

# MANAGING PERSONAL WATERCRAFT

A guide for local  
and harbour  
authorities.

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Personal Watercraft and Skiers in all their shapes and sizes undoubtedly get a bad rap. Unfortunately this is not helped by a small number of users who live up to the stereotype and have, regrettably, given the sport a reputation that is proving hard to shift. As a Harbour Master who for nearly 10 years has been fielding emails and letters from concerned members of the public on the “jetski menace out there” it is particularly frustrating to know that the majority of skiers are not the problem. Worse than this, each summer around the UK we read depressing and tragic news of injuries and fatalities to skiers, their passengers and the public.

Experience shows us that the stick without the carrot is not enough to change the story though. Rather than just enforcement action on a few individuals we want to be able to encourage better standards of seamanship across the user group through positive engagement and encouraging the take up of training. Fortunately, I have had the great pleasure to meet a good number of enthusiastic and professional skiers who are often as frustrated as I am with the careless and sometimes dangerous behaviour we have, no doubt, all been witness to.

I have been genuinely impressed with the skill and proficiency demonstrated by some of these skiers; the preparation and care that goes into longer and group trips is no different to that put in by skilled navigators all over the world. We would be missing an opportunity if we didn't harness this institutional knowledge so that good practice and experience can be shared among skiers. To do this we must take a more co-ordinated approach across harbours: to filter out those who break the rules, are not willing to carry insurance (and yes robust enforcement is part of this), but also encourage better standards through training and engagement with local clubs.

Not only will this reduce the risk to skiers and others on the water but also lead to better enjoyment of the sport. Who knows, in time, we may even turn wider opinion (not to mention reduce my email inbox considerably during the summer months). I would urge skiers to spread the word and buy-in to the local and national schemes being promoted by Harbour Authorities, the PWP and RYA – without this we will find it difficult to change the story.

**BILLY JOHNSON**  
Langstone Harbour Master



This guide was published Autumn 2021. As always, for the latest information please visit the Personal Watercraft Partnership website at [www.pwp.org.uk](http://www.pwp.org.uk).





## 2. INTRODUCTION

### 2.1 What is a Personal Watercraft?

A personal watercraft (PWC) is a small recreational boat propelled and steered by a directionally controlled water jet. The user stands, kneels or sits astride a seat similar to that on a motorcycle. A powerful motor drives an impellor, which sucks water through a scoop grating in the underside of the hull and expels it through a nozzle linked to a handlebar type steering mechanism.

**The main characteristics and design features are:**

- High power-to-weight ratio, giving rapid acceleration and high top speed
- Responsive steering, giving good manoeuvrability increased by the fact that nearly all new PWCs now have reverse
- Buoyancy: the modern machine is 'unsinkable' in normal use and can easily be righted if capsized
- No external moving parts, unlike a conventional propeller driven boat
- A safety lanyard which stops the engine if the user falls off

PWCs are sophisticated craft whose design and environmental performance has evolved continuously in the thirty years since first imported into the UK. Today, PWCs are two, three or four seater machines with positive buoyancy, powered by sophisticated engines. Introduction of underwater vented exhausts have made machines far less noisy. On the water with exhaust submerged, a modern PWC creates no more noise than the average lawnmower, and emissions are now very low.

### 2.2 PWC Market

Two companies currently market PWC in the UK:

Company	Brand
BRP UK Ltd	Sea Doo
Yamaha Motor Ltd	Yamaha Waverunner

92% of the PWCs sold new in the UK are two and three seater machines and the remaining 8% are stand up machines, mainly used for racing. The market includes sales to the police force, local authorities, harbour masters, RNLI, lifeguards and the MOD.

### 2.3 Why a management guide?

PWCs are fast, fun and are easily launched and manoeuvred on and off the water. Their use is now an established form of watersport with a band of enthusiastic participants who enjoy the undeniable thrills this kind of craft can provide.

However, most PWC use takes place in the close inshore zone. This poses a challenge to coastal managers; how to provide opportunities for users to enjoy themselves without risking the safety and enjoyment of others. This

guide has been designed to help meet that challenge, building on previous guides. It does not, however, attempt to provide a solution to all problems but by summarising current management practices through case studies it enables those who have put much effort into their local management to pass on their experience for the benefit of other authorities.

**The objectives of this guide are to ensure:**

- Opportunities for recreational use of PWCs are safeguarded and enhanced for the benefits of current users and future generations
- PWC use is carried out in harmony with other water users, with the natural environment and with local amenity and economic interests
- PWCs can be used responsibly and without detriment to others

### 2.4 Personal Watercraft Partnership

The Personal Watercraft Partnership (PWP) was set up to give all parties, regulators, industry and users a single point of contact for issues and queries. The founding partners were the three manufacturers Kawasaki, Sea Doo and Yamaha, Insurance broker RJP, also Datatag ID Ltd registration and security, CSL Publishing, Royal Yachting Association (RYA) and British Marine (formally the British Marine Federation.) Today the PWP includes representation from the UK Harbour Masters Association (UKHMA) and the British Ports Association (BPA) and it operates in partnership with some 60 authorised retail dealers and many PWC clubs throughout the UK.

**PWP Mission Statement**

- To service the needs and aspirations of the sport effectively and professionally
- To promote responsible participation and behaviour
- To continually promote and educate users in best practice in relation to safety and due consideration to other water users
- To promote positive management of PWC activity by relevant authorities at a local level
- To support the Datatag registration and identification system
- Support and promote RYA Training schemes for all PWC users
- To encourage environmental awareness



### 2.5 Personal Watercraft Partnership support

The PWP is able to provide support and guidance on proven management programmes that can be easily implemented for Local Authorities, Harbour Masters, Politicians, Marine Police and the Coastguard. The objectives are to target areas where use of PWCs has caused concern or areas for potential development to familiarise them with current practice on the management of PWCs.

Information can be provided on the following:

- PWP and its role
- Background on the PWC market in the UK
- Training with the RYA
- Suggest proven PWC Management programmes that have been implemented in the UK
- Datatag craft identification scheme
- PWC Insurance

### 2.6 A need for regulation?

Historically, use of PWCs in the inshore coastal zone has involved a mixture of self-regulation and pro-active management by coastal authorities.

As with most sports affecting the amenity of others, it is the inconsiderate or reckless behaviour of a few which creates the pressure for a more regulated regime. This management guide recommends that authorities take a proactive stance and do not simply manage PWC as a reaction to conflicts and issues. It identifies a range of management options available from voluntary to statutory approaches that may be implemented depending on local circumstances.

Voluntary measures such as codes of conduct, training, provision of signage and information may be sufficient in some areas, whereas more formal statutory schemes may be appropriate in areas where current use raises nuisance, environmental and safety concerns.

The next section attempts to recognise and quantify the issues and conflicts created by PWC use, to help coastal authorities assess the relevance of these for their area.

The main issues are:

- Recreational Craft Regulations (RCR)
- Safety
- Natural environment
- Marine species





## 3. THE ISSUES

### 3.1 Recreational Craft Regulations (RCR)

From 1 January 2021 all PWCs supplied in or into Great Britain must comply with the Recreational Craft Regulations 2017 (RCR 2017). (Different provisions apply in Northern Ireland for as long as the Northern Ireland Protocol is in force). This means that before making PWCs available on the GB market or putting them into service, manufacturers must ensure that they have been designed and manufactured in accordance with the essential requirements set out in Schedule 1 of RCR 2017 and that they do not endanger the health and safety of persons, property or the environment, when used correctly as intended. If a PWC is imported, the importer has a legal responsibility to ensure that, the manufacturer has met his responsibilities.

RCR 2017 covers PWCs and partly completed PWCs. *Personal Watercraft are defined as watercraft for sports and leisure purposes of less than 4m in hull length which use a propulsion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person or persons sitting, standing or kneeling on, rather than within, the confines of the hull.*

All PWCs even second-hand machines imported from outside the UK, are required to comply with the requirements of RCR 2017. To meet the requirements of RCR 2017, an international standard ISO 13590 has been developed which deals with the construction and installation of permanently installed fuel, electrical, steering systems, ventilation, hull structure and floatation, and requirements for stability, freeboard and owner's manual. In addition, the requirements of RCR 2017 for exhaust and noise emissions have to be complied with.

From 1 January 2021, PWCs that are conformity assessed by a UK approved body should be UKCA marked, not CE marked. If the conformity assessment was carried out by a UK notified body and the CE marking was affixed to the PWC before 1 January 2021, the CE marking can still be used, but it can only be placed on the GB market before 31 December 2021. Where the PWC has been assessed by an EU Notified Body, manufacturers must continue to use the CE marking and can continue to place those PWC on the GB market until 31 December 2022.

