

Managing Personal Watercraft

A guide for local and harbour authorities



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Just over 10 years ago when I took up the position as Harbour Master at Poole, one of my main concerns was the irresponsible behaviour of a number of personal watercraft (PW) drivers. To other harbour users they were all perceived as the "Hells Angels on Water". We already had sufficient rules to regulate effectively, but were lacking the resources and an effective means of communicating the message (with the help of the BMF and RYA, the local authority and other harbour users and organisations, a PW management system was implemented). This has been refined and improved over the years and has been a significant factor in improving not only safety in general in the harbour, but also for the individual PW user.

Personal watercraft will continue to present a challenge to local and harbour authorities. The risks will never be completely eliminated, but if risk control measures are to be effective, the proper resources must also be put in place.

I am delighted to have been associated with this guide since its inception. There is now a huge amount of collective experience reflected in this document and it has proved an invaluable tool in helping authorities implement effective schemes to deal with challenging marine activities and problems.

I commend this up-dated version to all involved in recreational craft safety.

Peter Booth
Harbour Master
Poole



2.1 PERSONAL WATERCRAFT

A personal watercraft (PW) is a small recreational boat propelled and steered by a directionally controlled water jet. The rider 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 the handle bar type steering mechanism.

A PWs 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 PWs 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 rider falls off.

PWs are sophisticated boats whose design and environmental performance has evolved continuously in the thirty years since first imported into the UK.

Today, PWs are two, three or four seater machines with positive buoyancy, powered by sophisticated two stroke and four stroke engines. Introduction of underwater vented exhausts have made machines far less noisy. On the water with exhaust submerged, a modern PW creates no more noise than the average lawnmower, and emissions are now very low.

2.2 PW MARKET

Three companies currently market personal watercraft in the UK:

Company	Brand
BRP UK Ltd	Sea Doo
Yamaha Motor Ltd	Waverunner
Kawasaki Motors UK	Jet Ski

Annual sales amount to approximately 1,200 new machines and it is estimated that there are now a total of 12,000 used in the UK. 92% of the PWs 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?

Personal Watercraft 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 PW 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 summarizing 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 personal watercraft are safeguarded and enhanced for the benefits of current users and future generations
- Personal watercraft use is carried out in harmony with other users, with the natural environment and with local amenity and economic interests
- Personal watercraft can be used without detriment to others

2.4 PERSONAL WATERCRAFT PARTNERSHIP

The Personal Watercraft Partnership (PWP) has been 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, two insurance companies, Mardon and RJP, also Datatag ID Ltd registration and security, CSL Publishing, Royal Yachting Association and the British Marine Federation.

The PWP operates in partnership with some 60 authorised retail dealers and many PW clubs throughout the UK.

PWP Mission Statement

- To service the needs and aspirations of the sport effectively and professionally
- To promote participation
- 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 personal watercraft activity by relevant authorities at a local level
- To support the Datatag registration and identification system
- Support and promote RYA Training schemes for all users
- To encourage environmental awareness and responsible behaviour

2.5 PERSONAL WATERCRAFT ROADSHOWS

Organised by the members of the Personal Watercraft Partnership, a series of Personal Watercraft Roadshows and seminars are run on an annual basis for the benefit of Local Authorities, Harbour Masters, Politicians, Marine Police and the Coastguard. The objectives of the Roadshows are to target areas where use of PWs have proven to be of concern or areas of potential development to familiarise them with current practice on the management of personal watercraft.

These roadshows and seminars are run over the course of one day, and provide the opportunity to participate in on-water trials with a range of different craft.



Information is also presented on the following:

- Background on the Personal Watercraft market in the UK
- Training with the RYA
- Personal Watercraft Partnership and its role
- Suggest proven PW Management Programs that have been implemented in the UK
- Datatag craft identification scheme
- Personal Watercraft Insurance

The PWP also is involved with many other national and local authorities in delivering powerpoint presentations at their own conferences with suggested proven management programmes that can be easily implemented.



2.6 A NEED FOR REGULATION?

Historically, use of PW craft in the inshore coastal zone has involved a mixture of self regulation and more active management by coastal authorities.

As with most sports affecting the amenity of others, it is the inconsiderate or reckless behaviour of a relatively few which creates the pressure for a more regulated regime.

This guide recommends that Authorities take a proactive stance and do not simply manage personal watercraft as a response to conflicts and issues. It identifies the 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.

This section attempts to acknowledge and quantify the issues and conflicts created by personal watercraft use, to help coastal authorities assess the relevance of these for their area.

The main issues are:

- Recreational Craft Directive (RCD)
- Safety
- Natural environment
- Marine species

3.1 RECREATIONAL CRAFT DIRECTIVE (RCD)

The coming into force of the Recreational Craft Directive (RCD) amendment on 1st January 2005 brought into scope of the directive Personal Watercraft (PW's). For two stroke powered craft a transitional period of a further year was allowed but on the 1st January 2006 all PW's had to comply with the directive if being placed on the European market and/or put into service for the first time. Any PW already on the market or in use in Europe need not comply with the directive if subsequently placed on the market as second hand products. All products even second hand products imported from outside European Economic Area (EEA), unless previously placed on the market in Europe, are required to comply with the Directive's requirements.

For the purpose of the Directive PW's are a vessel less than 4 metres in length which uses an internal combustion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person sitting, standing or kneeling on, rather than within the confines of, a hull.

To meet the requirements of the Directive an international standard EN ISO 13590 has been developed which deals with the construction and installation of builders plate, permanently installed fuel, electrical, steering systems, ventilation, hull structure and floatation, and requirements for stability, freeboard and owner's manual. In addition the Directive's requirements for exhaust and noise emissions have to be complied with. The constructional requirements may be 'self assessed' by the PW manufacturer with the 'noise' level being checked under the supervision of a Notified Body. The engine 'exhaust emissions' will be certified by the engine manufacturer.

3.2 SAFETY

There are dangers in all forms of recreation. The reality is that there have been very few fatalities and serious incidents throughout the thirty year history of personal watercraft usage in the UK.

Sadly, the few serious incidents that have occurred have attracted considerable press interest. Official statistics show that personal watercraft do not feature significantly in the overall picture for UK marine rescue and lives lost at sea.

Insurance industry records demonstrate that most serious accidents to date have involved a collision between PWs or PWs and another craft. High power, rapid acceleration, responsive steering, unsinkability, lack of external propulsion and stability in rough conditions all contribute to the seaworthiness and safety potential of the modern PW.

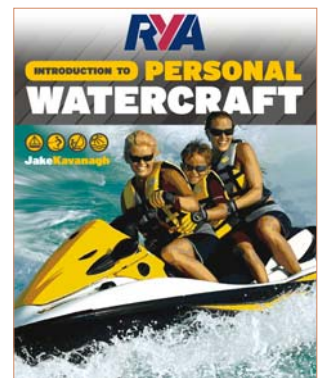
What can be done?

Authorities can undertake a thorough risk assessment of the area under their jurisdiction and also within neighbouring authorities. PW use is a sport and willing and informed participants in sport accept a degree of risk. However where craft are used in areas of multi-use such as the coastal zone, many other users of the water will not be as aware of the risks involved. Authorities should therefore be mindful of such risks and identify exclusive or zoned areas where risks are acceptable. 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 on the level of management required.

PW users can develop the skills and knowledge of experienced riders through certified training schemes such as those run by the RYA. The industry supports such schemes through vouchers supplied with every new machine in an attempt to encourage novices to participate in training schemes.

