



PORT OF LONDON
AUTHORITY

Craft and Boat Registration and Regulation Byelaws

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CONTENTS

BYELAW		PAGE
1	Citation, Commencement and Application	1
2	Interpretation	1
3	Repeal and Amendment	3
4	Application for Initial and Subsequent Registration of Craft and Boats for Hire	3
5	Inspection of Craft and Boats for Hire upon Initial Application	5
6	Inspection of Craft and Boats for Hire for Re-Registration	5
7	Remedial Action Following Inspection	5
8	Validity of Certificates and Licences	6
9	Change of Address of Owner or Name of Craft or Boat for Hire	7
10	Particulars of a Craft or Boat for Hire	7
11	Notification of a Laid up Vessel	9
12	Crew Levels and Competency	9
13	Towage Operations	9
14	Application of Byelaws in Certain Circumstances	10
15	Defences to Proceedings	10

CRAFT AND BOAT REGISTRATION AND REGULATION BYELAWS

2000

The Port of London Authority in exercise of its powers conferred by Sections 162 and 165 of the Port of London Act 1968 (as amended) and all other powers so enabling it, hereby makes the following Byelaws:

PART 1

GENERAL

1. CITATION, COMMENCEMENT AND APPLICATION

- 1.1 These Byelaws may be cited as the Port of London Craft and Boat Registration and Regulation Byelaws 2000 and shall come into force on the expiration of 28 days from the date upon which they are confirmed by the Secretary of State.
- 1.2 These Byelaws, other than Byelaws 12 and 13, shall not apply to any vessel which:
 - a) has a navigability licence issued by a member State of the European Community other than the United Kingdom, in accordance with Council Directive 76/135/EEC; and
 - b) is navigating in an area which is an inland waterway or maritime shipping lane for the purposes of that Directive.

2. INTERPRETATION

In these Byelaws:

- a) "the Act" means the Port of London Act 1968;
- b) "Barge" shall include all motor barges, collar barges, crane barges, engineering barges and motor tank barges;
- c) "Boat for Hire" means a boat let for hire for carrying persons and includes a Passenger Boat;
- d) "Boat Number" means in relation to a Boat for Hire registered by the Port Authority, the number assigned by it to that Boat for Hire;

- e) "Craft" means a Lighter or a Tug;
- f) "Craft Number" means in relation to a Craft registered by the Port Authority, the number assigned by the Port Authority to that Craft;
- g) "Former Seaward Limit" means the Former Seaward Limit described in Schedule 1 to the Act;
- h) "Harbourmaster" means a person appointed by the Port of London Authority to be a harbourmaster and includes the deputies and assistants of a person so appointed;
- i) "Laid Up" means that the Craft or Boat for Hire has ceased to be used for the intended use or uses stated on the application for registration;
- j) "the Licensing Area" means that part of the Thames, as defined in the Act, which is above Lower Hope Point;
- k) "Lighter" means a Barge or Other Like Craft for Carrying Goods;
- l) "Master" in relation to a vessel, means any person having or taking the command, charge or management of a vessel for the time being;
- m) "Number of Persons a Boat is Fit to Carry" means in relation to a Boat for Hire the maximum number of persons which, in the opinion of the Port Authority, the Boat for Hire is constructed and equipped to carry;
- n) "Other Like Craft for Carrying Goods" includes dredgers;
- o) "Owner" in relation to a vessel, includes the charterer;
- p) "Owner's Number" means in relation to a Craft or Boat for Hire, registered by the Port Authority, the number assigned by the Port Authority to the Owner of that Craft or Boat for Hire;
- q) "Passenger Boat" means a boat used for carrying passengers for reward;
- r) "Port Authority" means the Port of London Authority;
- s) "Power Driven Vessel" means a vessel propelled by mechanical power;
- t) "Ship Towage" means the towing of a Power Driven Vessel which is manned and able to manoeuvre under its own power whilst being towed;

- u) "Tonnage" means the registered tonnage of a Lighter registered under the Merchant Shipping Act 1995, or by a foreign country to which an Order in Council pursuant to Section 12 of the Merchant Shipping Act 1995 applies, or for a Lighter not registered, means its tonnage determined as follows:
 - i) by measuring in metres its:-
 - length overall,
 - width overall amidships deducting the width of any rubbing band or moulding built out for protective purposes,
 - depth amidships from the underside of the deck or gunwale plank to the upper side of the ceiling, and
 - ii) by multiplying the length x the width x the depth and dividing by 3.546;

- v) "Tug" means a vessel propelled by mechanical power and used for towing or pushing another vessel or a raft or float of timber.

