business is experienced and may understand better than the contractor how to deal with the risks (especially so when an employment agency is involved). This situation may arise when you are taking on temporary staff to cover for sickness or increases in workload.

See also Section 4.6 regarding construction work.

Further guidance on traffic routing is contained in HSE guidance<sup>2</sup>.

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<sup>2</sup> [Workplace \(Health, Safety, and Workplace\) Regulations – Approved Code of Practice HSE:L24.](#)

## 4.2 Lifting, Carrying, Handling and Launching

Whatever the type of craft used you will need to employ safe methods of manual handling<sup>3</sup> or using lifting equipment<sup>4</sup>.

## 4.3 Water Safety - Members of the Public

This section discusses water safety risks to clients and visitors apart from those resulting from the boat-using activity itself. Your direct clients may be accompanied by friends or relatives who are just providing transport or are coming along to see the client off, or taking advantage of the chance to visit an attractive water-side facility. Situations where risks may arise include walkways or other public pedestrian access points adjacent to water and car parks adjacent or near to water edges. There is a wide range of factors which affect the risk. These include the following:

- The nature of the water, its depth, temperature and flow rate
- The likelihood of falling in, or where there are larger numbers of people or pinch- points, accidentally being pushed in
- Likelihood of being able to get out if you do fall in (self-rescue)
- Likelihood of being rescued if there are other people around

In deciding on how, if at all, to treat water edges or whether to provide rescue equipment, account must be taken of the public's expectations from their visit. If your boat-using business is located in a remote region of outstanding natural beauty it is unlikely that your visiting public will want to see industrial-style edge fencing, a multitude of life-saving equipment, or forests of warning signs. Conversely, a member of the public embarking for a pleasure trip or commute will most likely have an expectation of very low risk and would expect the whole experience to be very tightly managed, including where appropriate the use of fencing, life saving equipment, signs, etc. Your assessment will also be influenced by your client's level of competence and previous experience.

When deciding the solution appropriate for you and your customer base it is important to ensure that whatever risks the public are exposed to, they do so voluntarily. This requires them to be aware of the hazard and its potential consequences.

The very wide range of business types falling within this definition means that a document such as this can only provide general guidance in this challenging area. Further information can be found in references<sup>5,6,7</sup>

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<sup>3</sup> [Manual Handling at Work.HSE:INDG143.](#)

<sup>4</sup> [Safe Use of Lifting Equipment HSE:L113.](#)

<sup>5</sup> [Water Safety Principles. National Water Safety Forum.](#)

<sup>6</sup> [Guiding Principles. Visitor Safety in the Countryside Group.](#)

<sup>7</sup> [Safety at Inland Water Sites. Royal Society for the Prevention of Accidents](#)

## 4.4 Water Safety – Staff

Working on or near to water brings with it hazards additional to those encountered from the work activity itself and may require additional risk control measures to be implemented.

Within the marine industry there are many combinations of circumstances and activities involving working near water.

There are no specific regulations covering this area of activity in the marine industry, however the risk assessment and PPE<sup>8</sup> regulations are relevant; and for those risks from exposure to chemical and biological substances, the COSHH<sup>9</sup> regulations will apply.

This guide does not address the provision of permanently installed life-saving, rescue equipment, or fixed water's edge fall protection. For guidance on these items refer to the BMF Sector *Guide for Marinas*.

## 4.5 Boat Maintenance

The boats covered within the scope of this guide range from canoes up to passenger vessels carrying hundreds of people. Given this enormous range, this section highlights some of the more significant health and safety issues which you may have to deal with.

References are given for further reading. The BMF sector guide '*Boat Building and Repairs*' may also be of help.

