

Aberdeenshire Council
Civic Government (Scotland) Act 1982
Section 38 and Schedule 1
Standard Conditions Attaching to
Boat Hire Licences

1. The Licence-holder shall ensure that the maximum number of persons to be carried on or in each boat or vessel at any one time (including any person in charge of the boat or vessel and any other crew) shall not exceed the number shown on the Licence.
2. The Licence-holder shall only use or permit to be used the boat(s) or vessel(s) named in the Licence and that within the area shown on the plan annexed to these conditions. (The Licence-holder is reminded that the boat(s) or vessel(s) must also comply with any other statutory requirements of the Department of Transport under the Merchant Shipping Acts and other relevant subordinate legislation).
3. The Licence-holder shall take out and maintain in force a policy of Third Party Liability Insurance with a reputable Insurance Company approved by the Council. The Policy shall provide for indemnity of not less than one million pounds (£1,000,000.00) in respect of each person, persons or class of persons as may be specified in the policy in respect of any single claim arising out of any liability which may be incurred by the Licence-holder in respect of the death of or bodily injury to any person caused by, or arising out of, the use of any of the boat(s) or vessel(s) named in the Licence. The policy must be in force prior to undertaking the activities to which this Licence relates and the Licence-holder must exhibit to the Council, at any time on demand, evidence that the premiums in respect of such policy have been timeously paid. No alterations to the policy of Third Party Insurance in the name of the Insurance Company or in the type or extent of cover must take place without the prior written consent of the Council.
4. Any changes of name(s) or changes of boat(s) or vessel(s) on the Licence must be intimated to the Council within 7 days of the change(s) being completed. In the case of changes to any of the boat(s) or vessel(s) named in the Licence the Licence-holder must, before using or permitting the changed boat(s) or vessel(s) to take part in any of the activities permitted by the Licence, produce to the Council a Certificate of Fitness issued following inspection by a qualified marine surveyor, naval architect, recognised boat builder or suitably qualified seaman, which Certificate shall state the inspector's qualifications.
5. The Licence-holder must ensure that any registered number allotted to any boat or vessel by the Council is clearly marked or painted on the outside of the bow of said boat or vessel in a conspicuous position in plain figures of not less than 2 inches in height and of a corresponding breadth. (if a boat or vessel is more than 3 tons the said figures must not be less than 3 inches in height and of a corresponding breadth).
6. The Licence-holder shall ensure that the name of the Licence-holder and the words "To carry [number] persons including crew" (the number being the maximum number of persons the boat or vessel is licensed to carry) is marked or painted on the boat or vessel to which the Licence relates in a conspicuous position where it can be clearly seen by passengers, in letters and figures of not less than one inch in height and of a corresponding breadth.
7. The Licence-holder shall ensure that all numbers or names required by the Council are kept at all times distinctly legible and must not be in any manner or by any means altered, defaced, obliterated, covered or concealed.

8. The Licence-holder shall ensure that the hull and any oars, spars, rigging, engines and mechanical equipment of any and all boat(s) or vessel(s) are rendered at all times complete and in sound and seaworthy condition to the satisfaction of the Council.
9. The Licence-holder shall ensure that all boat(s) or vessel(s) covered by the Licence are inspected annually by a qualified marine surveyor, naval architect, recognised boat builder or suitably experienced seaman and Certificate(s) of Fitness along with the inspector's qualifications shall be produced to the Council not later than 28 days after the annual inspection has become due.
10. The Licence-holder shall ensure that all boat(s) or vessel(s) covered by the Licence are issued with a "Yellow Code" certificate in compliance with the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998 (SI 1998 No. 2771), which certificate shall be produced to the Council not later than 28 days after the certificate has been issued.
11. The Licence-holder shall at all times maintain to the satisfaction of the Council the slipways, jetties, piers and other landing places at his boat station, as far as under his control, in good and sufficient order and repair for the safe embarking and disembarking of passengers.
12. The Licence-holder shall ensure that the boat(s) or vessel(s) (other than any types of small craft specifically exempted by the Council) carry a sufficient number of lifejackets to the current British Standard for all persons on board including the person in charge and any other crew.
13. The Licence-holder shall use his best endeavours to ensure that the person(s) in charge of the boat(s) or vessel(s) comply with any and all weather warnings or other instructions issued to him by the Coastguard, Harbourmaster or other person duly authorised by the Council.
14. The Licence-holder shall not allow any boat or vessel to be hired to any person whom the Licence-holder believes is not capable of handling the particular boat or vessel thereby constituting a danger to that person or others whether on the boat or not.

