

PORT OF LONDON  
VESSEL LICENSING BYELAWS  
2014



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# **PORT OF LONDON VESSEL LICENSING BYELAWS 2014**

The Port of London Authority in exercise of the powers conferred on it by Section 162 of the Port of London Act 1968 (as amended) makes the following Byelaws:

## **PART 1**

### **GENERAL**

#### **1. CITATION AND COMMENCEMENT**

- 1.1 These Byelaws may be cited as the Port of London Vessel Licensing Byelaws 2014 and 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 Byelaw 13, do not apply to any vessel which is exempt from the vessel licensing requirements under section 124(2) of the Port of London Act 1968.

#### **2. INTERPRETATION**

In these Byelaws:

- a) “the Act” means the Port of London Act 1968;
- b) “barge” includes dumb vessels, including but not limited to: barges, lighters, collar and mooring barges, crane barges and engineering barges, pontoons, oil storage/processing barges and dredgers, but excludes any power-driven vessels;
- c) “crew” includes every person, other than the master or a pilot, employed or engaged in any capacity on board a vessel;

- d) “laid up” means that the vessel has ceased to be used for the intended use or uses stated on the application for licensing, and is not being worked or navigated for the time being;
- e) “licensed vessel” means a vessel licensed under section 124 of the Act;
- f) “master” in relation to a vessel, means any person having or taking the command, charge or management of a vessel, for the time being;
- g) “number of persons a vessel is fit to carry” means in relation to a passenger boat, the maximum number of persons which the vessel is licensed to carry;
- h) “owner” in relation to a vessel, includes the charterer;
- i) “owner’s number” means in relation to a vessel, licensed by the PLA, the number assigned by the PLA to the owner of that vessel;
- j) “passenger” means any person carried on a vessel other than its crew;
- k) “passenger boat” means a vessel for the time being used (or in the context of a licence application, intended to be used), for carrying 12 or less passengers;
- l) “PLA” means Port of London Authority;
- m) “power-driven vessel” means a vessel propelled by mechanical power;
- n) “ship towage” means the towing of a power-driven vessel which is manned and able to manoeuvre under its own power whilst being towed;
- o) “tonnage” means the registered tonnage of a barge 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 barge 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 plant to the upper side of the ceiling, and
  - (ii) by multiplying the length x the width x the depth and dividing by 3.546;
- p) “tug” means a vessel propelled by mechanical power and used for towing or pushing another vessel or a raft or float of timber;
- q) “the vessel licensing area” means that part of the Thames above the

- former seaward limit, which limit is described in Schedule 1 to the Act;
- r) “vessel” means every description of vessel, however propelled or moved, and includes anything constructed or used to carry persons or goods by water and a seaplane on or in the water, a hovercraft and a hydrofoil vessel; and
  - s) “vessel number” means in relation to a vessel licensed by the PLA, the number assigned by the PLA to that vessel.

### **3. REVOCATION OF BYELAWS**

- 3.1 The Port of London Craft and Boat Registration and Regulation Byelaws 2000 (as amended) are revoked.

## PART 2

### APPLICATION FOR THE LICENSING OF VESSELS

#### 4. APPLICATION FOR THE INITIAL AND SUBSEQUENT RE-LICENSING OF VESSELS

An application to the PLA for the licensing of a vessel must be made in writing by the owner of the vessel and the application must:

- a) be on a form issued by the PLA for that purpose;
- b) state the name and address of the owner of the vessel;
- c) provide all relevant technical and safety documentation and certification necessary to determine whether it is fit for its intended use;
- d) in the case of a barge give its 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 plant to the upper side of the ceiling.
- e) in the case of a vessel, state its intended use;
- f) in the case of a passenger boat, give the maximum and minimum number of crew and the maximum number of passengers proposed to be carried;
- g) state whether the applicant wishes to operate the vessel in the whole of the vessel licensing area or in a specified part only of the vessel licensing area;
- h) state the name of the vessel to be licensed, which must not be the same name as any other licensed vessel, unless otherwise agreed with the PLA;

and, on receiving the application the PLA may require the owner to submit such additional information with respect to the vessel or owners as may be relevant to the consideration of the application.