### 3.2 Safety

The evidence shows that boating activities are safe and fun – that's how it should be, but it's also clear that accidents can and do happen. The question then is not just what went wrong but could it have been prevented in the first place. Surprisingly the answer is 'yes' more often than you might think.

The best bit of safety equipment you have is your brain and not a gadget! Whatever the severity of accidents,

they are always regrettable, frequently costly and as we know sometimes disastrous. Safe behaviour and practice ultimately protects life and equipment and is vital for the enjoyment of leisure boating at every level that it takes place.

#### So what can be done?

This guide is intended to help local authorities and harbours manage PWC use and to encourage safe and responsible riding and respect for other water users.

Authorities can undertake a thorough risk assessment of the area under their jurisdiction and also within neighbouring authorities. PWC use is a sport and willing and informed participants in sport accept a degree of risk. However, where PWC are used in areas of multi-use such as the coastal zone, many other water users will not be as aware of the risks involved. Authorities should therefore be mindful of such risks and consider identifying exclusive or zoned areas where the risk can be managed. Authorities with a responsibility for recreational beaches and launching sites should carry out a survey, assessing the extent and pattern of use and produce a systematic risk assessment and then make an informed decision.

PWC users can develop the skills and knowledge of experienced users through certified training schemes such as those run by the RYA.

Users can also take safety precautions by wearing appropriate clothing, ISO approved impact buoyancy vests and always using the 'kill cord' (safety lanyard). Owners of the craft should only allow other users to use their machines under close supervision and ensure that children under the age of 16 do not operate craft individually without appropriate training and supervision.

### 3.3 Natural Environment

PWC activity can cause wildlife disturbance at sensitive locations and management is needed to reduce any environmental impacts, particularly for sensitive species and in sensitive areas such as National, European and Internationally designated sites, or areas where the concentration of use is high. Some bird and mammal species are sensitive to noise and physical disturbance. Breeding, overwintering and feeding birds are vulnerable, together with marine mammals.

Startled adult birds will take to the air, leaving young chicks and eggs exposed to the elements and predators and, in the case of overwintering birds and some marine mammals, using significant amounts of energy that they can't afford to lose as they feed ready for onward migration or when food availability is scarce.

#### Summary of potential environmental impacts:

- Launching of craft from formal access points such as slipways is likely to have minimal impact on marine features except where it involves trampling and erosion of the features. However, where such a facility encourages high levels of usage, the nature conservation value of access areas may be affected.

- A report looking at a review of effects of water recreational interactions within UK European marine sites states that there is little evidence to suggest that emissions from two or four stroke engines used by PWCs have a direct observable impact on marine features. However, with the current focus on carbon emissions, there are wider concerns that will be addressed through the introduction of new technologies over the next few years.

- A review of evidence indicates that PWC craft can damage sensitive intertidal and shallow subtidal habitats during launching and recovery at inappropriate sites; with engine wash contributing to abrasion and disturbance of sediment. Underwater and above water noise, together with visual impact can also cause disturbance to birds and marine mammals; with hauled out seals and the breeding, feeding and overwintering sites for birds being particularly vulnerable. The Green Blue guide to boating around wildlife provides clear guidelines to minimise impacts.

Management options should reflect this, however there are very few powers currently available to restrict, except through the use of byelaws in statutory protected marine and coastal sites or voluntary guidance in these and other areas. Although guidance varies from site to site, Natural England indicate that there are key practices PWC users should adopt:

#### - Abrasion/disturbance of habitats:

- > *only launch, moor and land your PWC from authorised launch sites and do not use saltmarsh, mudflats or sandbanks for these purposes, and;*
- > *avoid shallow waters where you may erode the underwater seabed.*

#### - Noise (above and below water) and visual disturbance:

- > *do not launch from or approach roosting or nesting sites for birds, especially around high tide;*
- > *if wildlife is encountered, maintain a steady direction and a slow 'no wake' speed away from the wildlife;*
- > *never harass or chase wildlife;*
- > *remember that a fast-moving craft doesn't allow time for birds to get out of the way;*
- > *if you see groups of birds on the sea whilst using your PWC, slow down to a no wake speed and go around the group;*
- > *if you are within 300m of the cliff-face, maintain a no-wake speed. If you see any birds flying away from the cliffs in response to your presence, move further out from the shore;*
- > *avoid the low water mark where birds may be feeding;*
- > *do not approach birds during wintering periods (September*

- March) as birds use this time to conserve energy, feed and roost;*
- > *marine mammals, are susceptible to disturbance. If you see these animals, slow down and keep a constant speed and direction to avoid startling them.*
- > *do not approach or go onto sandbanks/mudflats when seals are hauled out of the water. This is time for seals to breed, moult, recover from foraging and conserve their energy.*

- Be aware that wildlife can be encountered both inshore and offshore, use the key practices to avoid disturbance.

- When it is necessary to ride in shallow water users should keep watercraft at an idle speed.

- In coastal areas users should be made aware of low tide when the waters may be substantially shallower revealing sea grass beds and other delicate vegetation.

- Authorities should be aware of the issue of decanting petrol and filling fuel tanks at launch sites and may want to provide appropriate facilities including spill kits, safety fill nozzles and bunded refuelling areas to capture accidental spills etc. see [www.thegreenblue.org.uk](http://www.thegreenblue.org.uk) for oil and fuel advice and a list of suppliers and recommended items.

- Invasive Non-Native Species (INNS) can be introduced and dispersed by recreational boats such as PWCs. Consideration should be given to providing suitable biosecurity facilities for craft, equipment, trailers and clothing to be thoroughly washed down with clean tap water (hot water where possible) to remove these species after recovering a craft from the water and before transporting to another site to be launched. This helps to minimise the risk of these INNS being transported around our UK waters.

#### What can be done?

Sufficient launch sites should be provided away from valuable habitats and people should be encouraged to use these facilities to avoid spreading impact. Users should be informed at the launch points about the sensitivity of important habitats and the times of year additional care is needed. Users should also be encouraged to take care when decanting and refuelling and ideally this should be done away from the water's edge at an appropriate facility provided for that purpose.

For further guidance on biosecurity planning visit [www.nonnativespecies.org](http://www.nonnativespecies.org) where the GB Non-Native Species Secretariat project, RAPID LIFE, have awareness raising resources and guidance. The Green Blue also has advice and awareness resources on invasive species prevention available at [www.thegreenblue.org.uk](http://www.thegreenblue.org.uk) for boat users, clubs, centres and marine operators.





### 3. THE ISSUES

#### 3.4 Conflicts with Marine Species

There is evidence from around the UK that conflicts do arise between whales and dolphins (collectively known as cetaceans) and other marine species including basking sharks and some motorised craft. Studies carried out by the Whale and Dolphin Conservation Society (WDCS) have highlighted impacts on a number of levels:

- Direct collisions and physical damage are caused when dolphins are unable to move out of the way of fast moving, craft such as PWCs
- Stresses on the animals caused by harassment affect the energy levels and consequently the growth and reproduction of individuals
- Repeated harassment may result in the animals moving away from areas important to them for communication or feeding
- Ignorance of the law is no longer a viable excuse in cases of harassment or harm being done to wildlife. New powers and laws mean that it is the duty of all watersports participants to make every effort not to harm or allow harm of any protected wildlife or habitats.

Indirect impacts on habitat including noise pollution, all of these impacts are explained in more detail in the WDCS Report<sup>2</sup>.

##### What can be done?

Responsible PWC users do not deliberately harass marine animals and such impacts are often the result of a lack of awareness. Dolphins may appear to be playful and enjoy the presence of small craft. Information displayed at launch sites, or circulated through clubs and dealers can help to provide users with general guidelines for responsible behaviour in the presence of marine wildlife.

##### LEARN MORE

Accredited training can be gained from [www.wisescheme.org](http://www.wisescheme.org) which is for users, commercial organisations and local authorities.

The Green Blue provides wildlife and habitat best practice guidance for recreational boating and awareness raising resources. These include: 'The Green Guide to Coastal/ Inland Boating', 'The Green Wildlife Guide for Boaters' as well as infographics, posters and guidance videos available at [www.thegreenblue.org.uk](http://www.thegreenblue.org.uk).

Voluntary codes are in place in a large number of areas, especially where populations of dolphins are found, such as the Moray Firth and Cardigan Bay. As a result of the Nature Conservation (Scotland) Act 2004, Scottish Natural Heritage has launched the Marine Wildlife Watching Code updated 2017. Guidelines have also been published by DEFRA and voluntary organisations such as the WDCS [www.wdcs.org.uk](http://www.wdcs.org.uk) who also run a sticker campaign. These codes should be followed and care should always be taken when handling PWCs around marine species.

