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Dear Sir,

Draft Thames Bylaws 2008

I am writing to you in response to your consultation notice on the 2008 Thames Byelaws.

As a recreation river user I am concerned at some of the changes that are being proposed as I feel they will significantly affect my ability to enjoy boating on the tidal River Thames.

At a general level I feel the proposals fail to take account the findings of the Government's "Hampton Report into the cumulative burden of regulation. Whilst the Hampton Report does not cover the Port of London Authority (PLA) as a regulator, the Maritime Coastguard Agency *is* included in the report. As a result I feel it is appropriate for the PLA to consider the recommendations of the report before considering implementing any legislation.

The report goes on to make a number of recommendations most importantly these include;

- "entrenching the principle of risk assessment throughout the regulatory system, so that the burden of enforcement falls most on highest-risk businesses, and least on those with the best records of compliance;
- in particular, ensuring that inspection activity is better focused, reduced where possible but, if necessary, enhanced where there is good cause; at present, not only are unnecessary inspections carried out but necessary inspections are not carried out;
- making much more use of advice, again applying the principle of risk assessment;
- substantially reducing the need for form filling – in practice, most businesses' most frequent and direct experience of regulatory enforcement – and other regulatory information requirements; and

- applying tougher and more consistent penalties where these are deserved."

Based on my experience of using the Thames as a recreational boater I feel that the PLA has not taken on board many of these recommendations before resorting to this legislative approach.

In particular the proposals appear not to target the higher risk activities such as large high speed vessels carrying large numbers of passengers. Instead the blanket speed limit proposals negatively affect a small minority of river users whilst the high risk vessels are given dispensations to continue to operate despite the generic risk of high speed vessels being identified by the PLA. Clearly this is at odds to the fundamental aims of the Hampton Report and the Governments subsequent response to the report.

In addition I wish to make you aware of the following points which I feel need significant revision:

Section 9

The Royal Yachting Association (RYA) has made clear the impacts that these reporting requirements have on recreation river users. Clearly these are unworkable for recreation river users. More information on the RYA's attempts to address this situation is available on their website. Consequently I would like to suggest that this section is only made applicable to commercial vessels or in the case of a significant accident or incident.

Section 11

The proposed bylaws do not give an interpretation of what a "river event" constitutes. Does two or more friends sailing in two dinghies constitute a "river event"? Again further clarification is needed here.

Also it might be worthwhile including a requirement on event organisers to ensure that sufficient facilities are provided for the collection of waste as many events cause large amounts of rubbish to enter the river.

Section 12

Subsection 12.1 (b)

The requirement to "ensure that every person in any part of the vessel which is not permanently covered is seated" is a draconian response to the risk of people falling into the water from a small, fast vessel. The inclusion of such a requirement highlights a deficit in the PLA's understanding of many small high speed vessels as many vessels do not include seating as standing at the controls is part and parcel of the design of many such vessels. Jockey consoles are extremely popular on rigid inflatable boats (RIBS), indeed even in use by the RNLI. As standing, whilst straddling the seat is the normal mode of driving such a configured boat this section would clearly make it an offence to operate such a boat.

Pure inflatable boats (often known as SIBs) often have no seat and can often exceed 12 knots. Again this section would make it an offence to drive such a boat.

Clearly these subsections should be removed.

Subsection 12.2 (a) and (b)

The requirement to install a kill cord system and require the passengers to wear a lifejacket is a laudable idea. However the installation of a kill cord system is often a very expensive retro fit option and I suspect this will have an adverse impact on new river users.

It should also be noted that as currently drafted subsection 12.2(a) does not appear to require the use of the kill cord system, simply its installation and ensuring it is working correctly. If the aim is to have the mechanism but not use it then this is an unnecessary, burdensome requirement. Furthermore the imposition of this proposal would mean that London would be imposing a regulatory burden far in excess of the requirements of other ports despite an equivalent risk being posed.

The requirement posed by subsection 12.2(b) to wear lifejackets is a significant step towards river safety. However it is nonsensical to impose such a requirement on small vessels but not larger vessels. Often passengers on smaller vessels take much more care when compared to those on larger vessels where an air of complacency can often set in. Indeed due to the amount of time it would take to recover a man over board from a larger vessel it could reasonably be argued that those on larger vessels are at greater risk and therefore would benefit greatly from wearing a lifejacket.

I imagine the Amateur Rowing Association will also welcome this requirement to wear a lifejacket or buoyancy aid whilst rowing on the tidal Thames!

The cost implications of requiring passengers to wear lifejackets should also not be overlooked. A reasonable lifejacket or buoyancy aid costs in the region of £80 and the proposals would require an outlay of something in the region of £480 per six seater boat and £640 for an eight seater boat.

Again the imposition of this proposal would mean that London would be imposing a regulatory burden far in excess of the requirements of other ports despite an equivalent risk being posed in London and elsewhere.

I would think that it would be sensible to attempt to redraft section 12.2(b) bearing in mind these comments, to *strongly recommend* the wearing of a lifejacket.

Section 13

Again the draconian style of this section could have an effect on a recreation river user. Surely this could be redrafted to clearly allow the operation of a

vessel by a person under 16 years of age when under direct supervision or an appropriate adult? At a time where the Thames has a lack of interested and qualified young mariners to replace the current generation of professional watermen, this requirement will only serve to exacerbate things.

Section 15.3

See my earlier comments on section 12.

Section 18

This is probably the most significant change to the bylaws and it is disappointing to see it buried away in the back of the bylaws and not clearly promoted in the covering letter.

I can only assume the imposition of an 8, 12 and 15 knot speed limit seeks to reduce the potential of accidents and the wash caused by fast moving vessels.

If this is the aim of these proposals then setting a speed limit with exemptions for the class V vessels, often the worst culprits, completely undermines the aim of the proposals and places an unnecessary burden on other river users.

The recent imposition of a speed limit on class V vessels in the Pool of London has made significant strides towards improving the safety of those on the Thames. Surely in line with the recommendations of the Hampton Report it would be better to target the class V vessels on the basis of risk across the whole port with a 15 knot limit?

Bank erosion and wash is a significant problem for the Thames, its riparian owners and berth holders which is exacerbated by large fast moving vessels. Unfortunately the proposals in their current format make the situation worse. Many of the smaller commercial and leisure vessels are starting, at 10-15 knots to plane over the water. This causes significant amounts of wash which will be perfectly acceptable under your proposals, but it will cause a significant risk to other vessels under navigation, on moorings and damage to the bank.

In order to address this flaw in the current format of the proposed legislation I would advocate the emphasis on a small wash being generated not on the speed of the vessel.

Section 48

Subsection 48.1(a)

It should be noted that many smaller vessels do not have the ability to secure themselves alongside fore and aft. Perhaps this could be amended to "*ensure the vessel is made secure to rings or bollards in Richmond Lock immediately after the vessel has entered;*"

Section 53

As the Environmental Protection Act 1990 does not list the discharge of noxious or pollution matter as an offence from a vessel would it not be a welcome addition to the PLA's powers and to all river users that it does become an offence under these bylaws?