3. REPEAL AND AMENDMENT

- 3.1 The Port of London Craft and Boat Registration Byelaws 1965 are hereby repealed.

- 3.2 Byelaw 46(1) of the Port of London River Byelaws 1978, shall be amended by the insertion of the following new sub-paragraph after sub-paragraph (c): "(d) it is registered as a craft or boat for hire under Sections 124 or 126 of the Port of London Act 1968".

PART 2

APPLICATION FOR REGISTRATION OF CRAFT AND BOATS FOR HIRE

4. APPLICATION FOR INITIAL AND SUBSEQUENT REGISTRATION OF CRAFT AND BOATS FOR HIRE

An application to the Port Authority for the registration of a Craft or Boat for Hire shall be made in writing by the Owner of the Craft or the Boat for Hire and the application shall:

- a) be in such form as the Port Authority may from time to time require;

- b) state the usual place of business of the Owner of the Craft or Boat for Hire;

- c) in the case of a Craft or Boat for Hire registered under the Merchant Shipping Act 1995, be accompanied, as appropriate, by:
 - i) the current Certificate of Registry,
 - ii) a valid Load Line Certificate or Certificate of Class, and
 - iii) a valid Safety Equipment Certificate or Record of Inspection, relating to the Craft or Boat for Hire; and if it is a ship of a foreign country, any certificates or papers issued by authorised organisations as defined by The Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996 equivalent to the certificates referred to in i) - iii) above;

- d) in the case of a Lighter, if it is registered under the Merchant Shipping Act 1995, or is of a foreign country to which an Order in Council pursuant to Section 12 of the Merchant Shipping Act 1995 applies, give its registered tonnage and if it is not so registered, give the following information:
 - i) its length overall in metres;
 - ii) its width overall amidships in metres, deducting the width of any rubbing band or moulding built out for protective purposes, and
 - iii) its depth amidships in metres, from the underside of the deck or gunwale plank to the upper side of the ceiling;

- e) in the case of a Lighter, state the intended use of the Lighter;

- f) in the case of a Boat for Hire, give the maximum and minimum number of crew and the maximum number of passengers proposed to be carried;

- g) in the case of a Boat for Hire state whether the applicant wishes to operate the Boat for Hire in the whole of the Licensing Area or in a specified part only of the Licensing Area;

- h) state the name of the Craft or Boat for Hire to be registered, which shall not be the same name as any other registered Craft or Boat for Hire unless otherwise agreed with the Port Authority;

and, on receiving the application the Port Authority may require the Owner to submit such additional information with respect to the Craft or Boat for Hire or Owner as may be relevant to the consideration of the application.

PART 3

INSPECTION PROCEDURES

5. INSPECTION OF CRAFT AND BOATS FOR HIRE UPON INITIAL APPLICATION

- 5.1 If the application to the Port Authority for registration of a Craft or Boat for Hire is not accompanied by the certificates referred to in Byelaw 4 c), the Craft or Boat for Hire must be made available for inspection.
- 5.2 Any inspection shall be at such reasonable date, time and place determined by the Port Authority or otherwise agreed with the Owner of the Craft or Boat for Hire.
- 5.3 The Owner of the Craft or Boat for Hire to be inspected shall provide reasonable facilities for any person authorised in writing by the Port Authority, and who produces his authority to enter, inspect, measure, survey and examine the Craft or Boat for Hire in order to enable the Port Authority to consider the fitness of the Craft or Boat for Hire for the purposes of Section 128 of the Act.

6. INSPECTION OF CRAFT AND BOATS FOR HIRE FOR RE-REGISTRATION

If the application to the Port Authority for re-registration of a Craft or Boat for Hire is not or is not to be accompanied by the certificates referred to in Byelaw 4 c), the Owner shall make the Craft or Boat for Hire available for inspection, by the Port Authority, in accordance with the provisions for inspection set out in Byelaw 5 within the 28 day period immediately prior to the expiry of the current registration.