[Coastal managers can support The Green Blue's campaigns by using the freely available advice and resources, found at \[www.thegreenblue.org.uk\]\(http://www.thegreenblue.org.uk\), to facilitate and help raise awareness of environmentally sustainable best practice amongst the recreational boating community in their local areas.](#)

#### 3.5 Designated Areas/Legislation

Wildlife legislation in the UK is very complex, with legal acts and regulations being shaped by national need and obligations from international conventions and European legislation. The situation is further complicated by the forthcoming Environment Bill (2020). The level of protection afforded to a site depends on whether the site supports habitats or species of local, national, European or International importance and whether the site has been designated to protect those features. Legislation also varies between England, Wales, Scotland and Northern Ireland. The main pieces of legislation (England) that offer coastal authorities an opportunity to manage PWC use are detailed below:

Protection of species is provided by the Wildlife and Countryside Act 1981 as amended by the Countryside Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006. Collectively, this legislation protects wild bird, and other species from disturbance, sets penalties for illegal activity, places a duty on public authorities to protect biodiversity and further strengthens protection of wildlife sites. The amended Wildlife and Countryside Act makes it an offence for any person to intentionally or recklessly disturb any Schedule species (including birds). It is additionally an offence to intentionally or recklessly disturb cetaceans (seals, whales, porpoises and dolphins) or basking sharks in the wild. Relevant sections of the Acts provide the principal national coastal and marine site protection designation, together with management requirements, in England and Wales: Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) and Marine Nature Reserves (MNRs).

For further advice on the location of SSSIs, NNRS and MNRs refer to your local/regional Nature Conservation office (Natural England, Scottish Natural Heritage, Natural Resources Wales).

##### International/European Sites

Alongside, and overlaying UK national designations are Natura 2000 sites. This network consists of Special Protection Areas (SPAs), to protect wild birds and the habitats that support them, and Special Conservation Areas (SCAs) to protect wildlife and habitats. Although these are European Union designations under the Birds and Habitats Directives, SPAs and SCAs are enacted into UK law by the Wildlife and Countryside Act and the Habitat Regulations (2010, 2017 and 2018), provision may also be made under the forthcoming Environment Bill. In coastal areas protected under the Birds and Habitats Directive<sup>3</sup>, management and the development of a management scheme/agreement is the responsibility of all authorities who have a statutory responsibility (relevant authorities) for management within or adjacent to the site. The Habitats Regulations<sup>4</sup> also require an appropriate Habitats Regulations Assessment (HRA) to be undertaken for any activity or development which may impact on an SPA or SAC. Offshore SCAs have been designated under the Conservation of Offshore Marine Habitats and Species Regulations (COHSR) 2017 and the Marine and Coastal Access Act 2009. The Habitats Regulations, COHSR and the Wildlife and Countryside Act also provide statutory protection to seals, whales, dolphins and porpoises.

##### Statutory Management Scheme

Any activity considered to have an impact upon the features of nature conservation importance can be managed through the statutory management scheme/ agreement.

Local and harbour authorities are relevant authorities for the purposes of the regulations affecting management of these sites and can manage use of PWCs through the management scheme/agreement process. In general relevant and competent authorities have a duty under the Habitats Regulations, Countryside and Rights of Way Act 2000, Natural Environment and the Rural Communities Act 2006 to conserve biodiversity, protect statutory sites when making planning decisions and using byelaws.

2 – WDCS (2000) *Chasing Dolphins* ([www.wdcs.org](http://www.wdcs.org))

3 – Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds). Council Directive on the conservation of natural habitats and of wild fauna and flora (92/43/EEC)

4 – The Conservation (Natural Habitats, &c.) Regulations 1994





## 4. MANAGEMENT SCHEMES

All relevant sports agencies and Government bodies advocate a number of principles for coastal management, which include access for everyone, sustainability, stakeholder participation and integrated coastal zone management.

There are a number of guiding principles identified below to bear in mind when designing a scheme for planning and management of PWCs:

**i. Sustainable use**

Including the provision of access and management of recreational access and opportunities for watersports whilst ensuring long-term conservation of the natural environment.

**ii. Open and objective planning process**

Management statements should be derived from a sound and objective understanding of local circumstances, developed in partnership with interested parties. Stakeholder cooperation and involvement is required for regulating bodies, local residents, water users and other interested parties.

**iii. Safety**

Management arrangements should provide for, enhance and ensure safety of watersports participants and all other users.

**iv. Watersports and access for all**

Opportunities should be available to all members of the community, not just those who are physically able or economically advantaged. Opportunities should also be available for all levels of watersports, in particular the entry level sports which include PWCs.

**v. Consideration of wider contexts**

Proposed restrictions at one site should take account of the potential displacement of activities to other areas, which may not be managed effectively and may be environmentally sensitive.

**vi. Fit for purpose**

Often simple, informal arrangements will be sufficient and voluntary schemes do work in many areas. Management plans should be suited to local circumstances, they should not impose excessive restrictions, but apply a proportional response; for example, restrictions may only be required at peak periods and specific locations.

**Components of a management scheme.**

Development of a strategy to manage personal watercraft should be carried out preferably prior to any conflicts arising. However, management is very often responsive and the result of objections and conflicts between other users or local residents. All too often this has resulted in an overreaction and a total ban of PWC use.

### MAIN STEPS TO CONSIDER WHEN ESTABLISHING A MANAGEMENT SCHEME



1. Assess the situation
2. Set common objectives
3. Identify tools available
4. Implementation & enforcement
5. Monitoring & evaluation

Consult & communicate with all stakeholders at all steps of the process.

### 4.1 Consultation

Stakeholder participation is a key theme for Government and accumulating experience of coastal management planning suggests that the process of designing and implementing a plan, and the consultation that goes with it, is one of the most effective ways of changing recreational behaviour and obtaining compliance with the eventual plan.

User involvement and peer pressure can often be far more effective compliance measures in many areas. Where voluntary measures have been applied, the measures have involved relatively small changes to the existing pattern of an activity. However, they are only as effective as the willingness of users to support the measures, which in turn depend on the benefits expected from the voluntary measures or likely cost. Both of which can only be determined through consultation.

Whilst their role is therefore limited, particularly when it comes to dealing with more significant management issues, they are able to secure initial support in situations where a statutory approach would have caused significant resentment for little additional gain.

Consultation with all the stakeholders is essential for developing a management scheme for recreational watersports, current experience suggests that a substantial proportion of PWC users will support a sensible, fairly administered scheme.

The needs of such users may not be self-evident to managers and it is worth finding out what these are, either through public meetings or direct liaison with user groups and agencies.

### 4.2 Step One: Assess the situation

The need for management depends upon the scale and pattern of use, interaction with other users and whether the PWCs are being used in a responsible manner. It will also depend on whether use is thought to be having an impact on any nature conservation features. Such issues can be identified through a systematic risk assessment, which will inform the management process. In addition to identifying and acknowledging the issues highlighted in section 3, it will be necessary to assess the current facilities and management structure, including the location of clubs or associations within the area.

Much of this information can be gathered from consulting with the users and other stakeholders. Identifying the various stakeholders and how to reach them is an important part of assessing the situation. Early and continued consultation will increase the potential of success of the management scheme.

**Likely consultees include:**

- Casual PWC users
- British Marine
- Personal Watercraft Partnership
- Harbour Authorities
- Beach safety managers
- Land owners
- Police
- Maritime and Coastguard Agency
- HM Coastguard
- Rescue Services / RNLI
- RYA
- Neighbouring Local Authorities
- Conservation Agency officers
- Local residents
- Other beach and water users

Consultation will identify the various perceptions of the different user groups, which is likely to play an important role in management.

It will also be valuable to analyse the current situation in terms of existing management and facilities such as signage, access and parking and other shore side facilities and then to identify any gaps and weaknesses.

Once this information is known management decisions can then balance the need for management of use against the resources available to do so, staffing, equipment and enforcement.

Assessment should also be made of what is the most appropriate style of management for the local area. This may include self-management where a club structure exists to promote this.

Management styles tend to differ dependent on the scale of use and the area covered, harbour authorities tend to be concentrated into a smaller area and therefore can enforce any byelaws or regulations more effectively.



### 4.3 Step Two: Reaching common objectives for the scheme

This guide attempts to address all the issues concerned with use of PWCs and identifies solutions and examples where such issues have been addressed and managed, with the objective of supporting authorities and to help them to resolve the issues through proactive management and not prompt an outright ban.

The overall objective should be to improve opportunities for the recreational use of PWCs and ensure use is carried out in a safe and responsible way, respecting other water users, local amenities and the natural environment. More specifically this means:

- Promote safe and responsible use of the water area
- Improve facilities for water-based recreation
- Minimise the impact of recreational activities on natural and cultural environment
- Promote safe and responsible use around the shore

## 4. MANAGEMENT SCHEMES

### 4.4 Step Three: Identify all the tools available

This section identifies the tools available for implementing formal statutory management, either to support voluntary schemes or to secure compliance and enforcement where voluntary measures are not sufficient or practicable.