Supplementary Conditions for Small Craft (Rowing Boats, Dinghies, Skiffs, Canoes, etc)

15. 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 on skiffs) rudder with tiller or yoke and lines.
16. The Licence-holder shall ensure that each sailing boat shall at all times be kept supplied and equipped with all suitable and sufficient sails, spars, rudder, tackle, fittings and appliances as well as at least 2 lifebuoys and a baling dish.
17. The Licence-holder shall ensure that each sailing boat carries 2 paddles.

Supplementary Conditions For Larger Boats or Vessels

18. The Licence-holder shall ensure that every boat or vessel at all times when it is hired or plying for hire is in the charge of an experienced boatman who –
 - a) Holds at least an RYA/DOT Certificate of Competency as a Coastal Skipper or a boatmaster's licence issued by the Department of Transport.
 - b) Hold a Medical Fitness Certificate issued by the Department of Transport or an equivalent certificate and an approved Basic Sea Survival Course Certificate.
 - c) Has a thorough knowledge of the weather and tidal conditions of the whole of the appropriate operational area.

In addition, the Licence-holder shall ensure that every vessel carries at least one person holding a Radio Operator's Certificate suitable for the radio equipment on board and at least one person who holds a First Aid at Sea Certificate.

19. The Licence-holder must ensure that every boat or vessel carries two 30-inch diameter Department of Transport approved lifebuoys, one of which shall have a smoke/light signal, a 60 foot buoyant line attached and be kept within easy reach of the helmsman.
20. The Licence-holder shall ensure that every boat or vessel carries on deck and within easy access at least one inflatable liferaft of a type approved by the Department of Transport and which is capable of carrying everyone on board, including the person in charge and any other crew.
21. The Licence-holder shall ensure that every boat or vessel carries distress flares comprising at least 4 x 2 star red signals, 4 red hand flares and 2 orange smoke signals.
22. The Licence-holder must ensure that every boat or vessel is equipped with a horn or siren in working order and capable of giving clearly audible signals over a radius of at least 0.5 nautical miles.
23. The Licence-holder must ensure that every boat or vessel is equipped with an efficient radar reflector.
24. The Licence-holder must ensure that a water resistant and properly functioning torch is carried on every boat or vessel.
25. The Licence-holder must ensure that every boat or vessel carried an efficient compass.
26. The Licence-holder must ensure that every boat or vessel carries the appropriate maps and charts of the area shown on the Plan attached to these conditions.
27. The Licence-holder must ensure that every boat or vessel has fitted to it a radio capable of receiving weather forecasts.
28. The Licence-holder must ensure that every boat or vessel carries a first aid kit.
29. The Licence-holder must ensure that every boat or vessel carries and anchor or chain and such ropes or cable attached to the chain as can be used for towing purposes.
30. The Licence-holder must ensure that every boat or vessel is fitted with an efficient bilge pump system.

Additional Conditions For Boats or Vessels With Engines

31. The Licence-holder must ensure that the engine, any auxiliary engine(s), steering gear and all mechanical equipment on every boat or vessel is maintained in good and efficient working order and in a sound and seaworthy condition.
32. The Licence-holder must ensure that every boat or vessel carries a tool kit with sufficient tools to carry out emergency repairs to the engines, steering gear or mechanical equipment.
33. The Licence-holder must ensure that every boat or vessel has provision for, and carries such emergency fuel for its engines (e.g. petrol or diesel) as is required by the Council.
34. The Licence-holder must ensure that every boat or vessel carries the following fire-fighting equipment:-

- a) One hand powered 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 ship through hose and nozzle. One fire hose of adequate length with 10mm nozzle and suitable spray nozzle; or
- b) One multi-purpose fire extinguisher to BS 5423 with minimum fire rating of 13A/113B or smaller 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 to discharge into the space.
- d) Not less than one multi-purpose fire extinguisher to BS 5423 with minimum fire rating of 5A/34B provided at each exit from accommodation spaces to the open deck. In no case shall 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 shall be suitable for their intended service.
- f) One fire blanket in galley or cooking area (BS6575 – light duty type).
- g) 2 gallons of foam or other dry powder suitable for extinguishing oil fires.
- h) A bag of sand sufficient to contain and extinguish a fire that includes burning spilt fuel.

35. **Definitions**

“the Act” means the Civic Government (Scotland) Act 1982.

“Boat Hire Licence” is as defined in Section 38(1) of the Civic Government (Scotland) Act 1982.

“the Council” means the Aberdeenshire Council.

“C.O.S.L.A” means the Convention of Scottish Local Authorities.

“the Coastguard” means The Maritime and Coastguard Agency.

“Department of Transport” means the Department of Transport or its successor.

“the Harbourmaster” means the Harbourmaster appointed by Aberdeenshire Council as Harbour Authority for any harbour within the area covered by a Boat Hire Licence.

“Licence-holder” means the person, persons, company, firm, public body or voluntary organisation named in the Licence.