



## CUSTOMER SERVICES – LEGAL AND REGULATORY SUPPORT

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### SCHEDULE OF CONDITIONS - BOAT HIRE

##### **PART 1**

##### **MANDATORY REQUIREMENTS IN TERMS OF SECTION 38**

- 1** The Licence Holder shall ensure that the maximum number of persons to be carried in the boat or vessel at any one time (including the person in charge of the boat or vessel or any other crew) must not exceed the number stated in the Licence. This will be determined via the heel test as per Annex 10 of the Inland Waters Small Passenger Boat Code.
- 2** The Licence Holder shall only use or permit to be used the vessel within the waters described in the Licence.
- 3** The Licence Holder shall take out and maintain in force with a reputable company a policy of insurance with an indemnity limit of not less than £5,000,000 which insures such person, persons or class of persons as may be specified in the policy in respect of any liability which may be incurred by the Licence Holder in respect of the death of or bodily injury to any person caused by, or arising out of, the use of the vessel, such policy to be in force at all times before undertaking the activities to which the Licence relates. During the currency of the Licence the Holder shall, on expiry of the current policy, produce to the Licensing Authority the new policy, within 48 hours of the expiry of the previous certificate. It is the responsibility of the Licence Holder to ensure this document is passed to the Licensing Authority. Failure to comply may lead to the Licence being suspended.
- 4** The Licence Holder shall, within 7 working days, notify the Licensing Authority of any change of circumstances i.e. change of personal address, no longer operating etc. If you are in doubt as to what constitutes a change of circumstances you should contact the office of the Head of Legal and Regulatory Support for guidance.

##### **PART II**

##### **LICENSING CONDITIONS APPLICABLE TO ALL VESSELS**

- 1** The Licence Holder shall ensure that the registered number allotted to the vessel by the Licensing Authority is clearly marked or painted on the outside of each bow of the vessel in a conspicuous position in plain figures of not less than 2 inches in height and of a corresponding breadth. (If the vessel is more than 2 tons, the figures shall be not less than 3 inches in height and of a corresponding breadth.)
- 2** The Licence Holder shall make sure that the names of the Licence Holder and the words "*To carry ..... persons including crew*" (the number being the maximum number of persons the boat is licensed to carry) is marked or painted in a conspicuous position where it can be clearly seen by the passengers, in letters and figures of not less than one inch in height and of a corresponding breadth. A copy of the Licence must be prominently displayed on the boat in such a position so that passengers may read it.
- 3** The Licence Holder shall ensure that all numbers or names required by the Licensing Authority are kept at all times distinctly legible and must not be in any manner or by any means altered, defaced, obliterated, covered or concealed.

- 4** The Licence Holder shall ensure that the hull, and any oars, spars, rigging, engines and mechanical equipment of the vessel be rendered at all times complete and in sound and seaworthy condition to the satisfaction of the Licensing Authority.
- 5** The Licence Holder shall at all times to the satisfaction of the Licensing Authority keep the slipway, jetties, piers and other landing places at his boat station, so far as under his control, in good and sufficient order and repair for the safe embarking and disembarking of passengers.
- 6** The Licence Holder shall ensure that the vessel carries a sufficient number of thermal protective aids which will be readily available to be worn by all persons on board including the person in charge and any other crew. The Licence Holder shall ensure that the vessel carries two spare lifejackets in addition to one for each passenger and crew member and that the lifejackets shall comply with the approved standard currently in force.
- 7** The Licence Holder shall, to the best of his ability, ensure that the person in charge of the vessel must at all times comply with any weather warning or other instructions issued to him by either HM Coastguard or the Harbourmaster/competent authority responsible for the areas in which the vessel operates.
- 8** The Licence Holder shall not let any vessel to any person whom the Licence Holder considers is not fit to handle the vessel properly and would thereby be a danger to themselves or others.
- 9** The Licence Holder shall be required to ensure their vessel is surveyed annually. On the year of renewal, the survey should be carried out by an authorised person being one appointed by a Maritime and Coastguard Agency recognised certifying authority. Surveys in the second year of the Licence may be carried out by the owner or managing agent and duly recorded.
- 10** Notwithstanding the other conditions contained in this document, the Licence Holder must ensure that all boats and equipment covered by the Licence are constructed, maintained and operated so as to comply with all relevant legislation, manufacturers' recommendations, and all relevant Codes of Practice including but not limited to:
  - 10.1** For boat hirers who carry for reward 12 or fewer passengers, the Inland Waters Small Passenger Boat Code (known as the 'Inland Waters Code'), published jointly by the Association of Inland Navigation Authorities and the Maritime & Coastguard Agency in 2007, and any subsequent amendment of that code.
  - 10.2** For boat hirers who let powered boats for hire, the Code for the Design, Construction and Operation of Hire Boats, Part 1: Power Driven Boats, published by British Marine Federation, Association of Inland Navigation Authorities, and Maritime and Coastguard Agency in 2009, and any subsequent amendment of that code.
- 11** The Licence Holder shall report any hazardous incidents which occur whilst carrying out their licensed activity to the Licensing Authority, in writing, as soon as practicable. This includes, without prejudice to the foregoing, incidents of passengers leaving the Licence Holder's vessel and entering the water involuntarily. Any Licence Holder in doubt as to what constitutes a hazardous incident should contact the office of the Head of Governance and Law for guidance.

