contents

SECTION 1

foreword

In busy coastal areas, personal watercraft continue to present a challenge to local and harbour authorities. The problem of conflicting interests and priorities will never be completely solved, and the risks associated with multi-activity areas will never be completely eliminated.

However, over the last 4 years this guide has proved to be an invaluable tool in helping authorities implement management schemes to deal with marine activities and to encourage the co-operation that is required to make these schemes work safely and successfully.

From my personal experience there is no doubt that users and regulators alike have benefited enormously from the collective wisdom of this document and I am delighted that the momentum it has generated for the improvements to safety has resulted in this up-dated version.
I commend it.

Peter Booth
Harbour Master – Poole

SECTION 2

introduction

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

Four companies currently market personal watercraft in the UK:

Company	*Brand*
Jets Marivent UK Ltd	Sea Doo
Yamaha Motor Ltd	Yamaha Waverunner
Kawasaki Motors UK	Kawasaki Jet Ski
Polaris Britain Ltd	Polaris

A fifth company, Honda will introduce their range of PWs into the UK under the brand name of Aqua Trax in 2004.

Annual sales amount to approximately 1,600 new machines and it is estimated that there are now a total of 16,000 in use 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 and 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 the experience gained since the original guide and including several additions. 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 four manufacturers Kawasaki, Polaris, Sea-Doo and Yamaha, two insurance companies, Mardon and RJP, also Datatag 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 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 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
- Datatag craft identification scheme
- Personal Watercraft Insurance

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:

- Sound emissions
- Safety
- Natural environment
- Marine species

3.1 Sound Emissions

One of the most frequently debated aspects of recreational boating in recent years has been the noise that the boats make. PWs create varying pitch noises that are often described as ‘annoying’. These noises can be exacerbated by certain patterns of use and increase when personal watercraft are used in a small area for extended periods of time and either operated close inshore or in groups.

What can be done?

In recent years the industry has made technological advances that has reduced sound emissions by between 50 and 70 %, making modern machines fall somewhere between vacuum cleaners and city traffic (70-80decibels). However, the basic design of small fast jet powered craft, patterns of use and the continued use of older craft put a limit on what can be achieved. Management should therefore try to minimise noise impacts by distancing operations from sensitive populations or areas.

One source of noise that can be tackled is that produced when engines are started onshore prior to launching, and again after recovery to flush the engine free of salt water. This can be achieved by providing facilities at access points, or promoting sites which already have a supply of fresh water and sound baffling.

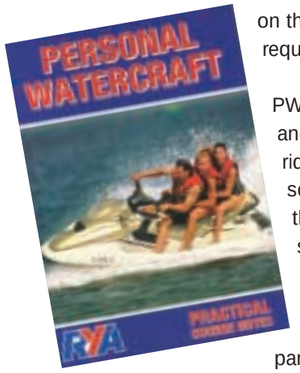
3.2 Safety

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

Interactions between personal watercraft users and the natural environment are not generally a major concern, 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.

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 [1]states 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.
- There is no evidence to suggest that the magnitude of turbidity caused by jet driven craft is any different to that caused by conventional craft. However, their ability to access shallow areas is likely to cause greater localised turbidity, which may have an impact if the volume of PW use is substantial on submerged vegetation in lagoons and low flushing areas.
- Authorities should be aware of the issue of decanting petrol and filling fuel tanks at launch sites and may want to provide appropriate facilities and equipment, this is also an issue to be aware in terms of safety onshore.

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.

3.4 Conflicts With Marine Species

There is evidence from around the UK that conflicts do arise between whales and dolphins (collectively known as cetaceans) and other marine species including basking sharks and some motorised craft. Studies carried out by the Whale and Dolphin Conservation Society (WDCS)[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.
- 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

[1] UK CEED 2000. A Review of the Effects of Recreational Interactions within UK European Marine sites. (UK Marine SACs Project)

[2] WDCS (2000) Chasing Dolphins!