7. REMEDIAL ACTION FOLLOWING INSPECTION

- 7.1 On inspection under Byelaw 6 or Section 137 of the Act, the Port Authority may require works to be carried out to a Craft or Boat for Hire and the Craft or Boat for Hire shall not be worked, navigated, let for hire or used for carrying passengers until those works have been carried out to the Port Authority's reasonable satisfaction.
- 7.2 If the Owner, without reasonable excuse, works, navigates, lets for hire or uses for carrying passengers a Craft or Boat for Hire in contravention of Byelaw 7.1 he shall be guilty of an offence. On conviction before a court of summary jurisdiction, the Owner shall be liable to a fine not exceeding level 3 on the standard scale.

PART 4

CERTIFICATION

8. VALIDITY OF CERTIFICATES AND LICENCES

- 8.1 A certificate of registration of a Craft and a licence of a Boat for Hire issued by the Port Authority shall, subject to the provisions of Byelaws 8.2 and 8.3, remain valid for such period as may be specified in the certificate of registration or licence, and if no period is specified shall continue until it ceases to be in force under the provisions of these Byelaws.
- 8.2 A certificate of registration or a licence may be terminated at any time by agreement between the Port Authority and the Owner.
- 8.3 A certificate of registration relating to a Craft or a licence for a Boat for Hire shall cease to be in force if:
- a) its registration by the Port Authority is revoked under Section 128 of the Act;
 - b) the Port Authority issues a replacement certificate or licence under Section 130 of the Act;
 - c) the ownership of the Craft or Boat for Hire changes;
 - d) being a Lighter, its Tonnage is altered;
 - e) being a Boat for Hire, the number of persons it has the capacity to carry is altered;
 - f) being a Lighter its use changes from the intended use or uses stated in the application for registration; or
 - g) the Craft or Boat for Hire has been Laid Up for a continuous period of one year;
and when a certificate of registration or licence ceases to be in force by virtue of paragraphs c), d), e), f) or g) of this Byelaw, the registration of the Craft or Boat for Hire by the Port Authority shall be cancelled.
- 8.4 Immediately a certificate of registration relating to a Craft or a licence relating to a Boat for Hire has ceased to be in force under the provisions of Byelaw 8.3 a) to g) or has been terminated by agreement, the person who was the Owner of the Craft or Boat for Hire when the certificate of registration or licence was last in force, shall (unless it has been lost or destroyed), return the certificate of registration or licence to the Port Authority stating in writing the reason it has ceased to be in force.

8.5 A person who offends against Byelaw 8.4 shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 2 on the standard scale.

9. CHANGE OF ADDRESS OF OWNER OR NAME OF CRAFT OR BOAT FOR HIRE

9.1 If the Owner of a Craft or Boat for Hire registered by the Port Authority changes his address or the name of the Craft or Boat for Hire, he shall immediately notify the Port Authority in writing of the new address or name.

9.2 A person who offends against this Byelaw shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 2 on the standard scale.

PART 5

MARKING OF CRAFT AND BOATS FOR HIRE

10. PARTICULARS OF A CRAFT OR BOAT FOR HIRE

10.1 For the purposes of Sections 125 and 127 of the Act the following are, subject to Byelaw 10.4, the prescribed particulars, which will be set out on the certificate of registration or licence issued by the Port Authority, and must be displayed on the Craft or Boat for Hire:

- a) Craft or Boat for Hire name;
- b) Craft Number or Boat Number;
- c) Owner's name;
- d) Owner's Number;
- e) Tonnage (Lighter only);
- f) Number of Persons a Boat is Fit to Carry (Boat for Hire only).

10.2 The prescribed particulars referred to above must be displayed on the Craft or Boat for Hire to which Section 125 or Section 127 of the Act applies, subject to Byelaw 10.4, in the following manner:

a) Condition of Markings

All the particulars are to be in a legible condition and, except where otherwise agreed by the Port Authority, they shall be painted in a colour contrasting with that of the hull or superstructure using durable paint.

b) Location and Size of Markings

The prescribed particulars identified in Byelaw 10.1 are to be displayed conspicuously on the Craft or Boat for Hire in the following manner:

i) External Markings to be displayed on both sides of the hull

For Craft operating permanently above the Thames Barrier:

The Craft name, Craft Number and the Owner's Number are to be displayed in figures and letters not less than 10cm high and of a proportionate width.

For all other Craft:

The Craft Name, Craft Number and Owner's Number are to be displayed in figures and letters of not less than 15cm high and of a proportionate width.

For Boats for Hire operating permanently above the Thames Barrier:

The Boat for Hire's name is to be displayed in figures and letters not less than 10cm high and of a proportionate width.

