



21 February 08

Ref: 08- 001

## BSS EXAMINER NEWS

Dear examiner,

This examiner news is the invitation for you to renew your BSS examiner re-registration for the period 1 April 08 to 31 March 09. Your examiner re-registration form is enclosed.

Please take great care to check all forms, payments and enclosures are accurately and fully completed before returning them to the office as soon as possible and before the end of March. Incomplete applications will be returned and this will undoubtedly lead to delays and additional costs. Late registration has serious implications, there is more detail below. □

### **Small increase in registration fees**

I can confirm that the BSS examiner registration fee will rise by £5.50 from £142 to £147.50 (inclusive of VAT). This rise takes account of inflation at 4%.

For those with BW moorings or other accounts, please do not pay your annual re-registration by BACS transfer as it is very difficult to re-direct the funds to our account.

### **No need to send Identity Card passport photos this year**

Your file photo will be scanned onto your new identity card. So there is no need to send us passport photos this year, unless you are contacted by Tracy because, for some reason, we cannot use your current photo in our records.

If you wish to change your photo, you need to send in a clear digital photo file of not less than 200kb size of your head and shoulders only, by Wednesday 5 March.

### **Block Policy insurance premiums set to stay the same**

Michael Hall Associates Ltd are about to send out the block-policy renewal information. I understand that professional indemnity (PI) and public liability (PL) premiums will remain the same as last year subject to the insurer's acceptance of individual risks.

Michael Hall Associates Ltd contact details have changed and are as follows; Stuart Clark, Michael Hall Associates Limited, Mason Chambers, Manchester Road, Haslingden, Rossendale BB4 5SL. Tel: 01706 836160, Fax: 01706 217177, Email, Stuart.Clark@michaelhallassociates.ltd.uk.

### **BSS Examiner electrical knowledge and understanding assessment**

As mentioned in the last BSS Examiner News, it is intended that all examiners will attend training and assessment on electrical knowledge and understanding between late Autumn 2008 and the end of March 2009.

It's difficult to be precise at the moment about the cost of the training and assessment because the course is still being developed. We remain committed to minimizing the cost of training to examiners and at this stage we are looking at a 2-day course and our current expectation is the cost will be not more than £200. It is intended that training will be available within a reasonable driving distance from where you live.

## **A Revised BSS Examiner Code of Conduct**

Further to the BSS Examiner News 07-006 the BSS Examiner Code of Conduct has been revised and the 2008 version is enclosed with this invitation to re-new your registration. The revisions are minor and have two aims; additional clarity, and, to further protect examiners' interests. During the consultation period, we received comments from thirty-six examiners on the suggested changes. A copy of the comments received plus the BSS Office recommendations and comments specific to each is available upon request.

Please note that by signing the BSS examiner re-registration application form, you agree to be bound by the terms of the Code. The procedure for investigating complaints BSSQA006, which the Code of Conduct forms an appendix, has been amended slightly and is also enclosed. All changes are outlined in the annex to this BSS Examiner News.

## **Late examiner registrations**

Remember, if you are not re-registered by 1 April, you are not authorized to carry out BSS examinations, or to issue certificates. It follows that if we have not got all relevant materials from you by 31 March, you must not issue any certificates and must cancel or postpone any BSS examination bookings you may have for after 31 March.

Fully complete applications received after 1 April will be subject to an additional administration fee of £50 taking account of the additional costs of late registration. Unauthorized examiners will not be listed on the BSS website after the 31 March.

## **Other factors essential to ensure your re-registration**

1) Evidence of Suitable PI & PL Insurances Must Be Received - BSS Block Policy Insurance Cover - If you are on the Block Policy anticipate cover renewal information very shortly if you have not already received it. If the terms are acceptable to you, please send the completed PI &/or PL insurance proposal forms back to Michael Hall Associates (MHA) as soon as possible. MHA will confirm your cover to us automatically, so MHA customers can in send in all their other paperwork without delay.

*Independently Arranged Insurance Cover* - If you arrange either or both PI and PL insurance cover independently we must have evidence that the terms and the level of current cover is not less than the BSS Block Policies. Without it your BSS re-registration form cannot be accepted, so please send us the evidence with your returned re-registration forms as soon as possible.

2) Monthly returns must be up to date - We will not be processing re-registration application forms of examiners whose monthly returns are not up to date and no further BSS certificates are being sent to those examiners now behind. Outstanding returns cause problems for the navigation authorities; it makes efficient working very difficult for us and can cause problems for boat owners. If you are behind, please ensure that your returns are up to date as soon as possible.

3) Receipts for the Examination Checking Procedures (ECP) Changes must be sent in - As with monthly returns, re-registration forms will not be processed from examiners yet to confirm receipt for the ECP Changes sent with BSS Technical Newsletters during 2007. Three updates were sent, one in with TN01.07 in June and two with TN02.07 in August. If this is relevant to you, please ensure that your receipt is returned as soon as possible.