Indirect impacts on habitat including noise pollution, all of these impacts are explained in more detail in the WDCS Report[2]

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. Also general guidelines have been published by DEFRA and voluntary organisations such as the WDCS, this can be found on their website: www.wdcs.org.uk These codes should be followed and care should always be taken when handling PWs around marine species.

Coastal managers can help to promote campaigns such as the stickers under the Active Seas initiative run by the WDCS and any local codes or promotional schemes.

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. 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 (English Nature, Scottish Natural Heritage, Countryside Council of Wales).

International/European Sites

In coastal areas protected under the Birds and Habitats Directive[3], 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 Regulations[4] to exercise their existing functions so as to secure compliance with the Directive, in addition to this the appropriate nature conservation body (English Nature, 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

management schemes

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

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.

Compoments 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:

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
- Royal Yachting Association
- 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,

Example of a Local Authorities – Teignbridge DC

Teignbridge District Council in South Devon have developed a Personal Watercraft management strategy in response to public complaints and concerns over bather safety in the Teign Estuary and along the coastline of the Teignmouth area. The approach taken was one of common sense, not attempting to introduce a policy which is neither costly nor prohibitive. Teignmouth revised a number of existing byelaws on access, and speed limits supported by a registration scheme in partnership with the Harbour Authority and managing access through two launch points, use of such sites is encouraged by the presence of suitable facilities such as car and trailer storage.

The registration scheme identified a number of conditions suitable for the local situation and requires evidence of third party insurance and enforces an age policy restricting for under 12s and imposing conditions and requiring supervision for 12-14 year olds. This method provides an opportunity for the authority to inform users of the local byelaws and guidance. For an authority that has a small number of formal launch points this approach requires minimal resources and has been successful.

Example of a harbour authority – Langstone Harbour Board

Langstone Harbour Board administers a permit scheme which identifies a number of restrictions and conditions, failure to comply with the conditions will result in the permit being revoked and the owner or rider being prosecuted. Conditions include prohibiting personal watercraft in certain areas and imposing speed limits of 10 knots in all areas of the harbour.

Langstone Harbour is heavily used by PWs during the summer, the primary aims of the control measures are to promote safety by minimising speed and noise nuisance. The Boards control measures include:

i) identification and collection of dues – all craft launching are required to pay dues and supply owner details.
ii) Issue of permits in accordance with harbour byelaw
iii) Education and information at first points of contact – the Board produces safety information leaflets and Harbour services guides detailing speed restrictions and prohibited areas. These are available to every slipway user.
iv) Co-operation with local PWs clubs and other organisations – incentives are provided to local clubs, who in return help to control PW use in the harbour. The Langstone Harbour Board is also in partnership with Hampshire Constabulary and HM Coastguard to enhance control and enforcement in the harbour. The Board provides necessary training for non- marine officers to accompany harbour staff afloat, including full risk assessment of activities.
v) Harbour patrols – during the summer season, the harbour will be patrolled by board vessels
vi) Enforcement policy – the Board encourages responsible behaviour through education and instruction but also supports this with an enforcement policy for breaches of harbour regulations. Informal warnings are followed by a formal warning and serious offences are prosecuted in the Magistrate's Court.

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].

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

SHORE-BASED MANAGEMENT TOOLS

Access

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

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

- Depending on the demand identified in the situation assessment, it may be appropriate to identify single use or multi use slipways for launching of craft. Consideration needs to be given to the demand for other facilities such as the provision of car and trailer parking as well as changing and toilet facilities. Provision of freshwater for engine flushing and sound baffling will also encourage the use of certain access points. Users will be more tolerant of regulation and charges if facilities are adequate and the site is a prime site locally for launching and use. A management decision to welcome users to a suitable location and to improve facilities there is likely to relieve pressure on less suitable places.
- The likelihood of significant nuisance or interaction with other users, can also be addressed by identifying single use access points. Consideration will also need to be given to safety considerations, bathing zones are an example where bathing beaches will need to be zoned to protect the physical safety of bathers. There may be a need to liaise with beach safety organisations.
- Environmental sensitivities of nearby areas can also be protected through the encouragement of clearly identified access points. Adequate liaison with the local conservation agencies and their officers should help identify local solutions to these issues. The provision of information and codes of practice developed with the users can help address these environmental issues.

