

Seychelles

Control of Hire Craft Act

Act 4 of 1967

Legislation as at 30 June 2012

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Control of Hire Craft Act
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Control of Hire Craft Act

Act 4 of 1967

Commenced on 1 April 1973

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 4 of 1967; Act [24 of 1973](#); S.I. 95 of 1975; Act [23 of 1976](#); Dec 23 Of 1978; Act [3 of 1986](#)]

1. Short title

This Act may be cited as the Control of Hire Craft Act.

2. Definition

In this Act, unless the context otherwise requires—

"**approved**" means approved by the Harbour Master;

"**hire craft**" means a boat let out for hire for fishing as a sport or for pleasure purposes only and includes the hiring of any craft or part thereof,

"**Licensing Authority**" means the Licensing Authority established by section 3 of the Licences Act;

"**schedule**" means the schedule to the Act;

"**surveyor**" means the Harbour Master or a person or persons appointed by the Harbour Master for the purposes of a survey to be carried out under the provisions of this Act.

3. Application for a licence

The owner of a boat desiring to use such boat as a hire craft shall apply to the Licensing Authority for a licence in the manner provided under the Licences Act*.

4. Survey following application for a licence

A boat in respect of which an application for a licence to operate it as a hire craft has been made shall, before the grant of the licence, be surveyed to the satisfaction of the Harbour Master.

5. Requirements and equipment

A hire craft must at all times satisfy the requirements and carry the equipment set out in the schedule.

6. Load line and maximum number of passengers

A hire craft shall be marked with a load line below which the boat shall not be loaded, and the maximum number of passengers which the boat may carry shall be decided upon by the surveyor.

7. Report of surveyor

The surveyor shall report as to—

- (a) the seaworthiness of the boat;
- (b) the fitness and suitability of the boat to be used as a hire craft;
- (c) the equipment found on the boat and the condition of such equipment;

- (d) the efficiency and condition of the engine.

8. Issue of licence

The licence in respect of a boat shall be issued by the Licensing Authority under the Licences Act.

9. Additional conditions

The Licensing Authority may add such conditions to the licence as to it may seem fit to ensure compliance with the objects and provisions of this Act. Without prejudice to the generality of the foregoing power such conditions may provide for—

- (a) a restriction on the number of passengers;
- (b) a restriction on the area of operation; and
- (c) requirements for additional equipment.

10. Contents of licence

The licence shall state the name of the owner, a description of the boat, the position of its load line, the maximum number of passengers allowed and the number allotted to the boat by the Licensing Authority and such additional conditions as may have been imposed by the Licensing Authority.

11. Prohibition as to use of hire craft without licence or contrary to licence

No person shall use a boat or cause or permit a boat to be used as a hire craft without a licence issued by the Licensing Authority under the Licences Act or otherwise than in strict compliance with the terms and conditions of such licence.

12. Markings on hire craft

All hirecraft shall have the letters "HC" followed by their allotted number painted on their bows conspicuously in letters and figures 4 inches high and 2 inches wide.

13. Annual surveys

In addition to the survey carried out under [section 4](#) all hire craft shall be surveyed once in every calendar year.

14. Occasional surveys

The Harbour Master may order a survey of any hire craft to be made whenever he deems it fit so to order. The Harbour Master shall order a survey to be made of a hire craft if such hire craft has had an engine breakdown or has been involved in a collision or an accident.

15. Annual and occasional surveys by whom and how carried out

A survey made under the provisions of [section 13](#) or [section 14](#) occasional surveys may be carried out by one or more surveyors as the Harbour Master may by whom and how decide and shall relate to all the requirements set out in sections [5](#), [6](#) and [7](#).

16. Cancellation of licence

The Licensing Authority may cancel the licence issued in respect of any hire craft

- (a) if there is an unfavourable report of survey as to any of the requirements set out in sections [5](#), [6](#) and [7](#);

- (b) if the owner of the hire craft is convicted of an offence under this Act.

17. Inspection of hire craft

It shall be lawful for the Harbour Master and any member of the Harbour Master's department or for any person delegated by the Harbour Master to inspect any hire craft and to require the production of its licence.

18. Registration of coxswain and mechanics

- (1) All hire craft shall carry and be under the charge of a registered coxswain. They shall also carry a registered mechanic.
- (2) Any person wishing to register as a coxswain or mechanic shall apply to the Harbour Master for the appropriate certificate. Such certificate shall only be granted if the Harbour Master is satisfied that the applicant is of the required standard of proficiency and is a fit and proper person. The Harbour Master may require the applicant to undergo such examination or test as he may deem necessary.
- (3) A register containing the names of all those to whom a certificate has been issued under this section shall be maintained by the Harbour Master.
- (4) A certificate may be cancelled by the Harbour Master for any reasonable cause. Such certificate shall be cancelled if the holder of the certificate is convicted of any offence against this Act.

19. Only registered coxswains and mechanics to be employed

No person other than registered coxswains and registered mechanics shall be employed in hire craft as coxswains and mechanics respectively.

20. Change of ownership

The owner of a hire craft who sells such hire craft shall, within forty-eight hours of its sale, notify the Harbour Master and the Licencing Authority of the change in its ownership.