Users can also take safety precautions by wearing appropriate clothing and wearing CE approved lifejackets and always using the safety lanyards.

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.



3.3 NATURAL ENVIRONMENT

It is very difficult to quantify the significance of PW disturbance at a national level, however, localised problems do occur and management is needed to reduce any environmental impacts, particularly for sensitive species and in sensitive areas such as European sites, or areas where the concentration of use is high. Some bird species are more sensitive to noise than others, Rookeries are especially vulnerable for example. Startled adults will take to the air, leaving young chicks and eggs exposed to the elements and predators.

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 ¹states that there is little evidence to suggest that emissions from two or four stroke engines used by personal watercraft have an observable impact on marine features.
- The small size, shallow draft and jet drive systems of PW allow the craft to enter areas which are not normally navigable for other motorised craft. This may cause physical or noise disturbance to sensitive habitats and wildlife if not managed. Although some other small un-powered craft are able to access similar areas, the ability of PWs to enter such areas under power provides greater potential for disturbance of wildlife and physical damage to features. There are potential disturbance issues relating to breeding birds, where personal watercraft enter otherwise inaccessible areas close to saltmarsh and shingle spits. In addition to breeding birds, disturbance can arise in mudflat areas populated by birds feeding or roosting. Disturbance of birds is a seasonal concern, in particular the over wintering period when the largest numbers of birds are present.

Management options should reflect this, however there are very few powers currently available to restrict, except through the use of byelaws in European Marine Sites.

- In shallow waters, boats may stir up the bottom, creating suspended sediments, which limit light penetration and deplete oxygen. This can affect fish and bird feeding. To avoid this effect, riders should be encouraged to remain in main channels, and limit riding in shallow water. When it is necessary to ride in shallow water riders should keep watercraft at an idle speed. In coastal areas riders 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 etc. see www.thegreenblue.org.uk for a list of suppliers and recommended items.

Exotic species can be introduced by recreational boats such as personal watercraft. Consideration should be given to providing suitable facilities for craft and trailers to be thoroughly washed down before they are moved.

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 years additional care is needed. Users should also be encouraged to take care when decanting and refuelling close to the water and ideally this should be done at an appropriate facility provided for that purpose.

Sudden and sharp noises can have greater impact in resting birds. Consider encouraging riders to go further offshore if conflict arises.

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 (WDCCS)² 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 personal watercraft.

¹ – UKCEED 2000. *A review of the effects of recreational interactions within UK European Marine sites.* (UK Marine SACs project)

- 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.'

Accredited training can be gained from www.wisescheme.org.uk which is for users, commercial organisations and local authorities.

The Green Blue has teamed up with the WISE scheme to release all best practice advice as a short DVD available for free via the website. www.thegreenblue.org.uk

Indirect impacts on habitat including noise pollution, all of these impacts are explained in more detail in the WDCS Report²

What can be done?

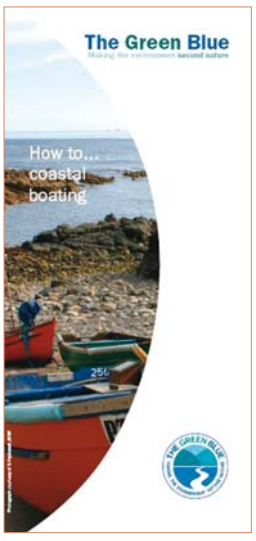
Responsible PW users do not deliberately harass marine animals and such impacts are often the result of a lack of awareness. Dolphins may appear to be playful and enjoy the presence of small craft. Information displayed at launch sites, or circulated through clubs and dealers can help to provide users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

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 in Nov 2006. Guidelines have also been published by DEFRA and voluntary organisations such as the WDCS www.wdcs.org.uk who also run a sticker campaign. These codes should be followed and care should always be taken when handling PWs around marine species.

Coastal managers can use campaigns such as The Green Blue and their freely available 'How To...guide' and CDrom which has the full guidance available as a short DVD, 02380

604100. Evinrude have also produced an excellent voluntary code at www.evinrude.com/en-US/About.Us/Environment



3.5 DESIGNATED AREAS / LEGISLATION

Wildlife legislation in the UK is very complex, the level of protection afforded to a site depends on whether the site supports habitats or species of local, national or European 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 that offer coastal authorities an opportunity to manage personal watercraft use are detailed below:

Part I of the Wildlife & Countryside Act 1981 as amended by the Countryside Rights of Way Act 2000 makes it an offence for any person to intentionally or recklessly disturb any Schedule 5 animal while it is occupying a structure or place which it uses for shelter or protection. It is additionally an offence to intentionally or recklessly disturb cetaceans (whales and dolphins) or



basking sharks in the wild. As with the protection of birds, it is a defence that an act was the incidental result of a lawful operation and could not be reasonably avoided. This raises the necessity to inform and educate personal watercraft users of the appropriate and responsible way to behave around marine species. Relevant sections of the 1981 Wildlife & Countryside Act provide the principle national site protection designation in England and Wales; Sites of Special Scientific Interest (SSSIs) but also provides for the designation of Marine Nature Reserves (MNRs).

SSSIs only extend down to the mean low water mark, however within many estuaries, the designation can cover the whole area to the mouth of the estuary. Much of the provisions of section 28 impose duties on the owners and occupiers of SSSIs and on public bodies who may exercise powers in relation to designated sites.

2 – WDCS (2000) *Chasing Dolphins* (www.wdcs.org)

However, there is also an offence of intentionally or recklessly damaging or destroying notified interest or disturbing notified fauna.

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

International/European Sites

In coastal areas protected under the Birds and Habitats Directive³, management and the development of a management scheme is the responsibility of all authorities who have a statutory responsibility (relevant authorities) for management within or adjacent to the site.

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

Local and harbour authorities are relevant authorities for the purposes of the regulations affecting management of these sites and can manage use of personal watercraft through the management scheme process

In general relevant and competent authorities have a duty under the Habitats Regulations⁴ to exercise their existing functions so as to secure compliance with the Directive, in addition to this the appropriate nature conservation body (Natural England, Countryside Council for Wales, Scottish Natural Heritage) may make byelaws for the protection of a European Marine Site under section 37 of the Wildlife & Countryside Act 1981 (byelaws for protection of marine nature reserves).

*3 – Council Directive on the conservation of wild birds (79/409/EEC).
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



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.

These principles follow the Government's agenda, and local and harbour authorities should be taking a strategic approach to management of personal watercraft, and not simply responding to conflicts and issues as they arise.

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

- i. **Sustainable use:** including the provision of access and management of recreational access and opportunities for water sports 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 participant 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 personal watercraft.
- 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 has been 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 personal watercraft use.

The main steps to consider when establishing a management scheme are as follows:

1. Assess the situation
 2. Set common objectives
 3. Identify tools available
 4. Implementation and enforcement
 5. Monitoring and evaluation
- Consult and communicate with all stakeholders at all steps in 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 PW 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.

Likely consultees include:

- Local clubs and associations
- Casual PW users
- British Marine Federation
- 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 users

4.2 STEP 1: ASSESS THE SITUATION

The need for management depends upon the scale and pattern of use, interaction with other users and whether the personal watercraft 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 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. 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. Identification of access points (use and ownership) within the authorities jurisdiction.

Once this information is known any management decisions can be balanced 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.



KENT COASTAL NETWORK PERSONAL WATER CRAFT WORKING GROUP

Personal Water Craft (PW) management is an issue facing many coastal managers around the coast of Kent, with particular hot spots in Whitstable and Herne Bay, the Thanet coast and throughout the Medway and Swale. In recent years PW activity has also increased in Dover, which has resulted in a number of public complaints.