It is assumed that you will be aware of any presence of asbestos on your craft and will take the necessary precautions<sup>10</sup>. Similarly, special requirements are in place to deal with the substantial hazards of diving<sup>11</sup>. **The use of amateur SCUBA divers is illegal.**

a) **Working in confined spaces.** By their very nature the hulls of boats are ideal shapes for retaining inside the heavier-than-air vapours given off by, for example accumulations of fuel in bilges, leaks of liquid petroleum gases, paint spraying, FRP repairs, and use of certain adhesives. They will also retain toxic exhaust gases from such as mobile generators. The resulting risk of vapour ignition or of asphyxiation combined with the generally difficult access and cramped working conditions means that maintenance work inside boats should always be carefully planned taking account of:

- the likelihood of dangerous conditions being present
- the need to test for dangerous atmospheres
- use of personal protective equipment such as respirators

8 [www.hse.gov.uk/toolbox/ppe](http://www.hse.gov.uk/toolbox/ppe)

9 [www.hse.gov.uk/coshh](http://www.hse.gov.uk/coshh)

10 [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos)

11 [www.hse.gov.uk/diving](http://www.hse.gov.uk/diving)

- the presence of ignition sources
- arrangements for recovery of anybody overcome whilst working in the confined space

Further information can be found in an HSE guide<sup>12</sup>.

b) **Fibre reinforced plastics.** Working with FRP gives rise to hazards resulting from contact with the substances used, inhalation of vapours (especially styrene), or fire and explosion. Substances hazardous to health should be supplied with a **Safety Data Sheet** which forms the basis of an assessment of the substance's risk<sup>13</sup> and the control measures required. It is highly likely that these will involve the use of ventilation and personal protective equipment<sup>14</sup>.

Where you may have accumulations of substances and vapours that could pose a fire or explosion hazard, an assessment of the risk is needed and the appropriate controls put in place<sup>15</sup>.

Remember also that FRP working within the confines of a hull will need to be considered as confined space working, see (a).

c) **Welding and cutting.** Fumes produced during welding and cutting processes can be harmful and will require measures such as eye protection, respiratory protective equipment and local ventilation. Additional consideration will be required where the work is being done in a confined space (see (a) above).

- Use of gas equipment requires care in its use and handling:
- Examine gas and oxygen hose regularly
- Never apply heat to containers which may contain flammable residues
- Store cylinders in a clean, well ventilated place. Because welding gases are heavier than air, never store cylinders below ground level, next to drains, or anywhere where leaking gases could accumulate

Further information is available from the HSE<sup>16</sup>.

d) **Use of lifting equipment.** Your work may entail the use of lifting equipment to move, launch, or recover boats, or to move heavy items within workshops. Any form of lifting equipment including the associated lifting tackle needs to be to the correct standard,

<sup>12</sup> [Confined Spaces, A Brief Guide to Working Safely HSE:INDG258.](#)

<sup>13</sup> [www.hse.gov.uk/coshh](http://www.hse.gov.uk/coshh)

<sup>14</sup> [www.hse.gov.uk/toolbox/ppe](http://www.hse.gov.uk/toolbox/ppe)

<sup>15</sup> [Dangerous Substances and Explosive Atmosphere HSE:L138.](#)

<sup>16</sup> [Health and Safety in Engineering Workshops. HSE:HSG129](#)

regularly inspected, and operated in a planned manner by competent people. Further information is given in HSE guides<sup>1718</sup>.

e) **Tools and equipment.** Suitable work equipment, properly maintained, and used by trained people are the fundamentals. Additionally, noise levels need to be kept under control to avoid permanent damage to hearing. Apart from minimising the hazard at source by careful selection of tools and equipment<sup>19</sup>, these controls can include ear protection and the setting-up of “hearing zones” where ear protection must be worn.

f) **Working at height.** Depending on the type of craft you deal with you may have a need to work at height. Note that the definition of work-at-height includes anywhere it is possible to fall and sustain an injury, even from ground level as with, say, an inspection pit. Contrary to popular myth the use of ladders is not banned but you do need to follow the basic safety management hierarchy of firstly, avoiding the risk if practicable, secondly reduce the likelihood of a fall, and finally, if further risk reduction is required, reduce the consequences of a fall.

Further information is given in HSE guide<sup>20</sup>.