21. Report on departure and return

Prior to leaving on any trip from Mahe, Praslin or LaDigue the coxswain in charge of a hire craft shall report to the Harbour Master or other member of the Port department then on duty or to the nearest police station giving the proposed itinerary and duration of the voyage. The return of the hire craft from the trip shall be reported in the same way.

22. Port Officer may prohibit sailing

It shall be lawful for the Harbour Master to prohibit the sailing of any hire craft, on the grounds that in his opinion the voyage or the hire craft is unsafe.

23. Offences by owner, etc.

- (1) The owner or the Coxswain in charge of a hire craft who—
 - (a) fails to submit the hire craft for survey when required under [section 4](#), [section 13](#) or [section 14](#); or
 - (b) fails to report to the Harbour Master that the hire craft has had an engine
 - (c) contravenes a prohibition imposed by the Harbour Master under [section 22](#); or
 - (d) permits the hire craft to be in service when any of the provisions of this Act is being contravened or not complied with in respect of that hire craft; or

- (e) leaves the hire craft in service when such hire craft is unseaworthy or needs repair or lacks any of the items of equipment described in the schedule,
is guilty of an offence and liable to a fine of two thousand rupees and to imprisonment for one year.
- (2) The owner of a hire craft who fails to notify the Harbour Master and the Licencing Authority of a change in its ownership within forty-eight hours of its sale by him as required under [section 20](#) is guilty of an offence and liable to a fine of five hundred rupees.
- (3) The coxswain in charge of a hire craft who fails to make a report of the sailing or return of the hire craft to the Harbour Master as required under [section 21](#) is guilty of an offence and liable to a fine of five hundred rupees.

24. Regulations

The Minister may make regulations to carry out the objects and provisions of this Act and, without prejudice to the generality of the foregoing power, such regulations may—

- (a) exempt any class of hire craft from all or any of the provisions of this Act and make further provision for the control and safety of such hire craft;
- (b) prescribe fees to be paid for any licence or certificate issued, for any registration made or for any survey carried under this Act;
- (c) amend, add to, vary or revoke any provisions set out in the schedule;
- (d) create offences and provide that contravention of or failure to comply with any such regulations shall be an offence and may prescribe for such offences maximum penalties not exceeding two thousand rupees and one year imprisonment.

Schedule (Section 5)

Part I – Hire craft operating between 2 and 10 miles off-shore

1. This Part applies to hire craft operating more than 2 miles but not more than 10 miles, from the shores of an inhabited island.
2. Hire craft to which this Part applies shall—
 - (a) be, fitted with—
 - (i) 2 engines in working order; or
 - (ii) 1 engine in working order and sailing equipment:
 Provided that where either or both such engines are inboard such engine or engines shall be driven by diesel oil;
 and provided that no petrol (benzine), kerosine, aviation fuel or any such highly inflammable oil, explosives of any kind or dangerous gases shall be carried on board except for the sole use of the craft in connection with its engines, life-saving equipment, dinghies and domestic use on board;
 - (b) be fitted with an efficient compass;
 - (c) carry an anchor or sinker (together with a spare) and at least 100 fathoms of light rope;
 - (d) be fitted with a manual pump and carry a bailer;
 - (e) be fitted with a three-coloured lantern or such other type of navigation light as may be approved by the Harbour Master;

- (f) carry at least six star distress signals, a high-visibility orange flag measuring not less than 4' x 2' and a signaling torch which is capable of transmitting signals for a distance of 5 miles;
- (g) be equipped with 2 two-gallon fire extinguishers and 2 fire buckets;
- (h) carry half a gallon of drinking water per head for each person on board;
- (i) carry one life-jacket for each person the vessel is permitted to carry together with a surplus of life jackets equivalent to 10% of that number;
- (j) carry sufficient buoyant apparatus to support every person the vessel is permitted to carry;
- (k) be fitted with a wireless receiver/transmitter which shall satisfy the requirements of the Harbour Master and which, to his satisfaction, shall be capable of transmitting messages to and receiving messages from the shore.

Part II – Hire craft operating between 10 miles and 60 miles off-shore

1. This Part applies to hire craft operating more than 10 miles and 60 miles off-shore.
2. Hire Craft to which this Part applies shall comply with the requirements of Part I and, in addition, shall—
 - (a) carry 1 sea anchor with at least 5 fathoms of cable;
 - (b) be equipped with two life-buoys, one of which must be fitted with a self-igniting light and at least 10 fathoms of light rope, 1 orange smoke float and at least 12 parachute distress signals; and
 - (c) be equipped with 2 additional two-gallon approved fire extinguishers and 2 fire buckets.

Part III – Hire craft operating more than 60 miles off-shore

1. This part applies to hire craft operating more than 60 miles from the shores of an inhabited island.
2. Hire Craft to which this Part applies shall comply with the requirements of Part I and Part II and, in addition, shall—
 - (a) be equipped with life boats or life rafts for every person on board;
 - (b) carry on board a person qualified as a Master or Mate or able, in the opinion of the Harbour Master, to navigate by sun or stars.