### **PART III**

#### **SUPPLEMENTARY LICENSING CONDITIONS FOR SMALL CRAFT (ROWING BOATS, DINGHIES, CANOES, ETC.)**

- 1** The Licence Holder shall ensure that each rowing board or dinghy shall at all times be kept supplied and equipped with suitable and sufficient oars, rowlocks or rowing pins and a bailing dish.
- 2** The Licence Holder shall ensure that each sailing boat shall at all times be kept supplied and equipped with all suitable and sufficient sails, spars, rudder, tackle, fittings and appliances as well as with serviceable lifebuoys and a bailing dish.
- 3** The Licence Holder shall ensure that each sailing boat or canoe carries suitable and sufficient paddles.
- 4** The Licence Holder shall ensure that any non-swimmers on a vessel wear life jackets at all times.

### **PART IV**

#### **SUPPLEMENTARY LICENSING CONDITIONS FOR LARGER VESSELS**

- 1** The Licence Holder shall ensure that each vessel at all times when plying for hire be in the charge of an experienced helmsman/skipper who holds a current licence or certificate issued by the Department for Transport and has a thorough knowledge of the weather and tidal conditions of the area in which the vessel is licensed to operate.
- 2** The Licence Holder shall make sure that each vessel carries two 30 inch diameter DFT approved lifebuoys, both of which shall have a smoke/light signal, one fitted with 18m buoyant line attached and shall be kept within easy reach of the helmsman.
- 3** The Licence Holder shall ensure that each vessel carries distress flares comprising at least 4 x 2 star parachute signals, 4 red hand flares and 2 orange smoke signals.
- 4** The Licence Holder shall ensure that each vessel be equipped with a siren or horn in working order and capable of giving clearly audible signals over a radius of at least 0.5 nautical miles
- 5** The Licence Holder shall ensure that each vessel is equipped with an efficient radar reflector.
- 6** The Licence Holder must ensure that each vessel carries the appropriate charts or equivalent navigation information for the area in which the vessel is licensed to operate. The Licence Holder must ensure that the boat is equipped with a Life Saving Signals Table and a Training Manual. The vessel must also have either two SOLAS No. 2 packs or one SOLAS No. 1 pack on board at all times.
- 7** The Licence Holder must ensure that each vessel has fitted to it a VHF radio transceiver capable of receiving weather forecasts, in the charge of a person who has a Radio Operators Certificate.
- 8** The Licence Holder must ensure that each vessel carries an anchor and chain and such rope or cable attached to the chain as can also be used for towing purposes.
- 9** Any vessel carrying passengers shall carry DFT approved life-rafts with a SOLAS B pack capable of providing seating for the passengers and crew on the vessel or if it is an ORC

standard life-raft it shall be fitted with a grab bag containing the following:-

- (a) Second Sea anchor and line
- (b) First Aid Kit
- (c) One daylight signalling mirror
- (d) One signalling whistle
- (e) One solar reflector
- (f) Two red pocket parachute flares
- (g) Three red hand flares
- (h) One buoyant smoke signal
- (i) One thermal protective aid for each person on board
- (j) One copy of SOLAS No.2

- 10** For boats used in category D waters as defined by the UK Governments classification of waters vessels must be equipped with life-raft. Life-rafts may preferably be stowed in an open space in an approved FRP container and fitted with float free arrangements to enable automatic inflation, or if in a valise pack, stored within a dedicated weathertight locker or enclosure opening directly to the weather deck.

## **PART V**

### **ADDITIONAL REQUIREMENTS FOR VESSELS WITH ENGINES**

- 1** The Licence Holder shall ensure that the engine, any auxiliary engines, steering gear and any other mechanical equipment be maintained at all times in efficient working order and in a sound and seaworthy condition.
- 2** The Licence Holder shall ensure that the vessel carries a tool kit with sufficient tools to carry out emergency repairs to the engine.
- 3** The Licence Holder shall ensure that each vessel carries 2 DFT approved portable fire extinguishers, six litre foam (rating 13A 113B) or equivalent dry powder.
- 4** The Licence Holder shall ensure that each vessel has provision for, and carries an appropriate reserve of fuel for its engines (e.g. petrol or diesel) to be available for use in an emergency. (A maximum of 5 litres of petrol may be carried in a portable BS / EN approved container.)