BH6 – Version 2.2 (01.04.2024)

|  |  |
| --- | --- |
| **Guidance Notes****Boat Hire** | Fife Council logo |

**Introduction**

This guidance is provided for your information only and is not prepared as a substitute for any independent legal advice. If this is required you should contact your solicitor.

A Boat Hire licence is required for the use of a vessel in the course of a trade or business carried on in or from any place within Fife, for the purpose of (i) letting it on hire; or (ii) carrying for reward 12 or fewer passengers, for pleasure, recreational, educational or sporting purposes.

A Boat Hire licence may relate to one or more vessels or classes of vessel.

A Boat Hire licence is **not** required for

* any vessel in respect of which there is in force a passenger certificate, load line certificate or load line exemption certificate under the Merchant Shipping Act 1995
* any vessel having overnight sleeping accommodation used for a continuous period of over 24 hours
* any vessel used for the purpose of instruction or training in seamanship
* any vessel exclusively used for fishing in non-tidal waters
* any vessel on any inland waterway or at any harbour owned or managed by the British Waterways Board
* any vessel with the consent of the harbour authority (within the meaning of the Harbours Act 1964) in any harbour owned or managed by them

**Application**

The relevant public liability & employers liability (if applicable) insurance documents (£2.5m minimum recommended cover) require to be submitted when making this application. You will also have to provide a vessel survey report for each vessel from the Maritime and Coastguard Agency (M.C.A.) or equivalent.

Application fees are non-refundable. You can apply for a 1 or 3 year licence.

Your application will not be processed until payment has been made by credit or debit card.

The application can be downloaded at this link: [Boat Hire Licence | Fife Council](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/other-business-licences/boat-hire-licence)

**Register of Applications**

Fife Council will keep a register of applications in which it will enter the date of receipt, the name and address of the applicant, the decision, the issue date and duration of the licence, and a note of any suspension, variation or surrender of the licence. This information is available for inspection by any member of the public.

**Application Process**

The Civic Government (Scotland) Act 1982, prohibits the Council from making a decision on your application until a minimum of 28 days has passed from the date of application. During this time any person can object to your application.

Applications will be copied to Police Scotland (Fife Division). On receipt of a reply from Police Scotland (Fife Division) the licence will either be granted by the Licensing Team, or where there are any representations or objections to an application, the application will be considered at a meeting of the Regulation & Licensing Committee, to which the applicant will be invited to attend.

The majority of applications with no representations or objections will take 4-6 weeks to process, however applications that are to be considered by the Regulation & Licensing Committee will take longer to determine. The Council has a maximum of 9 months from the date of application within which to make its decision.

**Previous Convictions**

A full police record check is undertaken for all applicants and Police Scotland (Fife Division) may report on any incidents applicants have been involved in which required Police assistance. This may include incidents that have not reached the Court, incidents resulting in “no proceedings” by the Court and any outstanding Court cases. The provisions of the Rehabilitation of Offenders Act 1974 apply to convictions.

**Refusal**

You will be informed of the Regulation & Licensing Committee’s decision, in writing, within 7 days of the date of the hearing. If your application has been refused you may appeal against the decision, to Kirkcaldy Sheriff Court, within 28 days of the date of the decision.

If you have been refused Fife Council will not entertain a subsequent application, within one year of the refusal, for the same type of licence unless in its opinion there has been, since the refusal, a material change of circumstances.

**Conditions of Licence**

A copy of the standard conditions applicable to this licence is attached. Fife Council requires all licenceholders to have a thorough understanding of these conditions. The Committee can, if it wishes, impose additional conditions and can grant the licence for a shorter period than that applied for.

**Renewal Applications**

If an application for the renewal of a licence is made before its expiry, the existing licence shall continue to have effect until, the renewal licence has been granted or where the Council has refused that application, the time within which an appeal against the decision can be lodged has elapsed or, where such an appeal has been lodged, the time when it has been abandoned or determined.

BH6 – Version 2.0 (25.05.2018)

|  |  |
| --- | --- |
| **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SECTION 38****BOAT HIRE - LICENCE CONDITIONS** | Fife Council logo |

