

THE HIGHLAND COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SECTION 38

BOAT HIRE LICENSING: SCHEDULE OF CONDITIONS

SECTION A - MANDATORY REQUIREMENTS IN TERMS OF SECTION 38

- 1 The licence holder shall ensure that the maximum number of persons to be carried in the vessel(s) at any one time (including any person in charge of the vessel(s) or any other crew) must not exceed that stipulated by the licensing authority on the schedule attached to the licence.
- 2 The licence holder shall only use or permit to be used vessel(s) within the areas specified by the licensing authority on the schedule attached to the licence.

[Any condition in current licence in respect of areas of operation, or exclusion areas, will continue to apply.]

(The licence holder is reminded that the vessel(s) should also comply with any other statutory requirements of the Maritime and Coastguard Agency under the Merchant Shipping Acts).

- 3 The licence holder shall take out and maintain in force with a reputable company a Policy of Insurance with an indemnity limit not less than £2,000,000 which insures each person, persons or class of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by, or arising out of, the use of the vessel(s). Such policy must be in force at all times before undertaking the activities to which this licence relates. The licence holder must comply with any request by the licensing authority to produce his or her policy document or other evidence, to the satisfaction of the licensing authority, of compliance with this condition.

SECTION B - LICENSING CONDITIONS APPLICABLE TO ALL VESSELS (except Small Vessels as defined in Section C)

The licensing authority shall have discretion, on written application by a licence holder, to grant exemption from the requirements of any of the conditions contained in this Section, in respect of an individual vessel or class of vessels, area of operation or person in charge of a vessel.

- 1 The licence holder shall ensure that the name of the vessel or any registered number allotted to the vessel(s) by the licensing authority is clearly marked or painted on the outside of each bow of the vessel(s) in a conspicuous position in plain figures of not less than 2.5 cm (one inch in height) and of a corresponding breadth (if the vessel(s) is more than three ton, figures shall be not less than three inches in height and of a corresponding depth).
- 2 The licence holder shall make sure that the name of the licence holder and the words “licensed to carry ** persons” (the number being the maximum number of persons the vessel is licensed to carry) are marked or painted in a conspicuous position where it can be clearly seen by passengers in letters and figures of not less than 2.5 cm (1 in) in height and of a corresponding breadth.

The licensing authority may, in respect of the two foregoing conditions, provide a plate to be attached to the vessel(s).

- 3 The licence holder shall ensure that all numbers, names or words which the licensing authority require to be displayed in terms of the two foregoing conditions shall be 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(s) be rendered at all times complete and in sound and seaworthy condition to the satisfaction of the licensing authority. A log book recording all surveys, inspections, repairs and maintenance work shall be kept during the duration of the licence. Each entry shall be signed and dated at the time of the entry by the person making the entry. Copies of all survey, inspection, repair and maintenance documents pertaining to the boat and safety and fire fighting equipment shall also be retained for the duration of the licence. The log book and all documents referred to above shall be made available for inspection on demand by an authorised officer of the licensing authority
- 5 The licence holder shall at all times ensure the safe embarking and disembarking of passengers.
- 6 The licence holder shall ensure that the vessel(s) carries a sufficient number of lifejackets approved by the Maritime and Coastguard Agency or the standard currently in force or equivalent CEN Standard and be fitted with a whistle, light and retro-reflective tape. Lifejackets must be carried, and maintained, for all persons on board including the person in charge and any other crew. If children are carried then lifejackets of the correct type and size must be supplied. [Compliance as regards approved types of lifejacket, required after 16th July, 1999.]
- 7 The licence holder shall, to the best of his ability, ensure that:-
 - (a) The person in charge of the vessel(s) complies with any weather warning or other instructions issued to him or her by the Coastguard, Harbour or Pier Master or any shipping forecast.

- (b) All persons to be carried on the vessel(s) have been advised where lifejackets are stored and instructed in the use of the lifejackets.
- 8 The licence holder shall not let any vessel(s) to any person(s) who the licence holder considers is not fit to handle the vessel(s) and would thereby be a danger to themselves and others (whether on the vessel(s) or not).
- 9 The licence must not be altered, erased or defaced in any way, must be kept clean and legible and must not be lent to or used by any other person. Should the licence be lost or become defaced or illegible the licence holder shall obtain a replacement from the licensing authority on payment of the appropriate fee.
- 10 The following fire fighting equipment must be provided, and maintained, unless the licensing authority has given the appropriate dispensation in writing:
 - (a) One hand powered fire pump (outside engine) or one power driven fire pump (outside engine space), with sea and hose connections, capable of delivering one jet of water to any part of the vessel through hose or nozzle. One fire hose of adequate length with 10 mm nozzle and suitable spray nozzle or
 - (b) One multi-purpose fire extinguisher to the standard currently in force, with minimum fire rating of 13A/113B or smaller fire extinguishers giving the equivalent fire rating (in addition to that required below).
 - (c) Fixed fire extinguishing in engine space which may consist of a portable fire extinguisher arranged to discharge into the space.
 - (d) Not less than one multi-purpose fire extinguisher to the standard currently in force, with a minimum fire rating of 5A/34B provided at each exit from accommodation spaces to the open deck. In no case should there be less than two such extinguishers provided.
 - (e) At least two fire buckets with lanyards. Buckets may be of metal, plastic or canvas and should be suitable for their intended service.
 - (f) One fire blanket in galley or cooking area (light duty type to appropriate standard).
- 11 The licence holder shall ensure that a list of the numbers and names of all passengers and crew be retained on or relayed to the shore prior to departure.
- 12. Where a vessel is licensed to operate in a Special Area of Conservation or carries out wildlife watching in any area, the licence holder shall ensure that the person in charge of the vessel at any time complies with the appropriate approved code of conduct in place for that area.
- 13. The licence holder shall notify the licensing authority, within 1 working day, or as soon as practicable thereafter, of :

