



### Boat Safety Scheme Conditions of Registration [Version April 2017]

#### **1.0 Introduction, scope and binding nature of the BSS Examiner Conditions of Registration**

- 1.1 The BSS Examiner Conditions of Registration (the “Conditions”) regulate the activities and responsibilities of BSS Examiners.
- 1.2 Examiners are independent practitioners authorised by the BSS to examine vessels for the purpose of determining compliance with prescribed BSS technical requirements and, where appropriate, issue BSS Certifications (BSSCs).
- 1.3 For the purposes of these Conditions the term BSS Examiner means any person authorised by the BSS to issue BSSCs. (the “Examiner(s)”)
- 1.4 For the purposes of these Conditions the term BSS Examination (the “Examination”) includes any and all contractual activities undertaken by Examiners specifically concerning the BSS, its requirements and the issue of BSSCs.
- 1.5 As a condition of their agreement to participate in the BSS, Examiners are bound by these Conditions.

#### **2.0 Examiners Duty to the Boat Safety Scheme**

- 2.1 Examiners have a duty to the BSS and to the participating Navigation Authorities to carry out BSS Examinations in a competent manner using reasonable care and skill.
- 2.2 Examiners must follow all the procedures, instructions and guidance as published on the BSS Examiner support website.

#### **3.0 Ensuring integrity**

- 3.1 Examiners must act fairly and honestly in their activities connected with the BSS.
- 3.2 Examiners must not make any statement and/or perform any act which may harm, bring into disrepute, lessen or otherwise reflect adversely upon the integrity, reputation or goodwill of the BSS or participating Navigation Authority.
- 3.3 Examiners must uphold and must not knowingly or negligently misrepresent the BSS technical and other requirements of the BSS and the registration and/or licensing policies of the participating Navigation Authorities.
- 3.4 Examiners in their activities connected with the BSS must treat all persons with respect and must ensure that they exercise care and sensitivity in dealings with their customers.
- 3.5 Examiners must not undertake any part of a BSS Examination which they are not competent and eligible to perform.

#### **4.0 Ensuring objectivity and avoiding conflicts of interest**

- 4.1 A conflict of interest will be presumed to exist where any circumstance arises which may impinge, or might reasonably be seen to impinge, on an Examiner's judgement. An Examiner must not issue a BSSC in respect of a vessel where such circumstances exist. These circumstances include, but are not limited to, those listed in 4.2 and Examiner's must observe the requirements of Condition 4.3.
- 4.2 In particular, a conflict of interest exists in respect of any vessel in which the Examiner:
- 4.2.1 owns, owns in part; **or**
  - 4.2.2 is contracted to sell; **or**
  - 4.2.3 has any management or control over the vessel.
- 4.3 Examiners must declare and seek the guidance of the BSS Manager in any circumstance which has the potential for a conflict of interest. The BSS Manager will advise the Examiner on the appropriate course of action which must be followed.
- 4.4 If an Examiner carries out works to bring a vessel to BSS compliance or offers advice on non-BSS matters, any compliance works carried out, and any non-BSS advice issued, must be the subject of a separate contract to the arrangements under which the Examiner conducts any BSS Examination of the vessel.

#### **5.0 Ensuring personal safety**

- 5.1 Examiners are:
- 5.1.1 Responsible for their own personal health and safety;
  - 5.1.2 Responsible for the health and safety of any persons working with them;
  - 5.1.3 Responsible for the control of any health and safety risks arising from their work activities when conducting BSS Examinations or other BSS activities.

#### **6.0 Maintaining Professional Indemnity and Public Liability insurance cover**

- 6.1 Examiners must maintain, at their own expense and at all times, valid Professional Indemnity and Public Liability insurances specifically covering their activities connected with the BSS.
- 6.2 The terms and level of cover of any individual Professional Indemnity and Public Liability insurance policy held by Examiners must be not less than the terms and level of cover specified by the BSS.
- 6.3 Examiners must not undertake any BSS Examinations nor issue any BSSCs, nor conduct any other BSS activities if, at the time of the examination or Certification issue, they are not covered by the prescribed minimum Professional Indemnity and Public Liability insurances.

## **7.0 Conducting BSS Examinations**

- 7.1 When carrying out BSS Examinations, Examiners must carry out the prescribed BSS checks as published in the current and relevant edition of the BSS Examination Checking Procedures and follow the instructions and guidance as published on the BSS Examiner support website.
- 7.2 Examiners must issue published safety related guidance to vessel owners as specified in the BSS Examination Checking Procedures or as covered in instructions and guidance published on the BSS Examiner support website.

## **8.0 Recording and reporting BSS Examinations**

- 8.1 Examiners must complete the recording and reporting of BSS Examinations using the web-based facility in accordance with the instructions on the BSS Examiner support website.
- 8.2 Examiners must keep records of BSS Examinations in accordance with the instructions and guidance as published on the BSS Examiner support website. Such records must be made available by the Examiner to the BSS Manager upon request.

## **9.0 Assuring continued competence**

- 9.1 Examiners are required to undergo periodic competence assessments, as arranged by the BSS.
- 9.2 Examiners are required to attend such continuation or refresher training and assessment courses as may be arranged from time to time by the BSS to update/maintain skills and knowledge. Adequate notice will be given of such training and costs involved will be minimised. Where deemed appropriate by the BSS, such training and assessment must be undertaken online.

## **10.0 Looking after and returning BSS property and equipment**

- 10.1 BSS Examination Checking Procedures, Authentication Stamps, Examiner Identification Cards and any loaned equipment, remain at all times the property of the Navigation Authorities participating in the BSS.
- 10.2 Examiners are responsible for the safe custody of the items referred to under Condition 10.1 and any loss must immediately be reported to the BSS Manager. Any loss of Authentication Stamps or Examiner Identification Cards must be reported to the appropriate police force.
- 10.3 Examiners must return all BSS items as listed at Condition 10.1 within fourteen (14) days of ceasing to participate in the BSS. The amount of any paid deposit associated with the issue of the Authentication Stamp will be refunded to the Examiner unless the Examiner owes money to the BSS, when the amount to be refunded will be offset against the amount owing to the BSS.

## **11.0 Fees and charges payable to the BSS**

- 11.1 Examiners must pay the fees and charges for registration, BSSCs and any other BSS fees and charges, within thirty (30) days of invitation or demand.

11.2 Examiners must not conduct BSS Examinations or issue BSSCs unless all overdue fees and charges outstanding to the BSS have been paid in full.

## **12.0 Co-operating with BSS investigations into alleged breaches**

12.1 In the event of any allegation of a breach of these Conditions being made against an Examiner, such allegations will be handled in accordance with BSSQA006, "Procedure for the Investigation of Alleged Breaches of the BSS Examiner Conditions of Registration"

12.2 Examiners must co-operate as fully as the circumstances will allow with any BSS investigation including the full and prompt provision of information and responses.

## **13.0 Changes to these Conditions**

13.1 These Conditions are subject to periodic review and confirmation by the BSS Management Committee. The need and timing of any review and confirmation will be determined by the BSS Management Committee.

13.2 All Examiners will be provided with the opportunity to comment on any proposed changes to these Conditions.