For all other Boats for Hire:

The Boat for Hire's name is to be displayed in figures and letters of not less than 15cm high and of a proportionate width.

ii) Internal Markings

On Boats for Hire:

The Boat for Hire's name, Boat Number, Owner's name and Owner's Number and the Number of Persons a Boat is Fit to Carry are to be displayed conspicuously upon the inside of the Boat for Hire in letters and figures not less than 2.5cm high and of proportionate width.

On Lighters:

The Craft Number punched or permanently engraved in a central position on the inside of the forward end of the coaming in figures 2.5cm high.

On Tugs:

The Craft Number punched or permanently engraved on the inside of the engine room hatch cover in figures 2.5cm high.

10.3 The name of the Craft or Boat for Hire and all or any of the prescribed particulars may be displayed in an alternative location or in letters and figures of an alternative size if it is agreed with the Port Authority that it is impracticable to display the name and all or any of the prescribed particulars in the location and size required by Byelaw 10.2 in consequence of the size or design of the Craft or Boat for Hire.

10.4 All or any of the prescribed particulars (other than the craft name), need not be displayed on a Craft or Boat for Hire if it is agreed with the Port Authority that it is impractical to do so in consequence of the size or design of the Craft or Boat for Hire.

10.5 No other name or number likely to be confused with the prescribed particulars shall be displayed on the Craft or the Boat for Hire.

- 10.6 A person who offends against Byelaw 10.5 shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 2 on the standard scale.

PART 6

REGULATION OF CRAFT AND BOATS FOR HIRE

11. NOTIFICATION OF A LAID UP VESSEL

- 11.1 The Owner shall immediately notify the Port Authority if, at any time a registered Craft or Boat for Hire is Laid Up.
- 11.2 The Owner shall immediately notify the Port Authority when a Craft or Boat for Hire, previously notified as being Laid Up, is brought back into use.
- 11.3 A person who offends against Byelaw 11.1 or 11.2 shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 2 on the standard scale.

12. CREW LEVELS AND COMPETENCY

- 12.1 The Master and the Owner of a Craft or Boat for Hire shall at all times when the Craft or Boat for Hire is being worked or navigated or let for hire for carrying persons or being used for carrying passengers for reward, ensure that there are on board a crew of sufficient numbers and sufficient competence and experience to man the Craft or Boat for Hire having regard to any notification given by the Harbourmaster in relation to that vessel under Byelaw 12.2 below.
- 12.2 The Harbourmaster may specify in any notification given to the Owner of any Craft or Boat for Hire, the number of persons and the standard of competence and experience which are to be treated as sufficient for the purposes of Byelaw 12.1 above.
- 12.3 A person who offends against Byelaw 12.1 shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 4 on the standard scale.

13. TOWAGE OPERATIONS

- 13.1 Except with the permission of the Harbourmaster, (or in an emergency) the Master of a Craft shall not undertake Ship Towage operations and the Owner of a Craft shall ensure that Ship Towage operations are not undertaken unless:
- a) the Craft is designed and suitably equipped for Ship Towage, and;

b) the ship being towed is of a size and type as has been approved for towing by that Craft, by the Harbourmaster.

13.2 A person who offends against Byelaw 13.1 shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 4 on the standard scale.

14. APPLICATION OF BYELAWS IN CERTAIN CIRCUMSTANCES

14.1 Where the commission by any person of an offence under these Byelaws is due to the act or default of some other person, that other person shall be guilty of an offence; and that other person may be charged with, and convicted of, the offence by virtue of this Byelaw whether or not proceedings for the offence are taken against any other person.

14.2 Where an offence under these Byelaws which is committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

14.3 For the purpose of paragraph 14.2 "director", in relation to any body corporate whose affairs are managed by its members, means any member of the body.

15. DEFENCES TO PROCEEDINGS

15.1 In any proceedings for an offence under these Byelaws it shall be a defence for the person charged to prove:

- a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or
- b) that he had a reasonable excuse for his act or failure to act.

15.2 If in any case the defence provided by paragraph 15.1 a) or b) of these Byelaws involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

THE COMMON SEAL of the
Port of London Authority was
affixed in my presence on the
7th day of September 2000.

G E ENNALS
Secretary

The Secretary of State for the Environment, Transport and the Regions hereby confirms
the foregoing Byelaws.

SIGNED by the Authority of the Secretary of State
This 14th day of December 2000.

S K REEVES
Head of Ports Division

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