REVIEW OF COLREGS REGARDING THE RIGHT OF WAY OF VESSELS OVER PLEASURE CRAFT

Submitted by the International Sailing Federation (ISAF) and the International Association of Institutes of Navigation (IAIN)

SUMMARY

Executive summary:
The authors of the present paper fully support any practical initiative to help prevent accidents at sea but strongly recommend that the case set out by Italy does not justify the suggested changes to COLREGS and could cause confusion and a reduction in safety.

Action to be taken:
Paragraph 13

Related documents:
MSC 82/21/4 (Italy), NAV 53/INF.9 (Italy), NAV 53/21 (ISAF)

Introduction
1 This document comments on the documents MSC 82/21/4 and NAV 53/INF.9 (Italy) recalls document NAV 53/21 (ISAF) and is submitted in accordance with the provisions of paragraph 4.10.5 of the Guidelines on the Organization and Method of Work of the MSC and the MEPC and their subsidiary bodies (MSC-MEPC.1/Circ.1).

2 The authors of the present paper fully support any practical initiative to help prevent accidents at sea. An evaluation of possible actions must include not only new proposals but also that of maintaining the status quo. It may well be the case that the status quo is the most effective and safest option.

3 Collisions are successfully minimized by ‘special rules’ in accordance with COLREG rule1(b) in many places throughout the world. Examples for the harbour areas of Southampton, Portsmouth, Rotterdam and Sydney are given in Annex A.
There is currently no international database of harbour regulations. The authors suggest that IMO should invite an appropriate organization to create such a database which would be of value in encouraging the comparison of regulations in different ports, the adoption where appropriate of common standards, and the promotion of best practice regarding in particular interaction between large ships and small craft noting where this is successfully managed by ‘special rules’. Such a document may well be useful to mariners at sea.

4 Collision statistics do not support a case to change COLREGS.

During the European Commission-sponsored research projects COST 301 and EURET on aspects of traffic management in the late 1970s and mid 1990s respectively, attempts to ascertain records of incidents involving commercial/leisure vessels were abandoned because of lack of data.

Statistics submitted by Italy in document NAV 53/INF.9 were not analysed.

Despite the very small amount of data available ISAF identified and studied that published by UK CHIRP (Confidential Hazard Incident Reporting Programme) and UK MAIB (Marine Accident Investigation Bureau) concerning incidents involving both yachts and merchant vessels in the open seas. Only 14 incidents were published for the 5-year period 2003-2008. In the CHIRP and MAIB reports lack of attention to COLREGS is evidenced by both parties but in no case is any suggestion made that the present COLREGS are inadequate or need changing. CHIRP and MAIB statistics are shown at Annex B.

IMO may wish to encourage contracting governments to collect statistics in a prescribed formula on incidents involving interaction between small craft and large ships for future analysis if the quantity of data so warrants.

5 COLREGS define craft by their ability to keep clear and take into account any restriction in their manoeuvrability. NAV 53/INF 9 proposes a fundamental departure from that principal categorizing vessels by the user rather than a vessel’s own characteristics and ability to manoeuvre. Such a departure could lead to complicated and dangerous situations in which for example a sailing vessel trying to keep clear without the motive power to do so would have to resort to becoming a vessel not under command (Rule 3 (f)), and a commercial vessel would have to spend time identifying whether the small craft concerned was another commercial craft or a pleasure craft.

IMO may wish to consider the publication of Guidelines to small craft advising that when possible a small craft should avoid putting herself in such a position that under COLREGs a large ship will be required to alter course or speed to avoid a collision. Such guidance is already published by some national yachting authorities.

6 A requirement to display a comparatively large day signal at or near the top of the mast of a small vessel (bearing in mind that this must be done in all weathers) - due to the weight and windage of such a signal would seriously compromise the stability and thus the safety of many small craft.
7 The sound levels suggested in the proposals for pleasure craft under 20m LOA are those currently specified for vessels of 20-75m LOA (COLREGS Annex 3 1(c). No justification is given to increase the sound output on small vessels and it should be remembered that any power increase in sound output will require a corresponding input power increase to the sound device, all of which will involve additional cost and weight and is likely to involve the replacement of equipment. No research is offered to justify such changes.

8 The addition of an effective new night signal, whilst at first sight a simple task, is in fact not so. The suggested flashing light would be readily confused with aids to navigation and the lights of other vessels or shore lights. No new signal should be introduced unless it is proven to be clear, effective and unambiguous.

9 Carriage and use by small craft of a radar reflector is already covered in SOLAS chapter V Regulation 19 para 2.1.7. ISO 8729: 1999 refers.

10 In view of the current use of AIS in commercial ships, the growth in the use of AIS in small craft and the increasing interest in e-navigation IMO may wish to consider encouraging contracting governments to promote the potential benefits of the use by small craft of AIS class B as an aid to reducing the risk of collision between small craft and large ships.

11 Any changes to COLREGS would involve considerable expenditure in retraining and examination of all watchkeeping seafarers in both the leisure and commercial sectors and the costs of new sound, day and light signals. The Italian proposals seek to make additions to Rules 3, 8, 9, 10, 15, 17, 18, 26 and 34.

12 Whilst cost is important the overriding question must be whether or not the new proposals are essential to the improvement of safety at sea. In the view of the authors of the present paper the Italian proposals will not improve safety at sea and a case to change COLREGS has not been made.