The PW Working Group was established in October 2004, following a workshop that identified the need for collaborative action on PW management. The group is made up of a wide range of stakeholders including: local authorities; regulators and safety authorities; coastal partnerships; environmental bodies; ports; and yachting and recreation clubs. Most importantly PW riders are represented at the meeting, ensuring that they are part of the solution. The wide representation not only results in the issue being addressed in a fully integrated and holistic way but also establishes contacts that might not have been otherwise. Such contact enables the different sectors to hear the concerns of others and helps to address any previously held misconceptions.

The Working Group provides a constant line of communication between the members, keeping them informed of news and events and providing a forum for discussion of issues. The Group meets annually to review progress, discuss any issues and identify forward action for partnership work.

The Group aims to provide a platform for the sharing of experience and knowledge and the discussion of effective PW management. But the Group is not just a talking shop – it also takes forward action and much has been achieved in the past three years.

A key part of effective PW management is education and information of water users. In early 2006, the Working Group published an advice leaflet and set of posters designed to provide a one-stop-shop for information on using a PW responsibly and correctly off the coast of Kent. Both were developed in collaboration with all key stakeholders and importantly, in the case of the code of conduct, with the PW riders themselves.

The advice leaflet and posters provide information on:

- Where to launch and use craft
- Basic rules of the road
- Introduction to Kent's clubs, promoting and encouraging membership

- An overview of environmentally sensitive sites, encouraging riders to avoid these.
- A code of conduct which encourages riders to use their craft stay safe and responsibly and also how to reduce their impact on Kent's natural environment and wildlife.
- Details of key contacts for further advice and more detail.

Over 10,000 copies of the leaflet have been distributed throughout Kent and to partners outside the county and the posters have been circulated to local authorities and clubs for display on notice and public information boards. Both have been well received and the leaflet is now recognised as a blueprint, with other areas being encouraged to produce similar leaflets.



To assist members of the group, and others from the county, a contact directory of key local and national contacts that can advise and/or assist in PW management has been produced by the group. This is increasingly being requested by people outside of Kent, demonstrating the respect the working group is earning for itself. The Group has also catalogued the written advice available on PW management in an education and information directory.

Another great achievement of the Group was its spring seminar in 2006, hosted to provide stakeholders with up to date advice and information about PW management and craft and also to help address some misconceptions about the craft. As a hot spot for PW use, Herne Bay was chosen as the venue for this event, which included:

- Presentations from leading authorities on craft and management.
- An introduction to Kent's wildlife and coastal habitats.
- Workshop sessions providing practical experience from Kent on dealing with PWs, such as setting up management schemes and establishing clubs.
- Exhibitions
- The opportunity for delegates to experience PW ride
- And concluded with a demonstration by freestyle champion

The event was a huge success with over 80 delegates and many representatives of the PW riding community coming along. The Mayor of Canterbury also lent his support to the initiative by attending the event and partaking in the PW demonstration.

Another key role for the Group is acting as a catalyst for work being taken forward by members of the group. This has included Operation Excalibur (Fleet), a Kent Police partnership led operation, promoting coastal community safety to PW riders, and the establishment of a new PW ramp on the Isle of Sheppey, to take pressure of the Medway area. The group has also led to the establishment of new partnerships, such as the affiliation of JAWS with the Medway Yachting Association. This affiliation has led to a better understanding and co-operation between what were traditionally two conflicting sectors of the water recreation community. Members of the group also provide advice and support to others in their work and offer specialist input when it comes to issues relating to PW use, for example advising on the development of byelaws.

The Group, now over 70 strong, is very proud of its achievements in the past three years and these have not gone unrecognised. A 2006 Defra document, reviewing coastal management in England, cited the PW Working Group as an example of good practice in conflict resolution and in 2007 the Group's coordinator and chair was presented with the Mic Randle Safety Award by the Marine Engine and Equipment Manufacturers Association (MEEMA).

JAWS - Herne Bay and Whitstable Jet-ski and Watercraft Society

A key partner in the Kent PW Working Group, JAWS have been instrumental in many of the Group's successes. Officially formed in 2003 and run by a full committee, the Society was established to form a club that could help educate water users on aspects of safety and to develop and promote the sport. JAWS demonstrate the very best that this sport has to offer and is a leader in promoting best practice.

Safe and responsible use of the water is key to the club. On joining, all new members receive a welcome pack that contains a number of leaflets including a check list, safety guidelines, GMDSS guidelines, rules of the road and an essential guide for beach safety. Three of the club members are fully RYA qualified PW instructors which includes first aid administration and

the club has a strong emphasis on safety and training, which has led to the establishment of an RYA training school in conjunction with the local Sea Cadet Core training more than 100 PW riders. JAWS have also taken the lead, with clubs in the Solent and at Clacton (Essex), to take out public liability insurance, with both the club and individual members receiving cover.

The club not only contributes to the Kent PW Working Group but also attends a number of other committees and seminars to represent the PW community. As mentioned earlier, the club is now also affiliated to the Medway Yachting Association.

The family aspect of PW riding is promoted by the club, with annual events and outings for club members, and it also engages with the local community taking part in fundraising activities and supporting local water-based events both on and off the water.

Key Goals Achieved:

Since forming in 2003 JAWS has achieved many goals. This has led the way in the management of PW's in the area and has been widely adopted as best practice by many other areas,

- Membership that has grown year on year (currently 45 members)
- Obtaining public liability
- Ensuring all members are insured and trained to the RYA standard
- Full recognition with local government groups including the Police and Port Authority's
- Securing various benefits for the members
- Affiliation with the MYA
- Running of fund raising events donating over £1000 to local charity's including the RNLI
- Production of a member pack with safety tips and local bylaw rules

While the emphasis is on safety and training it's all about having good, safe family fun both on and off the water. Working with the local community goes along way with ensuring the sport is enjoyed while minimising the problems that seem to follow this sport. Peer pressure and educating people has been key to the success of JAWS and with events like the annual Hog Roast that is open to all who wish to attend we hope the sport will continue to be welcome for years to come.

4.3 STEP 2: REACHING COMMON OBJECTIVES FOR THE SCHEME

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

The overall objective should be to improve opportunities for the recreational use of personal watercraft 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

4.4 STEP 3: IDENTIFY 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 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'⁵.

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)

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

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 system is a unique and sophisticated identification and anti theft system that uses both visible registration numbers and state of the art covert Datatag identification technologies including electronic transponders or "tags", hundreds of miniature micro dot Datadots® which can read by special readers.

Datatag have provided free of charge approximately 3000 scanners to the Police and Harbour Authorities, using these scanners, craft can be quickly and positively identified. In addition to this, each Datatag system provides craft with a unique 6 character registration number e.g. AB 1234 and this registration number is linked to the craft, registered keepers details, towing vehicle and trailer etc.

Datatag was launched in 1992 as a direct response to combat the increasing problem of motorcycle theft and it is a UK owned independent company.

Datatag now protects many other markets such as plant, construction, IT equipment, Utility and Leisure vehicles including personal watercraft and all PW manufactures in the UK market fit the system as standard on officially imported new craft.

Datatag has a 100% successful prosecution rate and many insurers insist on equipment being protected and offer premium discounts. As a result many owners of imported and older craft are protecting and registering their craft.

The ability to identify craft has many advantages and

serves to help authorities with enforcement and security. 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 0845 0700440 or visiting www.datatag.com (office number 01932 895304)

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 include 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.

NB - 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, PW 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 PW 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.

