



## **CONDITIONS ATTACHED TO A PLEASURE BOAT LICENCE**

### **Liability Insurance**

The owner shall take out and maintain a Third Party and Passenger Insurance to cover a minimum sum of £2,000,000 and the policy (and current premium receipt) for such Insurance shall be produced on request to an authorised officer of the Council and endorsed that the Council shall be notified prior to any change in or on the expiry or other determination of the cover.

### **Hull Surveys**

An annual hull survey is required for all boats. Surveys are to be carried out by a qualified surveyor, approved by North Devon Council. The surveyor used shall carry indemnity insurance.

The examination should provide a fully detailed report on the structural condition of the hull and on structural fastenings. This should include a brief examination of the propulsion machinery, electrical and pump installations but only in so far as these affect the seaworthiness of the craft.

In carrying out the examination the surveyor shall be guided by the relevant provisions of paragraphs 4 -12 (inclusive) of the Maritime and Coastguard Agency Code of Practice for the Safety of Small Commercial Vessels and the similar Code of Practice for Small Commercial Sailing Vessels.

The local authority certificate requirement in no way replaces any Marine and Coastguard Agency statutory survey requirement.

North Devon Council may waive or reduce any requirement or restriction on account of the special circumstances of any boat in relation to its type of construction, standard of equipment and the trade in which it is engaged.

### **Limits of Operation**

A pleasure boat licence permits operation within Category C Waters as designated under the Merchant Shipping (Categorisation of Waters) Regulations 1992. For the area of North Devon Category C Waters includes:

River Taw & Torridge

Within a line bearing 200 degrees from the lighthouse on Crow Point to the shore at Skern Point.

Operating beyond this limit is illegal and would invalidate any insurance policy carried by the vessel.

## **Weather Conditions**

### **In normal weather: -**

- S.W. Category 1 boats/vessels - shall operate only in approved areas (sheltered waters or close to shore).
- S.W. Category 2 boats/vessels - shall operate only in approved areas (sheltered waters or close to shore).

### **During rough/very rough weather: -**

- Boat or vessel not permitted to operate.

Rough weather means force 5 or 6.

Very rough weather means force 7 or more.

## **Period of Licence and Operating Hours**

All licences will be restricted to the period 1st April (or Good Friday, if that date is earlier than 1st April) to 31st October in any year, unless otherwise determined by the Council.

Category 1 boats are not to be hired for use (or used for the carriage of passengers) except between the times of sunrise and sunset.

## **Signage Requirements**

The Boat Registration Number as specified on the licence shall be painted in black on a white ground in conspicuous position on the exterior of each bow in letters and figures not less than 25 mm (1") in height and 19mm (3/4") in breadth.

A notice shall be painted on a conspicuous part of the boat in letters and figures not less than 25mm (1") in height and 19mm (3/4") in breadth stating:

- i) the name of the owner of the boat,
- ii) that the boat must not be used to carry more than the maximum permitted number of persons specified on the licence.

## **General**

The owner of a licensed pleasure boat or vessel shall not let the same on hire to any person drunk or otherwise incapacitated nor to any person whom such proprietor does not reasonably believe to be competent to manage such boat.

No pleasure boat or vessel shall be used for the carrying of passengers for hire unless the person in charge of the boat or vessel and any other person navigating is licensed by North Devon Council.

No playing of musical instruments, wireless or other similar distractions shall be permitted on or in connection with the said boat.

All boats/vessels shall at all times be kept free from oil and refuse.

Where a motor boat is required carry additional fuel it shall be stored safely in appropriate containers as determined by the boat inspection/survey.

No loose cans of petrol must in any circumstances be carried in the boat/vessel.

The boat/vessel will not be used for towing any other boat or craft except in cases of emergency.

### **Equipment Standards**

Each licensed boat or vessel shall be provided with the equipment listed in the North Devon Council's Equipment Standards and such equipment shall be maintained in good order and be ready for use if required. Where a higher standard of equipment is required for any boat by reason of any statutory order, or provision, or any requirement of the Department for Transport, such higher standard shall be applied.

The boat or vessel shall not be let for hire or used for carrying passengers for hire if the owner knows, or has reasonable grounds for believing, that the boat or vessel is unsound or not properly equipped or is otherwise unfit to be let for hire or used for carrying passengers for hire.

Where the boat survey/inspection has identified that pyrotechnic distress signals are to be kept available for use on the boat these must be kept within date.

### **Reporting Requirements**

Any collision or grounding shall be reported to the Licensing Authority as soon as reasonably practicable and within 72 hours (exception on bank holidays due to office hours).

In the event of substantial damage being caused to any licensed vessel the licensee shall inform the Licensing Authority as soon as reasonably practicable and within 72 hours (exception on bank holidays due to office hours) and supply to that officer on request a written specification of the proposed repairs. A licensee should cease to use a vessel if it becomes substantially damaged and in particular when there is damage on or below the waterline.

## **Transfer of Ownership**

Upon every transfer of the ownership of a pleasure boat, in respect of which a Licence is in force, the transferor shall give notice forthwith of such transfer to North Devon Council and shall return the Licence with such notice. The transferee may obtain the continuation of the Licence in his name for the remainder of the term of the Licence upon application in writing to Exeter City Council. Upon every transfer of ownership of a licensed boat the Licence shall lapse failing such notice and continuation of the Licence as aforesaid.

A pleasure boat or pleasure vessel Licensee shall not assign, or in way part with the benefit of any licence issued to him in respect of such a boat or vessel.