**Action requested of the Sub-Committee**

13 The Sub-Committee is invited to consider the information provided and the proposals in paras 3, 4, 5 and 10 and decide accordingly.
Title: Port of Southampton Moving Prohibited Zone

Location: Solent & Southampton Water, UK

Date of Implementation: 2003

Responsible Authority: Harbour Master, Port of Southampton Vessel Traffic Services Centre Eastern Docks Southampton United Kingdom

Reason for Scheme: The route for vessels over 150m in length to reach the Port of Southampton passes through a narrow channel in which there are two sharp turns. There are over 100,000 commercial shipping movements each year in the area concerned and a large number of recreational vessels (some events involving up to 1,800 yachts taking part simultaneously). The purpose of the Scheme is to ensure unimpeded passage for vessels over 150m through the area.

Description: Small vessels (<20m) and sailing vessels must not enter an area (the “Moving Prohibited Zone”) 1,000m ahead and 100m either side of vessels over 150m in length while such vessels are navigating within a defined Precautionary Area.

How Promulgated: Harbour Bye-laws Marked on navigational charts Published in almanacs and other pilotage publications Notices to Mariners

How Policed: Harbour Master patrols VTS Radar
Chartlet of Area:
Title:
Port of Portsmouth Small Boat Channel

Location:
Portsmouth Harbour, UK

Date of Implementation:
[1980]

Responsible Authority:
Queen’s Harbour Master Semaphore Tower RN Base Portsmouth United Kingdom

Reason for Scheme:
Portsmouth Harbour is a busy military and commercial port and also provides berthing and moorings for up to 5,000 recreational craft. There are approximately 156,000 movements through the entrance to Portsmouth Harbour every year but the entrance is very narrow and experiences a significant tidal flow. The Scheme was adopted to ensure that commercial and naval vessels are not impeded by recreational craft and to ensure the safety of recreational craft while transiting the entrance.

Description:
A small boat channel is designated to the western side of the harbour entrance and marked by buoys. Small vessels (<20m) must transit the entrance to the harbour using the small boat channel. All craft fitted with engines must use them when transiting the entrance.

How Promulgated:
Harbour Bye-laws Marked on navigational charts Published in almanacs and other pilotage publications Notices to Mariners

How Policed:
Harbour Master patrols VTS Radar
Chartlet of Area:
Title:
Mandatory Track, Maas Entrance

Location:
Off Rotterdam, Kingdom of the Netherlands

Date of Implementation:
[ ]

Responsible Authority:
Haven Coordinatie Centrum Rotterdam Kingdom of the Netherlands

Reason for Scheme:
The port of Rotterdam is one of the busiest in Europe. The Scheme is intended to ensure the safety of all vessels in the area and also unimpeded passage for commercial vessels entering and leaving the port of Rotterdam.

Description:
Small craft are required to monitor VTS transmissions at all times and to report to VTS at designated positions. Small craft may only cross the channel with VTS permission and following a mandatory track 1.5nm wide between designated points. All craft fitted with engines must use them when transiting the channel and yachts should form a convoy where possible.

How Promulgated:
Marked on navigational charts Published in almanacs and other pilotage publications Notices to Mariners VTS broadcasts

How Policed:
Harbour Master patrols VTS Watchkeeping and Radar
Title:
Sydney Harbour Bridge Transit Zone / Sydney Harbour Water Traffic Rules

Location:
Sydney, Australia

Date of Implementation:
[ ]

Responsible Authority:
New South Wales Maritime James Craig Road Rozelle Bay NSW 2039 Australia

Reason for Scheme:
The increasing number of vessels using the harbour requires management of the potential for conflict and incidents, whilst ensuring safety on the waterway. The schemes are intended to improve boating safety in the harbour entrance and the harbour itself.

Description:
The Sydney Harbour Bridge Transit Zone has a 15 knot maximum speed limit, in the vicinity of the Sydney Harbour Bridge between lines drawn between specified points. Within this zone anchoring or drifting is effectively prohibited unless in the event of an emergency. This means that vessels may only effectively travel through to reach an area alongside or outside of the transit zone. In addition, some commercial ferries on Sydney Harbour are authorised to display an orange diamond shape, which grants them priority of way over sailing vessels.

How Promulgated:
NSW Water Traffic Rules Published in almanacs and other pilotage publications

How Policed:
Harbour Master patrols

Chartlet of Area:
ISAF/IAIN NAV 54/7/1 ANNEX B

INCIDENTS INVOLVING BOTH YACHTS AND MERCHANT VESSELS IN THE OPEN SEAS
UNITED KINGDOM - 'Near Miss' reports from CHIRP published reports

Period: 5 years 2003-2008  Number of Incidents reported: 8  Y=Yacht, MV=Merchant Vessel

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ColReg Applicable:

| General | 1 | 2 | 3 |
| Any     | 4 |
| Visibility | 5 | 6 | 7 | 8 | 9 | 10 |
| In Sight | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| Fog     | 19 | X |
| Lights  & Shapes | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| Signals | 32 | 33 | 34 | 35 | 36 | 37 | 38 |
| Exemp   | 39 |
| Annex   | I | II | III | IV |

Report prepared by International Sailing Federation (ISAF) from CHIRP published reports. CHIRP is an independent marine incident reporting body funded by the UK Department of Transport. Records are self-reported cases of 'near-misses' and are anonymised to remove identification.
## Incidents Involving Both Yachts and Merchant Vessels in the Open Seas

**United Kingdom - Collision Reports from MAIB Published Reports**

**Period:** 5 years 2003-2008  
**Number of Incidents Reported:** 6  
**Y = Yacht, MV = Merchant Vessel**

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Report prepared by International Sailing Federation (ISAF) from MAIB published reports. MAIB is the UK national independent marine accident reporting authority. Data indicates ColReg number to which attention has been called in report of incident. Identification details withheld.