Manufacturers and importers through their dealer network supply a £50 voucher towards RYA training courses with every new machine to encourage users.

The RYA Personal Watercraft course which provides a PW Certificate of proficiency is a one day course with continuous assessment throughout the day. The aim of the course is to teach safety and to impart confidence and a responsible attitude to use of the craft. Approximately 140 recognised teaching establishments now offer the PW 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 PW, children are unlikely to have the skill, judgement and physical strength needed to handle a PW 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 PW if they have an appropriate certificate of competence, or are accompanied on the machine by a competent adult.

Some Club's are making it a condition of membership that each member holds the RYA Certificate.

The 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.

PERSONAL WATERCRAFT INSURANCE

During the past 18 years or so, the PW industry has gone from nothing to become a small but significant part of the leisure craft market. Growth in PW insurance reflects this. In insurance terms, PW history is short, it is still considered a relatively new phenomenon but specialist insurers have emerged to meet the need.

The relatively small numbers of PWs make the PW insurance sector volatile. Only a small number of specialist insurers are involved and terms, conditions and premiums tend to be susceptible to change in these circumstances. Nonetheless, premiums have in real terms fallen since the early days because:

- There are 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 PWs are seen as encouraging.

Personal watercraft 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 provide other benefits without it.

As with other kinds of boat, insurers have been reluctant to cover third party risks only, but they now recognise the need for this, so third party cover can now be obtained for a premium of £157.50 for a beginner down to as little as £126 for someone who has a 4 years No Claims discount entitlement. Figures correct as of 2007.

Premium discounts are available to those who successfully complete the RYA training course, and as shown above for a 'no claims' record of use.

Insurers generally provide a waterproof credit card size certificate, bearing the insurers name, the identity number of the PW, the policy number and its expiry date and the amount of cover provided. Special conditions, e.g. cover for towing waterskiers can be included. An example of the card is shown on the next page.

Such cards will help both the user and the managing authority.

Some questions about PW Insurance

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

Normally, yes. PW insurance policies are derived from those of yachts and other pleasure craft. Unlike motoring policies, which usually only cover the insured unless extended to named drivers or all drivers (and would not include youngsters within 'all drivers' unless specifically declared). PW policies typically cover all those over 16 driving with the insured's consent, provided they have been shown how to operate the machine. Policies may be able to be extended to cover drivers between the ages of 12 and 15 years subject to certain criteria one of which is having taken the RYA Training Course. Use is then limited to the terms of the 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 PW use and insurers statistics show no issues with providing cover for younger riders.

If a PW is being used by several people, beach management staff should be prepared to check the scope of cover 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. But users of a public facility may, reasonably say they had the paperwork when registered and don't carry it round all the time. Universal adoption of waterproof mini certificates would solve this, but does not cope with the determined evader.



100% checks at registration put additional burdens on staff, who will have to check currency of cover and its expiry; and if necessary limit the duration of the permit accordingly.

To avoid discrimination against users whose cover expires mid season, some form of retrospective credit on seasonal launch fees would be needed.

What level of cover should users be required to have?

Insurers provide £3 million as standard and regard it as an adequate amount, although towing risks (waterskiing etc) will almost certainly be limited to £1million. Recent changes to the International Convention of Limitation for Maritime Claims, now being implemented into UK law, increase the level to which personal injury claims can be limited from (about) £250,000 to just over £2 million for all UK sea going vessels up to 300 tons.

Authorities who systematically check insurance compliance should bear in mind the possibility of a legal claim by a person injured by an uninsured PW, 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.

TOOLS FOR THE REGULATION OF USE ON THE WATER

CLACTON WATERCRAFT CLUB

Clacton Watercraft Club was formed in May 2003, when Tendring District Council decided to close all public slipways. This obviously reduced public access for many leisure and watercraft users. There had also been complains about irresponsible power craft users and this was detriment to the local community.

We wanted to encourage responsible use of local waters so negotiations with the council started. After 2 to 3 months they agreed to let us set up. We took control of the slipway at Martello Bay at the end of June, in time for the summer season

Members receive a membership pack including: Club sticker (for front of craft) membership card, access numbers for the gate, local tide table, local bylaws, RNLI sea safety book, other useful information and discounted car park permit.

In order to become a club member individuals must have insurance and their craft must display Datatag numbers and be registered with Datatag, which will be checked.

The club has liability insurance for on and off the water events. We have marshalled for other local club events and are affiliated to the RYA and work very closely with the PWP and other clubs.

Clacton is a family club and we actively promote safe and responsible use of the water, in line with local bylaws. Most members bring partners and children with them to enjoy the local scenery and amenities, having a great day out.

Proud Achievements include:-

- Average annual craft membership of between 80-100
- Committee members been invited and spoken at meetings with other authorities on the Essex coastline.
- Organised day trips to other clubs, including the Annual Isle Of Wight Charity run (with the Solent Ski Association)
- Raised over £4000 to help a local charity.
- Since setting up the club we've developed good relationships with all the local authorities and we are looking forward during the next year to become an RYA PW training school



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.

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'

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 are 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 PW 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 PWs 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 personal watercraft 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 PWs whose riders wish to use the

harbour in the same way as other vessels ie 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.

In 1998 an Inter-Departmental working group published the findings of a review of byelaw powers on the coast, the main recommendations from this review were:

- Local authority powers should be consolidated and updated. That would mean local coastal byelaws being consolidated under a single statutory provision and updated to reflect modern forms of coast related recreation, such as personal watercraft.
- Powers should include the ability to provide exclusive bathing zones, areas where all types of craft, powered and non-powered can be excluded; and
- In addition to specific powers, local authorities should be given more general byelaw powers to regulate activities affecting the wider environment.

The Government are committed in the long term to introducing legislation to implement the review's recommendations where changes to the law are

needed. One recommendation that has been progressed by DEFRA is the development of a Guide for local authorities on coastal byelaw powers available to them and to provide information on the use and scope of these powers and the relevant procedures for implementing byelaws⁵ – 'Managing Recreational Activities – A Guide for Maritime Coastal Authorities'.

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 so as 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 PW 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 PW 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 PW weaving in and out of swimmers in a bathing area.

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



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 his 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

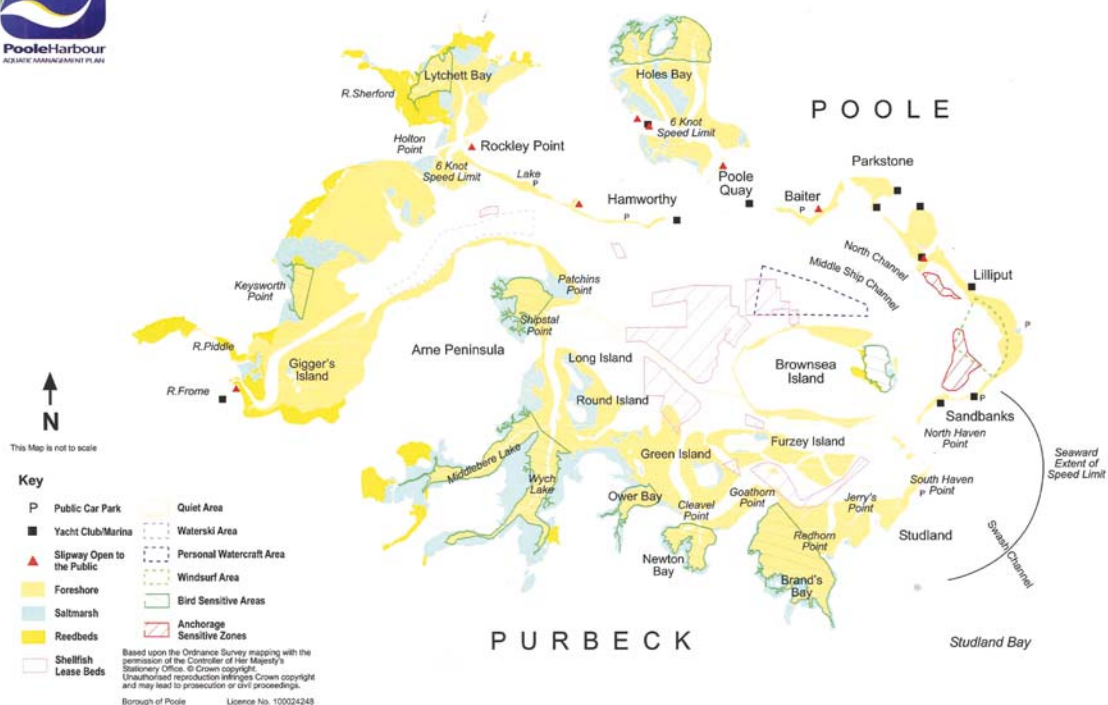
Poole Harbour Commissioners have developed a highly successful policing scheme arising in an annual average of successful prosecutions over the last 5 years of 5 per annum.