- a) any incident involving engine failure which occurred while the boat was being used for carrying passengers and which could not be remedied by emergency repair; or
 - b) any fire which occurred while the boat was being used for the carrying of passengers; or
 - c) any incident involving a passenger being seriously injured or falling overboard.
- 14 The licence holder shall ensure that each vessel at all times when plying for hire (carrying passengers) is in the charge of an experienced boatman/boatwoman who holds a current Licence or Certificate issued by the Maritime and Coastguard Agency and has a thorough knowledge of the weather and tidal conditions of the area in which the vessel(s) is licensed to operate.

SECTION C - LICENSING CONDITIONS FOR SMALL CRAFT (ROWING BOATS, DINGHIES, SKIFFS, CANOES, SAILBOARDS ETC.)

The licensing authority shall have discretion, on written application by a licence holder, to grant exemption from the requirements of any of the conditions contained in this Section, in respect of an individual vessel or class of vessels, area of operation or person in charge of a vessel.

- 1 The licence holder shall ensure that each rowing boat shall at all times be kept supplied and equipped with suitable and sufficient oars and rowlocks or rowing pins, bailing dish, and (except skiffs) rudder with tiller with yoke and lines.
- 2 The licence holder shall ensure that each sailing boat, unless the design or construction of the boat precludes this, shall at all times be kept supplied and equipped with all suitable and sufficient sails, spars, rudders, tackle, fittings and appliances as well as with at least two serviceable life buoys and bailing dish.
- 3 The licence holder shall ensure that each sailing boat, unless the design or construction of the boat precludes this, carries two paddles.
- 4 The licence holder shall ensure that all persons on board a small craft wear a lifejacket at all times.
- 5 The licence holder shall ensure that a suitable wet suit or dry suit is made available for each sailboard hirer and that the mast and rig of each sailboard are attached to the board by secure leash or line.
- 6 The licence holder shall ensure that each canoe is supplied with sufficient paddles of stable design.
- 7 The licence holder shall ensure that each vessel is fitted with adequate buoyancy to keep the vessel afloat after capsizing or when waterlogged.

SECTION D - ADDITIONAL LICENSING CONDITIONS FOR LARGER VESSELS (OVER 4 METRES LENGTH OVERALL (LOA)) PLYING FOR HIRE AND OPERATING 1,000 METRES OR MORE FROM THE SHORE

The licensing authority shall have discretion, on written application by a licence holder, to grant exemption from the requirements of any of the conditions contained in this Section, in respect of an individual vessel or class of vessels, area of operation or person in charge of a vessel.

- 1 The licence holder shall ensure that each vessel carries at least 2 lifebuoys, one fitted with a light and the other with a buoyant line of not less than 18 metres attached, to be kept within easy reach of the helmsman/helmswoman. If the lifebuoy fitted with a light is of a lightweight type, it should also be fitted with a drogue.
- 2 The licence holder shall ensure that each vessel carries on deck and within easy access at least one inflatable life raft of a type approved by the Maritime and Coastguard Agency capable of carrying everyone on board, including the person in charge and any other crew.
- 3 The licence holder shall ensure that each vessel carries at least four X 2 star red signal flares, six red hand flares and two buoyant or hand held smoke signals all of which must be of a type approved by the Maritime and Coastguard Agency and be in good operating condition.
- 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 must ensure that each vessel is equipped with an efficient radar reflector.
- 6 The licence holder must ensure that a water resistant torch in working order is carried on each boat or vessel.
- 7 The licence holder must ensure that each vessel carries an efficient and accurate working compass.
- 8 The licence holder must ensure that each vessel carries the appropriate and updated maps and charts of the area in which the boat or vessel is licensed to operate.
- 9 The licence holder must ensure that each vessel has fitted to it a radio capable of receiving weather forecasts.
- 10 The licence holder must ensure that each vessel carries an adequate and up to date first aid kit.
- 11 (1) The licence holder must ensure that each vessel carries an anchor of a mass suitable for the size of vessel and cable which can also be used for towing purposes.

(2) The length of anchor cable should be appropriate to the area of operation but generally should be not less than 4 x the vessel length overall or 30 metres, whichever is the longer.

(3) In a vessel of 15 metres in length and over, the anchor cable should be of chain. In a vessel of less than 15 metres in length, the cable may be of chain or rope provided there is not less than 10 metres of chain between the rope and the anchor.

- 12 The licence holder shall ensure that each vessel is fitted with an efficient and operating bilge pump system.

SECTION E - 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 and that sufficient fuel is carried for any journey undertaken.
- 2 The licence holder shall ensure that the vessel carries a tool kit with sufficient tools to carry out emergency repairs to the engine, and the relevant operator's manual for instructions.
- 3 The licence holder shall ensure that each vessel has provision for, and carries, emergency fuel, stored in an approved manner.
- 4 For vessels(s) carrying an outboard engine only, the licence holder shall ensure that the vessel(s) carries a fire blanket.