## **PART 3**

### **INSPECTION PROCEDURES**

#### **5. INSPECTION OF VESSELS**

- 5.1 If the application to the PLA for the licensing of a vessel is not accompanied by the relevant documentation and certification referred to in Byelaw 4 c), the vessel must be made available for inspection by the PLA.
- 5.2 If the application is accompanied by the relevant documentation and certification referred to in Byelaw 4 c), the PLA may require an inspection or partial inspection of the vessel to be carried out to consider the fitness of the vessel for its intended use.
- 5.3 The date, time and place of any inspection must be reasonable and will be agreed with the owner of the vessel.
- 5.4 The owner of the vessel to be inspected must provide a safe working environment and all necessary and reasonable facilities for any person authorised in writing by the PLA, and who produces that authority, to enter, inspect, measure, survey and examine the vessel in order to enable the PLA to consider the fitness of the vessel for its intended use.

#### **6. INSPECTION OF VESSELS FOR RE-LICENSING**

- 6.1 If the application to the PLA for re-licensing of a vessel is not accompanied by the relevant documentation and certification referred to in Byelaw 4 c), the owner must make the vessel available for inspection, by the PLA, 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 licence.

## **7. REMEDIAL ACTION FOLLOWING INSPECTION**

- 7.1 On inspection under Byelaws 5 or 6 or Section 137 of the Act, the PLA may require works to be carried out to a vessel, and, unless permitted by the PLA, subject to any conditions or restrictions imposed by the PLA, the vessel must not be worked, navigated, let for hire or used until those works have been carried out to the PLA's reasonable satisfaction.
- 7.2 Upon completion of any remedial works, the owner must notify the PLA without delay, in writing, of the completion of the works, so that, where necessary, a remedial inspection in accordance with the provisions for inspection set out in byelaw 5 may be carried out.
- 7.3 If the owner, without reasonable excuse, works, navigates, lets for hire or uses a vessel in contravention of Byelaw 7.1 or fails to notify the PLA in accordance with Byelaw 7.2 the owner is guilty of an offence. On conviction before a court of summary jurisdiction, the owner is liable to a fine not exceeding level 3 on the standard scale.



# PART 4

## CERTIFICATION

### 8. VALIDITY OF LICENCES

- 8.1 A licence issued by the PLA will, subject to the provisions of Byelaws 8.2 and 8.3, remain valid for such a period as may be specified on the licence.
- 8.2 A licence may be terminated at any time by agreement between the PLA and the owner.
- 8.3 A licence ceases to be in force if;
- a) it is revoked or suspended under Section 125 of the Act;
  - b) the PLA issues a replacement licence under Section 127 of the Act;
  - c) the ownership of the vessel changes;
  - d) the area of operation of the vessel is changed from that identified on the licence;
  - e) being a barge, its tonnage is altered;
  - f) being a barge, its use changes from the intended use or uses stated in the application for licensing;
  - g) being a passenger boat, the number of persons it has the capacity to carry is altered; or
  - h) the vessel has been laid up for a continuous period of one year; and when a licence ceases to be in force by virtue of paragraphs c), d), e), f), g) or h) of this Byelaw, the licence of the vessel will be cancelled by the PLA.
- 8.4 If a licence relating to a vessel has ceased to be in force under the provisions of Byelaw 8.3 or is terminated by agreement in accordance with Byelaw 8.2, the person who was the owner of the vessel when the licence was last in force, must, on the cessation or termination, return the licence to the PLA without delay, stating in writing the reason it has ceased to be in force.

8.5 The owner of a licensed vessel, which is sold, must, upon completion of the sale, notify the PLA without delay, in writing, of the sale of the vessel, and provide the name and contact details of the new owner.

8.6 A person who breaches Byelaws 8.4 and 8.5 is guilty of an offence and is 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 LICENSED VESSEL**

9.1 If the owner of a licensed vessel changes address or the name of the vessel, the owner must notify the PLA without delay, in writing, of the new address or name.