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

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

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

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

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

Identification of User and Craft: The Datatag System

The Datatag system is a unique and sophisticated identification scheme that uses both visible registration numbers and identification technologies including electronic transponders or 'tags' or Datatag® Microdots, which can be read by a special scanner.

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 is a wholly owned subsidiary of Mitsui & Co, it was launched in 1992 as a direct response to combat the increasing problem of motorcycle theft. Datatag now protects many other markets including personal watercraft and all manufacturers for 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
- Datatag Microdot 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 +44 (0) 1932 358100 or visiting www.datatag.com

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.

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.

Management of launch sites by private operators

This approach has been successful for operation of a slipway owned by the local Council in Southend on Sea and managed by Thorpe Bay Marine. Southend has a long foreshore with numerous moorings and three launch sites, designated for different boating activities. Tidal access is HW ±3 hours. Thorpe Bay Marine, a local powercraft sales and support business, leases the Council powercraft slipway on terms which include a requirement to provide site attendance, during tidal access, at summer weekends (May - September) and weekdays during busy holidays. PW access is limited to this slipway.

The leaseholder is permitted to set his own charges which should be not less than for comparable facilities in Council management. Current charges for all powercraft are £10 per day or £120.00 per season. Small fishing boats and light dinghies are not charged: a rough and ready classification which seems to work in practice. These charges permit part time employment of an attendant, who also works in the shop. The slipway management is essentially non-profit making: its purpose is to support recreational powercraft use in the Southend area, and so help Thorpe Bay Marine indirectly.

There is a zoned area to the west of the slipway, regulated by council patrol boats. Management style at the slipway is pragmatic and includes advice and encouragement to behave in a tolerable way. The operation appears to have worked well during the past nine years, perhaps because the area has been used for powerboating for many years and this is accepted by other users of the foreshore.

A management task, appreciated by users, is weekly removal of sand and shingle dumped on the slip by natural sediment transfer. Thorpe Bay Marine is trying to encourage local users to form a club, with the emphasis on social activities.

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

RYA Personal Watercraft Training: PW Certificate of Proficiency

Course Syllabus:
(The course is taught in the following order, unless local conditions or weather require otherwise.)

Introduction ashore
Layout of a PW, controls. Propulsion and steering system. Fuel and oil. Stowage compartment. Personal equipment: wetsuit/dry suit, personal buoyancy, head and eye protection. Checks on PW prior to launching. Essential safety information: safety lanyard, safe speed and local hazards.

Launching and familiarisation – afloat
Launching from trailer, board in shallow water and start engine. Control at low speed. Balance and trim. Falling off and re-boarding. Capsize and righting. Control at speed. Stopping distances.

Collision avoidance
Rules of the Road applied to PWs, including:
- Lookout
- Safe speed
- Priorities between different classes of vessel
- Overtaking, crossing and end on approach rules
- Local rules, speed limits and prohibited areas

Orientation at sea – ashore
Charts, scales, directions and distance. Representation of land, shallows and deep water Buoys, (lateral and cardinal), avoiding shipping channels, special buoyed areas for water skiing etc. Tides, high and low water and tidal streams

Orientation afloat
Following a planned route, identifying bouys and marks

Collision avoidance – afloat
Recognising potential collision situations and taking correct avoiding action

PW control at speed – afloat
Slalom exercise

Emergencies – afloat
Towing a disabled PW. Knots: bowline and round turn and two half hitches. On completion of this practical exercise, recover PW from the water and prepare for trailing and storage.

Weather, safety, courtesy to other users – ashore
Sources and significance of weather forecasts. Lee and weather shores. Safety and emergency equipment. Courtesy to other water users. Avoiding pollution. Avoiding disturbance and damage to wildlife and habitats.