#### 4.6 Construction work

Section 6 of BMF’s Health and Safety *Guide for Members* outlines some of the main responsibilities of employers when they contract-out work. Boat-using companies are likely at some stage to use the services of construction companies. Recognising the historically poor health and safety record of the construction industry, particular statutory requirements have been introduced to structure the health and safety management of construction projects<sup>21</sup>. These include specific duties on the clients for construction work<sup>22</sup>, including:

- Appointment of competent builders and designers
- Providing adequate resources and time
- Provide information (particularly in respect of those hazards such as asbestos, buried services or sunken obstacles) that the contractors might not reasonably be aware of
- Appoint a construction design and management Co-ordinator
- Appoint a Principal Contractor

<sup>17</sup> [Safe Use of Lifting Equipment HSE:L113.](#)

<sup>18</sup> [Safe Use of Work Equipment. Provision and Use of Work Equipment Regulations. Approved Code of Practice and Guidance HSE:L22.](#)

<sup>19</sup> [www.hse.gov.uk/noise](http://www.hse.gov.uk/noise)

<sup>20</sup> [Working at Height, A Brief guide HSE:INDG401.](#)

<sup>21</sup> [“Managing Health and Safety in Construction. Construction \(Design and Management\) Regulations 2007.](#)

[Approved Code of Practice HSE:L144.](#)

<sup>22</sup> [“Want Construction Work done Safely? A Quick Guide on the Construction \(Design and Management\) Regulations 2007. HSE:INDG411.](#)



- Ensure an adequate health and safety plan is in place before the start of construction
- Keep a Health and Safety File

It should also be borne in mind that these requirements place a very broad definition on “construction work” and so bring in:

- Maintenance, renovation or demolition of a “structure”
- Assembly of pre-fabricated elements
- Installation, commissioning, repair and removal of mechanical, electrical, hydraulic, etc., services secured to a “structure”

The definition of “structure” includes amongst other things:

- Docks and harbours
- Inland navigations
- River works

In practice, the scale and scope of activities required of the client depends on the scale, complexity and risk of the project. There is nothing to stop the client acting as their own coordinator providing they have the competence for the proposed works.

#### 4.7 Site Traffic Management

Boat-using businesses may share their premises with other businesses that often provide associated services such as workshop facilities, catering and retail. These businesses naturally have their own duties and responsibilities for health and safety, but their activities can endanger your business’s employees, clients and visitors if not managed appropriately. It is important therefore that the agreements and contracts between the boat-using business and co-located businesses are very clear on minimum standards, responsibility for repairs and maintenance, and site rules required by the business with overall responsibility for site management.

#### 4.8 Access to Boats

Boat-using businesses need to provide safe means for their clients to board, their craft. These means will vary widely with type of vessel:

**a) Passenger Boats.** Landing stages will be needed which enable safe access and egress, and are suitably maintained to prevent slipping problems. Walkways to and from the berth should be well maintained with clear demarcation from roadways. Landing stages should be adequately lit as required. Where facilities owned or maintained by other businesses are



used, these basic requirements should be met in co-operation with the other business. The legal background for this comes from the docks regulations<sup>23</sup>.

**b) Dry Storage.** Where public access is required to a boat in dry storage, for example when a broker wishes to show a boat to a potential purchaser, problems can arise due to:

- Difficult access. Unless staging is in place, the height of the boat access points above ground frequently requires the use of a ladder and may also require the viewer to negotiate pushpit rails or guardrails. Where a ladder is the only practicable means of access it is essential that it is properly secured to the boat at a place where safe access can be made. The viewer should be wearing suitable footwear with a good grip. They should be advised at the earliest opportunity of any access difficulties and must not be left to their own devices to find the boat(s) in question and gain access.
- Moving around Boat decks at Height. If there is work in progress on the boat which increases the risk of falling, for example tripping hazards or removed sections of guardrails, the access to the deck should not be permitted and the viewer advised of this as soon as possible. Where the deck area is clear and intact, the broker may decide to permit access to the deck area provided that the viewer is:
  - Briefed on the location of secure handholds (one hand for the boat and one for you) and the importance of using them
  - Told of any areas which must not be accessed
  - Accompanied by the broker (or a competent representative)
  - Additionally, the number of viewers on the deck at any one time should be kept to a minimum and young children should not be permitted on deck at any time.

Refer to HSE guide on Working at Height<sup>24</sup> for more information.

