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GUERNSEY

STATUTORY INSTRUMENT

1990 - No. /

The Boats (Guernsey) Regulations, 1990

Made	15th January, 1990
Laid before the States	1990
Coming into Operation:	
Regulations 6 and 17 on	1st April, 1990
The remaining Regulations on	1st February, 1990

The STATES BOARD OF ADMINISTRATION in exercise of the powers conferred upon it by sections 1 (3), 5 and 10 of the Hired Boats and Passenger Boats (Guernsey) Law, 1988 (a), hereby makes the following Regulations.

1.0 Interpretation

1.1 In these Regulations, -

"boat" means a licensed boat;

"collision regulations" in relation to a boat, means any regulations for the time being applicable to that boat giving effect to international regulations for preventing collisions at sea;

"motor boat" means a boat whose sole or main means of propulsion is provided by mechanical power;

"the Law" means the Hired Boats and Passenger Boats (Guernsey) Law, 1988 (a); and expressions defined in the Law have the same meanings as they have in the Law.

1.2 Unless the context otherwise requires, any reference in these Regulations to any enactment or instrument includes a reference to that enactment or instrument as amended, repealed and replaced, extended or applied by or under any other enactment or instrument.

"water taxi service" means - - - - -

(a) in Council No. "IV" of 1989

2.0 Application for Licensing a boat

2.1 An application for a boat licence shall be made to the Board -

(a) not less than thirty days before the boat is required to be let or used for the carriage of passengers for hire or reward; and

(b) in writing addressed to the States Harbour Office.

3.0 Pre - Licensing Surveys

3.1 Before a boat licence is issued in respect of any boat, the boat shall be surveyed by a person approved by the Board.

3.2 The boat shall be surveyed both internally and externally.

3.3 Upon satisfactory completion of the survey, the surveyor shall submit to the Board a declaration that the boat and its equipment comply with Regulations 8.0 to 14.3 inclusive of these Regulations.

3.4 For the purpose of ascertaining whether a boat complies with regulation 9.3, its angle of heel and the position of its water line shall be tested when the boat is in a fully loaded condition with a 75 kilogramme weight, representing each passenger the boat is to be licensed to carry, placed along one side of the boat. The crew must be in their normal positions of work.

3.5 Licensed boats which have been operating before these Regulations came into force, shall be exempted from the stability test required under regulation 3.4 of these Regulations, providing that a detailed account of previous licensed boat operation is submitted and accepted by the Surveyor and any structural alterations are declared.

3.6 Tabulated builder's stability information of the boat will be taken into consideration by the Surveyor before subjecting the boat to the stability test described in regulation 3.4 of these Regulations.

4.0 Survey and Boat Licensing Fees

4.1 An applicant for a boat licence shall pay, -

(a) to the Board an application fee of £10.00,

(b) to the Board's approved Surveyor, such reasonable fee he may require in respect to survey.

5.0 Application for a Boatman's Licence

5.1 An application for a Boatman's Licence shall be made to the Board -

(a) not less than fifteen days before such licence is required by the applicant; and

(b) containing;

(i) full details of the applicant's previous practical experience as a boatman in the capacity and in respect of which the application is made; and

(ii) a medical certificate issued by the applicant's general practitioner indicating that his health and eyesight are satisfactory.

6.0 Exemptions

6.1 Section 1 of the Law does not apply to the carriage of a person in a boat sailing from Guernsey if -

(a) the boat is not normally based in ^{G, H or Jeth.} ~~the~~ Bailiwick; and

(b) its visit to Guernsey was in the course of a trip pre-arranged to begin and end at a place outside ~~the~~ Bailiwick; and

(c) all persons joined, and are destined to leave, the pre-arranged trip at a place outside ^{G, H & J} ~~the~~ Bailiwick. ^{KG, H & J}

6.2 Restrictions *(S.1 of Law inapplicable to water taxi services approved by Board)*

7.1 A boat must not put to sea in adverse weather conditions.

7.2 Except in the case of an emergency, no boat shall take any vessel or other floating object in tow.

8.0 Radio and Electronic Equipment

8.1 Every boat shall be equipped with -

(a) a V.H.F. radio licensed by the U.K. Department of Trade and Industry;

(b) a marine radar;

(c) an alternative electronic position indicator.

