

## **PUBLIC HEALTH ACTS AMENDMENT ACT 1907, SECTION 94**

### **PLEASURE BOATS: BOATMEN**

#### **1. Interpretation**

In these Conditions the following words mean:

**Category 1 Boats** means small boats or craft including canoes/kayaks, pedaloos, personal water craft, beach floats, self-drive motor and rowing boats let for hire whether in the charge of a licensed boatman or not.

**Category 2 Boats** means small boats in the charge of a licensed boatman plying for hire or let for hire (e.g. a boat conducting tourist trips)

**Council** means Purbeck District Council

**Licensee** means the person named in the Licence

**MCA** means the Maritime and Coastguard Agency

**Pleasure Boat** means a Category 1 or Category 2 boat licensed by the Council

#### **2. Period of Licence**

The Licence will be for the period 1st April [unless Good Friday is earlier] to 31st October unless the Licence is terminated by the Council earlier.

#### **3. Competency**

When the Licensee has relied upon any of the following qualifications to gain an exemption from completing the Council's competency test, the Licensee shall ensure that the qualification remains current for the period of this Licence:

- Royal Yacht Association (RYA)/Department of Transport certificate of competency;
- Maritime and Coastguard Agency (MCA) Boatmaster's licence (Grade 3);
- Certificate of competency issued by a competent authority (e.g. MCA or other organisation approved by the MCA);
- RYA advanced powerboat certificate; or

- RYA Day Skipper practical certificate.

#### 4. **First Aid**

The Licensee must hold a valid first aid certificate issued by a competent body for the period of this Licence. The certificate will be valid if it was issued within a period of 5 years. The following are competent bodies::

- Elementary First Aid Certificate;
- RYA Small Craft First Aid Certificate; or
- 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.

#### 5. **Medical Examination and Medical Conditions**

- 5.1 The Licensee must inform the Council within 10 working days if they have a medical condition which adversely affects their ability to undertake the duties required of a boatman.
- 5.2 The Licensing Officer may require the Licensee to have a medical examination if they are returning to work after a period of illness.

#### 6. **Licence and Badge**

- 6.1 The Licensee shall display their licence and boat schedules at or near to the point of hire or launch point of the Pleasure Boat so as to be visible to the public.
- 6.2 The Licensee must wear the identification badge issued to them by the Council at all times when carrying out the duties of a licensed boatman.

#### 7. **Limitations on Operation**

- 7.1 The Licensee shall comply with any endorsements imposed by the Council on this Licence limiting the area of operation, category of Pleasure Boat or other service.

#### 8. **Operation of the Pleasure Boat**

While in charge of the Pleasure Boat the Licensee shall

- a) ensure that the Pleasure Boat is not carrying a greater number of passengers than it is licensed to carry; and

- b) shall not allow any person to embark for the purpose of being carried for hire unless the Pleasure Boat is sea-worthy and has all gear, tackle, machinery, apparatus or appliances required for safe navigation and operation under the pleasure boat licence issued by the Council.

9. **Public Liability**

The Licensee must ensure that Public liability insurance is in place for the Pleasure Boat. This must be on the sum of at least £5,000,000.

10. **Suspensions and Revocation**

This Licence may be suspended or revoked if the Licensee:

- a) fails to observe or comply with any of the terms or conditions of this Licence is granted; or
- b) is guilty of misconduct when in charge of or navigating a pleasure boat; or
- c) has a medical condition which adversely affects their ability to undertake the duties required of a boatman; or
- d) behaves in such a way as to raise doubts about their fitness to hold a Licence.

NOTE: The Council does not assume responsibility for testing the accuracy of the representations upon which this Licence is granted, nor does the Council warrant in granting this Licence the safety of the competency of any Boatmen. This Licence does not relieve the Licensee from his liability for his acts or omissions or those by his employees, contractors or agents or the use of any unsafe or insufficiently equipped pleasure boat or vessel.