

# Guidance notes



## Pleasure Boat and Boatman licences

Updated March 2016

### Do you need to gain a licence from North Devon Council?

North Devon Council has powers under the Public Health Amendment Act 1907 (as amended) to licence pleasure boats and pleasure boatmen.

You must obtain a **Pleasure Boat Licence** if you wish to operate a pleasure boat or pleasure vessel in North Devon, which:

- carries no more than 12 passengers for hire
- is under 24 metres in load line length
- operates solely in categorized waters

If you wish to be in charge of or navigate a pleasure boat or pleasure vessel, you will need a **Pleasure Boatman Licence**.

Should your proposed operation fall outside the above parameters (for example, you wish to operate at sea), you should contact the Maritime and Coastguard Agency (MCA) to discuss the licensing requirement in relation to your proposal.

### Categories of water

- Category A - Narrow rivers and canals where the depth of water is generally less than 1.5 metres
- Category B - Wider rivers and canals where the depth of water is generally more than 1.5 metres and where the significant wave height could not be expected to exceed 0.6 metres at any time
- Category C - Tidal rivers and estuaries and large, deep lakes and lochs where the significant wave height could not be expected to exceed 1.2 metres at any time

In North Devon (Rivers Taw and Torridge), category C water is within a line bearing 200° from the lighthouse on Crow Point to the shore at Skern Point. As a pleasure boat operator, if you wish to go outside this line, you are advised to contact the Maritime and Coastguard Agency (MCA).

## **Exemption**

Licences will not be required for pleasure boats and pleasure vessels on an inland waterway owned or managed by the British Waterways Board.

## **The application process for a Pleasure Boat Licence**

To apply for a Pleasure Boat Licence from North Devon Council, you must complete and submit an application form. Please note you must be at least 18 years old and may be required to produce your birth certificate or passport as proof of age.

You must contact a marine surveyor, approved by a certifying authority, to arrange a certificated hull and engine survey of the vessel. Please be aware you will be responsible for paying for this cost. The approved marine surveyor must complete a certificate of seaworthiness and endorse it with their official stamp.

In making your application, the council will require evidence of valid public liability insurance to a minimum value of £2,000,000.

You should send your application form, certificate of seaworthiness, current insurance certificate and the necessary licence fee to the Licensing team.

North Devon Council must be satisfied that your vessel is safe. Therefore, when we receive your application, we will contact you within seven days to arrange a convenient time and date to inspect your vessel and its fittings. This is to ensure that it is in good condition, seaworthy and contains all the necessary safety equipment, as prescribed in North Devon Council's Pleasure Boat Equipment Standards (see our website for details).

If you have not heard from us within the seven days, please check to ensure your application has been correctly made and received.

We will aim to process all licences within 30 working days. However, if we haven't determined your application in this period, it will not be deemed to have been automatically granted due to health and safety implications.

## **Categories of boats**

We license boats in the following two categories:

- South West Category 1 - Small boats, including beach floats, pedalos, canoes, water-ski craft, power surfboards, sailboards self-drive hovercraft, self-drive motorboats, jet-skis and parascending craft let for hire, whether in the charge of a licensed boatmen or not
- South West Category 2 - Small boats in the charge of a licensed boatman plying for hire or let for hire (for example, for fishing or tourist trips)

## **The application process for a Pleasure Boatman Licence**

To apply for a Pleasure Boatman Licence from North Devon Council, you must complete and submit an application form. You must be at least 18 years old and may be required to produce your birth certificate or passport as proof of age. You will also need to have the following:

- Two passport photographs or have a digital photograph taken at the council
- Complete a competency test
- Safety management system
- Medical certificate
- First aid certificate

### **Competency testing**

On receipt of your completed application form, we will contact you within seven working days to arrange a convenient time and date for you to complete a competency test. A copy of the competency test assessment criteria can be found on our website. If you have not heard from us in this time, please check to ensure your application has been correctly made and received.

You must pass the competency test and will be issued with a Certificate of Competence by the relevant examiner.