These tools have been split into management actions from a shore-based perspective that control access to the water and those that manage activities on the water.

*Further information on the range of tools and options available for maritime coastal authorities can be found in a guide published by DEFRA entitled 'Managing Recreational Activities – A Guide for Maritime Coastal Authorities'<sup>5</sup>.*

#### SHORE BASED MANAGEMENT TOOLS

##### Access

Local Authorities (LA) can control access to water as there is no general right of access across the foreshore and neighbouring land, LAs who own or control launch sites have the option to manage access through a number of conditions.

There are a number of factors, which will affect the success of controlling access points:

- Depending on the demand identified in the situation assessment, it may be appropriate to identify single use or multi use slipways for launching of craft. Consideration needs to be given to the demand for other facilities such as the provision of car and trailer parking as well as changing and toilet facilities. Provision of freshwater for engine flushing and sound baffling will also encourage the use of certain access points. Users will be more tolerant of regulation and charges if facilities are adequate and the site is a prime site locally for launching and use. A management decision to welcome users to a suitable location and to improve facilities there is likely to relieve pressure on less suitable places.

- The likelihood of significant nuisance or interaction with other users, can also be addressed by identifying single use access points. Consideration will also need to be given to safety considerations; bathing zones are an example where bathing beaches will need to be zoned to protect the physical safety of bathers. There may be a need to liaise with beach safety organisations.

- Environmental sensitivities of nearby areas can also be protected through the encouragement of clearly identified access points. Adequate liaison with the local conservation agencies and their officers should help identify local solutions to these issues. The provision of information and codes of practice developed with the users can help

address these environmental issues.

A local authority's primary function is to administer the land, including the seashore down to low water. Its powers reflect this. However activities also take place in the water margin, there has been a gradual accretion of additional powers for example to provide facilities and to protect users of beaches. The powers of a local authority to administer a site registration and launch permit schemes derive from its rights as the land owner, and from s.19 Local Government (Miscellaneous Provisions) Act 1976. The Act empowers the authority to provide recreational facilities for boating and water skiing on coastal waters, together with associated facilities (such as car parks) and to make available to those the authority thinks fit, either with or without charge.

This power enables an authority to set up a scheme involving:

- Identification of user and craft
- Registration of craft
- Payment of registration and launch fees
- Proof of competence
- Proof of third-party insurance cover
- Prohibition of use by those affected by drugs or alcohol

No byelaws are required to actually implement such a scheme, but if an authority decides it needs to penalise unauthorised use of the site, it may introduce byelaws using: s82 Public Health Acts Amendment Act 1907 (for the seashore) s235 Local Government Act 1972 (facilities above the seashore).

Before restricting use of a site in this way, the authority must satisfy itself that no right exists by custom or usage for the public or local inhabitants to launch their vessels there.

#### IDENTIFICATION OF USER AND CRAFT: THE DATATAG SYSTEM

The Datatag PWC Theft Protection Kit makes a PWC easy to identify and therefore much less attractive to thieves. Datatag's unique multi layered technological approach to identification consists of a range of electronic transponders, microdots and visible ID labels (a bit like a car number plate) that contain unique identification numbers. The keeper is then logged on a secure database which the police can access via a 24/7 secure contact centre quoting the the visible ID number or, having scanned the craft they are then able to confirm the correct keeper.

Since its introduction in 1993, Datatag has been fitted to over 50,000 craft and has seen reductions in theft rates for all Datatagged PWCs. At the same time recovery rates for stolen equipment, which has been tagged, have soared.

Due to the effectiveness of Datatag, all manufacturers fit

these technologies as standard in the UK. You may find that you will not be allowed access to some slipways without having a Datatag system fitted, or being the current registered owner. Second hand craft must be re-registered with Datatag to receive all the benefits that the system offers.

Uniquely in the PWC world, Datatag also acts as the main form of registration. This allows PWC clubs, insurers and Marine Authorities (Police and Harbour Masters) to verify ownership of a craft through either the Visible ID numbers and/or the Datatag transponders (more commonly called RFID or tags).

The Datatag system holds numerous accreditations from Secured by Design, Thatchams, LPS1224 and ISO9001 from the Loss Prevention Certification Board. The secure datatag database contains the following information:

- owner's name
- owner's address & post code
- owner's telephone number
- registration number (the AB 1234 registration mark displayed as part of the Datatag system)
- transponder (tag) numbers
- Datadot® number/s
- hull identification number
- engine number
- towing vehicle type
- trailer serial number
- previous keeper's details.

Datatag can be contacted 24 hours a day, 7 days a week by calling 03 450 700 440 or visiting [www.datatag.co.uk](http://www.datatag.co.uk)

#### Registration with Datatag

To register a craft with Datatag, the registration form included within each system must be completed in full and returned to Datatag, many dealers now insist the customer completes the form at the time of sale. Documentation for new machines also includes a registration transfer application, to be handed to a subsequent owner.

Authorities should ensure that owners have updated these details as failure to do so can invalidate insurance arrangements. Authorities can provide an incentive for re-registration by restricting access to registered users only. Authorities may access the data by phone to cross reference the user as the registered keeper.

*Datatag is a "Secured by Design" company which is an Association of Chief Police Officers recommendation. Datatag also provides the National registration scheme for all Plant and Machinery, under the name CESAR as recommended by the Home Office publication 50/07 – Security Guidance Document for Agricultural and Construction Plant.*

#### REGISTRATION AND LAUNCH FEES

Management of the launch site will typically include registration of user and craft and payment of a reasonable registration and launch fee.

It is also worth considering whether there is scope for making links through clubs, PWC dealers or training establishments to ensure co-operation and support for implementation of the management scheme. A commercial operation could be offered a franchise arrangement and a club given reduced launch fees for members and privileges such as sole access at certain times. This approach encourages self-regulation and reduces the enforcement burden on the authority.

#### Proof of Competence/Training

This is a controversial aspect of PWC management, with strong views held both for and against local rules requiring proof of completion of an approved training course. A requirement for all users to show proof of competence before using a launch site would probably be lawful but training in its present form is pitched at the receptive participant, who has paid a commercial fee and wants to get full value out of it. Using training as a gatepost is likely to devalue its effectiveness. A number of incentives are being developed to encourage users (particularly those new to the sport) to take a training course.

The RYA Personal Watercraft course which provides an RYA PWC Proficiency Certificate is a one-day course with continuous assessment throughout the day. The aim of the course is to teach safety, confidence and above all a responsible attitude to use of the PWC. Approximately 140 recognised teaching establishments now offer the PWC training course and over 400 qualified Instructors able to deliver the syllabus.

Although there is no national legislation about the minimum age to operate a PWC, children are unlikely to have the skill, judgement and physical strength needed to handle a PWC safely; consequently prohibition of use by young children is accepted. In the intermediate age range (12- 16) the balance shifts. Closely supervised youngsters in this age range may be permitted to use a PWC if they have a Proficiency Certificate of competence or are accompanied by a competent adult. Some clubs are making it a condition of membership that each member holds the RYA PWC Proficiency Certificate.

The PWC Proficiency Certificate is credit card sized and waterproof. It also has a photograph of the holder and a unique issue number. The RYA holds records of all certificates issued.

5 - Atkins (2003) Managing Recreational Activities: A Guide for Maritime Local Authorities (Defra, London)



## 4. MANAGEMENT SCHEMES

### PERSONAL WATERCRAFT INSURANCE

Since their introduction in the mid 1970's, the PWC industry has grown into a significant part of the leisure craft market. Growth in PWC insurance reflects this and specialist insurers have emerged to meet the need.

The relatively small numbers of PWCs initially made the PWC insurance sector volatile. Insurers were nervous of the risks posed and terms, conditions and premiums tended to be susceptible to, perhaps, kneejerk changes. Nonetheless, premiums have in real terms fallen since the early days because:

- There are now more craft to insure
- Insurers know more about their use
- There has been a better-than-expected claims record
- Changes in design and style of PWCs are seen as generally improving the risk

PWCs are valuable possessions and most owners choose to insure them against damage, fire and particularly theft. Third party cover is automatically included in a comprehensive policy, insurers will not usually provide the other covers without it.

As with other kinds of boat, insurers have been reluctant to cover third party risks in isolation but they now recognise the need for this and it is now readily available to buy on its own or in the package described.

Premium discounts are available to those who successfully complete the RYA training course, and for security ID systems such as Datatag.

Cover is available now on a 24/7 basis. In most instances all that is needed is a smart phone, the user and the user's craft information and a debit card. Cover can be in place, along with proof of cover, in a matter of minutes. Some insurers now provide QR codes that can be scanned by any interested party (Harbour Masters, Club Committees, Local Authority Launch Wardens etc) that will confirm that the cover is in place with just a simple scan.