## 4.10 Storage and Dispensing of Fuel

### a) Petrol

Because of its volatility, low flash point and heavier-than-air vapour, there are special licensing arrangements where petrol is dispensed into boats or vehicles by mechanical or electrical means. This applies both for retail and the business's own use. The licensing authority is usually the local authority's trading standards department or, in metropolitan areas, the fire authority.

Apart from local licensing requirements, petrol, as a 'dangerous substance' is subject to regulation<sup>25</sup> which requires, amongst other things:

<sup>23</sup> [Safety in Docks, Approved Code of Practice HSE:L148.](#)

<sup>24</sup> [Working at Height, A Brief Guide HSE:INDG401.](#)

- Plant and equipment to be properly designed (and made safe when the facilities are no longer required)
- Storage facilities appropriately designed and located
- Controls to minimise the risk of vapour ignition
- Appropriate maintenance management (including the use of permit-to-work systems for 'hot work')
- Safe tanker unloading practices
- Reference<sup>25</sup> provides further information on petrol dispensing and storage

#### b) Diesel

Having a much lower flash-point than petrol, diesel dispensing is not subject to licensing, however the general principles of managing outlined in a) above should still be applied.

#### c) LPG Cylinders

Full and nominally empty LPG cylinders must be safely stored and electrical systems in the vicinity must meet minimum standards<sup>26</sup>.

### 4.11 Land-based emergencies

All employers need to consider the emergencies that could arise<sup>27</sup>. In particular they need to apply a risk-based approach<sup>28</sup> to fire hazards to the non-domestic premises they are responsible for. For marinas, there are a number of factors which place added emphasis on the importance of emergency preparedness:

- **Potential for boat-fire spread.** Boats typically have a high inventory of flammable materials and fuel, often including the hull itself and potentially explosive gas cylinders. Whether on finger or linear moorings, the closeness of boats in marinas gives a significant chance that a fire would spread.
- **Other potential fire sources.** These would include fuel storage and dispensing facilities (including LPG storage), and other businesses within the site that may use dangerous substances such as paints, solvents and other flammable materials.

<sup>25</sup> [Dispensing petrol as a fuel: Health and safety guidance for employees](#)  
[Dangerous Substances and Explosive Atmospheres Regulations. Approved Code of Practice. HSE:L138;](#)  
[A Short Guide to DSEAR. HSE:INDG370.](#)

<sup>26</sup> [UKLPG. Code of Practice. guidance on new installations, proximity to electrical power cables, separation distances, electrical installations, indoor and outdoor storage, fire precautions and emergency procedures.](#)

<sup>27</sup> Management of Health, Safety and Welfare Regulations. See also BMF Guide for Members, Section 2.

<sup>28</sup> [Regulatory Reform \(Fire Safety\) Order 2005 \(England&Wales\). Fire Safety\(Scotland\) Regulations 2006.](#)

- **Extremes of weather.** Predicted climate changes point to a higher frequency of more extreme events which could challenge the design basis of a marina (wind strength, frequency and tidal range could be above those designed for).

The approach to managing emergencies follows the principle of the risk assessment route described in the *Guide for Members*. In deciding on appropriate levels of risk controls the following should be taken into account:

- Those at risk. These include pupils, passengers, viewers of boats, visitors, marina staff, staff of co-located businesses, contractors (who could be working for the boat-using business, boat owners, or other businesses), and casual visitors.
- Escape routes and assembly points. Are these adequate, considering that the emergency event could be denying access to one of them?
- Fire fighting. The numbers, types and locations of firefighting equipment. Isolation points for fuel tanks, gas and electricity supplies.
- Actions of Staff. Assessments need to decide what can reasonably be expected of staff in an emergency. Their role in assisting with evacuation and using firefighting equipment will require training and pre-planning.
- How to communicate with people using boats, both during an emergency and beforehand.

