

---

STATUTORY INSTRUMENTS

---

**2004 No. 1309**

**The Adventure Activities Licensing Regulations 2004**

**Interpretation**

**2.—(1)** In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 1995 Act” means the Activity Centres (Young Persons' Safety) Act 1995;

“the 1996 Regulations” means the Adventure Activities Licensing Regulations 1996<sup>(1)</sup>;

“accessible road” means a road which is, at the time in question, accessible to ambulances which are road-going vehicles not specially adapted for rugged terrain;

“activity centre” means an establishment which is, at the time in question, primarily used for, or as a base for, the provision of instruction or leadership in sporting, recreational or outdoor activities;

“adventure activity” means caving, climbing, trekking or watersports;

“caving” means the exploration of underground passages (other than those principally used as show-places open to the public)—

(a) in parts of mines which are no longer worked; or

(b) in natural caves where the exploration of those passages requires, in order to be carried out safely, the use of rock climbing or diving equipment or the application of special skills or techniques;

“climbing” means climbing, traversing, abseiling or scrambling over natural terrain or outdoor man-made structures (other than structures designed for such activities) which requires, in order to be carried out safely, the use of equipment for, or the application of special skills or techniques in, rock climbing or ice climbing;

“educational establishment” means an educational establishment attended by young persons except such an establishment engaged primarily in the provision of sporting, recreational or outdoor activities;

“enforcing authority” has the meaning assigned to it by section 18(7) of the 1974 Act;

“facilities for adventure activities” means any facilities which consist of, or include, some element of instruction or leadership given to one or more young persons in connection with their engagement in an adventure activity (other than instructions given solely in connection with the supply of equipment for use in such an activity);

“horse” includes pony;

“instructor” means a person giving instruction or leadership in the course of the provision of facilities for adventure activities;

“licence” means a licence granted by the licensing authority in accordance with these Regulations or the 1996 Regulations (whether as a renewal of a licence or otherwise);

---

<sup>(1)</sup> S.I. 1996/772; as amended by S.I. 1996/1647.

“licence-holder” means a person to whom a licence has been granted in accordance with these Regulations or the 1996 Regulations;

“licensing authority” means the person for the time being designated by the Secretary of State or the National Assembly for Wales by order under section 1(1) of the 1995 Act;

“local authority” means—

- (a) in relation to England, a county council, a unitary authority, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or county borough council; and
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(2);

“moorland” excludes any woodland or cultivated land;

“non-standard condition” means a condition imposed in a licence other than a condition imposed under regulation 9(1);

“refuge” means a building which would, in an emergency, provide shelter and which was, at the time in question, either occupied or provided with a telephone, or other means of communication, by which help could be summoned;

“relevant national authority” means—

- (a) in relation to England and Scotland, the Secretary of State;
- (b) in relation to Wales, the National Assembly for Wales;

“required fee” means (subject to regulation 19) the fee referred to in regulation 5;

“ski-ing” means sliding over snow or ice on skis, skates, sledges or similar equipment;

“specified waters” means—

- (a) the sea;
- (b) tidal waters;
- (c) inland waters at a location where any part of those waters is more than 50 metres from the nearest land excluding any island; or
- (d) inland waters where the surface of the water is made turbulent because of weirs, rapids, waterfalls or fast flowing currents;

“travelling time” means the time it would take a person to walk by the quickest safe route; and for this purpose a person shall be deemed to walk at 5 kilometres per hour and to take, in addition, one minute for every 10 metres of increase in the height above sea level of any uphill section of that route;

“trekking” means journeying on foot, horse or pedal cycle or ski-ing over terrain—

- (a) which is moorland or more than 600 metres above sea level; and
- (b) from which it would take more than 30 minutes travelling time to reach any accessible road or refuge;

but does not include ski-ing on a prepared and marked-out ski-run which is patrolled by persons engaged to assist in cases of injury;

“voluntary association” means an association, club, society, organisation or other body (whether corporate or unincorporate) which provides facilities to its members and is not a business, or part of a business, conducted for profit; and “member” in relation to such an

association shall exclude a person who is made a member solely in connection with the sale to him by the association of a course of instruction;

“watersports” means the use on specified waters of—

- (a) canoes, kayaks or similar craft propelled or steered by paddles held in the hand (but excluding rowing-boats propelled or steered by oars);
- (b) rafts (including those which are inflatable or which are improvised from various materials but excluding those propelled by means of a motor or towed by a motor-boat); or
- (c) sailing boats, windsurfers, sailing dinghies or other craft whose principal means of propulsion is the wind but excluding craft the construction, equipment and use of which is subject to a requirement for a certificate issued pursuant to the Merchant Shipping Act 1995(3) or any regulation or order made thereunder;

“young persons” means persons who have not attained the age of 18.

(2) Any reference in these Regulations to varying a licence includes a reference to varying a non-standard condition attached to a licence or adding or deleting such a condition from a licence.

(3) Any reference in regulation 15 to an application for a licence is a reference to an application which the licensing authority is, by virtue of regulation 4, obliged to consider.