### SOME QUESTIONS ABOUT PWC INSURANCE

**Are users of the insured PWC other than its owner covered for third party risks?**

Normally, yes.

Each insurer will have their own conditions though sometimes requiring additional users to be named or excluding younger users. Generally users aged 16 and over would be able to be included but some insurers will allow those between 12 and 15 to be insured subject to certain criteria one of which is having taken the RYA PWC Training Course. Use is then limited to the terms of the insurance certificate provided. It would be unusual for cover to be available to anyone under the age of 12 years. This cover may at first sight, seem generous, but it has been designed to cope with the realities of PWC use and insurers statistics show no issues with providing cover for younger trained users.

If a PWC is being used by several people, beach management staff should be prepared to check the scope of who is included with its owner.

**What are the practical implications for managing authorities who require users to have third party cover?**

Managers need to decide whether to:

- Rely on a declaration by users that they are covered for third party risks
- Require evidence of insurance and then check this systematically when users register
- Operate some kind of spot check system

A declaration is simple, but its effect may be zero on evaders prepared to move on if later required to produce evidence of cover. This also applies to spot checks.

A system of spot checks works within a community of users, such as a club.

These days there is little excuse for a PWC user not being able to provide proof of insurance when asked, as the vast majority will have their smart phone with them.

Any annual system of checking can be complex as insurance policy renewal dates will not coincide with registration dates so tolerances have to be built in. Again the scanning of a QR code could be a good option.

**What level of cover should users be required to have?**

Insurers generally provide £3 million as standard and regard it as an adequate amount, although towing risks (waterskiing etc) will almost certainly be limited to a lower amount. This provides sufficient indemnity to comply with the current limits under the Convention of Limitation for Maritime Claims.

Authorities who systematically check insurance compliance should bear in mind the possibility of a legal claim by a person injured by an uninsured PWC, who blames the authority for allowing the craft to launch. An authority should check that its own public liability insurance extends to such a risk.

It is also worth noting that evidence of cover is not quite the same thing as cover being in force. For a variety of technical legal reasons (e.g. serious breach of warranty) an insurer may in some circumstances be entitled to avoid a claim even though a certificate has been issued. To do so would be unusual, particularly in a personal injury case. There is little an authority can do about this possibility except instruct its staff to act if they notice e.g. a grossly unseaworthy craft, use by a member of a group of unsupervised children, etc.

### HARBOUR AUTHORITIES

Harbour Authorities are created by statute to serve a public interest and their main role is to administer the ports and coastal waters within their jurisdiction. As a general rule where a harbour authority exists there is a public right of navigation in harbour waters and a public right to use the harbour for the shipping and unshipping of goods and passengers.

Harbour authorities have duties to ensure the safety of waters within their jurisdiction and every harbour authority is given general and specific statutory powers to enable it to discharge these duties. Some harbour authorities are managed under powers conferred by local legislation, which is specific to each harbour authority and may vary between them. Partly this is a matter of history; harbours have acquired their present forms of constitution by a number of routes, but a harbour authority's powers also reflect local circumstances and the level and nature of harbour activities.

The constitution, powers and duties of harbour authorities is a complex subject and a full analysis is beyond the scope of this guide.

#### General Environmental Duties

Harbour authorities have a general duty to exercise their functions with regard to nature conservation and other environmental considerations. The Transport and Works Act 1992 Schedule 3 imposes or confers on the harbour authority environmental duties or powers, including powers to make byelaws, for the conservation of the natural beauty of all or any part of the harbour. Harbour authorities must have regard for the conservation of flora, fauna and geological or physiographical features of special interest.

#### Byelaw Powers

Harbour authorities are empowered to make byelaws, which empower them to regulate activities for specific purposes. When creating byelaws, for example to make access to the harbour subject to conditions or charges, harbour authorities should consider their specific powers in relation to the making of byelaws.

Byelaws are generally available to regulate rather than prohibit and are a means of reflecting the local needs and circumstances of an individual harbour authority. Harbour byelaws are the authority's main tool for management of the harbour. Some Harbour's powers, including those to make byelaws, still derive from the Harbours, Docks and Piers Clauses Act 1847. In recent years more modern powers, generally following a common pattern, have tended to replace these old-fashioned provisions.



# 4. MANAGEMENT SCHEMES

A typical modern power is that contained in the Medway Ports Act 1973, which states that the authority may make byelaws, amongst other purposes:

**‘for regulating the use of yachts, sailing boats, pleasure craft and other small craft...’**

and

**‘for regulating the launching of vessels within the port’**

## Byelaw Powers (cont.)

As subsidiary legislation, byelaws require confirmation by the relevant Government Department, which for harbours is the Department for Transport, who have responsibility with respect to shipping, harbours, pollution from ships and offshore safety. The process of making byelaws can be slow, although Government is looking at ways to speed up the process. Despite the availability of various ‘model’ byelaws, the drafting, submission and confirmation process is less than straightforward.

Typical byelaws relevant to PWC use include:

- Vessels to navigate with care:  
The master shall navigate his vessels with such care and caution, and at such speed and in such manner, as not to endanger the lives of or cause injury to persons or damage to property, and as not to interfere with the navigation, loading or discharging of vessels or with moorings, river banks or other property
- Speed of vessels: Except with the permission of the harbour master, and subject to Collision Avoidance Regulations, the master of a vessels shall not cause or permit the vessels to proceed at a speed greater than [ ] knots
- Small vessels not to obstruct fairway

The Standard work on harbour law, Douglas and Green, also offers a model byelaw for ‘jet-craft’. The term jet craft would require careful definition to distinguish PWCs from other jet powered craft:

‘No person shall operate or cause to be operated a jet craft except with the written permission of the Authority given either specifically or generally and only (in such areas as) may be designated by the Authority and in accordance with such reasonable conditions as the Authority may impose’.

Such a byelaw is a benefit to avoid the risk to the safety of other vessels and to direct PWCs to an area so that

the noise issues do not create a nuisance to other users. However it is unreasonable to prohibit the movement of those PWCs whose users wish to use the harbour in the same way as other vessels i.e to go to and from the open sea, while observing the speed limit.

The flexibility of byelaws means that the confirming Department will consider the need for byelaws in the light of circumstances of that particular harbour and byelaws can be adapted to suit the needs of the Authority and users.

## LOCAL AUTHORITIES

A local authority’s primary function is to administer the land, including the seashore down to low water and their powers reflect this. However, because activities also take place in the water margin, there has been a gradual accretion of additional powers to, for example, provide facilities for the orderly enjoyment of the seaside, and protect users of beaches. Local Authorities do have powers to manage inshore waters, but these powers are not as extensive as those available to a Harbour Authority.

Powers also exist to regulate the use of boats on the water, enabling the local authority to regulate for prevention of danger to bathers by restricting the navigation of vessels used for pleasure purposes within an area allotted for public bathing during the hours allowed for bathing. Such byelaws may impose a speed limit or stipulate that a type of boat, or boats in general may not be used in such a way as to endanger bathers within a defined area.

An Authority may also (for the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore) regulate the speed of pleasure boats,

and to regulate their use to prevent dangerous, careless or inconsiderate behaviour. These powers extend 1000 metres seawards from the low water mark. The tools available to local authorities for on water management include:

- Speed restrictions
- Zoning
- Rules prohibiting dangerous or inconsiderate behaviour
- Help from regular site users

## Speed Restrictions

Speed restrictions do not impose any infringement on the public rights of navigation and, coastal authorities are able to limit the speed of vessels. Speed limits are likely to be needed in harbours and estuaries and less so on the open coast. But because PWC use and bathing beaches are wholly incompatible, coastal bathing beaches are likely to need additional protection through zoning and the area close to swimming zones will be speed limited.

An authority should first decide on its policy for action after a byelaw offence has been committed. Effective policing is one of the most crucial elements of a management scheme.

Patrol or beach staff employed by a harbour or local authority will need to be properly trained in recognising potential offences. For example, whether a PWC is speeding can be judged by the size of its wake and bow wave and whether it is on the plane. Dangerous or careless navigation requires subjective judgement but in some cases can be quite obvious, for example a PWC weaving in and out of swimmers in a bathing area.