Acknowledging receipt of ECP changes is crucial because it means that we can be assured that you are operating to up-to-date information. In 2008 we will be calling upon you to acknowledge receipt very quickly after delivery.

## **Not re-registering for 2008/9?**

I am aware that one or two examiners may not intend to re-register this April. May I request that if you have decided not to re-register please confirm this in writing to Tracy as soon as possible. I would also be interested to learn of the reasons for your decision.

Please confirm your intention not to re-register by Wednesday 5 March if you do not wish your name and phone number to appear in the Waterways World 2008 annual listing of examiners. □

I look forward to the receipt of your completed BSS examiner re-registration application form. If you have any questions or problems concerning your renewal please give Tracy a call at the BSS Office on 01923 201278.

Best regards,



Graham Watts, **BSS Manager**


## Annex


### **Changes to the BSS Examiner Code of Conduct and the investigation procedure into alleged breaches of the Code.**

The table below outlines the changes to the BSS Examiner Code of Conduct and the investigation procedure into alleged breaches of the Code.





These changes are incorporated into the 2008 versions of these documents, also enclosed with your re-registration papers.






Amendments and additions are in bold dark blue font and suggested deletions are in bold red and crossed through.

 - shading in the Ref. column indicates the item was included in the consultation documents to all examiners





 – shading in the in the Ref. column indicates the item has been included as a result of the consultation




#### **A) BSS Examiner Code of Conduct**

<b>Ref.</b>	<b>The nature of the change</b>
1.1 	1.1 This version of the Boat Safety Scheme (BSS) Examiner Code of Conduct replaces that dated April <b>2007</b> <del>2006</del> and all previous editions. <i>The amendment is essential as part of an annual update.</i>
1.2 (new) 	1.2 <b>This Code of Conduct regulates the activities and responsibilities of BSS Examiners (Examiners).</b> <i>This desirable addition represents a statement of what the code is. Re-number subsequent clauses in section 1.</i>
2.1 	2.1 Examiners shall have a duty to the BSS and to the participating Navigation Authorities to carry out all examinations in a competent manner <b>using reasonable care and skill.</b> <i>The additional words invoke the implied terms of the Supply of Goods and Services Act 1982 and add clarity to the intention of the clause.</i>
6.4 	6.4 Examiners shall keep records of BSS examinations as required <del>from time to time</del> by the BSS, including records of the issue of published safety related guidance to the owners of vessels. <i>The deletion removes any ambiguity about the term, 'from time to time'.</i>

7.2 	<p>7.2 <b>When a vessel subject to the Recreational Craft Regulations undergoes a BSS examination (normally four years after first use) it is <del>Vessels built subject to the Recreational Craft Regulations are</del></b> to be examined against current BSS Examination Checking Procedures. Where any items are found to be apparently non-compliant and the owner expresses an intention to contest the fault on the grounds of the items were in place at the time the builder CE marked the vessel, Examiners must record a fault and seek the guidance of the BSS Manager.</p> <p><i>The amendment is desirable for added clarity.</i></p>
9.4 	<p>9.4 Examiners shall keep copies of BSS Examination Report forms, Status Reports, Appliance Records and BSS certificates, and such other documents as may be required <del>from time to time</del> by the BSS, for a period of not less than six years from the date of issue or returned to the BSS if the Examiner leaves the Scheme before that date. Such records shall be made available by the Examiner to the BSS upon request.</p> <p><i>The deletion removes any ambiguity about the term, 'from time to time'.</i></p>
11.2 	<p>11.2 Examiners are responsible for the safe custody of these loan items and any loss must immediately be reported to the BSS Manager. Any loss, <del>especially through theft,</del> of blank BSSCs, Authentication Stamps or Examiner Identification Cards shall be reported to the appropriate police force.</p> <p><i>The deletion is desirable as the phrase 'especially through theft' is not necessary.</i></p>
13.3 & 14.2 	<p><b>13.3 Where allegations of a breach of this Code may present a continuing serious risk to persons or vessels, the BSS Manager may immediately suspend an Examiner's authorization to participate in the BSS, pending full investigation of the alleged breach(es). In such circumstances the matter shall be reported to the BSS Management Committee Executive to whom the Examiner has an immediate right of appeal and the full investigation shall be completed, and the matter brought to the BSS Management Committee for resolution as soon as possible.</b></p> <p><b>14.2 Is deleted</b></p> <p><i>There is no impact concerning this alteration. This clause is simply moved and placed in better order within the code.</i></p>
15.1 	<p>15.1 Examiners have the right of appeal against any decision of the BSS Management Committee. This shall include a right to appeal action taken to remedy breaches of the BSS Examiner Code of Conduct. Any such appeal must be made in writing, and within fourteen days of the date of any notification of the Committee's decisions. Appeals shall be decided by <b>an independent arbitrator appointed for the purpose by IDRS Ltd (Dispute Resolution Services) a Member of the Chartered Institute of Arbitrators appointed for the purpose</b>. The decision of that person will be final and binding on all parties. Appellants shall bear the costs of any unsuccessful appeal process.</p> <p><i>There is no impact concerning this change. It is brought about by the name change of the Chartered Institute of Arbitrators to IDRS Ltd to accommodate their changed charitable status.</i></p>

