

GUERNSEY

Statutory Instrument

1985 - No. 3

The Boats (Guernsey) Regulations, 1985

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Made the 29th day of January, 1985.

Coming into operation on the 1st day of April, 1985.

THE STATES BOARD OF ADMINISTRATION in pursuance of the powers conferred upon it by the Ordinance entitled "Ordonnance par rapport aux Bateaux portant Passagers ou mis en location" of the 14th day of February, 1931 and of all other powers enabling it in that behalf, hereby makes the following Regulations:-

PART I - INTERPRETATION

1. (1) In these Regulations unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:-

"the Board" means the States Board of Administration,

"boat" includes every description of vessel used or intended to be used in navigation, by whatever means propelled, but excludes a passenger boat as defined in the Law entitled "Loi relative à la Marine Marchande dans le Bailliage de l'Ile de Guernesey, 1916" (a)

"passenger" means any person carried on a boat (whether or not for a fare) except:-

- (a) a person employed or engaged in any capacity on board the boat on the business of the boat;
- (b) children under one year of age; and
- (c) certain other persons referred to in section 26(1) of the Merchant Shipping (Safety Convention) Act, 1949;

"surveyor" means a competent official or officials designated by the Board;

"Harbour Master" includes Deputy Harbour Master and any person acting under the authority of the States Harbour Master or of a Deputy Harbour Master;

(2) Except where the context otherwise requires, any reference in these Regulations to any other enactment shall be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment including these Regulations.

(a) Ordres en Conseil Vol. V, p.189

PART II - LICENSING OF BOATS

1. No person shall let any boat for hire or carry passengers for hire in any boat unless he is the holder of a licence issued by the Board authorising him so to do.
2. An application for a licence shall be in such form as the Board may require.
3. The Board may issue licences for different categories of boats and may lay down different conditions for different categories including different plying limits and different requirements in relation to the number of passengers and crew to be carried.
4. A licence will only be issued after the survey of the boat by a surveyor appointed for the purpose by the Board and on the declaration of such surveyor that the condition of the hull, machinery, shafts and equipment comply with the regulations set out in Parts IV and V and VI hereof and are adequate for the purpose intended. On completion of survey the surveyor will submit to the Board the survey report and a certificate of Seaworthiness.
5. The Board is empowered to alter and amend such conditions as it deems necessary according to the type of boat under survey and has the right to suspend or revoke any licences.
6. All licences must be renewed annually and on change of ownership.
7. The conditions stated on the licence and any regulations or instructions of the Board, or the Harbour Master, must at all times be complied with.
8. Nothing in these Regulations will exonerate any person from not complying with Inter-Governmental Maritime Organisation (IMO) regulations.

PART III - RESTRICTIONS

1. The boats may only ply when the weather is settled and the sea is calm.
2. No person shall carry or permit to be carried in any licensed boat a greater number of passengers than shall be specified in the licence applying to such boat.
3. Except in the case of a breakdown, emergency or circumstances which may endanger the occupants of licensed boats, no licensed boat shall take any boat in tow.

PART IV - CONSTRUCTION

1. The maximum number of passengers, not exceeding 12, to be allowed is to be regulated by the clear area of the seating space available for their accommodation, allowing not less than 0.45m (18ins) length of seat per person, and the freeboard when fully loaded shall not be less than 0.4m (15ins) for boats of 6m (20ft) other lengths in proportion. The top of the covering board or of the wash strake, or upper edge of the deck at the side as the case may be, should not be less than 0.8m (30ins) above the flooring boards, in the case of vessels 6m (20ft) in length or less, and 0.9m (36ins) in the case of vessels 12m (40ft) in length or more. For lengths intermediate between 6m and 12m (20 and 40ft), the height should be in proportion.
2. The space abreast of the motor is not to be included in the passenger space, unless there is a distance of 0.9m (3ft) between the motor casing and the back of the seat, and boats decked, or partly decked over, carrying passengers on the deck, must have a guard rail at least 0.8m (33ins) high, with substantial wire netting or rails not more than 0.15m (6ins) pitch for protection of children.

PART V - PROPELLING MACHINERY

Oil Fuel Installations

1. General

The vessel must be kept free from waste oil. It must be seen that all vapour pipes and wire gauze diaphragms are in order, and that fuel pipes and connections are oil-tight. Fuel tanks should be removed for thorough examination, and tested for tightness by hydraulic pressure periodically.

2. Nature of fuel

The oil fuel used by the propelling machinery shall have a flash-point of not less than 60 C (140 F), this excludes the use of petrol, paraffin or other similar fuel.