## Obtaining Evidence of Speeding Offences

There are several forms of evidence acceptable to the court:

- Measurement of speed of a craft on radar. Only harbour authorities are likely to have the necessary equipment to do this.
- Measurement of speed by a radar gun. This can work satisfactorily if the gun is operated from ashore, as is awkward to use from a vessel, particularly in choppy conditions, where wave reflection can interfere with the signal. The greater the angle from directly ahead of a moving craft, the less accurate the measurement of speed. Radar guns must be calibrated, and a certificate of calibration produced in court. Authorities should anticipate the likelihood of technical challenge to such evidence if a defendant denies a speeding offence. A failed prosecution, or successive failures will damage the credibility of the scheme.
- Time and distance. If the time for a vessel to move between two fixed objects is measured and the distance apart of the objects is accurately known, then an average speed can be calculated.
- Following a vessel at a set distance astern. A patrol vessel suitably equipped with an accurate log can follow an offender for several hundred metres to ascertain their speed. This method is widely used by Harbour Authorities. The log should be checked and adjusted as required on a regular basis, and proof of this should be available to the court.
- The judgement of a suitably experienced officer, corroborated by a second equally experienced person. It is usual for the speed limit to be stated as ‘speed through the water’ rather than ‘speed over the ground’. A patrol vessel will measure speed through the water, but a Differential Global Positioning System (DGPS) will measure speed over the ground, in which case tidal stream will need to be taken into account to calculate the actual speed through the water.

## Enforcement of speed limits: Poole Harbour Commissioners

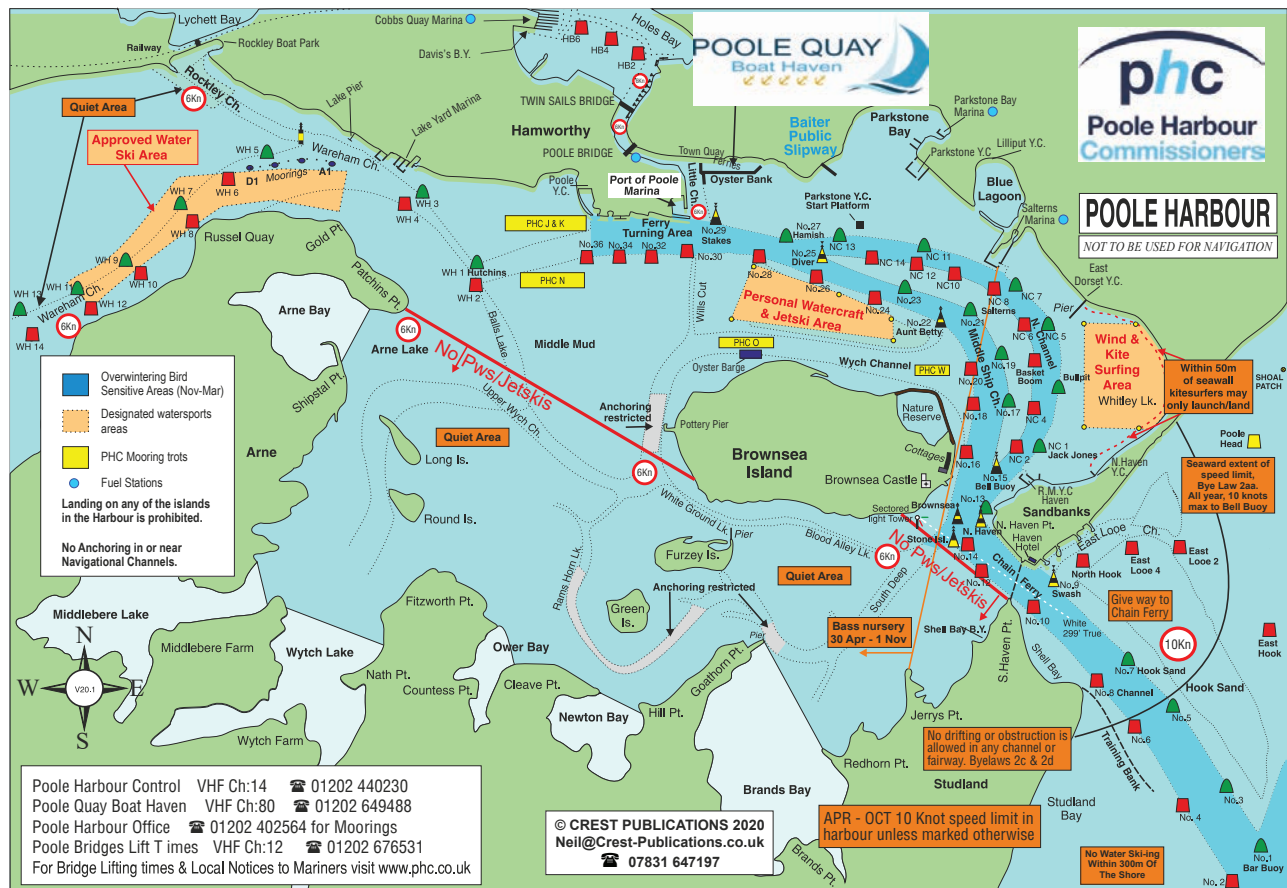
Poole Harbour Commissioners have developed a highly successful policing scheme and publishes details of prosecutions on its website.

Poole Harbour Byelaws include speed limits of 10 knots throughout the Harbour for all power-driven vessels, limits of 6 knots for all craft in defined areas and a speed limit specific to PWCs enabling use of craft in excess of harbour speed limits to take place in marked zones only.

The Harbour Master’s PWC usually works with one of the other patrol vessels, or between the public slipway and



## 4. MANAGEMENT SCHEMES



### Enforcement of speed limits: Poole Harbour Commissioners (cont.)

other patrol vessels, or between the public slipway and designated PWC area, a distance of some 1000 yards. It has proven very successful at intercepting offenders, both power boats and PWCs and has quickly become recognised around the harbour, providing excellent deterrent to irresponsible behaviour.

Where a PWC driver has been warned about their conduct by one of the patrol officers, they are reminded with a letter from the Harbour Master of their responsibilities, which they acknowledged when given their permit.

Additionally, all registered users are circulated the PWC Newsletter informing them of any change to the rules or procedures. The aim of which is to promote good behaviour and safety to all users.

### Zoning

A general speed limit is as bad as a total ban for a user whose enjoyment of his PWC consists of the fun it provides at speed. A compromise which provides opportunities for PWC use within an area which is otherwise speed limited is to create a zone, with suitable access, within which a speed limit is removed. The zone should be well publicised and physically marked as the PWC zone.

It is unlikely that such an area will be made exclusive to

PWCs, because doing so would infringe the public right of navigation. So when not in use by PWC users, other craft may transit the zone. But signage and information make it clear that this is an area for PWCs when they want to use it. Beach launching sites need clear, physically marked lanes to provide PWCs (and other craft) with a safe route to waters outside the beach/bathing zone. Experience shows that abuse of access lanes is quite frequent, as is slalomming of swimming zone marker buoys. Foreshore attendants and patrol boats may be needed to control such behaviour.

Laying obstructions to navigation in tidal waters requires Coast Protection Act Consent. This is unlikely to be a problem, but authorities should allow 2-3 months, because all such applications are subject to a statutory consultation procedure.

### ALTERNATIVES TO REGULATION

A non regulated approach to PWC management through voluntary measures and education can be equally effective in certain areas. Those whose coastlines are free from pressure spots and problem areas or where regulation of access is impracticable may find it easier to adopt a scheme which does not rely primarily on compliance with conditions or on-water regulations.

This may also be preferable for authorities who do not have sufficient resources, either to implement a formal scheme or to police and enforce offenders. However, voluntary measures are only as effective as the willingness



of users to support the measures, which in turn depend on the benefits expected from the voluntary measures or conversely the likely cost. Whilst their role is sometimes limited, particularly when it comes to dealing with more significant management issues, they are able to secure initial support in solutions where a statutory approach would have caused significant resentment for little additional gain.

Informal measures available to authorities include:

### Good Signage & Information

Good quality site based information needs to be provided to raise awareness of local regulations and sensitivities. Information needs to be well presented, clearly written and effectively distributed.

Users often travel considerable distances to the coast, therefore signs are particularly useful at launch sites without regular staff.

When regulating activity and promoting good practice, clarity and consistency are key factors to consider. Clarity is fairly achievable, consistency less so. There are a number of different systems of conventional signs for water recreation and no consensus as to which is the most appropriate for the coastal zone.

The first system is the ROSPA Water Safety Range, which follows the well established shapes, colours and general

logic of road traffic signs. The second is the CEVNI Rules, developed for regulation of inland water transport in Europe. The system is not mandatory in the UK, although the Environment Agency now uses its signs for regulating navigation on those UK rivers for which the Agency is the navigation authority. Whichever system is implemented, a coastal authority should ensure consistency across all sites within its management.

Zoned water areas are marked by laying buoys at suitable intervals, to ensure users understand their significance and zoning buoys cannot be confused with buoys or markers laid to assist navigation. These should be reinforced by signage at the launch points and be made clear for who the zones apply and how they should be used. Buoys should also be consistent with International Collision Regulation standards, liaison with regional MCA offices will provide advice on this area.