**B) Procedure for investigation of alleged breaches of the BSS Examiner Code of Conduct [BSSQA006]**

Ref.	The nature of the change
3.1.3 	<p>3.1.3 obtain any relevant verbal <b>or</b> written <b>and/or</b> statements, documentary or photographic evidence.</p> <p><i>The addition/deletion ensures the clause reads better.</i></p>
3.4.2 (new) 	<p>3.4 The BSS Manager shall evaluate any Notice of Faults and any response provided by the Examiner and shall take appropriate actions. Actions as is necessary in the circumstances may include:-</p> <p>3.4.1 temporary suspension of the Examiner’s authorization to issue BSS certificates (pending full consideration of the matter by the BSS Management Committee under the provisions of Para 5.0 below); and/or,</p> <p><b>3.4.2 where disclosure is deemed essential for reasons of public safety, making known the name of the Examiner,</b></p> <p>3.4.23 cancellation of the validity of any BSS certificate issued for the vessel.</p> <p><i>This amendment clearly defines the authority for disclosure of the examiners name. Note that disclosure of an examiners name is allowed for at clause 1.3 in circumstances where it is deemed essential for reasons of public safety.</i></p>
3.6 (new) 	<p><b>3.6 Where actions involve making known the name of the Examiner the BSS Manager shall obtain the prior authorisation from the BSS Management Committee Executive.</b></p> <p><b>3.76</b> Where actions involve cancellation of the validity of a BSS certificate the informant, owner of the vessel, any Navigation Authority which has issued any licence for the vessel to be navigated and the Examiner shall be advised.</p> <p><i>Reference 3.4.2 above. This amendment introduces scrutiny and approval of the BSS Manager’s intention to disclose the name of an examiner.</i></p>
5.5 (new) 	<p><b>5.5 In considering appropriate actions and for reasons of wider public safety, in cases of substantiated breaches of the BSS Examiner Code of Conduct the BSS Management Committee may:</b></p> <p><b>5.5.1 instruct the BSS Manager to conduct an assessment of the wider risks associated with the case findings in relation to the Examiner’s proven shortfall in the application of BSS procedures, instructions or guidance. This may involve a specified level of disclosure of the name of the Examiner,</b></p> <p><b>5.5.2 upon review of the results of the assessment at 5.5.1 the BSS Management Committee may decide to instruct the BSS Manager and/or advise Navigation Authorities to take further necessary actions in the interests of public safety. This may involve wider disclosure of the name of the Examiner,</b></p> <p><b>5.5.3 report the outcome to any competent regulatory body to whom the Examiner has responsibilities, such as CORGI, where the shortfall in performance is relevant to the remit of that regulatory organisation.</b></p> <p><i>5.5 Overview - the option for a wider assessment of the risks is necessary in the interests of public safety.</i></p> <p><i>5.5.1/5.5.2 – In a very few recent proven cases of significant or persistent breaches the BSSMC have followed this course of action in the interests of public safety. The amendment is necessary in order that the Code is seen to catch up.</i></p>

<p>5.5</p> <p>(cont)</p> <p></p> <p></p>	<p><i>The deletion of 'a specified level' removes ambiguity.</i></p> <p><i>5.5.3 - In proven cases of a failure to apply BSS requirements, which may in addition fall under the control responsibilities of other regulatory bodies, for example gas provisions in the case of an examiner is currently CORGI registered, it is necessary to report the outcome of the case investigation to CORGI. The BSS/Navigation Authorities as public bodies have duties to other regulators and must be seen to have acted reasonably.</i></p>
<p>6.1</p> <p></p>	<p>6.1 An Examiner shall have the right of appeal against any decision of the BSS Management Committee. This shall include a right to appeal action taken to remedy breaches of the BSS Examiner Code of Conduct. Any such appeal must be made in writing, and within fourteen days of the date of the notification of the Committee's decisions. Appeals shall be decided by <b>an independent arbitrator appointed for the purpose by IDRS Ltd (Dispute Resolution Services) a Member of the Chartered Institute of Arbitrators appointed for the purpose.</b> The decision of that person will be final and binding on all parties. Appellants shall bear the costs of any unsuccessful appeal process.</p> <p><i>There is no impact concerning this change. It is brought about by the name change of the Chartered Institute of Arbitrators to IDRS Ltd to accommodate their changed charitable status.</i></p>

Ends