You will not need to take the competency test if you hold one of the following certificates:

- Royal Yacht Association(RYA)/Department of Transport Certificate of Competency or Service as Coastal Skipper
- MCA Boatmaster's Licence (Grade 3)
- Certificate of Competency issued by a competent authority (such as MCA or other organisation approved by the MCA)
- RYA Advanced Powerboat Certificate
- RYA Day Skipper Practical Certificate
- RYA Powerboat Level 2 Certificate
- Any other relevant certificate as approved by this authority

### **Safety management system**

As part of your application, you will also need to provide a documented Safety Management System, formulated in line with the condition forming part of your licence. Please see our website for a copy of these conditions.

### **Medical certification**

To apply for a Pleasure Boatman Licence, you must submit a medical certificate that has been carried out within the previous six months (for which you will need to pay for). An MCA Certificate of Medical Fitness ML5 is the minimum standard. The Seafarer Medical Certificate (ENG1) is also acceptable.

Your medical certificate is valid for five years. However, when you reach your 65th birthday, you will need to have a medical examination annually.

## **First aid certification**

You must submit one of the following first aid certificates:

- Elementary First Aid Certificate
- RYA Small Craft First Aid Certificate
- Certificate issued by the ambulance service or a voluntary society following the successful completion of a first aid course approved by the Health and Safety Executive. This course must be adapted to have extra emphasis on the treatment of hypothermia and casualty evacuation.

First aid certificates are valid for five years from the date of issue. However, refresher training is recommended after three years, otherwise it may be necessary for you to retake a full course.

We try to process all licences within 30 working days. However, if we fail to determine your application in this period, it will not be deemed to have been automatically granted due to health and safety implications.

## **How long your licence will last**

Pleasure Boat Licences are valid for one year. However, in the interests of public safety, North Devon Council limits each licence to a seasonal period of operation. This period is between 1 April (or Good Friday if that date is earlier than 1 April) and 31 October. Pleasure Boatman Licences are valid for five years, in line with when an MCA Certificate of Medical Fitness is deemed valid. This also fits with the length of time a first aid certificate is valid. However, as mentioned earlier, undertaking regular refresher first aid training may remove the necessity for you to retake the full course.

## **Licence restrictions and conditions**

North Devon Council issues Pleasure Boat Licence conditions and Pleasure Boatman Licence conditions (a copy of which can be found on our website). These highlight a number of standard conditions likely to be imposed, but this does not form an inclusive list and other conditions may feature dependent on individual circumstances of operation.

North Devon Council is guided by the South West Regional Ports Association and documentation issued by the former South West Regional Standing Committee on Safety of Small Craft. We are also guided by the Inland Waters Small Passenger Boat Code, produced by the Maritime and Coastguard Agency and the Association of Inland Navigation Authorities. Please refer to these for any additional guidance you may need.

## **Suspension or revocation of a licence**

Licences may be suspended or revoked by North Devon Council if we deem such suspension or revocation to be necessary in the interests of the public.

## **Right of appeal**

If you want to challenge a decision made about a Pleasure Boat or Boatman Licence, you may appeal to the magistrates' court after two clear days of being notified of such withholding, suspension or revocation.

## **Offences and penalties**

If you contravene the provisions of section 94 of the Public Health Acts Amendment Act 1907, you will be liable to an offence of Level 3 on the standard scale, currently £1,000.

## **Further information**

Small vessels operating commercially under the British Flag or in British waters must comply with the Merchant Shipping Regulations or an MCA Code of Practice. Your attention is drawn in particular to one of these codes, 'The safety of small vessels in commercial use for sport or pleasure operating from a nominated departure point' (the Red Code). This covers the construction, machinery, equipment, stability, operation, manning, examination, certification and maintenance of small vessels and operate only in favourable weather and daylight from a nominated departure point.

Further information may be gained from:

- The Marine and Coastguard Agency (MCA)
- The Association of Inland Navigation Authorities Codes and Guidance
- British Waterways

Legislation affecting small boats, which you may wish to examine, is available through Her Majesty's Stationery Office.

## **Relevant trade organisations**

- Royal Yachting Association
- British Canoe Union
- Adventure Activities Licensing Authority