## 5 Specific Activities - Water Based

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The boats used by BMF members in the course of their businesses covers a very wide range of activities and levels of skills and experience of their clients. These include:

- Charter/Hire Unpowered craft (dinghies, punts, windsurfers)
- Charter/Hire of powered craft (bareboat, pwc)
- Passenger boats (Small >12 passengers, MCA Class V passenger boats, hotel boats, boats operated by hotels)
- Safety boats
- Sports Trip Boats (diving, fishing, white water, powerboat, sailing boats, water-skiing, wakeboard)
- Provision of boats for use by clients (trot boats, tenders, etc)
- Owners club boats
- Brokerage (inland and tidal)
- Tuition or supervised activities
- Work boats (at work in support of construction, inspections, rescue, recovery or salvage)

This diversity has led to the emergence of a set of statutory and non-statutory requirements which govern the way these craft are constructed and operated so that their clients can undertake their activities safely. The rest of this section outlines the main requirements which apply, identifies some sources of help and goes on to discuss particular issues regarding the safety of passengers, and of managing emergencies.

### 5.1 Technical and Operational Standards

This section outlines the main types of documents which set down the requirements for technical and operational standards for the wide range of inland and sea-going craft used by BMF members in 'boat-using' businesses.

a) **Recreational Craft Directive<sup>29</sup>**. Made under a European Union directive aimed at establishing consistent trading standards. Applies to craft between 2.5 and 24m long intended for sport or leisure purposes, regardless of means of propulsion. The directive covers design categories of ocean, offshore, inshore and sheltered.

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<sup>29</sup> Refer to BMF website for further information. [www.britishmarine.co.uk](http://www.britishmarine.co.uk)

b) **Statutory requirements made under the Merchant Shipping Acts.** The principal documents of interest here are:

- **Small Commercial Vessels<sup>30</sup>.** This code applies to UK vessels up to 24m load line length which are engaged at sea in activities on a commercial basis, which carry cargo and /or not more than 12 passengers, or are UK pilot boats.
- **Boatmaster's licence<sup>31</sup>.** This is for vessels used on inland waters or in limited coastal areas<sup>32</sup>.
- **Health and Safety Requirements<sup>33</sup>.** These apply to UK ships and mirror land-based occupational health and safety requirements.

c) **Non- statutory Codes.** These industry codes have been produced in the following two areas. Although non-statutory, they may be enforced by local, harbour or navigation authorities under byelaw powers. As industry codes they also present 'good practice' which is likely to carry significant weight in any court or enquiry.

- **Small Passenger Boats<sup>34</sup>.** Produced by the Maritime and Coastguard Agency (MCA) and the Association of Inland Navigation Authorities (AINA). It applies to small passenger boats in commercial use for sport or pleasure, which carry twelve or less passengers, do not carry cargo, and do not go to sea.
- **Hire Boats<sup>35</sup>.** The Hire Boat Code was published in 2009 and implemented to a programme agreed by its sponsoring organisations, the MCA, AINA and BMF. It applies to self-drive bareboat hire and charter, including day boats, on inland waters.

d) **Adventure Activities Licensing Authority.** The Authority has responsibility for licensing centres where under 18s undertake training or leadership experience in a range of activities which includes water-based activities. Licences are awarded by inspectors subject to conditions. For craft such as sailing dinghies, canoes and kayaks, the authority will expect to see compliance with the requirements of the relevant sport's governing body, both for the craft themselves and for the instructor.

## 5.2 Passenger safety afloat

This section discusses some significant safety issues for businesses where passengers must be taken to vessels, safely embarked/disembarked, and looked after whilst aboard.

<sup>30</sup> [MCA Marine Guidance Note MGN280 Small Vessels in commercial use for sport or leisure, workboats and pilot boats – alternative construction standards](#)

<sup>31</sup> [MCA Marine Guidance Note](#)

<sup>32</sup> "Limited Coastal Areas" means not more than 3 miles from land, nor more than 15 miles from the point of departure, exclusive of any categorised waters.

<sup>33</sup> [Principally the Merchant Shipping and Fishing Vessels \(Health, Safety and Welfare\) Regulations.](#)

<sup>34</sup> [The inland Waters Small Passenger Boats Code.](#)

<sup>35</sup> [Hire Boat Code.](#)

Where a prospective buyer is being taken out on a boat for a demonstration or to witness a trial, the company responsible for the trip owes that prospective buyer a duty of care comparable to that of a passenger boat operator. The 'passenger' in this case will be subject to a number of hazards for which they can reasonably be expecting to be 'looked after'.

