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BSS EXAMINER NEWS

Dear Examiner,

This edition of BSS Examiner News is mostly about examiner self-preservation, but before that...

BSS Examiner Annual Registration - things to do immediately

The next Examiner Newsletter due within the next ten days will cover the annual registration process in more detail, however before then, there are two things you can do immediately...

➤ **Check your photo**

Your current file photo will be used for your new identity card and BSS website. Yours can be viewed on your personal details page on Salesforce. Does your image reflect what you see in the mirror; i.e. would your customer recognise you from the website? Is it clear and current?

If you wish to change your photo on your ID card and website, it can be done at re-registration time for free. Send us a digital image of not more than 150kb size. Photos must reach us at the latest by Friday 23 February.

The specification is: head and shoulders only, pin-sharp focus; plain background. It must not appear too dark, too bright or washed out. A photo/ID card replacement at any other time outside of the re-registration period will have to be charged at £7.75 (+VAT) to cover card/administration/postage.

➤ **Let us know if you are not registering for 2018-19**

If you have decided not to re-register, and if you have not already done so, please let me or Tracy know as soon as possible. It would be good to know the reasons for your decision.

Protect yourself from customer frustration and /or fraud and deceit

The Canal & River Trust has a direct feed between the BSS Database and its online licensing facility. They are upgrading and improving that link at the end of February. To allow the feed to pick up the right record, when you're loading the details into the boat record, make sure you put the index number in both fields 'Current Registration Number' and 'CRT/BW Index'.

If the boat has been given a second or newer index number, ask your customer which one is in use and use that, but please, please, please still record the old redundant number in the 'Other Index' or 'Additional Notes' field.

Registration Information	
Current Registration Number	512927
Current Navigation Code	Canal & River Trust
All registration marks including previous registrations & SSR nos	
CRT/BW Index	512927
EA Reg	BCCL Reg No.
Broads Reg	Scottish Canals No.
	Other Index

If the boat is registered with other navigation authorities, we would find it helpful to complete the relevant field too as well as 'Current Registration Number'.

There have been more cases of attempted fraudulent use with BSS certification reports recently. To help protect against this, please complete all the boat details as much as you can. Put them into the fields, don't rely on the details being in the 'Additional Notes' or 'Comments' add them into the relevant box.

Additional security will be provided by the use of photos. You can load an image of the boat onto the database. Crop the image right down to the boat, remove avoidable sky, water, trees, grass and if you can, other boats, before you upload. Most phones have basic photo editing apps installed. There should never be people in the picture. Keep your images to around 150kB if you can.

Please also ensure that you have a good record of all the appliances aboard too, it is for your protection should there be a dispute. As an example, the specifically documented absence of an appliance by an examiner in his records may feature in a court case soon between a current and previous boat owner.

If you find a boat record where the database details are wildly different from the vessel you stepped aboard, get in touch with Rob (phone/WhatsApp 07710 175478 / robert.m@boatsafetyscheme.org) straight away to ask him to investigate and help you out.

Could you be caught out on the wrong side of the law? Some advice to keep you safe

You'll know that the changing times means many more boats are being used to live aboard, being let to long-term tenants or being used as bed & breakfast accommodation.

We like to think that the vast majority of your customers are honest about how the boat is being used and the class of BSS examination they need. But when they are not completely open and accurate, you will need to protect yourself as any duplicity could put you at heightened risk of:

- a) *Non-2002 qualified Examiners falling foul of BSS procedures*, for example, if a boat turns out to be a commercial let i.e. a tenanted boat, and the Examiner is not qualified to examine boats to the 2002 BSS requirements (see more [here](#)); and/or,
- b) *Non-Gas Safe registered Examiners being accused of acting outside of UK law* [specifically the Gas Safety (Installation and Use) Regulations (GSIUR)], for example, in the event the Examiner was informed the boat was not being used for residential purposes, but it turns out it is, and they have carried out a manometer LPG tightness test (see more [here](#)).

In the event of an enquiry, a decision about an Examiner's innocence or otherwise, may not be decided only based on what was said from telephone dealings with the customer prior to carrying out the BSS examination. That's why the BSS office guides Examiners on how best to protect themselves and asks for Examiners to adopt those good practices.

It is so important, that the BSS Advisory Committee is to look into this whole subject and almost certainly more detailed advice and guidance will follow.

Until then, as a short-term measure we have devised a simple plan for all Examiners to follow;

The following advice is relevant to all Examiners whether or not Gas Safe registered and/or 2002 BSS requirements qualified.

- **We recommend to always ask these questions in initial dealings with customers.** The first three are drawn from the GSIUR guidance linked to above:
- a) Is the boat hired out in the course of a business?
 - b) Is the boat used primarily by anyone for domestic or residential purposes?
 - c) Do you invite people on board your boat in the course of a business, e.g. is it a café or shop?

d) Which category of BSS examination do you require, Private boat, Non-private boat or Hire boat?

For non-Gas Safe registered Examiners, if the answer to questions a-c) is yes then the guidance repeated [here](#) must be followed.

For non-2002/hire boat qualified Examiners, unless the answer to question d) is Private boat, turn the commission down.

- **We recommend keeping a record of the answer within your own personal records.**
- **Moreover, we recommend that Examiners email clients, or provide some other form of written document, to confirm the category of BSS examination that has been commissioned.**
- **The BSS Examination must be abandoned in the circumstances outlined below**

In the event it becomes apparent that the boat you have attended should be examined under a Non-private boat or Hire boat category, and in the event you are not qualified to carry out that examination, then stop the examination (to avoid any breach of BSS procedure). Send BSS Office a message or email to explain you have stopped the examination and briefly why.

In the event it becomes apparent that the boat you have attended has a gas system, is within the scope of GSIUR, and in the event you are not Gas Safe registered and there is no bubble tester to carry out the LPG tightness test or no Gas Safe registered engineer to observe carrying out the test; then stop the examination (to avoid any breach of UK law).

Keep your eyes on this subject in the coming months. Don't drop your guard.

Co-operating with BSS Office investigations - new guidance

Hopefully you will never be involved in an investigation into an alleged breach of the BSS Examiner Conditions of Registration (CoR) in your examining career. However, if you do, there is a fair degree of scrutiny and we hope that you would co-operate fully with the investigation as most examiners have done in the past.

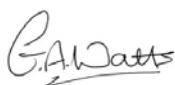
Last year however, an Examiner did not co-operate with an investigation for around ten months. His position was that his solicitor had told him not to say anything. The delayed co-operation led to massive difficulties and delays. It created a good deal of upset for the customer who ultimately complained to the Waterways Ombudsman who upheld the complaint and the BSS paid out compensation. It was thoroughly bad outcome for all.

The experience has made it necessary to develop clear guidance about the expectations placed on examiners the subject of an investigation.

Clause 12.2 of the CoR is repeated here, *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.*

With the help of examiner body reps on BSS Advisory Committee we would like to provide new guidance on the Examiner Support Website concerning clause 12.2. Ideally this would be available at the start registration year in April. Previous guidance specified a) medical incapacity or b) pre-planned extended holidays or c) any other circumstances agreed in advance with the BSS Manager as reasonable as acceptable circumstances for delays. The future guidance may note a court order is also a reasonable circumstance, while advice from a solicitor is not reasonable. Watch this space.

Best regards,



Graham Watts, **BSS Manager**