

**Broads Authority Act 2009: Amendment to Licensing
Conditions for Small Passenger Boats**
Report by Head of Safety Management

Summary: This report sets out a proposal to amend the Broads Authority Small Passenger Boat Licensing Conditions.

Recommendation:

The amended licensing conditions in Appendices 1 and 2 are adopted and implemented from 1st April 2017.

1 Introduction

- 1.1 The Authority introduced a licencing scheme for the operation of small passenger boats in April 2012. The license issued for the operations are subject to conditions which were primarily based on the Inland Waters Small Passenger Boat Code (IWSPBC) developed by the Maritime and Coastguard Agency (MCA) and the Association of Inland Navigation Authorities (AINA).
- 1.2 The IWSPBC published in 2004 aimed to set technical and operational standards for Small Passenger vessels. The Code is a voluntary code for Inland Navigation Authorities and Local Authorities to adopt as their standard for skippered vessels carrying no more than 12 passengers. Vessels carrying more than 12 passengers are regulated and inspected by the MCA and therefore do not fall inside the scope of this proposed licensing scheme.
- 1.3 Since the Authority's licensing conditions were developed legislation has been superseded and areas for requiring amendment have been identified following queries raised when implementing the licensing. The licensing conditions have been amended to reflect the change in legislation, to clear up any anomalies with the licensing scheme relating to hire boats, and to address references to the IWSPBC.
- 1.4 In summary the amendments seek to:
 - remove ambiguity in the areas of both (i) "letting for hire", as opposed to "carrying passengers for hire"
 - clarify the issue of stability requirements, and;
 - remove the requirement to seek MCA approval for Search and Rescue Co-operation Plans.

2 Consultation

- 2.1 Due to the “tidying up” nature of the proposed changes officers have carried out a limited consultation with the following organisations and individuals:

Maritime and Coastguard Agency
British Marine Passenger Boat Association
Broads Hire Boat Federation
Wherry Yacht Charter Charitable Trust
Norfolk Wherry Trust
Boat Safety Management Group
Navigation Committee Chair

- 2.2 All those consulted were content that the changes were a tidying exercise and they were also content that the amendments did not materially affect the operation of the small passenger boats.

3 Implementation

- 3.1 It is proposed that the amended licensing conditions will become affective from the 1st April 2017.

Background papers: Broads Authority Act 2009: Licensing of small passenger boats Nov 2011

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Broads Plan Ref NA4.2
Appendices: APPENDIX 1 – Schedule of Operator Licensing Conditions
APPENDIX 2 – Vessel Licensing Conditions

Broads Authority

Small Passenger Boat Operator Licence

This Licence is issued under Section 94 of the Public Health Acts Amendment Act 1907 and Sections 12 and 40 of the Broads Authority Act 2009.

The Broads Authority hereby licence the vessels listed in the Schedule for the carrying of passengers subject to the conditions set out in this Licence. Attention is drawn to the notes accompanying the Licence.

The following definitions apply to the licence: -

“the Authority” means the Broads Authority

“the Operator” means the person or body named in this licence.

“the Vessel” means any vessel listed in the Schedule

“Skipper “ means any person whether the owner or master lawfully having or taking command or charge or management of the vessel for the time being.

“Passenger” means any person carried in the vessel. Except;

- a) A person employed or engaged on the business of the vessel.
- b) A person on board the vessel either in pursuance of the obligation laid upon the master to carry shipwrecked distressed or other person, or by reason of any circumstance that neither the master nor owner nor the charterer (in any) could have prevented or forestalled; and
- c) A child under one year of age.

“Crew” means the skipper and any person employed or engaged on the business of the vessel.

The Conditions

1.
 - (a) Each Vessel is licensed to carry the number of persons indicated against the Vessel in the Schedule.
 - (b) The number of persons that the Vessel is licensed to carry must be conspicuously displayed on the Vessel using a notice or notices provided by the Authority.
 - (c) A Vessel must not carry any number of persons in excess of that permitted by this Licence.
 - (d) A vessel must not carry more than 12 passengers.
2.
 - (a) The Operator must hold and maintain throughout the period of this Licence current public liability insurance cover with a minimum indemnity of two million pounds.
 - (b) The Operator must, when required by the Authority to do so produce satisfactory evidence of such insurance in relation to any Vessel.

3. The Operator throughout the period of this Licence must comply with all elements of the Association of Inland Navigation Authorities (AINA) /Maritime and Coastguard Agency (MCA) Inland Waterways Small Passenger Boat Code
4. The Operator must ensure that skippers are qualified in accordance with The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2012.
5.
 - (a) The Operator must on a regular basis carry out a suitable and sufficient assessment of the risks associated with the activity of operating passenger vessels. The frequency of this assessment will depend on the nature of the risk but must be no less frequently than annually.
 - (b) The Operator must promptly act upon the findings of any such assessment where a risk is identified.
 - (c) The Operator must ensure that these assessments are fully documented and readily accessible for inspection by an authorised representative of the Authority.
6. The Operator must keep proper records which show:
 - (a) When any Vessel has carried passengers.
 - (b) Prior to departure the number of passengers carried and details of the crew members and the intended journey are to be reported to a nominated point of contact ashore..
 - (c) The emergency procedures to cover at least;
 - I. Man Overboard
 - II. Fire
 - III. Collision
 - IV. Grounding
 - V. Sinking
 - VI. Engine/ Steering Failure
 - VII. Passenger or Crew unwell
 - VIII. Aggressive or unruly Passengers
 - (d) The requirements of 7(b) do not apply to Operators of ferries which have a journey time not exceeding 10 minutes duration..
7. The Operator must make available for inspection, to any person authorised by the Authority for this purpose, any records required by this Licence.
8.
 - (a). The Skipper must ensure that all persons on board are given:
 - (i) An appropriate safety briefing in accordance with Association of Inland Navigation Authorities (AINA) /Maritime and Coastguard Agency (MCA) Inland Waterways Small Passenger Boat Code Annex 12.
 - (b) The Operator must record in writing and retain details of all briefings, demonstrations, and instructions given under paragraph 9 (a).
 - (c) The Authority may carry out sample audits of the briefings referred to in paragraph 9 (a).