1. The licenceholder shall ensure that the maximum number of persons to be carried in the boat or vessel at any one time (including any person in charge of the boat or vessel or any other crew) must not exceed that stipulated in the Licence.
2. The licenceholder shall only use or permit to be used the vessel within the area specified in the licence, that being up to 3 miles from the land. The licenceholder is reminded that the vessel should also comply with any other statutory requirements of the Maritime and Coastguard Agency under the Merchant Shipping Acts.
3. The licenceholder shall take out and maintain in force a policy of insurance to the appropriate value which insures each person, persons or class of persons as may be specified in the policy in respect of any liability which may be incurred by them in respect of the death or bodily injury to any person caused by, or arising out of, the use of the vessel. Such policy must be in force at all times before undertaking the activities to which this licence relates. Any change in policy must be notified to and approved by the licensing authority and the licenceholder must comply with any requirements by the licensing authority to produce his policy document.
4. The licenceholder shall ensure that the registered number allotted to the vessel by the licensing authority is clearly marked or painted in a conspicuous position in plain figures of not less than 2 inches in height and of a corresponding breadth. If the vessel is more than 3 tons, figures shall be not less than 3 inches in height and of a corresponding breadth.
5. The licenceholder shall make sure that the name of the licence holder and the words “to carry [number] persons” (the number being the maximum number of persons the boat is licensed to carry including crew) is marked or painted in a conspicuous position where it can be clearly seen by the passengers, in letters and figures of not less than one inch in height and of a corresponding breadth
6. The licenceholder 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, effaced, obliterated, covered or concealed.
7. The licenceholder shall ensure that the hull and any oars, spars, rigging, engines and mechanical equipment of the vessel be rendered at all times complete and in sound and seaworthy condition to the satisfaction of the licensing authority.
8. The licenceholder shall at all times maintain to the satisfaction of the Council the slipways, jetties, piers and other landing places at his boat station, so far as under his control, in good and sufficient order and repair for the safe embarking and disembarking of passengers.
9. The licenceholder shall ensure that the vessel (other than types of small craft the Council considers should be exempt) carries a sufficient number of life jackets to BSC standard currently in force for all persons on board including the person in charge and any other crew.
10. The licenceholder shall, to the best of his ability ensure that the person in charge of the vessel must comply with weather warnings or other instructions issued to him by the Coastguard, Harbour Master, person in charge of Royal National Lifeboat Institution or sailing club rescue boat, Air Sea Rescue aircraft or other person duly authorised by the Council.
11. The licenceholder shall not let any vessel to any person whom the licence holder considers is not fit to handle the vessel properly and would thereby be a danger to themselves or others (whether on the vessel or not).
12. The licenceholder shall ensure that each vessel at all times when left or plying for hire be in the charge of an experienced boatman who has a thorough knowledge of the weather and tidal conditions of the area in which the vessel is licensed to operate.
13. If, during the currency of the licence, the licenceholder is:

(a) charged with any offence; and/or

(b) issued with a fixed penalty, conditional offer or written warning

by the Police or Procurator Fiscal, the licenceholder shall provide, in writing, full details of these to the Licensing Team at the address below immediately.

**ADDITIONAL CONDITIONS FOR SMALL CRAFT - ROWING BOATS, DINGHIES, CANOES, ETC.**

1. The licenceholder 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 and a bailing implement. Each canoe shall be kept supplied and equipped with suitable and sufficient paddles.
2. The licenceholder shall ensure that each sailing boat at all times be kept supplied and equipped with all suitable and sufficient sails, spars, rudder, centre/dagger board tackle, fittings and appliances as well as with at least 2 serviceable lifebuoys and a bailing implement.
3. The licenceholder shall ensure that each sailing boat has some means of propulsion other than its sails, the minimum requirement being at least 2 paddles.
4. The licenceholder shall ensure that each such small craft so licensed shall be furnished with buoyancy chambers sufficient to keep the vessel afloat when full of water.

**ADDITIONAL CONDITIONS FOR LARGER BOATS OR VESSELS (OVER 5.5 METRES IN LENGTH)**

1. The licenceholder shall make sure that each vessel carries sufficient (that is 1 per 6 persons) 30 inch diameter DTI approved lifebuoys, one of which shall have a smoke/light signal, a 60 foot buoyant line attached and shall be kept within easy reach of the helmsman.
2. The licenceholder shall ensure that each vessel carries distress flares comprising at least 4 x 2 star red signals (or 2 red parachute rockets), 4 red hand flares and 2 orange smoke signals.
3. The licenceholder shall ensure that each vessel be equipped with a siren or horn in working order and capable of giving clearly audible signals over a radius of at least 0.5 nautical miles.
4. The licenceholder must ensure that each vessel is equipped with an efficient radar reflector except on vessels without a mast.
5. The licenceholder must ensure that a water resistant torch is carried on each vessel.
6. The licenceholder must ensure that each vessel carries an efficient compass.
7. The licenceholder must ensure that each vessel carries a first aid kit.
8. The licenceholder must ensure that each vessel carries an anchor and chain and such rope or cable attached to the chain as can also be used for towing purposes.
9. The licenceholder shall ensure that each vessel be fitted with an efficient bilge pump system.
10. The licenceholder shall ensure that the vessel is inspected annually by the local Harbour Master in order for the licence to remain valid.

**ADDITIONAL CONDITIONS FOR VESSELS WITH ENGINES**

1. The licenceholder shall ensure that the engine, any auxiliary engines, steering gear and any other mechanical equipment be maintained at all times in efficient working order and in a sound and seaworthy condition.
2. The licenceholder shall ensure that the vessel carries a tool kit with sufficient tools to carry out emergency repairs to the engine.
3. The licenceholder shall ensure that each vessel carries adequate fire fighting equipment.

**ADDITIONAL CONDITIONS FOR VESSELS OPERATING IN THE FIRTH OF FORTH**

1. The licenceholder, when operating in the Firth of Forth, will comply with all regulations and bylaws laid down by the Maritime and Coastguard Agency and the Forth Ports Authority.
2. The licenceholder when operating from a harbour managed by Fife Council as the Local Harbour Authority will comply with all conditions of use of that harbour and follow any direction given by the Local Harbour Master.