

TECHNICAL REQUIREMENTS FOR THE ISSUE OF A CERTIFICATE OF COMPLIANCE (THAMES BYELAW 16)

Introduction

This document identifies the requirements for any vessel, commercial or recreational, seeking a Port of London Authority (PLA) Certificate of Compliance, in order to exceed the speed limit between Wandsworth Bridge and Lambeth Bridge and/or St Saviour's Dock and Margaretness, under the provisions of Thames Byelaw 16.

The criteria were developed following exhaustive and objective risk assessment, and encompass the relevant principles and elements of the *High Speed Craft (HSC) Code (2000)*, *International Safety Management (ISM) Code*, the *Small Commercial Vessel Code – MGN 280 (SCV Code)*, *Voluntary Code of Practice on Passenger Safety on Small Commercial High Speed Craft & Experience Rides* and where appropriate, the *Inland Waters Small Passenger Boat Code (IWSPBC)*.

Requirements

1. Core Requirements

In order to obtain and maintain a Certificate of Compliance, vessel operators and owners will need to meet the following requirements:

- 1.1 All vessels should normally be constructed to the requirements of the Maritime & Coastguard Agency (MCA) through either the High Speed Craft Code, SCV Code, Recreational Craft Directive, or demonstrate five years safe operating history whilst certificated under the PLA's Thames Freight Standard, or another equivalent standard recognised by the PLA.
- 1.2 Commercial vessels must implement a robust operational and vessel management regime, including an appropriate Safety Management System (SMS) developed using the principles described in Chapter 18 of the HSC Code (2000) and the ISM Code. In particular ISM Code Chapters:
 - a) Safety Management System;
 - b) Designated Person(s);
 - c) Development of Plans for Shipboard Operations;
 - d) Emergency Preparedness; and
 - e) Reports and Analysis of Non-Conformities, Accidents and Hazardous Occurrences.

All Safety Management Systems must be audited by either a recognised body or a third party independent qualified auditor. A third party auditor should hold one of the following recognised qualifications:

- i) ISM Lead Auditor;
- ii) ISO Lead Auditor in any of the following standards:
 - I. ISO 9001;
 - II. ISO 14001;
 - III. ISO 45001; or
- iii) another qualification acceptable to the PLA, assessed on a case by case basis.

Evidence of annual auditing or ongoing compliance to the standards laid down in a recognised marine standard (e.g. ISM / DSMC) must be provided to the PLA during each annual renewal from the 1st September 2019.

- 1.3 Recreational vessels seeking a Certificate of Compliance must implement an SMS. A model template can be found in Annex 2.
- 1.4 Port Passage Plans – In addition, all operators shall develop and include in the vessel's SMS documentation, a detailed generic Port Passage Plan as per General Direction 8 (4). The Passage Plan must be submitted to the Harbour Master for approval prior to the issue of a Certificate of Compliance. Failure to adhere to the requirements of the Passage Plan may result in the withdrawal of the vessel's Certificate of Compliance.
- 1.5 Additional Equipment - In addition to the above requirements, each vessel must be:
 - a) equipped with a PLA approved and operational Automatic Identification System Type Alpha (AIS A) with persons on board reporting capability (either international standard message or Thames AIS compliant) from the 1st June 2020; and
 - b) provided with an all round yellow flashing light as prescribed by Rule 23 (b) of the International Collision Regulations, operated in accordance with the requirements of Thames Byelaw 31.

Procedures should reference the use of this equipment; in particular the regular update of persons on board numbers into the AIS system.

