



Department
for Transport

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From the Parliamentary
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26 February 2025

Dear Rachael,

I am grateful for your careful consideration of the circumstances of the tragic accident involving David John Haw and highlighting the opportunities for improvement in safety in your Regulation 28 Report to Prevent Future Deaths of 20 December 2024. I apologise for the delay in responding and appreciate the extension you granted.

We are constantly striving to improve safety for all including the large number of recreational mariners who use our waters. Legislation is already in place to enable those, such as ports, who have responsibility for managing a particular stretch of water or coastline to introduce laws to ensure safety within these areas. We believe these organisations remain best placed to understand what is appropriate for local circumstances given the wide variations in both geography and recreational usage around the country.

There is now a greater range of vessels undertaking a wider scope of activities than ever before. In acknowledging the diversity of pleasure vessels and the waters in which they operate, owners and users are entrusted with the responsibility of taking suitable measures to ensure safety, while the Maritime and Coastguard Agency (MCA) will always work to ensure proper regulation is applied as appropriate.

Whilst pleasure vessels are not subject to many of the specific regulations that small commercial vessels are, they do remain in scope of the regulatory frameworks set out by Merchant Shipping Act 1995 (MSA), and in particular the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (SI 1996 no. 75). As such, if a pleasure vessel was being operated in such a way that was “dangerously unsafe” there are mechanisms under Section 100 of the MSA to take appropriate action. Likewise, if the consumption of alcohol was a contributing factor and meant the vessel operator was unable to keep a proper lookout, this too would be a prosecutable offence under UK Regulations.

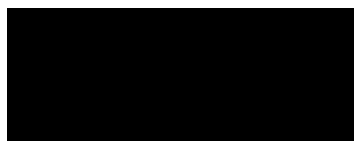
Turning to recreational mariner alcohol limits, the Railways and Transport Safety Act provides alcohol limits and corresponding offences for professional mariners, however no proscribed limits for alcohol have been set for recreational mariners. As noted above, there is already an offence which can be applied in these circumstances under the Merchant Shipping Act 1995. To date, the Department has held three consultations on this issue, the latest a request for evidence to inform a review of the position in 2021. Responses have continued to demonstrate the significant challenges to the introduction of alcohol (and drug) limits for recreational mariners. These noted strong views, both for and against. They also highlighted that the number of serious incidents involving recreational mariners where alcohol was a causal factor is, thankfully, extremely low and that statistics alone do not support the introduction of a national limit. We will continue to keep the evidence base under review and to work with partners in the sector focussing on improving awareness of the risks of drinking and sailing.

Although there is currently no legislation requiring the mandatory wearing of personal floatation devices (PFDs) on any pleasure vessel in the UK, there is not yet sufficient evidence to justify a regulatory intervention to this effect. Some local water authorities, ports and marinas do require this under their by-laws and, of course, voluntary wear is strongly encouraged as publicised by the MCA through Marine Guidance Note (MGN) 599 (M) Amendment 1 "Pleasure vessels – Regulations and Exemptions – Guidance and Best Practice Advice". This MGN also provides a range of guidance and best practice advice for pleasure vessel owners which includes appropriate training and avoiding consumption of alcohol as well as the wearing of PFDs.

The introduction of more detailed regulatory obligations on the owners and operators of pleasure vessels would be a fundamental change to this status quo, with significant resource implications, for vessel owners as well as for Government, in bringing the pleasure vessel fleet under closer regulatory oversight.

I would like to take this opportunity to reassure you that my officials within the MCA are working hard to bring forward new legislation and an updated Sport or Pleasure Vessel Code as soon as practical to improve small commercial vessel safety. The MCA will continue to work to ensure that pleasure vessel owners and operators take seriously their responsibilities for ensuring the safety of those onboard their vessels.

Yours sincerely,



MINISTER FOR AVIATION, MARITIME, AND SECURITY