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*Status:* There are multiple versions of this provision on screen. These apply to different geographical extents. *Skip to:* E+W - England and Wales extent S+N.I. - Scotland and Northern Ireland extent

*Changes to legislation:* There are currently no known outstanding effects for the Public Health Acts Amendment Act 1907, Section 94. (See end of Document for details)

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# Public Health Acts Amendment Act 1907

1907 CHAPTER 53 7 Edw 7

## PART X

### MISCELLANEOUS

#### 94 Power to license pleasure-boats. **E+W**

- (1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the [<sup>F1</sup>persons in charge of or navigating] such boats and vessels, and may charge [<sup>F2</sup>for each type of licence such annual fee as appears to them to be appropriate].
- (2) Any such licence may be granted for such period as the local authority may think fit, and may be suspended or revoked by the local authority whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public: Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.
- (3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel, nor shall any person carry or permit to be carried passengers [<sup>F3</sup>for hire in any pleasure boat or vessel unless—
  - (a) the boat or vessel is so licensed and the licence is not suspended; and
  - (b) the person in charge of the boat or vessel and any other person navigating it is so licensed and his licence is not suspended and the conditions of his licence are complied with].
- (4) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade [<sup>F4</sup>or for a person in charge of or navigating such a boat or vessel].
- (5) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel, and every owner of any such boat or vessel shall, before permitting

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the same to be used for carrying passengers for hire, paint or cause to be painted, in letters and figures not less than one inch in height and three-quarters of an inch in breadth, on a conspicuous part of the said boat or vessel, his own name and also the number of persons which it is licensed to carry, in the form “Licensed to carry persons.”

- (6) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a penalty not exceeding [<sup>F5</sup>level 3 on the standard scale][<sup>F6</sup>but a person shall not be guilty of an offence under this subsection by reason of his failure to comply with such conditions as are mentioned in subsection 3(b) of this section if it is shown that there is a reasonable excuse for the failure].
- (7) Any person deeming himself aggrieved by the withholding, suspension, or revocation of any licence under the provisions of this section may appeal to a petty sessional 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 [<sup>F7</sup>designated officer for the court ], 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.
- [<sup>F8</sup>No licence under this section shall be required in respect of pleasure boats and pleasure vessels on any inland waterway owned or managed by [<sup>F10</sup>Canal & River Trust].]
- (9) In subsection (1) and (3) of this section “let for hire” means let for hire to the public.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

#### Textual Amendments

- F1** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(1\)](#)
- F2** Words substituted by [Local Government Act 1974 \(c. 7\), s. 35, Sch. 6 para. 1](#)
- F3** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(2\)](#)
- F4** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(3\)](#)
- F5** Words in s. 94(6) substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)
- F6** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 18\(4\)](#)
- F7** Words in s. 94(7) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 66; S.I. 2005/910, art. 3\(y\)](#)
- F8** S. 94(8)(9) added by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\), s. 186](#)
- F9** S. 94(8) added by [1980 c. 65, s. 186](#) and substituted (1.1.1998) by [S.I. 1997/1187, art. 2](#)
- F10** Words in s. 94(8) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\), art. 1\(2\), Sch. 3 para. 1 \(with arts. 4-6\)](#)

#### Modifications etc. (not altering text)

- C1** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2\(1\)](#)
- C2** S. 94: functions of the local authority not to be the responsibility of an executive authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)
- C3** S. 94 excluded by [S.I. 1989/490 \(N.I. 2\) art. 19\(6\) \(as substituted \(1.4.2007\) by The Lagside Corporation Dissolution Order \(Northern Ireland\) 2006 \(S.R. 2006/527\), art. 1\(2\), Sch. 2 para. 1\(7\) \(with Sch. 1 paras. 3-7\)\)](#)

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C4 S. 94 applied (2.7.2009) by Broads Authority Act 2009 (c. i), s. 40(2) (with ss. 2(3), 16(3), 42, Sch. 6 Pts. 1-3)

## 94 Power to license pleasure-boats. **S+N.I.**

- (1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the <sup>[F11]</sup>persons in charge of or navigating] such boats and vessels, and may charge <sup>[F12]</sup>for each type of licence such annual fee as appears to them to be appropriate].
- (2) Any such licence may be granted for such period as the local authority may think fit, and may be suspended or revoked by the local authority whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public: Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.
- (3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel, nor shall any person carry or permit to be carried passengers <sup>[F13]</sup>for hire in any pleasure boat or vessel unless—
  - (a) the boat or vessel is so licensed and the licence is not suspended; and
  - (b) the person in charge of the boat or vessel and any other person navigating it is so licensed and his licence is not suspended and the conditions of his licence are complied with].
- (4) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade <sup>[F14]</sup>or for a person in charge of or navigating such a boat or vessel].
- (5) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel, and every owner of any such boat or vessel shall, before permitting the same to be used for carrying passengers for hire, paint or cause to be painted, in letters and figures not less than one inch in height and three-quarters of an inch in breadth, on a conspicuous part of the said boat or vessel, his own name and also the number of persons which it is licensed to carry, in the form “Licensed to carry persons.”
- (6) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a penalty not exceeding <sup>[F15]</sup>£50<sup>[F16]</sup>but a person shall not be guilty of an offence under this subsection by reason of his failure to comply with such conditions as are mentioned in subsection 3(b) of this section if it is shown that there is a reasonable excuse for the failure].
- (7) Any person deeming himself aggrieved by the withholding, suspension, or revocation of any licence under the provisions of this section may appeal to a petty sessional 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 <sup>[F17]</sup>proper officer of the authority], 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.

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### Extent Information

- E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only

### Textual Amendments

- F11** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **s. 18(1)**  
**F12** Words substituted by [Local Government Act 1974 \(c. 7\)](#), s. 35, **Sch. 6 para. 1**  
**F13** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **s. 18(2)**  
**F14** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **s. 18(3)**  
**F15** Words substituted by [Criminal Justice Act 1967 \(c. 80\)](#), s. 92, **Sch. 3 Pt. I**  
**F16** Words inserted by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **s. 18(4)**  
**F17** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), **Sch. 29 Pt. I para. 4(1)(a)**

### Modifications etc. (not altering text)

- C5** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537](#), **art. 2(1)**  
**C6** S. 94: functions of the local authority not to be the responsibility of an executive authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), **Sch. 1**

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