9.0 Construction and Stability

9.1 A boat shall be not less than six metres in length and shall have a clear seating area of not less than 0.45 metres length of seat per person.

9.2 A boat shall be provided with guard rails and/or bulwarks at the sides and ends of the working deck areas. These rails and/or bulwarks shall extend to a height of approximately one metre above the top of the deck and be provided with intermediate rails as necessary.

9.3 A boat shall have adequate stability, that is to say that in the test described in regulation 3.4 of these Regulations, a boat must neither -

(a) heel more than seven degrees from the vertical; nor

(b) in the case of a fully decked or well decked boat, take up a position in which the waterline is above deck level.

10.0 Machinery and Fuel Installation

10.1 A boat shall be provided with propelling machinery of the compression ignition type, using fuel having a flash-point of not less than 60 centigrade (which excludes the use of petrol, paraffin or other similar fuel).

10.2 A boat shall be provided with efficient starting arrangements and if the propelling machinery cannot be started by hand then other means shall be provided for at least 6 starts without recourse to replenishment or re-charging.

10.3 (a) All electrical installations shall be properly fitted with charging and supply circuits protected by appropriate fuses.

(b) Suitable arrangements shall be made for ventilating electrical batteries during charging.

10.4 (a) The compartment of all propelling machinery shall be of a size that is consistent with its operation and maintenance.

(b) Unless the boundaries of the machinery compartment are of steel, the interior shall be lined with fire resistant material.

(c) Any ventilation openings in the machinery compartment shall be capable of being closed in the event of fire.

10.5 Oil fuel tanks and oil fuel supply pipes -

- (a) shall be constructed of a material that is non-flammable; and
- (b) shall be sufficient to prevent any escape of fuel having regard to:
 - i) the maximum pressure to which the tank or fuel supply lines may be subjected in service,
 - ii) the fire risk and the compatibility of the material of construction with the fuel oil to be carried;
- (c) in boats constructed of glass reinforced polyester or aluminium alloy, may be constructed of the same material with due regard being paid to their size and situation in the boat;
- (d) shall not form any part of the boundary of the machinery.

10.6 Any compartment containing either propelling machinery or the fuel tank shall be so arranged that spillages of fuel or lubricating oil may be readily removed and will be prevented from spreading into other compartments or areas of the compartment concerned.

- 10.7
- (a) All pipes conveying the fuel must be of seamless steel or equivalent material made with easy bends and metal to metal joints; and
 - (b) a cock shall be fitted at each end of every fuel pipe and no joint shall depend on soft solder for tightness;
 - (c) all joints and couplings shall be readily accessible;
 - (d) all fuel tank outlet cocks must be capable of being readily closed from a position outside the compartments containing the tank and the engine.

10.8 All exhaust pipes shall be efficiently insulated, or cooled and kept free from contact with all woodwork.

10.9 All propelling machinery in open boats shall be covered in by a casing of -

- (a) metal; or
- (b) wood lined with material approved by the U.K. Department of Trade and Industry (e.g. Rockwool base with aluminium facing) giving a vapour barrier.

10.10 In all boats of wood, a metal tray which can readily be cleaned and is of suitable depth, shall be fitted under the engine, and the bilges shall be protected against oil saturation.

10.11 Acoustical insulation applied to machinery spaces shall be non-flammable and suitably protected from oil absorption.

11.0 Steering

11.1 (a) An efficient means shall be provided for steering the boat.

(b) If a remote means of controlling the rudder is fitted on a boat, provision shall be made for emergency steering in the event of failure of the remote system.

12.0 Safety Equipment

12.1 All boats shall carry the following lifesaving equipment in efficient working condition:

(a) sufficient inflatable liferaft capacity to carry all persons onboard, fitted with hydrostatic release in addition to manual launching, involving minimum labour;

(b) at least two lifebuoys of a type acceptable to the person surveying the boat in accordance with regulation 3 of these Regulations and fitted with a buoyant life line. One such buoy shall have a self-activating light attached;

(c) at least one smoke lifebuoy marker;

(d) at least one suitable lifejacket, not wholly dependent on oral inflation, for every person on board, including children's lifejackets if children are to be carried onboard;

(e) at least four red parachute distress rockets, four red hand flares and two orange smoke floats.