3. Motor compartments - construction, ventilation etc.

If the motor or fuel tanks are situated below deck each compartment is to be furnished with at least two cowl ventilators, one of which should be led well down into the space to prevent accumulation of vapour in the lower part. An enclosed space within which a motor or fuel tank is placed should also be ventilated in this manner.

In open boats the space occupied by the motor and fuel tank should preferably be at the stern of the vessel, and separated from the space allotted for the accommodation of passengers and crew by a substantial bulkhead as high as the seats, and watertight up to at least half its height, to prevent the spread of oil to the passenger or crew space. If it is desired to place the motor amidships or forward, either arrangement

may be allowed provided that a bulkhead or casing, formed in the manner stated, is placed between the motor space and the passenger or crew space.

Motors in open boats should be covered in, preferably by a suitable metal casing, but if the casing is of wood it should be lined with asbestos sheeting 6.5mm (0.25in) in thickness faced with sheet metal. The purpose of the sheet metal casing is to retain the asbestos in position, to protect it from damage or disintegration, and to prevent the collection or absorption of oil by the asbestos. Perforated or expanded metal are not acceptable as substitutes. Consideration will be given to materials having equivalent fire and oil resisting properties.

Decked motor compartments in wood boats should be similarly lined on the underside of the deck, on any wood bulkheads and on any exposed ship's side above platform level. Platforms should be of metal.

If the boat is of wood, a metal tray, which can be readily cleaned and is of suitable depth, is to be fitted under the motor; the bilges must be protected against saturation by oil.

Accoustical insulation applied to machinery space bulkheads should be non-flammable and, where necessary, suitably protected from oil absorption from any source.

4. Oil fuel tanks

Oil fuel tanks are to be substantially constructed of steel or other suitable material, and in this respect consideration should be given to the maximum pressure to which the tank may be subjected in service, the fire risk and the compatibility of the material of construction with the oil fuel to be carried.

In boats constructed of glass reinforced polyester or aluminium alloy, consideration may be given to oil fuel tanks being constructed of the same material, due regard being paid to their size and situation in the boat, but in no case are they to be installed within the machinery space, nor are they to form part of the boundary of such a space.

No part of the oil fuel tanks is to depend upon soft solder for tightness. Tanks having a capacity exceeding 50 litres (11 gallons) should be provided with suitable wash plates.

Oil fuel tanks and their connections must be oil tight and tested by hydraulic pressure to a head of water of at least 4.6m (15ft).

5. Tray for fuel tanks

A suitable metal tray, from which any accumulation of oil can be readily removed, must be fitted under each tank to contain leakage or spillage from the tank or its connections.

6. Arrangements for filling and position of fuel tanks

In order to minimise the risk of fire and explosion, the arrangements for filling the fuel tanks are to be such that oil fuel will not spill or overflow either into the compartment containing the tanks or any other part of the boat.

Each fuel tank shall be fitted with a vapour discharge, ie air pipes, and the fuelling system should incorporate means to prevent pressurising the tanks during the fuelling operation.

If the tanks are filled through a wood deck, the woodwork surrounding the inlet pipe must be covered with sheet metal to prevent it becoming saturated with oil. A beading must be fitted at the edge of the sheathing to prevent the oil from spreading.

A properly secured wire gauze diaphragm or tube strainer, which can easily be taken off for cleaning and examination, is to be fitted to each filling inlet, and at each vapour or oil outlet on the tanks and the filling pipe, or orifice, must have a suitable screwed cap.

No loose cans of fuel oil are to be carried, and the fuel tanks must not be filled when passengers are on board.

7. Pipe arrangements

The pipe conveying the fuel must be of seamless steel or equivalent material, made with easy bends and metal to metal joints. A cock is to be fitted at each end of the fuel pipe, and no joint is to depend on soft solder for tightness. The joints and couplings are to be readily accessible. It must be possible to close any fuel tank outlet cock readily from a position outside the compartments containing the tank and the motor. This position must be such that it is not likely to be cut off in the event of fire in those compartments.

8. Exhaust pipes

Exhaust pipes are to be efficiently insulated, or cooled, and kept free from contact with all woodwork.

9. Electric starting arrangements

Electric starting may be accepted as the sole means of starting the propulsion engines of boats and small ships up to 80 tons gross tonnage provided the arrangements meet the following requirements:-

- (a) the electric storage batteries are to be permanently installed in a suitably protected and well ventilated space;
- (b) the batteries are to be capable of starting each propelling engine twelve times without recharging;

- (c) a charging dynamo, fitted with an automatic voltage control unit, is to be installed and driven from the propelling engines or by a hand starting independent auxiliary generator engine;
- (d) in the case of boats over 18m (59ft) in length the batteries are to be arranged in two sets, either of which can start each propelling engine twelve times without recharging; or alternatively a hand starting independent auxiliary generator with a single set of batteries may be fitted.