Poole allocates considerable resources to put up to 7 craft on the water during busy weekends in summer months, with duties including the escorting of commercial craft, education of users and apprehending of offenders. 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 personal watercraft enabling use of craft in excess of harbour speed limits to take place in marked zones only.

The Harbour Master's PW usually works with one of the other patrol vessels, or between the public slipway and designated PW area, a distance of some 1000 yards. It has proven very successful at intercepting offenders, both power boats and PWs and has quickly become recognised around the harbour, providing excellent deterrent to irresponsible behaviour.



Poole Harbour Aquatic Management Plan 2006





Where a PW driver has been warned about his conduct by one of the patrol officers, he is reminded with a letter from the Harbour Master of his responsibilities, which he acknowledged when given his permit. Additionally, all registered users are circulated the PW 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 PW consists of the fun it provides at speed. A compromise which provides opportunities for PW 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 PW zone.

It is unlikely that such an area will be made exclusive to PWs, because doing so would infringe the public right of navigation. So when not in use by PW riders, other craft may transit the zone. But signage and information make it clear that this is an area for PWs when they want to use it.

Beach launching sites need clear, physically marked lanes to provide PWs (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

slaloming 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 PW 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 and 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. As PW users are unlikely to be the only site users, information should be integrated with other safety and environmental information. Ideally one informative sign is required per launch point.

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.

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:

- notices and leaflets at launch points
- local media
- local retailers of PWs and equipment
- national magazines (both those for PW 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.

Examples of user information include:

- Code of Conduct for non regulated pleasure vessels available from the MCA
- Safety Guidelines for Personal Watercraft Users, one of the Safety on the Sea range produced by the RNLI Sea Safety Liaison Working Group.

Self regulation through the club structure

Daedalus slipway in Lee on Solent is recognised as one of the most popular launch sites for PWs on the South Coast. Peer pressure and advice from fellow skiers has proven successful with a small number of users still disregarding or unaware of the regulations. The Solent Skiers Associations was set up in 2002 by a group of local PW owners to give a collective voice to the responsible users and to address a number of issues, including safety, noise, enforcement of rogue users, management of the launch site and to organise social events and use.

The Association formally approached the local authorities with a set of proposals on how to tackle the issues and enforce responsible behaviour. The result was the introduction of 'Rangers', mostly club members (volunteers) who would be insured by the council to help provide help and advice on the water.

This approach has been highly successful and the club numbers are increasing steadily, this is also a low cost and minimal resource requirements as the Ranger network is made up of informed volunteers from the Association. It is also a very good example of an area frequented by local regular users who have used peer pressure and Local Authority support to manage irresponsible users.

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 scheme workshop these two training methods can be very effective in creating informed stakeholders.



4.5 STEP 4: 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. On shore administration should be relatively straightforward but dealing with on water offences is a more difficult and expensive.

The specific offence of exceeding speed limits have already been dealt with but for more general enforcement PW 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 to be properly trained and authorised to issue warnings or notices of prosecution.

Use of patrol craft

Although it may be possible to take action 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.

PWs 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.

STEP 5: MONITORING AND REVIEW

It is unlikely that an authority introducing a scheme from scratch will get it right straight away. There are bound to be mistakes with over optimistic assumptions or changes in external factors.

Building in a monitoring and review process will enable necessary changes to the scheme to be made in a systematic way on the basis of best available information.

The following case studies 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. Poole Harbour is considered to have one of the best management systems in operation in the UK and is primarily based on education and consultation but supported by a formal management structure.

“The PW management program introduced in Weymouth after consultation with the PWP has been enormously successful. It in fact allowed us to open up a slip way in the inner harbour to PW users that was previously restricted .The only problem now is that PW riders stick so rigidly to the speed limit and other boat users complain they are being held up”

David Stabley. Weymouth Harbour Master



POOLE: A BUSY HARBOUR

Poole is one of the largest natural harbours in the world with a water area of some 10,000 acres and a coastline perimeter of nearly 50 miles. It is a major centre for all forms of watersports and hosts regular international and national maritime events.

Poole is a trust port managed by Poole Harbour Commissioners. The harbour has substantial facilities for recreational vessels, with 4 major marinas, 7 sailing clubs and approximately 7000 berths. There is a thriving commercial and ferry port. In addition the Royal Marines regularly carry out amphibious and landing craft exercises within the harbour.

The Aquatic Management Plan

The potential for conflict between different groups of users is significant. This led to the Poole Harbour Aquatic Management Plan being implemented by the Poole Harbour Steering Group, a forum of statutory bodies responsible for promoting the sustainable use of the harbour. The plan is also well supported by all user groups through an annual Poole Harbour Forum meeting. The plan is widely accepted by users and has worked well over many years.

The zoning plan, an integral part of the system, assigned separate areas for activities such as water skiing, windsurfing and the use of personal watercraft. It also designated quiet areas (with a speed limit of 6 knots) and the commercial and small craft navigation channels shown on the harbour plan. The navigation channels are all well marked by buoys and stakes, as are the activity zones.

Management of powered craft

Since the introduction of the management plan, the level of risk has been reduced and the potential for conflict between different interests has been kept under control. Despite the rise in some activities, there have been no serious accidents and fewer reported incidents.

There are a number of general principles which are essential to the effective management of all recreational activities in a harbour as busy as Poole:

- Cooperation of and consultation with all interested parties

In Poole the Harbour Authority meets all the appropriate marine organisations once or twice a year and the Commissioners themselves take a keen interest

in the working relationship with the stakeholders.

- Good publicity so that everyone understands the rules

There are many effective ways of communication including notices to mariners,

Harbour Master's newsletters, presentations to yacht clubs, local press, notice boards, direct mailing, website and through specialist magazines

- Monitoring of activities

A seasonal assistant is employed to record vessel movement on specific days in the summer months in 2 key areas. CCTV and radar is also used to monitor activity, combined with occupancy levels and the number of permits issued, this allows a realistic assessment of the levels and trends of activities.

- Commitment of adequate resources to allow effective policing

Poole allocates considerable resources to put up to 7 craft on the water during busy weekends in the summer, with duties including the escorting of commercial draft, education of users and the apprehending of miscreants. They also provide an effective deterrent.

