



**CORNWALL COUNCIL PLEASURE BOATS AND BOATMEN
PUBLIC HEALTH ACTS AMENDMENT ACT, 1907 – SECTION 94 AND VARIOUS OTHER HARBOUR ORDERS**

TERMS AND CONDITIONS Prescribed by Cornwall Council FOR LICENCES for:-

- (a) PLEASURE BOATS and PLEASURE VESSELS to be let for hire or to be used for carrying passengers for hire and**
- (b) BOATMEN or PERSONS ASSISTING in the charge or navigation of such boats and vessels**

Licences will run for a specified period in every year, but may be suspended or revoked by the Council whenever it shall deem such suspension or revocation to be necessary or desirable in the interest of the public, and in particular:-

- (a) if a boat suffers and damage or deterioration caused by accident or otherwise and in the case of suspension and until such damage or deterioration is repaired and made good to the satisfaction of the Council's Harbour Master after a special survey for the purpose, and
- (b) for misconduct in the case of a boatman or person assisting in the charge or navigation of a boat or vessel.

APPLICATIONS FOR LICENCES

Application for licences must be made to the Cornwall Council Maritime Office, Town Quay, Truro with the appropriate fee. Application forms are supplied free on request.

Applications for boat licences should be made before the 1st April each year.

Applications for boatmen's licences may be made at any time.

INSPECTION

Applicants must liaise with the Truro Harbour Office to arrange the place and time at which the Council will examine boats. Any person who fails to produce their boat for inspection on the day appointed will be required to produce their boat for a special survey at such place and time as the Council shall direct and may be charged a special survey fee.

At the time of any survey all the equipment appropriate to the class of boat and intended use shall be provided for inspection, clearly marked with the boat's name or other identifying mark.

No boat will be licensed which is not sound or seaworthy in the opinion of the Maritime Manager, Harbour Master or nominated representative or which does not carry the equipment as required by the Council.

BOATS LICENSED BY OTHER AUTHORITIES

A licence is not required from Cornwall Council for any boat which is currently licensed by the Maritime and Coastguard Agency (MCA) or an approved licensing authority.

NUMBER OF PERSONS

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 2.5cm / 1 inch in height and 2cm / ¾ inch in breadth, on a conspicuous part of the said boat or vessel:-

- (a) the name of the licence holder
- (b) the number of persons which it is licensed to carry, in the form:
“Licensed to carry persons”;
- (c) the name of the boat

DAMAGE OR DETERIORATION TO BE REPORTED

The holder of a boat licence or a boatman’s licence must report to the Maritime Officer within 24 hours of any case of the boat under his control having suffered damage or deterioration caused by collision, accident or by any other means.

BOATMAN’S LICENCE

Any boat carrying persons for hire (i.e. not self-drives, sail boards, personal water craft (PWC) etc.) must be accompanied at all times by a licensed Boatman.

BOATMEN

Applications for a boatman’s licence may be made at any time but a licence will not be granted to any person unless the applicant satisfies the Harbour Master of his fitness to hold such licence by passing an examination. The syllabus of such examination will upon request be supplied free of charge by the Maritime Officer.

LIMITS OF OPERATION

No boat shall operate outside the limits endorsed on the licence. A legible notice shall at all times be displayed in a conspicuous part of the boat or vessel clearly stating the seaward extent of the limits beyond which the boat or vessel is not permitted to go.

RECOGNITION OF BOATS

Every licensed boat will be allocated a registration number and letter which must be clearly painted on each bow in letters not less than 10cm / 4 inches high.

RECORD OF HIRERS

Every owner or person operating a licensed boat, which is not accompanied by a licensed boatman and which is permitted or likely to proceed out of sight of the owner or person operating the boat, shall keep, or cause to be kept a record of the name and address of the hirer of the boat, until such person returns in safety.

SUSPENSION AND PENALTIES

Section 94 of the Public Health Acts Amendment Act 1907, and other various Harbour and Port Harbour Orders, makes it an offence to hire out an unlicensed boat, and the regulations will be strictly enforced by the Council.

SOUTH WEST REGIONAL PORTS ASSOCIATION CLASSIFICATION OF BOATS

The spectrum of different vessels which may be licenced makes a 'one size fits all' approach impractical; the following guidance is provided to assist licencing authorities determine what factors to consider during the licencing process.