10. Steering gear

The provision of a spare tiller on or near the rudder stock will meet the requirement for auxiliary steering gear.

PART VI - EQUIPMENT

1. All motor boats shall be provided with an approved number and type of fire extinguishers kept readily available for instant use and sited as required by the Surveyor. No awning, unless of fireproof material, shall be fitted over a motor space.
2. All motor boats must carry sufficient life-saving appliances for all persons on board, either in the form of lifebuoys or other approved apparatus so stowed as to be ready for immediate use; in all cases at least two approved lifebuoys must be carried.
3. Motor boats unless fitted with twin screws must be provided with approved alternative means of propulsion, and all motor boats must carry the following equipment:-

Means of making sound signals in case of distress, eg
Klaxon horn
Compass
Anchor and cable
Boat Hook
Painter
Heaving line
Bucket and bailer
Two yellow smoke floats for use as Daylight Distress Signals, of a pattern approved by the Surveyor.

The Board may require additional equipment to be carried according to the purpose for which the boat is to be used.

4. Rowing boats plying for hire must be provided with one spare oar and rowlock, a boathook, a bailer, a painter and if plying outside the harbour areas with an anchor and rope.
5. All boats plying for hire must have the number of persons the boat is licensed to carry, painted on the boat where it can be plainly seen.
6. The boat must at all times be kept clean and free from oil refuse.

PART VII - BOATMEN

1. The Board will regulate the number of crew to be carried in each boat, one of which shall be the man in charge, and one of which shall be the engineer, and will prescribe the areas in which the crew are authorised to operate.
2. No person may act as a member of a crew unless he has been approved by the surveyor for the purpose and has been issued with a licence by the Board.
3. The Board may require each member of a crew to take an oral and/or a practical examination in the area in which he is to be authorised to operate.
4. A boatman's licence to a member of a crew to act as a man in charge shall not be granted unless he has plied between St Peter Port and Herm to the satisfaction of the surveyor for a minimum period of two seasons or twelve months, or can produce satisfactory evidence of a minimum of two years satisfactory service as a person in charge of a vessel.
5. An application for a licence shall be in such form as the Board may require and the Board may refuse any application without stating any reasons or grounds for refusal.
6. Every proprietor of a boat and every crew member shall comply with all reasonable directions of the Harbour Master.
7. Every crew member shall at all times while the boat is being used to carry persons for hire exercise proper skill and care in the navigation and management thereof and shall take all proper precautions to prevent danger and discomfort to such person or persons.
8. Every crew member shall observe and perform the conditions of any boat licence issued in respect of a boat under his control.
9. A crew member shall not:-
 - (a) suffer any person to embark in the boat for the purpose of being carried for hire if:-
 - (i) the person is drunk and disorderly;
 - (ii) by reason of the state of the weather, the navigation and management of the boat or the embarkation or disembarkation of the person may be attended with danger;
 - (iii) the boat is not in every part thoroughly sound and in complete repair, or is not properly equipped with all apparatus requisite for the safe navigation and management thereof and, if propelled otherwise than by oars alone, with proper life saving equipment;

- (iv) the number of competent persons employed on board is insufficient for the safe navigation and management of the boat.
 - (b) cause or suffer any person other than a licensed crew member to assume control of the boat or to assist in the navigation or management thereof, at any time when the boat is carrying any person for hire.
10. The holder of a crew member's licence must report to the Harbour Master within 24 hours any case of a boat under his control having suffered damage or deterioration caused by collision, accident or by any other means.

PART VIII - PENALTIES

- 1. Any person who carries passengers in an unlicensed boat, or who lets an unlicensed boat to another, and any person who infringes any of these Regulations is liable to a fine no exceeding £10.

PART IX - CITATION AND COMMENCEMENT

- 1. These Regulations may be cited as The Boats (Guernsey) Regulations, 1985.
- 2. These Regulations shall come into force on the first day of April, 1985 and shall continue in force until the thirtieth day of September, 1985.

President of the States Board of Administration
for and on behalf of the Board.

EXPLANATORY NOTE

(This Note forms no part of the Regulations but is intended to indicate their general purport)

The effect of these Regulations is that for a period of six months from the 1st April, 1985, boats which ply for hire from Guernsey require to be licensed and need to conform to certain safety standards contained in the Regulations.