

**CONSULTATION RESPONSE FORM**

Proposed draft Regulations for an exception from the alcohol limits for non-professional mariners

**PART 1 - Information about you**

Name	D Fletcher
Address	Freepost (BM8367) Birmingham
Postcode	B31 2BR
email	david.f@nabo.org.uk
Company Name or Organisation (if applicable)	National Association of Boat Owners
Please tick one box from the list below that best describes you /your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input checked="" type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:	
2000 members. We invited comment by electronic poll.	
If you would like your response or personal details to be treated <b>confidentially</b> please explain why:	

**PART 2 - Your Comments**

<p>1. Do you agree with the parameters of the exception stated in the draft Regulations, (“(a) a length overall less than 7 metres; and (b) a maximum design speed not exceeding 7 knots”) and that they will except smaller vessels, including rowing boats, paddle boats and sailing dinghies from the application of alcohol limits and the associated tests?</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>
--	-------------------------------------	---

Please explain the reasons for your answer:

The proposed exceptions are seen as arbitrary and not appropriate for the inland waterways.

For Inland waterways craft lengths are typically longer than 7m. Such smaller craft as do exist are usually of GRP or wood construction, and vulnerable in collisions with the more usual steel narrow boats of much greater mass. So to exclude this group is not appropriate. In addition we would not like to see small unpowered boats excluded. If it was wished to totally exclude inland waterways the appropriate length would be 22m, but we would rather see no exemption for length.

The 7knot design speed is not significant for inland waterway craft as most are intended for less than this and the speed limit is 4mph. We note that the term ‘design speed’ of a boat is not a term that is readily understood and known on the canals.

<p>2. Do you agree that the combination of parameters for the exception will ensure that most of those vessels which pose a high risk in the water are subject to the application of alcohol limits?</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input checked="" type="checkbox"/></p>
--	-------------------------------------	---

Please explain the reasons for your answer:

Overall we believe that there is no identified step change in “risk” with length and making the distinction of 7m length does not provide the right behavioural drivers. Boats of less than 7m and dinghies would not naturally be segregated from the larger craft because of the narrow linear nature of the canals. This mix is a hazard for crushing by the heavy steel

## Annex E

narrow boats so there is no apparent justification for exemption.  
For the 7knot limit, if this alone was the exclusion, then effect is that the inland waterways would not be covered by the provisions.

3. Do you agree that the proposed exception is clear and understandable to most non-professional mariners, the Police and other enforcement agencies?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Please explain the reasons for your answer:  No comment		

4. Do you agree that the combination of parameters for the exception is sufficient to minimise any health and safety risks linked specifically to alcohol consumption in this environment?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Please explain the reasons for your answer:  We are faced with a length issue that is not meaningful and if this provision is to be applied we would rather see all boats covered and make no distinction, even for unpowered craft. In addition to the comment about, we note that there is a likelihood of health and safety risks from boats such as canoes and dinghies which are dependant on a degree of balance from the occupants and are very vulnerable to crushing. We note that the risk is mainly to the occupants rather than third parties.  The 7knot limit implies that consideration has been given as to whether there is a need to apply the same alcohol limits to a boat at about 3 knots, as to a car driven at 70 mph on a motorway. We do not believe that there are any statistics of accidents on the inland waterways that justify this same limit. There is considerable variation in views on this issue amongst our members, and this reflects the fact that the inland waterways are predominantly used for leisure activities and modest lunchtime drinking is very common and not a current behavioural		

problem.

5. Are there any additional comments you wish to make?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
--	---	-----------------------------

Please add any additional comments you wish to make:

NABO represents boat owners predominantly on the Inland Waterways operated by British Waterways. All our comments are made in the context of the usage of these waters.

We think that having laws on alcohol limits for non-professional mariners is a good thing. Nobody can support the helm (or crew) of a boat being incapacitated through drink. But this is not a current problem on these waters, which are predominantly used for leisure. In this area, the law should have a gentle touch, not an iron fist.

We challenge the right and need for the DfT to introduce legislation on waters where there is no public right of navigation, on the grounds that the owners of these waters will have their own bye-laws. As a society we are overrun with regulations of varying degrees of merit and overlap. This causes confusion and brings good laws into disrepute. The Secretary of State, as well as creating exemptions on the grounds of boat length and speed can also do so on the grounds of location.

The BW bye-laws already can be considered more onerous, in that they apply to anyone engaged in the mooring, locking and handling of the vessel. We have never heard of anybody being charged under these, or charges failing to be made because of deficiencies, so we question the need for yet further parallel and/or overlapping legislation on inland waterways.

It is our view that waters covered by BW (or EA) should be exempted, because they already have applicable laws which do not have the same exemptions. We would rather see these bye-laws adjusted with any additional requirements, rather than a blanket coverage national law that does not fit well. Even if the two exemptions were to be agreed, then the impact on BW waters is minimal, in that the bye-laws do not make the same exceptions, and thus they would govern. The only benefit is than in some cases the navigation authority can make use of the extra powers. This will cause confusion. Better to exempt on the ground of location.

But continuing with the document as presented there are some other issues.

The level of blood alcohol is to be set at the same level as for roads, and this might be considered unnecessarily low on inland navigations. Damage may be done to the general attraction to the waterways if leisure boaters are threatened with penalties as a result of very moderate lunchtime drinking. The 80 mg limit or lower is considered appropriate for cars capable of high speeds but it has not been verified for inland navigation where speeds are significantly less, and we question any evidence of accidents that justify this specific limit. As the levels for road use are being considered for reduction we would not wish to see that for boating to follow automatically and without due consideration of the risks and the behaviour seen.

We make the comment that for inland waterways, a 7 knot exemption is a meaningful figure, but the 7 metre maximum length covers very few craft. We are not in favour of a length exemption, but if the conclusion is that one is required, then 22 metres would allow for all leisure narrow boats up to 72ft on the network and would have some logic. 7m has no logic for inland waterways.

Many boats on the inland waterways are boaters' homes, and place of refuge. It is perfectly possible for a crew member to be incapacitated though drink, and not involved with navigation. We note that these are excluded from the regulations, and we welcome this. In a similar way, it is important that the

regulation does not apply once the boat is moored up.

**Results of our straw poll**

Agree legislation without length/speed exemption = 38%

Agree legislation without length/speed exemption but with a higher alcohol limit = 33%

Agree legislation with exemption = 7%

Disagree with the legislation = 19%

Please send consultation responses to:

Shipping Policy Branch 5  
2/33, Great Minister House  
76 Marsham Street  
London  
SW1P 4DR

By email to: [leisuremariners.consultation@dft.gsi.gov.uk](mailto:leisuremariners.consultation@dft.gsi.gov.uk)

Fax: 0207 944 2186 / Tel 0207 944 5426