Beach floats Pedaloos	Licence the operator. Restrict area of operation (eg not allowed in areas of strong tidal currents or waterways). Operator to provide safety boat, the cox'n of which is to be a licenced boatman, or means of retrieving floats/pedaloos.
Surfboard/bodyboard hire	Licence the operator. Encourage operator to provide safety boat, the cox'n of which is to be a licenced boatman, or have alternative means of retrieving surfers. Consider restricting area of use to within visual range of operator and/or lifeguard if practicable. Encourage participants especially children to wear buoyancy aid.
Canoes Stand Up Paddleboards (SUPs)	Licence the operator. SUP operators should be encouraged to adopt the 'BSUPA code of conduct' once it has been published. Operator to provide safety boat, the cox'n of which is to be a licenced boatman (safety boat not required in sheltered waters) All participants encouraged to wear buoyancy aids or life jackets, particularly novices. Canoes to have sufficient internal buoyancy to remain afloat when filled with water. Canoe or SUP to have leash, handrail or rope (as appropriate) to which participant can hold onto in the event of entering the water/capsize Restrict area of operation (eg not allowed in areas of strong tidal currents or waterways).
Power surfboard	Licence the operator Restrict use to areas free of bathers Users to wear life jackets or buoyancy aids.
Windsurf or sail board	Licence the operator, who should be RYA qualified Operator to provide safety boat, the cox'n of which is to be a licenced boatman. Participants to wear life jackets or buoyancy aids Each board to carry some form of safety signalling device (eg radio or other apparatus). Restrict use to areas free of bathers.
Hovercraft	Licence the operator, who must hold a Certificate of Competence by the Hover Club of Great Britain Limited Operator to provide safety boat, the cox'n of which is to be a licenced boatman. Users to wear life jackets or buoyancy aids Fan(s) to be safely screened. Each craft to be fitted with control system which automatically throttles back Hovercraft registration certificate, plus CAA Hovercraft Safety Certificate MCA hovercraft operating permit.
Self-drive motorboats	Licence the operator Operator to provide safety boat, the cox'n of which is to be a licenced boatman. Restrict to areas free of bathers. Motorboats to be fitted with propeller safety guard All participants to wear buoyancy aids or life jackets. Every user to be given safety instruction prior to taking control of the craft, to include areas of use, means of attracting attention in case of difficulty, navigational orientation (eg explanation of buoyage in the area etc) and Col Regs

Personal watercraft (PWC) eg jet ski, flyboard, Efoil	Licence the operator. Restrict use to areas absolutely free of bathers and other water users (although it may be permissible to allow jet skis and water-skiers may use the same designated area). Operator to provide safety boat, the cox'n of which is to be a licenced boatman. Users to wear life jackets or buoyancy aids. Every user to be given safety instruction prior to taking control of the craft.
Water skiing	Operator and each boat to be licenced. Operator should hold British Waterski and Wakeboard (BWSW) Coach Licence and conform to codes of practice. At least 2 people in the boat when towing a person on skis (driver and observer) when towing a person on skis. Boat driver should hold at least Ski Boat Driver Level 2 or equivalent Restrict use to areas absolutely free of bathers and other water users (although it may be permissible to allow jet skis and water-skiers may use the same designated area). Area of take off and drop off to be marked and direction of circulation to be specified. Every participant to wear life jacket or buoyancy aid
Parascending/parasailing	Operator and each boat to be licenced. Boat cox'n to be licenced. At least 2 people in the boat (driver and observer) when towing a person. Every participant to wear life jacket or buoyancy aid. Restrict to areas absolutely free of bathers.
Kite Surfing	Operator to be licenced. Operator to provide safety boat, the cox'n of which is to be a licenced boatman. Restrict to areas free of bathers. Participants to wear life jacket or buoyancy aid
Water taxi carrying no more than 12 passengers	Licence the boat and boatman

Notes

Operators should be required to display notices stating: "No person should attempt to use one of these craft unless he or she can swim at least 40 metres fully clothed".

Safety boats. Where a safety boat is required it must either be afloat or ready for immediate launch. Life jackets and buoyancy aids must be CEN or MCA approved.

OPERATIONAL AREAS

Categorisation of Waters:-

Operational Limits as classified by extracts from MSN 1837 (M) Amendment 2. categorisation of waters.

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 1.5 metres or more 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.
Category D	Tidal rivers and estuaries where the significant wave height could not be expected to exceed 2.0 metres at any time.

Categorised Waters (Cornwall)

Region and Location	Category A, B or C	Category D
Plymouth	Category C Within a line from Mount Batten Pier to Raveness Point through Drake's Island. The River Yealm within a line from Warren Point to Misery Point.	Within a line from Cawsand to Breakwater to Staddon.
Fowey	Category C Inside the Harbour	None
Falmouth	Category C Within a line from St. Anthony to Pendennis Point.	In winter within a line from St. Anthony Head to Rosemullion Point. In summer within a line from St. Anthony Head to Nare Point.
River Camel	Category C Within a line from Gun Point to Brea Hill.	Within a line from Stepper Point to Trebetherick Point.

Notes

For the purposes of Cornwall Council Boat Licensing the River Helford will be considered Category C West of a line between Nare Point and Rosemullion Head) as Category C, during the summer period.

For small craft operating straight to sea from a beach or harbour please contact the Maritime Manager.

EQUIPMENT

Recommendations for the Minimum Standards of Equipment (see also SWRPA Blue Book Section 7 for more details).