- 1.6 Crew Competency & Manning - Every vessel is to be navigated by two crew members for high speed watch keeping and emergency response purposes. Specifically, the steering position must be manned at all times by two crew. Where a crew member is required to vacate the steering position for any reason, then the vessel's speed must be reduced to a speed below 12 knots through, on or over the water while the steering position is manned by a single person.
 - a) In the case of a Commercial vessel, the Master must hold a MCA Boatmasters' Licence (BML) Tier 1, Level 2 or equivalent qualification, as defined in MSN 1853 – *Boatmasters' Qualifications, Crew and Hours of Work* and a Thames Local Knowledge Endorsement (MCA or PLA, as appropriate).
 - b) In the case of a Recreational vessel, the Master must hold, as a minimum, a Royal Yachting Association (RYA) Advanced Power Boat Certificate or alternatively, a RYA Powerboat Instructor Certificate (both with a coastal endorsement) together with a PLA Thames Local Knowledge Endorsement.
 - c) The second crew member of either a Commercial or Recreational vessels should, as a minimum, be qualified as follows:
 - i) Hold a valid RYA Powerboat Level 2 Certificate or be deemed competent under the requirements of a High Speed Craft Code type rating training syllabus; and be
 - ii) Sufficiently familiar with the vessels machinery to understand its proper functioning and be able swiftly, to recognise and respond to a defect or malfunction; and
 - iii) Sufficiently competent to keep a proper lookout as required by Rule 5 of the International Regulations for the Prevention of Collisions at Sea, 1972, and to take over the conning of the vessel from the Master in an emergency.
 - d) In the case of training operations conducted by licensed RYA Training Centres, the requirement for a qualified second crew member (1.7 c) above) does not apply, provided that a trainee on board is sufficiently experienced and briefed to be capable of keeping a proper lookout, able to respond to a defect or malfunction

or to take over from the Master in the event that the Master is incapacitated.

- e) Small vessels – RIBs and Dory type craft, not carrying passengers - may, subject to the vessel operator/owner submitting a suitable risk assessment for single-person manning, operate with only one qualified crew member (the person in charge); but that person must hold a BML or equivalent with a Thames LKE or where required, a PLA LKE (commercial vessels); or a RYA Advanced Power Boat Certificate or RYA Powerboat Instructor Certificate, (both with a coastal & Commercial endorsements) together with a PLA Thames LKE. Details of the option for single-manning will be included on the vessel's Certificate of Compliance.
- 1.7 Seating - Appropriate seating must be provided for all passengers and crew on the vessel. Sitting or riding on side tubes or on parts of the vessel not designated as approved seats, is not permitted. (Reference: MAIB Report: Celtic Pioneer – May 2009 & Marine Guidance Notice 436).
 - 1.8 Passenger Safety - For any vessel carrying passengers in addition to the crew, the operator and vessel master are required to endorse and formally adopt the *Voluntary Code of Practice on Passenger Safety on Small Commercial High Speed Craft & Experience Rides* (Issue 2. February 2019).
 - 1.9 Emergency Engine Cut-off (Kill Cord) - All inflatable boats, boats fitted with a buoyant collar, and open boats that achieve planing speed, when fitted with remote throttle controls, must be fitted with a kill-cord, to be used at all times during navigation. In addition, a spare kill cord shall be provided on board in order to affect a recovery in the event that the Master is jettisoned overboard.
 - 1.10 Night Navigation – Certificates of Compliance for open passenger vessels (i.e. those without enclosed passenger and helm areas) will be restricted to operations between one hour before sunrise and one hour after sunset, as per the times published in PLA tide tables.

Operators of all other vessels must demonstrate evidence of a training regime covering night navigation.

Night operations by open passenger vessels during controlled events, such as filming, may be considered on a case by case basis by the Harbourmaster.

2. Initial Issue of a Certificate of Compliance

Where a vessel has not previously held a Certificate of Compliance, the operator will be required to submit a Generic Port Passage Plan, Navigational Risk Assessment and Safety Management System for consideration by the Harbour Master and the vessel will be required to undergo an inspection to verify:

- a) The overall condition and stability of the vessel (unless valid MCA or PLA certification is provided); and
- b) The adequate provision and operation of on-board equipment, including (but not limited to) navigational equipment, seating and passenger safety arrangements.

3. Annual Certificate of Compliance Renewal

Vessels already holding a Certificate of Compliance will be subject to an annual renewal process, which addresses:

- a) Evidence of continuing commercial vessel certification or, in the case of a recreational vessel, an inspection;

- b) Evidence of third party or recognised body auditing (as referred to in Section 1.2 of this document) of the safety management system manual, including (but not limited to), manning requirements, risk assessment, training, effective passage planning, and management of passenger embarking, disembarking and containment; and
- c) Evidence of an appropriate vessel maintenance program;

As required by the PLA, this may also include a review of the Generic Port Passage Plan, Navigational Risk Assessment and Safety Management System.