## **Right of Entry**

Any officer duly appointed by the Council for the purpose shall have full right at all reasonable times to inspect the boat or vessel in respect of which the Licence has been granted and to enter upon any yard or premises for that purpose. No licensed owner or person in attendance shall obstruct or hinder any such officer from making such entry and inspection or otherwise in the execution of his duties in regard to these conditions.

Every licensed owner shall, on demand, produce his or her Licence to any duly authorised officer of the Council.

## **Suspensions and Revocation**

At any time during a licence the Licensing Authority may suspend or revoke a licence in the interest of the public safety.

In particular licenses may be suspended or revoked if a pleasure boat suffers any damage or deterioration caused by collision, accident or any other means.

In the case of suspension, this shall remain in force in respect of the boat or vessel specified until the damage or deterioration is repaired and made good to the satisfaction of the council. This may require a further survey in addition to the annual survey.

A licence may be suspended or revoked in the case of any licence if the licensee fails to observe or comply with any of the terms or conditions under which the licence is granted.

## **Penalties, Appeals etc.**

Every person who acts in contravention of Section 94 of the Public Health Acts Amendment Act 1907, shall, for each offence, be liable on summary conviction to penalty not exceeding level 3 on the Standard Scale.

Any person deeming himself aggrieved by the withholding, suspension or revocation of any licence may appeal to a Magistrates Court held after the expiration of two clear days after such withholding, suspension or revocation; provided that the person so aggrieved shall give twenty four hours written notice of such appeal, and the ground thereof, to the clerk, and the court shall have power to make such order as they see fit and to award costs, such costs, to be recoverable summarily as a civil debt.

### **Conditions Arising from Representations**

Where representations are made for example with regard noise, or health and safety, specific conditions may be imposed to mitigate nuisance or other concerns may be added to a licence where the authority think fit.

### **Unusual Craft**

North Devon Council considers the following craft listed below to be vessels and additional features of each licence will include:

#### **1. Beach Floats**

Restrict the area of operation (e.g. not permitted in areas of strong tidal currents or waterways). Operator to provide either a safety boat or means of retrieving beach floats.

#### **2. Pedaloos**

As for 1 above except that a suitable safety boat must be provided.

#### **3. Canoes**

Operator to provide a safety craft.

All canoeists to wear lifejackets.

Each canoe to have sufficient internal buoyancy to stay afloat when filled with water.

Each canoe to be fitted with a handrail or rope to which the canoeist may cling to in the event of capsize.

Restrict the area of operation.

Where appropriate the licensing authority may require the operator to be a BCU qualified instructor.

#### **4. Power Surfboard**

Restrict use to areas free of bathers.

Users to wear lifejackets.

#### **5. Sailboard**

Operator to provide safety boat.

Sailboarders to wear lifejackets

Sailboard to carry some form of safety signalling device.

Restrict use to designated areas free of bathers.

#### **6. Hovercraft**

Operators to provide safety boats or means of retrieval.

Users to wear lifejackets.  
Fans(s) to be safely screened.  
Each hovercraft to be fitted with a control system which will automatically throttle back.  
Hovercraft Registration Certificate plus a CAA Hovercraft Safety Certificate.  
MSA Hovercraft operating permit.

### **7. Self-drive Motorboats**

Note- for vessels capable of a maximum speed of 6 knots, the above conditions will apply. For vessels capable of higher speeds the following additional conditions will need to be met:-

Operator to provide a safety boat.  
Occupants to wear lifejackets.  
Area of operation to exclude areas for bathers.

### **8. Personal Water Craft, i.e. jet skis**

Area of operation to be strictly designated and absolutely free of bathers and other water users.

Operator to provide a safety boat.

Users to wear lifejackets.

Every user to be given 15 minutes instruction before taking out a jet ski.

Each jet ski to be fitted with a control system which will automatically throttle back to a minimum speed and keep the craft circling in the event of the rider falling off.

### **9. Water-Skiing**

At least two people in the boat when towing a person on skis.

Area of operation to be designated free of bathers.

Areas of take-off and drop-off should be designated and circulation direction specified where appropriate.

Operator should be encouraged to conform to the form of practices issued by the British Water Ski Federation (B.W.S.F).

Operator must hold Instructor's Certificate of the B.W.S.F.

Each water-skier to wear personal buoyancy.

### **10. Parascending**

Each boat driver to be licensed.

While parascending is taking place there must be a Certificated Instructor of the British Hang-Gliding and Power-Gliding Association, or equivalent, present.

Operator must conform to the code of practice issued by the BHPA.

### **General Notices**

Licensed operators of all craft listed under 1-10 above are required to display a notice stating:

- a) No person should attempt to use one of the craft unless he or she can swim at least 40 metres fully clothed.

- b) As each craft is a 'vessel' with the meaning of the Merchant Shipping Acts, the user must comply with the International Regulations for the Prevention of Collision at Sea.

### **Safety Boats and Lifejackets**

Where a safety boat (craft) is required it must be afloat or ready for immediate launch. Additionally, the safety boat should be licensed for the appropriate category.

Where lifejackets are required, they must be CEN or MCA approved.

NOTE: The Council do not assume the responsibility of testing the accuracy of the representations upon which this Licence is granted, nor do they warrant by this Licence the safety of any boat or the competency of any Boatmen. This Licence in no way exonerates the Licensee from responsibilities which would otherwise fall on him for wrongful acts or defaults or for the employment of incompetent persons or the use of any unsafe or insufficiently equipped boat or vessel.