- The will to take firm action where required

While education is the aim, it is unfortunately necessary to take some offenders to court. PHC's solicitors carry out the required prosecutions, the annual average over the last 5 years is 5 per annum, all have been successful.

- The need to be flexible and dynamic to cope with changes

The system must be able to cope with changes, for example kite surfing has recently become popular, new environmental legislation has to be considered and the generation of PWs have become less noisy.

PW Management

Turning specifically to the management of personal watercraft in Poole, the permit system, which has been operating since 1998 has proven to be effective. Risks will never be eliminated, but the issuing of permits allows staff to at least explain the rules. The authority for this is the byelaw which states:

..no person shall engage in or take part in water skiing, ascending by towed craft or parachute or the use of a jet ski or hovercraft except with the written

permission of the Harbour Master given either specifically or generally, and only in such areas as have been designated and in accordance with such reasonable conditions to such directions as may be imposed or given

Whereas previously the Harbour Master gave specific permission by way of a Local Notice to Mariners and on notice boards at key launch sites, the specific written permission introduced by the permit system allowed individual users to be educated about safety and the local rules. Before being issued with a permit a PW user is asked to acknowledge that:

- Third party insurance is in force and adequate
- The Datatag number will be clearly displayed on each side of the craft
- Persons under the age of 16 will not be allowed to drive the craft unless under direct personal supervision of an adult or in possession of a recognised RYA certificate of competence
- these Harbour Master's directions are

understood and will be followed

With the support of the Borough of Poole Council, a temporary assistant is employed at the main public slipway to issue permits. Staff recognise regular users and a good working relationship has established with local users. Daily, weekly, fortnightly and annual permits are issued through the Harbour Office. In all cases, applicants are given copies of the rules and directions, a map of the harbour and a copy of the RNLI Safety Booklet on PWs.

Current fees for PW permits (2008 season) are £7 per day, £25 per week and £90 for the year. The fees are equivalent of harbour dues but reflect the greater administrative and enforcement costs of PW management and the maintenance of the marks for the designated PW zone.

Effective patrols

The Harbour Master's PW usually works with one of the other patrol vessels, or between the public slipway and the designated PW area. It has been very effective at intercepting speeding offenders both power boats and PWs, and has quickly become recognised around the harbour providing an excellent deterrent to bad behaviour.

When a PW user has been warned about his conduct by one of the patrol officer, he is invariably reminded with a letter from the Harbour Master of his responsibilities when given his/her permit.

APPLICATION FORM
PERMIT TO USE A PERSONAL WATERCRAFT (PW)
IN POOLE HARBOUR

NAME: _____
ADDRESS: _____

I apply for an WEEKLY (£25) permit to use my PW in Poole Harbour.
I apply for a DAILY (£7) permit to use my PW in Poole Harbour.
I have Third Party Insurance.

The registration number of my PW is: _____ This number will be displayed clearly at all times. My AA, AB, AC, AD, AE etc. No. will be displayed on either side of my PW above the gunwale in at least 6cm letters, as supplied with my data tag kit.

I will not permit any person under 16 years of age to use my craft unless that person is under my personal supervision or he/she is in possession of a recognised and appropriate RYA certificate.

I understand the Harbour Master's directions set out on the attached sheet and agree to abide by them.

I enclose my remittance of: £ _____
(Cheques payable to Poole Harbour Commissioners)

Signed: _____
Dated: _____

Please return the completed form to:
Harbour Master
Poole Harbour Commissioners
Poole Harbour Office, 20 New Quay Road, Poole, Dorset, BH15 4AF

PERMIT SERIAL NO:.....
Receipt No:.....

PW Application Form for 2008

POOLE HARBOUR BYELAWS

Attention is drawn to the following summary of Harbour byelaws:

- Safe navigation Requirement to navigate with care and caution throughout the Harbour and not cause inconvenience to other users
- Speed limit 10 knots throughout harbour for all power driven vessels
- Little channel speed limit of 6 knots for all craft in Little Channel & Holes Bay
- Use of personal watercraft use of craft in excess of harbour speed limits to take place in marked zone only
- Penalties the penalty upon conviction for infringement of the Poole Harbour Byelaws is a maximum of £1000

Looking forward

Refinements have been introduced to the patrol routines, the administration of the permit system, the education package, the procedures for giving warnings and cautions and the policy on prosecution action. However, the basic system has proved itself over the last few seasons and does not now need further refinement.

A management system of this kind will never guarantee complete safety but it is designed to minimise the risk of conflict, reduce the incidence of nuisance, make the education of the user more effective and make the task of policing easier. The results in Poole have been most encouraging.



Canterbury City Council is an example of where an Authority's supportive approach towards water users has produced large dividends.



Canterbury City Council is responsible for approximately fourteen and a half miles of North Kent coastline including the two seaside towns of Herne Bay and Whitstable. The area includes the commercial harbour at Whitstable and the sea defences harbour at Herne Bay.

As far back as 1961, the Authority introduced water safety byelaws to regulate powercraft. Four de-restricted ski lanes were designated, for the take up and drop off of water skiers, the rest of the coast was limited to 8 knots.

In 1984, additional management measures were taken to cope with the increasing numbers of powerboats, on the August Bank Holiday in 1990, there were more than two hundred powered craft on the water (in addition to club based activities): one hundred and forty power boats, thirty three PWs, thirty fishing boats and six ribs.

By 1990 activity had increased to a point where the Authority decided to purchase its own patrol boat, WASP (Water and Shore Patrol) manned by Council officers. The success of Canterbury's CC's waterfront policy has encouraged visitor numbers to continually rise. This increases the likelihood of incidents and puts pressure on the Water and Shore Patrol to monitor the coastline. To address this the Authority chose to replace their existing 16ft patrol boat with a new 22ft craft WASP II.

On one Sunday in 2006 there were more than 180 PW's launched just from the Neptune slipway (at Herne Bay) alone.

For 2007, Canterbury City Council were offered, on a trial basis, the use of a Sea Doo PW in conjunction with BRP and a local Sea Doo dealer The Jetworks. The craft was fitted with waterproof LED lights front and rear and a fixed VHF radio to allow constant communications between all foreshore staff.

All staff that used the craft had to complete the RYA PW qualification before being allowed to patrol. This was found to work effectively allowing for a presence on the water even at low tide when the WASP II patrol boat could not launch but PW's could. The use of a PW

was welcomed by the water users as they were be approached and given advice from a qualified PW user who was working from the same type of craft. This was a lesson that we learnt from past experience when advising PW users from the WASP II. The PW riders sometimes contested what advice was being given from the crew of a boat that may not have the expertise or experience of using a PW.

The PW was also utilised by Beach Lifeguards as a fast response craft which showed its dual role capabilities

Both shore and water based staff are authorised to issue offenders with a first written warning which states that subsequent infringement could result in a written formal Notice, and lead to court action. Building on this Canterbury recognises the need to adapt methods and approaches and monitors closely its safety policy to ensure it matches the community's and users' needs.

Canterbury's scheme was tested when changes to PW regulation in a neighbouring authority produced a 50% increase in the numbers visiting Canterbury's launch areas. Many of these, new to the area, launched without being advised of the local rules. A little time was needed to restore order, but a lesson was learned and procedures changed. This sort of problem is part of the evolution of a policy based on providing firm but friendly management without incurring heavy administration costs.

The experience showed that 'banning' in one location does not resolve PW issues, it merely moves them on.