13.0 Fire Fighting Equipment and Arrangements

13.1 All boats shall carry the following fire fighting appliances in efficient working condition -

(a) at least two portable fire extinguishers with a minimum capacity of nine litres for extinguishers discharging fluids, three kilogrammes for carbon dioxide extinguishers and 4.5 kilogrammes for dry powder extinguishers;

(b) in the case of a motor boat, at least one hose and one nozzle, kept in a position outside the machinery space with a permanent sea connection, capable of producing a jet of water having a throw of not less than six metres which can be directed onto any part of the boat;

(c) in the case of a motor boat, a means for rapidly injecting into the machinery space a quantity of inert gas equivalent to;

(i) in the case of carbon dioxide, thirty percent of the gross volume of that space; or

(ii) in the case of halon, seven percent.

13.2 Cylinders on a boat containing L.P.G. (e.g. Calor Gas) shall be stowed in a well ventilated compartment on deck. The piping, fittings and appliances shall comply with the appropriate British Standard Specification and the system shall be fail safe in the event of a pipe fracture or flame failure. Compartments containing the appliances shall be well ventilated and wherever possible situated above deck. Where they are situated below deck or in any situation where gas could accumulate, an automatic gas detection system shall be installed.

14.0 Miscellaneous Equipment and Requirements

14.1 All boats shall carry the following miscellaneous items of equipment:-

(a) an anchor with at least sixty metres of rope or chain attached;

(b) a rope separate to that described in section (a) to be available for towing if required;

(c) a compass;

(d) up-to-date correct Admiralty charts covering the vessel's area of operation;

(e) an efficient radar reflector complying with Department of Transport's Marine Radar Reflector Performance Specifications - 1977, and mounted as far as practical above sea level;

(f) a boat hook;

(g) a heaving line;

(h) a first aid kit, including seasick tablets;

(i) a sea anchor and warp;

- (j) a bucket and bailer;
 - (k) an efficient bilge pump;
 - (l) echo depth sounding equipment;
 - (m) a waterproof electric torch suitable for morse-signalling;
 - (n) a set of navigation lights, sound signalling equipment, shapes and distress signals complying with the requirements of the Collision Regulations.
- 14.2 Either the boat licence or its duplicate furnished by the Board, shall be displaced in a conspicuous part of every boat.
- 14.3 Every boat must at all times be kept clean and free of oil refuse.
- 15.0 Licensed Boatmen
- 15.1 Every licensed boatman shall at all times whilst onboard a boat which is being used to carry any person for payment, exercise proper skill and care in navigation and management thereof and shall take all proper precautions to prevent danger and discomfort to such person.
- 15.2 A licensed boatman shall not allow any person to embark in a boat for the purpose of being carried for payment if -
- (a) the person appears to be under the influence of drugs or alcohol;
 - (b) by reason of the state of the weather or the navigation and management of the boat, the embarkation or disembarkation of the person may be endangered;
- 15.3 A man in charge of a boat shall, without prejudice to section 11 of the Law, report to the Harbour Master as soon as reasonably practicable any case of the boat having suffered damage or deterioration by whatever means caused.
- 16.0 Conditions
- 16.1 These Regulations are without prejudice to the power of the Board to impose conditions -
- (a) on a boat licence granted under section 3 of the Law; or
 - (b) on a boatman's licence granted under section 8 of the Law,
- imposing stricter requirements than those contained in

imposing stricter requirements than those contained in these Regulations.

17.0 Repeal

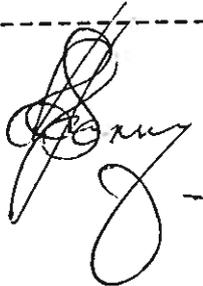
17.1 The Boats (Guernsey) Regulations, 1988 are repealed.

18.0 Commencement

18.1 These Regulations shall come into force as follows:-

- a). regulations 6 and 17, on 1st April, 1990;
- b). the remaining regulations, on 1st February, 1990.

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 purpose). Boats carrying people for payment from Guernsey, and the crew of such boats, have to be licensed under the Hired Boats and Passenger Boats (Guernsey) Law 1988, which imposes certain duties on such boats, operators and crew.

These regulations deal with the licensing of boats and boatmen, lay down safety standards to which licensed boats must conform and prescribe further duties for licensed boatmen.

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