9. If any changes occur in the ownership or particulars of any Vessel during the term the Licence, the Operator must give written notice of such change(s) to the Authority within 14 days of the change(s).
10. The Operator throughout the period of this Licence must hold a Search and Rescue Co-operation Plan.
11. The Operator must report any accident in accordance with The Merchant Shipping (Accident Reporting and Investigations) Regulations 2005 to the Broads Authority and the Marine Accident Investigation Branch..
12. This Licence must not be altered, damaged or defaced in any way.
13. This Licence or a true copy of it may be displayed for public view at the premises from which any Vessel is operated but must be removed from public display in the event that it is suspended, revoked or has expired.
14. The Authority may suspend or revoke this Licence in the event of any breach of any of these conditions if the Authority considers it is necessary or desirable in the interests of the public.
15. This Licence must be returned to the Authority within 7 days if:
 - (a) The Operator has ceased the activity for which the Licence has been granted or
 - (b) The Authority has revoked the Licence.
16. This Licence will remain in force, unless previously suspended or revoked until
17. The Licence is personal to the Operator and is not transferable except with the written permission of the Authority.
18. The Authority reserves the right to modify, alter, revoke or add to these conditions, should it be necessary or desirable in the interests of the public to do so. Such variations will have effect as and when specified by the Authority.

Signed _____ Dated _____

The Schedule

The Vessel/s to which this Licence applies:

Broads Authority

Passenger Boat Licence

This Licence is issued under Section 94 of the Public Health Acts Amendment Act 1907 and Sections 12 and 40 of the Broads Authority Act 2009.

The Broads Authority hereby licence the vessels listed in the Schedule for carrying of passengers subject to the conditions set out in this Licence. Attention is drawn to the notes accompanying the Licence.

In this Licence the following definitions apply:

“the Authority” means the Broads Authority

“Vessel” means any vessel listed in the Schedule

“Passenger” means any person carried in a Vessel. Except;

- d) A person employed or engaged on the business of the vessel.
- e) A person on board the Vessel either in pursuance of the obligation laid upon the master to carry shipwrecked distressed or other person, or by reason of any circumstance that neither the master nor owner nor the charterer (in any) could have prevented or forestalled; and
- f) A child under one year of age.

The Conditions

1. Each Vessel must comply with the construction and equipment standards imposed by the Authority under section 12 (2) (b) of the Broads Authority Act 2009.
2. Each Vessel must be maintained in sound condition.
3. Each Vessel must comply with the requirements of all elements of the Association of Inland Navigation Authorities (AINA) /Maritime and Coastguard Agency (MCA) Inland Waters Small Passenger Boat
4.
 - (a) Each Vessel is licensed to carry the number of persons indicated against that Vessel in the Schedule.
 - (b) The number of persons that the Vessel is licensed to carry must be conspicuously displayed on the Vessel using a notice or notices provided by the Authority.
 - (c) A Vessel must not carry any number of persons in excess of that permitted by this Licence.
 - (d) A vessel must not carry more than 12 passengers.
5. Any vessel used for carrying passengers which is fitted with gas-fuelled equipment must be fitted and maintained in accordance with HSE, Gas Safety (Installation and Use) Regulations 1998 and where relevant hold a current Landlords Gas Safety Certificate.

- 8 Any Vessel, must be fitted with a bilge pump which is appropriate in size to the Vessel or carry one bailer or bucket in either case with a capacity of at least 1.2 litres (2 pints) of water.
- 9 Any Vessel must have the facility to enable persons to re-board the vessel from the water in the event of falling overboard. This may be a fixed boarding system or a temporary system that could be deployed when required.
- 10 Any Vessel with an exposed propeller shaft or other exposed moving parts within the passenger or accommodation area must be fitted with a suitable guard.
- 11 This Licence must not be altered, damaged or defaced in any way.
- 12 This Licence or a true copy of it may be displayed for public view at the premises from which any Vessel is operated but must be removed from public display in the event that it is suspended, revoked or has expired.
- 13 The Authority may suspend or revoke this Licence in the event of any breach of any of these conditions if the Authority considers it necessary or desirable in the interests of the public.
- 14 This Licence must be returned to the Authority within 7 days if the Authority has revoked the Licence.
- 15 This Licence will remain in force, unless previously suspended or revoked, until _____.
- 16 The Authority reserves the right to modify, alter, revoke or add to these conditions, should it be necessary or desirable in the interests of the public to do so. Such variations will have effect as and when specified by the Authority.

Signed _____ Dated _____

The Schedule

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