From 1990 onwards the growth in PW use brought fresh challenges and the safety scheme was redesigned. Two additional 'de-restricted' lanes were introduced, one alongside a ski lane in one of the areas popular for PW users and another a 'funnel' shaped lane in the area most used by PWs, the narrow end nearest to the shore to discourage powered craft from operating close to the launch ramp and yet still allow PWs to operate within the 300 metre limit by using the wider end.

Accommodating PWs in their preferred areas was chosen in preference to increasing resources to monitor the byelaws. A PW can be launched almost anywhere along the Authority's coastline making close enforcement costly, difficult to achieve and ultimately non-productive. The existing lanes with marker buoy policy continues to prove successful by clearly defining the restricted areas, 300 metre byelaw limit and zones of use. This encourages sports fishermen, swimmers, powerboat and PW users to operate safely with the minimum intervention of officials. The scheme is

closely monitored and adapted to suit the needs of the users as necessary.

Increasing numbers of all types of water users have highlighted the importance of the Authority's existing policy of education of users in responsible behaviour and safety matters. In particular, all new users are made aware of speed limits and marked areas and advised of the need to carry adequate insurance. Further advice is given regarding the need to respect the wellbeing of all other water users and members of the public. To this end the laminating card that was originally handed out to water users has been replaced with a much more informative leaflet that is more likely to be retained and used by water users. The leaflet contains the same information as the laminated card together with tide tables, safety advice and an explanation of Canterbury County Councils waterfront activities and contact details.

With encouragement from Canterbury CC, a PW club (JAWS) was formed in 2003. The club supports the

Authority's long-standing policy of encouraging safe water use with a minimum of fuss and legislation. This has amounted to a high degree of 'self-policing' of PW users and has proved a popular and effective measure without additional cost.

In addition, the Authority continues to work with the independent Water Safety Committee on all aspects of coastline matters. The Water Safety Committee represents the interests of all clubs and official bodies along the coastline thus ensuring that all interested parties can be involved in the decision making process.

The Authority recognises the need to involve all parties in achieving a 'fair water safety policy' and does not underestimate the difficulty in achieving this. However, the steps already taken are a significant move towards a successful solution that satisfies residents and water users alike with a carefully planned and sensitive policy.

It also should be noted that in 2007 approx 30% of all PW users at our launch ramps were new to the sport and had never launched from the area in the past.



CYNGOR GWYNEDD COUNCIL

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 has some of the finest coastal scenery in the Europe.

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

The number of powered craft frequenting the coast of Gwynedd has increased significantly over the last two years, and such a significant increase has been met with efficient and effective management of the coastal area.

During the peak summer months, as many as a hundred Personal Watercraft can be seen actively engaged in waterports at Porthmadog and Abersoch. These beaches are very popular and are regarded as traditional seaside beaches.

Noise pollution, fear of injury to swimmers and paddlers, and a number of near misses and actual incidents, (culminating in a collision between two PW's in which a young woman was killed) created a strong demand for firm and effective management by Gwynedd Council.

In February 1998 the Council hosted a national conference on the future use and management of Personal Watercraft. The conference, the first of its kind in the United Kingdom, brought together all interested parties, comprising of MP's, Local Councillors, the BMF, the RYA and manufacturers of Personal Watercraft. Gwynedd Council presented their vision on how the craft could be managed and confirmed their intention to introduce a management system during 1999.

The event highlighted the strength of local opinion on the use of Personal Watercraft, the willingness of those marketing Personal Watercraft to increase participation, and those representing the interest of the end user. There was a general consensus and willingness to work with the Council in seeking management solutions. The conference provided the stimulus for this guide.

Identification of Management Problems and Assessment of Risks

The Council has carried out an assessment of the risks

associated with the use of Personal Watercraft on the beaches of Gwynedd, and the problems experienced with their management. It has used the results to redesign the management strategy.

This work involved:

- analysing, as far as available information permitted, the circumstances of known incidents causing serious concern.
- identifying gaps and weaknesses in existing beach management.
- surveying existing access, use and ownership the beaches within its jurisdiction, and classifying the beaches for the level of management likely to be required.
- balancing the likely needs for management, revealed by the physical survey against the resources available for staffing, equipment and enforcement.
- with advice from its legal officers, using the powers available to the Council to design a range of new management measures.

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

- a collision between two Personal Watercraft resulting in a fatality.
- a collision between a Personal Watercraft driven by a juvenile and a windsurfer causing the latter destruction (though without personal injury)
- a collision between a Personal Watercraft navigated by an 11 year old and a ski boat
- a Personal Watercraft rider rendered unconscious after capsizing while wave jumping.
- an unmanned Personal Watercraft continuing under power for a distance of three miles offshore after failure of the emergency stop device.
- a Personal Watercraft user suffering a fatal heart attack while operating in a very busy area.

Typical, and more general problems included:

- swimmers drifting into designated launching areas.
- swimmers (including those in Personal Watercraft groups) using the launch areas and disregarding the advice and directed 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.
- lack of understanding of local byelaws and regulations by Personal Watercraft users, leading to confusion and sometimes aggressive and/or abusive

behaviour towards Council Officers.

- inappropriate use of Personal Watercraft by young children.
- concern about whether PW users are likely to be insured against third party risks.

The Management Scheme

Main elements of the scheme are:

- zoning and marking of waterspace 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 shore, and a wakeless speed within 50 metres of another PW, boat, dock, swimmer, skier, angler, or fishing equipment.
- A 'permit to launch' scheme for Personal Watercraft and Powerboats, by which users must pay a fee and provide proof of third party insurance (min £2m). This is currently £14 annual registration fee £12 day launch and £124 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 Personal Watercraft, 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.

In 2005, Gwynedd Council introduced a similar scheme for powerboats (above 10 hp). In excess of a thousand Personal Watercraft registrations were processed during the 2007 season together with approximately the same number of powerboats being registered.

"Without the continued support of the PWP and 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 Davis, Gwynedd

Partnership

The effectiveness of the measures already introduced has been enhanced by cooperation and developing a good working relationship with the Personal Watercraft industry. Gwynedd Council have purchased four Personal Watercraft that is used for portol purposes by designated officers and five powerboats are also in use with enforcement duties. 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

As for the future, Gwynedd Council will continue to work closely with manufacturers and 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 is of concern.

Nevertheless, the Council is cautiously pleased with the success of the measures that have been introduced, and is pleased with the broad acceptance of the scheme by users, many of whom have expressed their continued support for the scheme.

SETTING UP A CLUB

A Club can be legally defined as a group of people acting together for a common social purpose.

Although it is possible for a club to be formed without any rules or constitution, as soon as any property or assets are acquired, or any contract for goods or services is entered into, the law will imply a framework of rights and liabilities as between the members. As the activities of the club increase, and involve more dealings with outsiders, so the rights and duties of the individual club members become more relevant.

It therefore makes sense for the members of a new club to agree and adopt a constitution at an early stage, and a specimen set of club rules is provided in this section. Once the club has grown to such a size that it is being run to all intents and purposes as a business, the members may decide to reconstitute as a registered company limited by guarantee;

On inland waters such as reservoirs, it is best practice that not more than one club should be formed with direct responsibilities to the owners of the water, thereby ensuring adequate discipline relating to regulations and maximum use of the facility not lost through competition.

Formation

A club, being an unincorporated association, is easily established and can be, depending on the terms of the constitution, easily disbanded. Usually a small group of people wishing to form a new club meets together, calling a public meeting for the purpose of electing a Steering Committee. The public meeting should be given the widest possible publicity, being open to all individuals, clubs and other bodies. The Steering Committee should be elected in a democratic manner.

