

Guidance Note

‘Peer-to-Peer’ short term, accommodation-only recreational craft in marinas

Executive Summary

This guideline is aimed at privately owned small craft, located in marinas and offered for use as short-term accommodation without the craft leaving its berth (‘Static Charter’). This note has been developed as a global industry guideline to provide support to the marine industry and regulatory stakeholders alike for the development of operational frameworks for Static Charter in marinas.

Background

A significant number of emerging companies within Europe, USA, Australia and many other places in the world are starting to offer peer-to-peer recreational craft sharing schemes. These include both active and static schemes. This follows a global trend in the way short-term holiday accommodation or personal transport schemes are developed with many, if not all, being internet based. This style of sharing economy platform, which is found in well-known companies such as Airbnb or Uber often provide many positive aspects to those who are providing the opportunity as well as those who are customers. They can cause disruption to traditional industry business models until the industry adapts to the new paradigms. However, all consumer product and service industries are facing these challenges as consumers’ expectations and behaviours change and industry products and service offerings need to adapt to these changes.

A key driver of the sharing economy is the monetisation of under-utilised private assets. Technology has enabled a peer-to-peer marketplace that connects owners of private assets with consumers desiring to use same. Many small craft in marinas are significantly under-utilised and are an obvious target for sharing economy opportunities. By enabling access to the peer-to-peer marketplace in the marine industry, boat owners are able to secure revenue to offset some of their costs of ownership, such as maintenance costs and berthing fees, whilst at the same time introducing new people/customers to the marina and boating lifestyle in an affordable and easily accessible way. The sharing economy thus provides the opportunity to grow the marine industry market and sustain interest in the marina and boating lifestyles while making boat ownership more affordable for boat owners. It also provides the opportunity for marinas to secure new sources of direct and indirect revenue. There are, however, risks that need to be managed to enable to benefits to industry and consumers to be realised in a safe and sustainable way.

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The recently published standard, ISO 20410:2017 *Tourism and related services – Bareboat charter – Minimum service and equipment requirements* is applicable to any individual or organization that offers a bareboat for charter. All individuals or organizations interested in exploring the benefits of operating or allowing Static Charter in marinas are encouraged to read this standard recognising that not all of the sections of the standard are applicable to vessels used as Static Charter (accommodation-only in marinas). A suggested schedule of clauses from the standard that are not applicable to Static Charter is included in Appendix A as a guide.

The following items are provided as guidance to those companies engaging in Static Charter in marina facilities. Such provisions should be considered for inclusion within any consent, contract or terms & conditions signed and agreed between the owner of the craft (or third parties such as the company managing the craft on behalf of the owner) and the person(s) occupying the craft and/or the marina. Any arrangements should provide clear details on the responsibilities of each of the parties.

- 1) Consent of the Marina under any berth licence or lease arrangement to the use of the vessel for Static Charter and the terms and conditions thereof including emergency procedures, safety equipment, insurance requirements, noise/disturbance, use of toilets, pollution and waste disposal as set out below.
- 2) The Boat Owner should ensure that there is Insurance covering both the craft itself and the occupants whilst staying onboard specifically acknowledging the use as a Static Charter. Any excess and/or limitations are to be made explicit. A bond should be held for the duration of the accommodation booking typically commensurate with the insurance excess for the vessel. Marinas that provide consent to this use should ensure that their insurers have been notified and have acknowledged the activity.
- 3) Supply of all safety equipment, as required by local jurisdiction regulations, such as first-aid kit, fire-extinguishers and smoke detectors (in accordance with ISO 9094) and a Carbon Monoxide detector (in accordance with ISO 12133).
- 4) The vessel has a safe means of access and egress, is connected to shore power, has a holding tank and waste discharge into marina are closed off.
- 5) Marinas may consider providing dedicated areas for craft undertaking this use to segregate the activity from other marina users.
- 6) A hand-over procedure including a personal induction, supported by a hand-over briefing document, conducted/written in a language understandable by the person occupying the craft who acknowledges receipt and understanding thereof, covering the following key topics:
 - a. Certificate or declaration that the craft is in conformity with all the relevant National Authority requirements, rules, regulations or relevant local or international standards and any restrictions in place such as the maximum allowable people the craft can accommodate, only booked guests being permitted on the vessel, current gas safety certificates and other certification requirements.
 - b. Specific instructions that the craft shall not leave the mooring or berth, the engines and generator may not be started and the description of any inspection in terms of the mooring arrangement such as checking the position of lines and fenders. These instructions should include details on the closure of windows, portlights and hatches in case of rain as well as the ventilation requirements needed when using a combustion device such as a gas stove

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- c. A list of all lifejackets, lifebuoys and safety equipment and diagrams of where these are located, plus a step-by-step plan on how to react in case an emergency situation arises (in case of fire, a means of escape from the craft) and full contact details for the person/company responsible for the craft as well as the closest emergency services.
- d. Detailed instructions on how to operate relevant on-board systems, such as toilets, lighting, heating/cooling, cookers or stove-top, fuel-burning appliances etc. Any operating restrictions regarding specific pieces of equipment or appliances should be clearly communicated.
- e. A full inventory list of all the equipment onboard which should be checked at handover and a signed copy shall be provided to the person(s) occupying the craft.
- f. All requirements for preventing pollution overboard should be clearly listed. This shall include information on garbage disposal.

MIAs are encouraged to develop Peer-to-Peer Accommodation-only guidelines in conjunction with their marina members and local authorities based on the above and tailored to their location.

More information

- The full scope, normative references and definitions can be found on the ISO Online Browsing Platform here: <https://www.iso.org/obp/ui/#iso:std:iso:20410:ed-1:v1:en>

Appendix A – ISO 20410:2017 – Non-Applicable Clauses

Where ISO 20410:2017 is applied to vessels used for Static Charter, the following clauses are considered not applicable:

3.7, 5.1.6, 5.1.10, 5.1.13 (except to the extent required by local laws), 5.2.2 (references to 'where' and 'final fuelling arrangements'), 6.1, 6.2, 6.3, 6.4, 6.8, 6.11, 6.14 (Harnesses and tethers, liferaft and a means of distress signalling), 6.16, 6.18, 6.20, 7.2.1 (b)(d)(e)(f)(g), 7.2.3 (fuel tank changeover taps, fuel cut off valve), 7.2.4, 7.2.9.1, 7.2.11, 7.2.12.2, 7.2.12.3, 7.2.12.5, 7.2.12.8.