Consistency can also be achieved through liaison and consultation with neighbouring authorities.

The Personal Watercraft Partnership has recently launched their own templated signage (as pictured above) that can easily be adapted to each harbour/slipway. The signage was designed so that it delivers clear, concise, bitesize key information specifically aimed at PWC users, without overloading the reader. Contact the PWP if you would like further information.



4. MANAGEMENT SCHEMES

Publicity

Good publicity is essential to give advanced warning of a new scheme, to notify changes to existing procedures and to explain the operation of seasonal regulations.

- This can be achieved through:
- an inviting and easy to navigate website
  - notices and leaflets at launch points
  - local media
  - local retailers of PWCs and equipment
  - national magazines (both those for PWC enthusiasts and those for the more general reader)
  - clubs and national membership organisations

Authorities should identify the target audience through the consultation process and identify the most appropriate form of publication and promotion relevant to the user.

Distribution of material direct to the user population can be achieved through the club/association structure but also distribution of material through mailshots to registered users or circulation at access points.



The Green Blue offers free one day training to volunteers which could help create a network of environmental point personnel within club structures. Combined with or as an alternative to attending a WISE (Wildlife-Safe) scheme workshop these two training methods can be very effective in creating informed stakeholders.



4.5 Step Four: Implementation and enforcement

A management scheme will not be effective without clear and equitable enforcement of the rules. This can be achieved through formal or informal enforcement by peer pressure and information. Onshore administration should be relatively straightforward but dealing with on-water offences is a more difficult and expensive.

The specific offence of exceeding speed limits has already been dealt with but for more general enforcement PWC users would like to see consistency in enforcement.

It is unrealistic to expect to find the same management scheme at each site. Scale of use, number and type of access points and whether these are authority-owned, resources available to local staff, and the management philosophy of the authority itself: all these factors will influence choice of scheme and style of enforcement.

But an authority should always aim for consistency - the like treatment of infringements within its jurisdiction. When engaged in enforcement duties, staff must be able to spot an infringement, intercept and identify the offender, and decide on appropriate action. An initial warning is often sufficient, but the ultimate sanction is prosecution. To be credible, an authority must be prepared to carry a prosecution through. Staff (ashore and afloat) should be properly trained and authorised to issue warnings or notices of prosecution.

Use of Patrol Craft

Although it may be possible to act at the launch point following an on-water infringement, doing so lacks the immediate effectiveness of a patrol vessel. A patrol craft

can also be a deterrent to offenders and help to prevent incidents.

PWCs are increasingly being used by coastal authority staff as waterspace management patrol boats. The Government Review has recommended that authorities should have powers to operate a fixed penalty system for offences such as speeding or entering a prohibited area. Such powers may improve user compliance in areas where resources permit the use of patrol staff.

4.6 Step Five: Monitoring and review

The case studies in the next section were included in the original guide and have been updated to illustrate how management schemes develop and evolve. The authorities identified in the examples have the benefit of experience and can be seen as examples of best practice where local management has been delivered after consultation with key stakeholders.

TESTIMONIAL

“The PWC management program introduced in Weymouth, after consultation with the PWP, has been successful. The Harbour and Weymouth Bay area has seen a reduction in incidents involving PWC’s which has improved the general perception of PWC’s by other maritime users.”

Jamie Joyce  
Weymouth Harbour Master







Littlehampton Jet Ski Club was formed in Feb 2019, when Littlehampton Harbour Board and Arun District Council had received a number of complaints about dangers and unruly jet skiers in the local area. This was detrimental and very dangerous to the local community. So a group of us that skied regularly out of Littlehampton along with the then harbourmaster Billy Johnson came up with the idea to form a club and create a system to regulate the use of skis in the local area and improve public relations for all. We all wanted to encourage responsible use of our local area for everyone to enjoy.

A permit system was developed alongside the Harbour Board and with great input from PWP, a registration form was developed and then set up via the harbour office. 4 new very large 8ft x 4 ft signs were erected at the slipway entry points and on the entrance to the harbour to highlight the new rules and give details of our new club.

So, from Feb 2019, to be able to ski in the harbour and surrounding areas you simply went online and entered a few details: Ski make, Datatag number, a photo of your ski, proof of a RYA qualification, ideally PWC certificate and finally a copy of your ski insurance. You then went to the harbour office for a quick safety briefing and collected your free permit. The only thing left to do was to pay your daily or yearly harbour fees, and then join Littlehampton Jetski Club via facebook or email and enjoy yourself.

Littlehampton Jet Ski club has developed alongside Littlehampton Yacht Club and we have formed a very strong and great relationship with the two clubs. Our members are now offered a fantastic clubhouse with canteen, training room, hot showers and toilets, plenty of parking and a ski / boat wash down area along with 24 hr launching just 2 mins from the harbour entrance. Membership has now reached 292 with around 55 to 70 very active local members. We arrange many group skis throughout the year along the coast and enjoy nothing better than to meet up with other clubs along the south coast, round the Isle of Wight and back being one of our most popular trips. We are lucky to also have a club 6m rib if required on longer trips and very healthy sponsorship support via Watercraft World Gosport / Ferring Foot Clinic / Extreme Tyres /PWP / and Littlehampton Harbour Board.

We are now also very close to becoming a RYA PWC training centre and hope to have this ready for the start of 2021, and the club already has 4 active instructors.

At Christmas we organised a charity Santa ski for a local children's charity and raised over £3000 in some very challenging sea conditions. The ongoing support of LHB, PWP and the RYA along with our 4 club sponsors has been amazing. Residents along the river now all comment and welcome club members when they are out on the water enjoying themselves.

What a change around in people's perception of PWC's in just a couple of years!

Chris Headon  
Littlehampton Jetski Club



### Background to the Management Initiative

The coastline of Gwynedd extends from Aberdyfi in mid Cardigan Bay, around the Llyn Peninsula, through the Menai Strait to Abergwyngregyn which is situated between Bangor and Llanfairfechan. Set against a backdrop of Snowdonia National Park, the County claims to have some of the finest coastal scenery in Europe.

Tourism is an important and integral part of the local economy, with both the resort towns and tranquil rural villages drawing thousands of visitors each year, from across the British Isles & beyond.

Large numbers of powered craft are used around the coast of Gwynedd and that number has remained steady over the last three years. Management of powered craft use remains similar to the systems that were introduced at the start of the management initiative. The scheme was introduced in 1998, in collaboration with industry experts, PWC users, and the RYA.

During the summer months, as many as a hundred PWCs can be seen actively engaged in water sports, on the beaches of Porthmadog and Abersoch. These beaches together with the harbours of Aberdyfi and Abermaw (Barmouth) are very popular for all types of recreational water sports activities and are also regarded as traditional seaside beaches. A number of beaches are also designated bathing beaches in their own right.

Complaints regarding noise pollution, fear of injury to swimmers and injury or harassment caused to other water sports participants, together with a number of near misses and actual incidents created a demand for firm and effective management by Gwynedd Council.

The historical issues and incidents involving PWCs highlighted the strength of local opinion on the use of PWCs. The eagerness of those marketing PWCs to increase participation and those representing the interest of the end user gave a direction of travel towards more effective management of PWCs on the coast of Gwynedd.

### Identification of Management Problems and Assessment of Risks

The Council has undertaken several assessments of the risks associated with the use of PWCs on the beaches of Gwynedd, the problems experienced with their management and the lack of understanding of byelaws and local regulations by power craft users.

*In initiating the changes to the management of power craft on our coastline, the management improvements involved:*

- Analysing, as far as available information permitted, the circumstances of known incidents causing serious concern. Such concerns would relate to incidents involving people and wildlife.



- Identifying continued gaps and weaknesses in existing beach management, where the launching of PWCs is permitted and where navigating such craft without speed restrictions was also permitted.
- Balancing the likely needs for management, revealed by the physical survey against the resources available for staffing, equipment and enforcement.
- Identifying possibilities to promote safe navigation of PWCs through use of local and National forums. Organising annual events involving all Blue Light services and neighbouring Local Authorities. Organising journeys along the coast visiting harbours en route, in order to promote safe navigation.
- Agreeing local boat registration terms with neighbouring local and harbour authorities.

*The kind of specific incidents giving rise to concern (on safety rather than nuisance grounds) were:*

- Several incidents of a collision between a PWC and other water sports participants.
- A PWC placing a kayaker at risk off the beach at Criccieth, which was broadcast nationally and on social media.
- A collision between a PWC driven by a juvenile and a windsurfer causing the latter's equipment to be severely damaged (though without personal injury.)
- A collision between a PWC navigated by an 11 year old and a ski boat.
- A PWC user rendered unconscious after capsizing while wave jumping.
- A collision between a PWC and a powerboat resulting in a fatality.
- An unmanned PWC continuing under power for a distance of three miles offshore after failure of the emergency stop device.
- A PWC user suffering a fatal heart attack while operating in a very busy area and whilst a child was on board.