There are many combinations of circumstances which come under this general heading, including boat type, the expectations and experience of the potential buyer, and the anticipated conditions. The company will need to judge (i.e. assess the risks) what is appropriate in each circumstance. These are some factors:

- Ensure that safe access and egress from the boat is available (including the use of tenders)
- Make no presumption as to the knowledge or competence of the potential buyer
- Ensure that the passenger is appropriately dressed
- Provide all safety equipment required, recognising that persons will have differing expectations. Some may expect to be wearing a lifejacket all the time they are on water and will not be comfortable if they aren't. The professional skipper's assessment of the trip and the conditions expected will determine his minimum acceptable level of safety equipment. He should be prepared to offer more equipment for those passengers with a more conservative view
- Ensure that passengers know where to locate and how to use the safety equipment appropriate to the trial/demonstration
- Fully brief passengers and supervise them during the trip

It is good practice to develop checklists to help ensure that the risk control measures indicated by your assessment are in place. Examples of these are produced by the ABYA<sup>36</sup>.

### 5.3 Planning for Emergencies on the Water

Given the breadth of business covered by this guide, it is only possible here to generalise on some of the factors and information sources you will need to take into account when planning and preparing your emergency responses:

- Guidance issued by National Governing Bodies
- Emergency services response times and capabilities over the full area of your operations
- Emergency equipment provided to those on the water, particularly life saving equipment such as lifejackets, survival suits and emergency communications, such as flares
- Weather outlook and known local areas worst affected

- Available communications between party members, particularly when they are in separate craft
- Adequacy of communications with the base or emergency services taking account of the possible effects of local terrain on VHF and mobile phone coverage
- Availability and capability of safety and rescue craft within the area of operation<sup>36</sup>.

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<sup>36</sup> RYA guidance on the provision of rescue boat coverage will be very relevant to many boat using businesses.



## 6 Communication

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Communicating safety information is a crucial part of successful safety management. This section discusses some of the options for getting messages and information over to members of the public who are the clients of the boat-using business. The following points should be considered when deciding strategy.

### 6.1 Signs

These are heavily relied upon in many areas of business and when carefully designed and located, serve a valuable purpose. Signs are particularly effective when people are seeking information (Where is the way out? Where are the toilets?). In these cases signs can be kept small and simple and when located where the demands for this information are most likely to arise, will remain effective.

Signs can be much less so when the aim is to impress information on people (Do this, Don't do that, Did you know that...?). Generally speaking, you will only have a very small number of opportunities to make an impact on a user who regularly passes the sign before it becomes 'invisible' to them and ceases to make any impact at all. Some points to consider on sign design and location are:

- Keep designs as simple as possible and avoid large blocks of text
- How far from the design do you want to gain people's attention? Size the lettering of headings accordingly
- Use pictures or symbols as much as possible<sup>3738</sup>
- Avoid targeting more than one audience on a single sign
- Avoid 'sign clutter', when lots of signs compete for attention and none of them receive any

### 6.2 Notice Boards

Located at strategic points where people pass or gather, these can be effective and authoritative providing they are kept up to date and don't become cluttered with redundant material. Avoiding large blocks of text is important here too.

### 6.3 Interpretation Boards

These are becoming more common where there is a need to convey information about the historical, environmental or ecological context of a location or feature; with careful

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37 British Standards water safety signs. BS5499-11:2002. [www.bsigroup.com](http://www.bsigroup.com)

38 Navigation Signs and Symbols: An industry standard for Inland Waterways [www.aina.org.uk](http://www.aina.org.uk)



design, they can also have an effective secondary role in conveying safety information such as warnings or the location of safety equipment, etc.

#### **6.4 Leaflets, Letters and Emails**

When sent direct to the desired recipient, these can be very effective. For maximum impact, they need to be succinct and not cluttered with less relevant or important material.

#### **6.5 Verbal**

When delivered on a one-to-one basis there is certainty that the message has been delivered, but there remains the well known risk that in a larger community the message becomes distorted as it is passed on.

#### **6.6 Emergency communications**

As part of emergency planning, managers need to consider how they will communicate urgently with users.

## Other Guides Available:

