

Mr Henry Charles
Assistant Coroner, Hampshire, Portsmouth and Southampton
Coroner's Office
Castle Hill, The Castle,
Winchester
SO23 8UL

09 January 2025

Reference: Regulation 28, Request for Response

Dear Mr Charles,

Thank you for your communication of 18th November 2024. I am writing in response to your various points raised. However, prior to doing so, it may be worthwhile providing some context about the RYA and, in particular, the extent of our authority.

The RYA is the national governing body for sailing and multiple other forms of boating in the UK. We provide training courses for both recreational boaters and masters of small commercial vessels, with RYA qualifications for the latter being formally recognised for commercial use by the UK's maritime regulator, the Maritime & Coastguard Agency (MCA). RYA Training Schemes were first started in 1970, and now extend to 58 countries, with our training delivered through a network of 2,300 independently owned and operated "RYA Training Centres."

Whilst the RYA has the authority to determine the standards for its courses and for the conditions under which RYA Recognised Training Centres operate, it does not have the authority to determine or enforce standards for operations within the small commercial vessel sector (and indeed the Small High Speed Passenger Vessel sector). This responsibility falls of course to the MCA as the UK maritime regulator, or in some circumstances to the relevant local port or local authority.

That said, the RYA has always had a primary focus on safety and for that reason we take a proactive approach to influencing change where we can, either through behaviour of the boating public and commercial operators, or through work with organisations such as the MAIB and MCA, and others. This can be seen for example in our creation of the "Small High Speed Passenger Vessel Voluntary Code of Practice" 15 years ago, now in its 3rd edition.

I have consulted with colleagues in both the RYA's Training and Technical departments with regards the concerns you have expressed. Their responses are as follows:

- a) Each port or local authority has the ability to regulate the use of small commercial vessels within their jurisdiction. Whilst there are some port and local authorities which will no doubt have the expertise and resource to deal with such matters, there are others who may not, and therefore regulating on a port by port basis may lead to inconsistencies between the standards adopted.

The MCA regulates commercial vessels used “at sea”, i.e outside of categorised waters which are often within the jurisdiction of port or local authorities, however this can result in uncertainty when an MCA coded vessel (such as Seadogz) is used within categorised waters.

The RYA notes the issue of inconsistent regulation applies to all commercial vessel operations, and not just to those used for high-speed experience rides.

Accordingly, the RYA believes there is an opportunity to review the position and either align the requirements of various harbour or local authorities in their treatment of commercial craft, or for the MCA to consider the issue on a national basis, however the RYA does not believe that it would be appropriate for the MCA’s “Sport or Pleasure Vessel Code” which is currently out for public consultation, to be applied on a blanket basis to all small commercial vessels only used within categorised waters. The RYA recommends that any uniform standard must be proportionate and take into account the nature of vessels and risk profile of operating within categorised waters.

- b) The RYA notes that a draft “Sport and Pleasure Vessel Code” was recently released for consultation, and it is our understanding that the finalised version of the code will follow in 2025. Whilst there is certainly benefit in promoting safety and key messages within the Small High Speed Passenger Vessel sector (direct to the operators of those craft) in the interim, we do not believe it is feasible to develop and implement temporary measures without the risk of causing confusion for operators.
- c) The RYA would support a revision to the ISO Standard. However, this should not be seen as a solution for existing craft. Retrospective steps for existing craft would undoubtedly be unworkable, unviable and are likely to have unintended consequences. Operators of existing craft should instead be educated to have safety management systems, conduct appropriate risk assessments and take the necessary steps to mitigate against any identified risks.
- d) The RYA supports the notion of a review of seat and handrail design for new craft within the Small High Speed Passenger Vessel sector. However, we believe that addressing this issue with existing craft is best done through better education of operators and skippers on safety management systems, and the implementation of effective risk assessments, supported by appropriate steps to mitigate against identified risks. Examples would include measures such as limiting speeds when passengers occupy certain seats, or perhaps limiting operations to

certain sea states. The RYA is aware of an outstanding recommendation from the MAIB to the MCA to “Conduct an anthropometric assessment of the design and operational requirements for small high-speed passenger craft safety to develop a framework for assuring the protection of passengers and crew provided by the craft with respect to whole-body vibration and sudden decelerations in the event of a horizontal impact.”. The RYA believes this study, and its subsequent implementation into the codes of practice by the MCA, will address your concerns in this area, however, as highlighted in point a) further consideration is needed around the applicability of the current and any future code requirement to vessels operating exclusively in categorised waters.

- e) Technology such as AIS is likely to increase the visibility of commercial vessels and may allow vessel tracks to be analysed more clearly after an incident, however while remote oversight may have some deterrent effect, the RYA questions the benefit of such technology for proactive monitoring on the basis that few harbour authorities will have the resource to proactively monitor all movements of Small Commercial High Speed Passenger vessels, while identifying speed and course may not allow an informed decision to be made remotely as to the safety implication of that behaviour in respect of a particular vessel, or enable intervention unless the vessel is operating in breach of legislation. Accordingly, the RYA does not believe that the use of technology is a substitute for appropriate training and safety management systems. The RYA does not believe that AIS is suitable for all vessels on a blanket basis.
- f) The RYA fully supports the timely implementation of MAIB recommendations. We achieve this ourselves by maintaining a close working relationship with the MAIB and, where possible, by being involved in the recommendations consultation process. I note that the current MAIB recommendation for a review by the RYA of the existing “Small High Speed Passenger Vessel Voluntary Code of Practice” has been delayed due to the need to await the outcome of the MCA legislation for this sector of the industry. We felt, and the MAIB agreed, that releasing an amended version of the Voluntary Code of Practice at this point, where there was real risk of it either conflicting with or leaving unintended gaps, ran the risk of creating confusion within the sector and potentially undermining the “revised “Sport and Pleasure Code,” which we anticipate will address the majority of these issues. We envisage releasing a revised edition of the Voluntary Code of Practice soon after we have sight of the finalised MCA Sport and Pleasure Vessel Code.

As an aside, it is noted that throughout your communication to us you reference “RIB craft” in relation to high-speed experience rides. It is respectfully suggested that it may be more appropriate to refer to these vessels as “small high speed passenger vessels”. Whilst it is true that many such experience rides do indeed utilise craft with an inflatable collar, not all of them do. Further, with the rapid evolution vessel design, it is entirely possible that this sector may move towards craft which do not have inflatable collars in the future. Indeed, in many parts of the world that is already the case. In order to ensure that any positive steps to come from your recommendations can be applied universally across the relevant craft, it will be important to ensure that appropriate terminology and definitions of craft

are used. This will avoid inadvertently ruling certain craft “out of scope”, simply for their lack of an inflatable collar. The risks on small high speed passenger vessels remain the same, whether they happen to be a RIB or not.

Please do not hesitate to contact me should you require further clarification.

Yours sincerely,



Director of Training and Qualifications