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

## PART 5

### MARKING OF LICENSED VESSELS

#### 10. PARTICULARS OF A VESSEL

- 10.1 For the purposes of Section 124 of the Act the following are the prescribed particulars, and must be displayed at all times in a prominent position on the licensed vessel in accordance with the provisions of byelaws 10.2 to 10.5:
- a) vessel name;
  - b) vessel number;
  - c) owner's name;
  - d) owners number;
  - e) tonnage (barge only); and
  - f) number of persons a vessel is fit to carry (passenger boat only).
- 10.2 The prescribed particulars set out in Byelaw 10.1 must be displayed on a licensed vessel, subject to Byelaws 10.3 to 10.5, in the following manner:
- a) the vessel name must be displayed externally on both sides of the hull, in the forward half and on the stern; and
  - b) the owner's name, owner's number, the vessel number and the tonnage or the number of persons a vessel is fit to carry must be displayed on a suitable, aft-facing section of the vessel in letters and figures not less than 10cm high and of a proportionate width.
- 10.3 In the case of an open workboat or vessel of similar construction where there is not a suitable aft-facing section of the vessel as required by byelaw 10.2, the vessel name must be displayed on the stern of the vessel; and the remaining markings are to be displayed at a suitable point on the inside of the hull.
- 10.4 If it is impracticable to display the name and all or any of the prescribed particulars in the location and size required by Byelaws 10.2 or 10.3 in consequence of the shape or design of the licensed vessel, the name of the vessel and all or any of the prescribed particulars may be displayed in a practicable location or in letters and figures of an alternative size agreed with the PLA.

- 10.5 All or any of the prescribed particulars (other than the vessel name) agreed with the PLA, need not be displayed on a licensed vessel if it is agreed with the PLA that it is impracticable to do so as a consequence of the size or design of the vessel.
- 10.6 Other names or numbers likely to be confused with the prescribed particulars must not be displayed on the licensed vessel.
- 10.7 A person who breaches Byelaws 10.1, 10.2, 10.3 or 10.6 is guilty of an offence and is liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 2 on the standard scale.

## **PART 6**

### **REGULATION OF VESSELS**

#### **11. NOTIFICATIONS FOR A LAID UP VESSEL**

- 11.1 The owner must notify the PLA without delay if at any time a licensed vessel is laid up.
- 11.2 The owner of a licensed vessel previously notified as being laid up must notify the PLA immediately prior to the vessel being re-activated for commercial operation, navigation or mooring within the vessel licensing area.
- 11.3 A person who breaches Byelaw 11.1 or 11.2 is guilty of an offence and is 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 vessel must at all times when the vessel is being worked or navigated or being used for carrying passengers, ensure that there is a crew on board of sufficient numbers and sufficient competence and experience to safely man the vessel, having regard to any notification given by the PLA in relation to that vessel under Byelaw 12.2 below and as shown on the vessel's licence.
- 12.2 The PLA may specify in any notification given to the owner of any vessel, 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 breaches Byelaw 12.1 is guilty of an offence and is liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 4 on the standard scale.

### **13. SHIP TOWAGE OPERATIONS**

- 13.1 Except with the permission of the PLA (or in an emergency), the master of a vessel must not undertake ship towage operations and the owner of the vessel must ensure that ship towage operations are not undertaken unless:
- a) the vessel is a tug and designed and suitably equipped for ship towage, and licensed for ship towage by the PLA; and
  - b) the ship being towed is of a size and type as has been approved for towing by that tug, by the PLA, as indicated on the vessel's licence.
- 13.2 A person who breaches Byelaw 13.1 is guilty of an offence and is able, 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 is guilty of an offence; and that other person may also 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 is committed by a body corporate and 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, that person, as well as the body corporate, is guilty of that offence and is 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 a breach of these Byelaws it is a defence for the person charged to prove:
- a) that all reasonable precautions were taken and all due diligence exercised to avoid the commission of such an offence; or
  - b) that there is a reasonable excuse for the 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 is not, without leave of the court, entitled to rely on that defence unless, within a period ending seven clear days before the hearing, the person charged has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as is then in the possession of the person charged.

THE COMMON SEAL of the  
Port of London Authority was  
affixed in my presence on the  
17th day of July 2014

S J GRUNDY  
Secretary

The Secretary of State for Transport confirms the foregoing Byelaws.

SIGNED by the authority of the Secretary of State for Transport

Linda Willson  
Head of Maritime Commerce & Infrastructure Division in the  
Department for Transport

Date: 31st October 2014



# NOTES



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