Cat C Waters

1. Painter.
2. Bilge Pump (if practicable) and bailer or bucket.
3. Lifejackets available for 100% of passengers and crew (See note 9).
(Powered or Sailing Craft):–
4. Approved alternative means of propulsion (e.g. paddles).
5. One lifebuoy for boats carrying not more than six persons, otherwise two lifebuoys.
6. Together with the lifebuoys in 5 above, approved buoyant apparatus to support 100% of passengers and crew.
 - (a) This buoyant apparatus may be made up to standard M.C.A. lifebuoys and/or built-in buoyancy,
 - (b) Regard may be had to built-in buoyancy, only if adequate and suitable grab lines, rails or bilge keels are provided and maintained.
7. Notice stating:-
 - (a) Location and effect of local weather signals.

- (b) Restrictions on area of operation, including a warning that the craft is not to enter areas buoyed for swimmers.
 - (c) Emergency procedures.
8. Anchor and Rope. Anchor should be of sufficient mass for type and size of vessel. Anchor rope should be of suitable length for depth of water in area of operation.

Cat D Waters As above plus:-

- 9. (Powered Boats) Two approved fire extinguishers.
- 10. Buoyant heaving line at least 30 metres in length with M.C.A. approved rescue quoit.
- 11. Life raft for all onboard (SOLAS B Pack or MCA E Pack)
- 10. Boat hook.
- 11. Klaxon, foghorn or other approved noise signal.
- 12. A sufficient First Aid kit.
- 13. Navigation lights in accordance with current Merchant Shipping Regulations.
- 14. Approved orange smoke floats (two).
- 15. Suitable tool kit
- 16. One water-resistant torch.

SMALL CRAFT OPERATING STRAIGHT TO SEA FROM A BEACH OR HARBOUR

- 1. Painter
- 2. Towline
- 3. Bailer
- 4. Paddles
- 5. Lifejackets or Buoyancy Aids for 100% of passengers and crew (inside Black Rock & Helford River 100 N, outside Black Rock & Helford River 150N)
- 6. Watertight bag for mobile telephone etc.
- 7. Whistle
- 8. Grab handles
- 9. Map of the area
- 10. Rescue Flag
- 11. First Aid Kit
- 12. Signal Flare
- 13. Torch
- 14. Survival Bag
- 15. Knife

General Notes.

- 1. Where practicable, licensed self-drive motor boats shall be fitted with propeller guards.
- 2. Whilst vessels are generally restricted to daylight operation, if operating outside of the hours of sunrise to sunset, navigation lights must be fitted.
- 3. Boats owned by clubs should be required to comply with these recommendations if carrying persons who are not members of the club.
- 4. i) Inboard Engine - Fire Precautions.
 - In any boat licensed fitted with an inboard engine, the engine should be separated from the accommodation space by a bulkhead or the engine should be enclosed in a box.
 - ii) Any engine space should be so arranged that in the event of a fire occurring within the space, the fire extinguishing medium can be retained for sufficient time to extinguish the fire.
- 5. Gas Installation. Where a gas installation is fitted to any licensed boat, the installation shall, where practicable, comply with the provisions of the MCA Workboat Code 3.
- 6. Sailing craft licensed under these rules shall be provided with one safety harness to CEN specifications for each person

on board.

7. Where a higher standard of equipment than those recommended above is required for any boat by reason of any statutory order or provision or any requirements of the M.C.A., such higher standards shall be applied.
8. The local licensing authority may waive or reduce any requirement of 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.
9. Enough lifejackets for all on board. Solid buoyancy or inflatable. Not to rely solely on oral inflation. EN 396 150N (ISO 12402-3) or EN 399 275N (ISO 12492-2). Lights if used at night. Serviced annually. Service records/certificates will be inspected.
10. Life raft stowed on deck and hydrostatic release or in readily accessible and dedicated locker opening onto deck.

Seaworthiness of it hull and engine survey:

A licensed boat shall be surveyed annually by the licensing authority's surveyor or by a surveyor approved by the licensing authority and no licence shall be issued in respect of any boat until the surveyor is satisfied that the boat is of sound construction, has adequate stability and is in a fit state and equipped to operate within its designated area.

The surveyor shall examine and report on the structural condition of the hull and shall examine and report on the propulsion machinery, the electrical and pumping installations – but only in so far as these affect the seaworthiness of the boat. The surveyor must complete the Surveyors Guidance Form which may be inspected during the Boat Licensing Officers visit.

The licensing authority shall maintain a list of approved surveyors, whom it is recommended shall have adequate professional indemnity insurance cover.

Reporting Procedure:

The operator or skipper of every licensed boat shall before proceeding to sea, inform the coastguard, harbourmaster, port authority or other responsible body or nominated agent registered and approved by the licensing authority, stating the name of the boat, its destination, the number of persons on board the boat and the approximate time of its return.

Insurance:

All licensed boats shall carry adequate passenger liability and third party insurance cover to a minimum amount of £3,000,000.