*Typical, and more general problems included:*

- Swimmers drifting into designated launching areas.
- Swimmers (including those in PWC groups) using the launch areas and disregarding the advice and directive given by Council Officers.
- Navigators of power craft failing to comply with zoned areas, speed restrictions or the collision avoidance regulations.
- Difficulty in identifying offenders who had not registered and were not correctly displaying a valid boat registration number.
- Lack of understanding of local regulations and byelaws by PWC users, leading to confusion and sometimes aggressive and/or abusive behaviour toward Council Officers.
- Inappropriate use of PWC by young children.
- Concern about whether PWC users are likely to be insured against third party risks.
- Disturbance caused to wildlife especially dolphins and porpoises.

### The Management Scheme

Main elements of the scheme are:

- Zoning and marking of water space so as to designate craft exclusion zones and launching areas leading from the launching site to the open sea.
- A speed limit for all craft of 4 knots within 100 metres of the whole shoreline and a wakeless speed within 50 metres of another PW, boat, dock, swimmer, skier, angler, or fishing equipment.
- A 'permit to launch' scheme for PWC and Powerboats, by which users must pay a fee and provide proof of third party insurance (min £2m). This is currently £40 annual registration fee £20 day launch and £150 annual launching permit. Permits must be displayed in a visible position on the port and starboard side of the craft at all times.
- Age requirement – prohibition of use by children under 12, and a requirement that those between 12

- and 14 demonstrate evidence of competence (completion of RYA training scheme, or equivalent) and operate under direct adult supervision (the definition of "supervision" is such that the adult is present on board the craft at all times). Be 15 to 17, and possess a RYA Certificate of Competence for PWC, or the RYA Powerboat Level Two Award. The RYA certificate must be available for inspection at all times.
- International Regulations for the Prevention of Collisions at Sea must be strictly adhered to at all times and all craft are required to use an emergency stop device (i.e. 'killcord').
- Boating under the influence of drink or drugs and causing deliberate disturbance to wildlife is an offence.

Owners receive a comprehensive list of all of the regulations and operating procedures enforced along the coast of Gwynedd. The owner/users registration will be revoked with immediate effect if the operator fails to comply with any of the conditions. The registration scheme also applies to powerboats (above 10 horse power). Approximately a thousand PWC registrations are processed each season together with approximately the same number of powerboats being registered.

**Without the continued support of the PWP, PWC Gwynedd together with its expertise and enthusiasm, we would not have this level of dialogue with all concerned and I am personally grateful to you all for your commitment and support to the scheme that was introduced many years ago.**

**Barry Davies, Gwynedd Council**

### Partnership

The effectiveness of the measures already introduced has been enhanced by cooperation and by developing a good working relationship with the PWC industry. Gwynedd Council have in use four 'Powercat' type of powerboat and one PWC that is used for patrol purposes by designated officers. The authority has also forged close working relationships with Community and Town Councils, which has proved to be invaluable in assisting with the management of the scheme.

### The Future

Gwynedd Council will continue to work closely with manufacturers , powercraft dealerships, PWC Gwynedd and the Governing Bodies and will actively continue to encourage and support the sport's representative organisations, in persuading their members to comply with local regulations and for affiliated clubs, as far as possible, to regulate their members' activities.

As the management measures which are introduced at its beaches and inshore waters become prescriptive, the greater the legal duty of care that is owed by the Council to those who use them will become. This concerns the Council, and will influence its future strategy.

There is some evidence that the management scheme has displaced some users (those least committed to the Council beaches) to sites not in Council ownership. The managers of such sites (e.g. Community and Town Councils) lack the resources to administer a similar scheme. This continues to be of concern. To effectively reduce the number of unregistered craft launching in Gwynedd the Council has closed 6 entry points. This has enabled for Officers to effectively manage activities and has enabled for the sport to continue on the coast of Gwynedd.



## 5. ORGANISATIONS

### PRIME CONTACTS

#### Personal Watercraft Partnership

Mobile: 07831 397614  
info@pwp.org.uk  
[www.pwp.org.uk](http://www.pwp.org.uk)

#### British Marine

Tagus House  
Ocean Way  
Southampton  
SO14 3TJ  
T: 01784 473377  
environment@britishmarine.co.uk  
[www.britishmarine.co.uk](http://www.britishmarine.co.uk)

#### RYA

RYA House  
Ensign Way  
Hamble  
Southampton SO31 4YA  
T: 023 8060 4100  
info@rya.org.uk  
[www.rya.org.uk](http://www.rya.org.uk)

#### The Green Blue

RYA House  
Ensign Way  
Hamble  
Southampton SO31 4YA  
T: 023 8060 4100  
[www.thegreenblue.org.uk](http://www.thegreenblue.org.uk)

#### DATATAG ID Ltd

Marine House  
Egham  
Surrey  
TW20 8BF  
T: 03 450 700 440  
[www.datatag.co.uk](http://www.datatag.co.uk)

#### UK Harbour Masters Association

PO Box 312  
Morpeth  
NE61 9GN  
E: xo@ukhma.org  
[www.ukhma.org](http://www.ukhma.org)

#### British Ports Association

1st Floor, Park Street  
London, SE1 9EQ  
T: 020 7260 1780  
[www.britishports.org.uk](http://www.britishports.org.uk)

### CASE STUDIES

#### Poole Harbour Commissioners

Harbour Office  
20 New Quay Road  
Poole  
Dorset BH154AF  
T: 01202 440233  
E: hm@phc.co.uk  
[www.phc.co.uk](http://www.phc.co.uk)

#### Cyngor Gwynedd Council

Swyddfo'r Cyngor  
Pwllhew  
Gwynedd  
LL5 35A  
T: 01758 704066  
[www.gwynedd.gov.uk](http://www.gwynedd.gov.uk)

#### Littlehampton Jet Ski Club

Harbour Office  
Pier Road  
Littlehampton  
BN17 5LR  
E: enquiries@littlehamptonjetskiclub.co.uk  
[www.littlehamptonjetskiclub.co.uk](http://www.littlehamptonjetskiclub.co.uk)

### GOVERNMENT DEPARTMENTS, AGENCIES & OTHER

#### DEFRA (Department for Environment, Food and Rural Affairs)

Sponsorship, Landscape and Recreation (SLR) Division  
101 Temple Quay House, 2 The Square  
Temple Quay, Bristol, BS1 6EB  
T: 0117 3728427  
[www.defra.gov.uk](http://www.defra.gov.uk)

#### DFT Ports Division

Great Minister House,  
76 Marsham Street  
London  
SW1P 4DR  
T: 0300 330 3000

#### Environment Agency Head Office

Horizon House  
Bristol, BS15 AH  
T: 01454 624376

#### MCA (Maritime and Coastguard Agency)

Spring Place  
105 Commercial Road  
Southampton  
Hampshire  
SO15 1EG  
T: 023 80329100  
[www.mcga.gov.uk](http://www.mcga.gov.uk)

#### The Crown Estate

1 St. James's Market  
London, SW1Y 4AH  
T: 020 7851 5000  
[www.thecrownestate.co.uk](http://www.thecrownestate.co.uk)

#### CIEH (Chartered Institute of Environmental Health)

Chadwick Court  
15 Hatfields  
London  
SE1 8DJ  
T: 020 7927 5800  
[www.cieh.org](http://www.cieh.org)

#### BWSW (British Waterski & Wakeboard Federation)

Unit 3 The Forum  
Hanworth Lane  
Chertsey, KT16 9JX  
T: 01932 560 007  
[www.bwsw.org.uk](http://www.bwsw.org.uk)

### SAFETY ORGANISATIONS

#### RNLI (Royal National Lifeboat Institution)

West Quay Road, Poole  
Dorset BH15 1HZ  
T: 01202 663000  
[www.rnli.org](http://www.rnli.org)

#### ROSPA (Royal Society for the Prevention of Accidents)

353 Bristol Road  
Edgbaston Park  
Birmingham B5 7ST  
T: 0121 248 2000  
[www.rospea.com](http://www.rospea.com)

#### RLSS (Royal Life Saving Society)

Red Hull House  
227 London Road  
Worcester  
WR5 2JG  
[www.rlss.org.uk](http://www.rlss.org.uk)

### KEY INSURANCE CONTACTS

#### RJP Marine Insurance Services

1-7 Dunstall Street  
Scunthorpe  
N. Lincs  
DN15 6LD  
T: 01724 872939  
[www.rjpmarine.co.uk](http://www.rjpmarine.co.uk)