4. 'For Cause' Inspection and Temporary Suspension of Certificate of Compliance

In addition to the underpinning annual inspection regime, where a vessel in receipt of a Certificate of Compliance issued in accordance with Thames Byelaw 16 has been involved in an incident in which the safety of navigation may have been compromised, the Harbour Master reserves the right to undertake an inspection of the vessel and all associated documentation required for the issue of a Certificate of Compliance for any vessel or, fleet of vessels operated by a single company. In the event that a 'For Cause' inspection is required, a special direction will be issued to the vessel, or fleet of vessels operated by that company, restricting their use to below 12 knots until it can be determined the conditions of the Certificate of Compliance have not been breached. In the event of non compliance with any of the core requirements detailed in 1 – 1.10 the Certificate of Compliance will be revoked.

5. Permanent Revocation of a Certificate of Compliance

The PLA reserves the right not to issue a Certificate of Compliance in accordance with Thames Byelaw 16 to a vessel operator and/or owner if either the vessel operator or owner (or a connected person to either the vessel operator or owner) has had another Certificate of Compliance revoked or has been subject to any action taken by the PLA pursuant to clause 3 of this document in the past 3 year period.

The 3 year period for these purposes shall be a period of 3 years prior to the date of application for the new Certificate of Compliance.

A connected person for these purposes is a company or body in which either the vessel operator or owner has an interest which includes, but is not limited to, a directorship, a partnership stake or a shareholding.

Annex 1

The principles of the Codes listed below have informed the Certificate of Compliance criteria. Vessel operators should consider incorporating the relevant elements into their Safety Management Systems.

1. Small Commercial Vessel Code (MGN280): Section 11

- Intact Stability All Vessels
(11.1.1.11)
- Damage Survivability
(11.2)
- Damage tests - Inflatable boats
(11.5.2)
- Swamp test
(11.5.3)
- Person recovery stability test

(11.5.4)

2. International Safety Management Code: Chapter 5

- Safety management objectives and requirements
(1.2.2.) (1.2.3.)
- Functional requirements for a Safety Management System
(1.4.)
- The Company should ensure that the policy is implemented and maintained at all levels of the organization, both ship based as well as shore based.
(2.2.)
- Company Responsibilities and Authority
(3.)
- Designated Person(s)
(4.)
- Resources and Personnel
(6.)
- The Company should ensure that the ship's personnel are able to communicate effectively in the execution of their duties related to the Safety Management System.
(6.7)
- The Company should establish procedures to identify describe and respond to potential emergency shipboard situations.
(8.1)
- Reports and Analysis of Non-conformities, Accidents and Hazardous Occurrences.
(9.)
- The Company should establish procedures in its SMS to identify equipment and technical systems the sudden operational failure of which may result in hazardous situations. The SMS should provide for specific measures aimed at promoting the reliability of such equipment or systems. These measures should include the regular testing of stand-by arrangements and equipment or technical systems that are not in continuous use.
(10.2.) (10.3.)

3. High Speed Craft Code 2000: Chapter 18

- The Administration shall issue a Permit to Operate High-Speed Craft when it is satisfied that the operator has made adequate provisions from the point of view of safety generally, including the following matters specifically, and shall revoke the Permit to Operate if such provisions are not maintained to its satisfaction.
(18.1.3)
- Craft operating manual
(18.2.1.)
- Maintenance and servicing manual/system
(18.2.4.)
- Information on passengers
(18.2.5.)
- The Administration shall specify an appropriate period of operational training for the master and each member of the crew and, if necessary, the periods at which appropriate retraining shall be carried out.
(18.3.2)
- The Administration shall issue a type rating certificate to the master and all officers having an operational role following an appropriate period of operational/simulate or training and on the conclusion of an examination including practical test commensurate with the operational tasks on board the particular type and model of craft concerned and the route followed.
(18.3.3.)
- The Administration of the country in which the craft is to operate shall be satisfied with the training, experience and qualifications of the master and each crew member. A valid certificate of competency or a valid license appropriately endorsed.

- **(18.3.8.)**
Manning of survival craft and supervision.
- **(18.4.)**
Emergency instructions and drills.
- **(18.5.)**
On-board instruction and operation of the craft's evacuation, fire and damage control appliances and systems shall include appropriate cross-training of crew members.
- **(18.5.5.)**
Damage control drills.
- **(18.5.10.)**

Annex 2
Model Template for Recreational Vessel Safety Management System

1. Introduction
2. Purpose
3. Rules and Regulations for Navigation
4. Automatic Identification System (AIS)
5. Passage Planning
6. Reporting Accidents or Incidents
7. Vessel Maintenance
8. Emergency Procedures
9. Operational Procedures