Membership of Steering Committee

Membership of the Steering Committee should not exceed ten persons. If leasing of water is contemplated then a representative of the landlord should be invited to sit on the Steering Committee.

Before proceeding to the election of the Steering Committee it should be emphasised at the public meeting that all candidates should be experienced in the sport, and prepared to undertake a considerable amount of work.

It is important that all members of the Steering Committee should be free to act and advise in what they consider to be the best interests of the new club, and should not be inhibited by their loyalty or interest in another body. Some internal disagreement cannot be avoided in these early stages.

Terms of Reference of Steering Committee

The basic terms of reference for the Steering Committee should be to negotiate with owners of water (where inland) and land giving access to water (beach) in order to establish operating rights. Draft agreements should be prepared for submission to and approval by a second public meeting, when the club will be formally established, the Flag Officers and committee can be elected and the Steering Committee disbanded.

The Steering Committee should:

- (a) Draft a club constitution including subscription rates for adult and junior members, a model for which is in this section. The constitution is the most important part of the club's organisation and should be carefully prepared to take in all foreseeable eventualities.
- (b) Prepare a provisional list of members with a record of boats owned.
- (c) Recommend classes bearing in mind boats owned by provisional members.



- (d) Prepare a list of necessary shore facilities.
- (e) Draft an agreement with the owners of the water or the owners of land giving access to water, where appropriate, covering sailing rights and shore facilities.
- (f) Prepare plans for onshore facilities and financial arrangements for their provision.
- (g) Draft bye-laws for approval by the owners of the water or land to which the club members will be subject.
- (h) Investigate the possibility of loans and grants from local authorities and other sources.
- (i) Consider a provision for the affiliation to the club of schools and disabled
- (j) Enable the maximum possible exploitation of facilities by schools, disabled and sea scout sections, it is important that a club should avoid making any agreement limiting the maximum number of boats owned by its members. Any agreement, if at all, should be based on the maximum number of boats on the water at any one time, if the owner of the water insists on such a provision.

Second Public Meeting

Having drafted a constitution to suit the embryonic club, the Steering Committee should call a second public meeting, at which the accuracy of the draft constitution should be carefully considered and it be ensured that all local conditions are covered.

All potential members should be invited to the second public meeting and invited to adopt the constitution. Those adopting the constitution become members of the club and those who do not adopt the constitution will not become members of the club.

From those adopting the constitution must be elected the committee and flag officers of the club as provided for in the constitution. The Steering Committee can then be dissolved.

Full details of constitution and RYA affiliation can be found on the RYA website
www.rya.org.uk/workingwithus/clubs

ORGANISATIONS

Prime contacts

Personal Watercraft Partnership

PO BOX 1906
Salisbury SP5 2ZL
Mobile: 07836 695999
T/F: 01725 511931
Chris@pwpuuk.org
www.pwpuuk.org

British Marine Federation

Marine House
Thorpe Lea Road, Egham
Surrey TW20 8BF
T: 01784 473377 F: 01784 439678
environment@britishmarine.co.uk
www.britishmarine.co.uk

RYA

RYA House
Ensign Way, Hamble
Southampton SO31 4YA
T: 023 8060 4100 F: 023 8060 4299
info@rya.org.uk
www.rya.org.uk

The Green Blue

RYA House
Ensign Way, Hamble
Southampton SO31 4YA
T: 023 80 604100
www.thegreenblue.org.uk

DATATAG ID Ltd

3000 Hillswood Drive
Hillswood Business Park
Chertsey
KT16 0RS
T: 08450 700440
www.datatag.co.uk

Case Studies

Canterbury City Council Foreshore Services

Harbour Office
Whitstable Harbour
Whitstable
Kent CT5 1AB
Tel (01227) 266719
Fax (01227) 772740
Email foreshore.services@canterbury.gov.uk
Web site www.canterbury.gov.uk

Cyngor Gwynedd Council

Swyddfo'r Cyngor, Pwllhew
Gwynedd LL5 35A
T: 01758 704066 F: 01758 704061
www.gwynedd.gov.uk

Kent Coastal Network

Kent Coastal Officer,
Kent County Council,
E&E, Invicta House,
Maidstone,
Kent, ME14 1XX
Telephone: 01622 221487
E-mail: kent.coasts@kent.gov.uk

Poole Harbour Commissioners

Harbour Office
20 New Quay Road, Poole
Dorset BH154AF
T: 01202 440233 F: 01202 440231
T: 0151 691 0006 F: 0660
hm@phc.co.uk

GOVERNMENT DEPARTMENTS & AGENCIES

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/wildlife-countryside/issues/

DFT Ports Division

Great Minister House,
76 Marsham Street
London SW1P 4DR
T: 0207 944 8300

MCA (Maritime and Coastguard Agency)

Spring Place, 105 Commercial Road
Southampton
Hampshire SO15 1EG
T: 023 80329100 F: 023 80329298
www.mcga.gov.uk

Environment Agency

Recreation & Navigation
Rio House, Waterside Drive
Aztec West, Amondsbury
Bristol DS32 4UD
T: 01454 624376

The Crown Estate

Marine Estates,
16 New Burlington Place
London
W1S 2HX
T: 020 7851 5080

CIEH (Chartered Institute of Environmental Health)

Chadwick Court
15 Hatfields
London SE1 8DJ
Tel: 020 7928 6006

BWSF (British Waterski Federation)

The Tower
Thorpe Road
Chertsey
Surrey
KT16 8PH
01932 570885

SAFETY ORGANISATIONS

RNLI (Royal National Lifeboat Institution)

West Quay Road, Poole
Dorset BH15 1HZ
T: 01202 663000

ROSPA (Royal Society for the Prevention of Accidents)

353 Bristol Road, Edgbaston Park
Birmingham B5 7ST
T: 0121 248 2000

RLSS (Royal Life Saving Society)

River House, High Street
Broom
Warwickshire B50 4HN
T: 01789 773994

KEY INSURANCE CONTACTS

Mardon Insurance Brokers (UK) Ltd

4-5 Dogpole
Shrewsbury
Shropshire
SY1 1EN
West Midlands
Phone: 01743 232688

RJP Marine Insurance Services

1-7 Dunstall Street
Scunthorpe
N. Lincs
DN15 6LD
01724 872939

CLUBS

Colwyn Jetski Club

Web: www.colwynjetskiclub.com

Cornwall Jetski Club

Web: www.cornwalljetskierclub.org

Clacton Watercraft Club

Web: www.clactonwatercraftclub.org.uk

Herne Bay and Whitstable Jetski and Watercraft Society (JAWS)

Web: www.jaws.org.uk

Loch Lomond Personal Watercraft Association

Web: www.lochlomondpwc.co.uk

Monkstone Jetski & Personal Watercraft Club

Web: <http://hometown.aol.co.uk/penjpet/page1.html>

Mundeford Personal Watercraft Club

Web: www.mundeford.org.uk

Mumbles Jetski Club

Web: www.mumblesjetskiclub.co.uk

Solent Skiers Association

Web: www.solentskiers.org.uk

Tayjet Personal Watercraft Club

Web: www.tayjetpwc.co.uk

West Cumbria Watercraft Club

Web: www.westcumbriawatercraftclub.org.uk

BRITISH MARINE FEDERATION

Marine House
Thorpe Lea Road
Egham
Surrey
TW20 8BF
info@britishmarine.co.uk
www.britishmarine.co.uk

RYA

RYA House
Ensign Way
Hamble
Southampton
Hampshire
SO31 4YA
info@rya.org.uk
www.rya.org.uk