Assessment of candidate
Satisfactory completion of the course is based on continuous assessment by the instructor throughout the day. A 32 page booklet 'Personal Watercraft Practical Course Notes' accompanies the course and contains everything the course covers and much more. This is available free of charge from the 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 89 recognised teaching establishments now offer the PW training course.

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.

Teignbridge District Council enforces such an age policy, restricting under 12s and requiring 12-14 year olds to possess an RYA Certificate of competence and be supervised and 15-17 year olds must possess a qualification.

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.

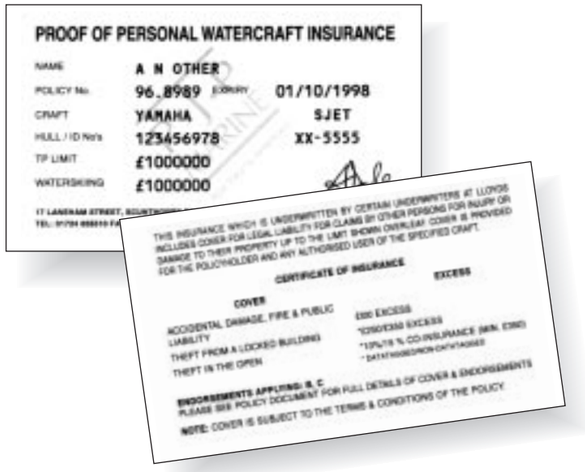
Personal watercraft are valuable possessions and most owners choose to insure them against damage, fire and particularly theft. Third party cover is automatically included in a comprehensive policy: insurers will not provide other benefits without it.

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 around £143 (2002).

Premium discounts are available to those who successfully complete the RYA training course, and 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 below.

Such cards will help both the user and the managing authority


PROOF OF PERSONAL WATERCRAFT INSURANCE

NAME A N OTHER
POLICY No. 96.8989 EXPIRY 01/10/1998
CRAFT YAMAHA SJET
HULL / ID No's 123456978 XX-5555
TP LIMIT £1000000
WATERSKIING £1000000

THIS INSURANCE WHICH IS UNDERWRITTEN BY CERTAIN UNDERWRITERS AT LLOYDS INCLUDES COVER FOR LEGAL LIABILITY FOR CLAIMS BY OTHER PERSONS FOR INJURY OR DAMAGE TO THEIR PROPERTY UP TO THE LIMIT SHOWN OVERLEAF. COVER IS PROVIDED FOR THE POLICYHOLDER AND ANY AUTHORISED USER OF THE SPECIFIED CRAFT.

CERTIFICATE OF INSURANCE

COVER
ACCIDENTAL DAMAGE, FIRE & PUBLIC LIABILITY
THEFT FROM A LOCKED BUILDING
THEFT IN THE OPEN

EXCESS
£500 EXCESS
*£250/£350 EXCESS
*10%/15 % CO-INSURANCE (MIN. £350)

ENDORSEMENTS APPLYING: B, C
PLEASE SEE POLICY DOCUMENT FOR FULL DETAILS OF COVER & ENDORSEMENTS

NOTE: COVER IS SUBJECT TO THE TERMS & CONDITIONS OF THE POLICY

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. 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.

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 suggest £2 million. Insurers provide this as standard and regard it as an adequate amount, although towing risks (waterskiing etc) may 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 £1 million for all UK sea going vessels up to 300 tons.

Theoretically, non-limitable claims for over £2million involving PWs could occur, but to require a higher level of indemnity would increase premiums and be counter productive.

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, or use by a member of a group of unsupervised children.

Comprehensive Access Control

Some authorities will use all of the tools available to control access or others only implement one or a combination of others dependent on local conditions. Conwy County Borough Council is one example of an authority implementing all the tools to positive effect.

TOOLS FOR THE REGULATION OF USE ON THE WATER

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

Comprehensive access control: Conwy County Borough Council

Conway County Borough Council is the Harbour Authority for the Port of Conwy. The County also manages a 40 mile length of North Wales Coast. Within these areas there are nine Authority-owned slipways, two of which are authorized for use jointly by PW/Powerboats and one exclusively by PWs. The remainder of the slipways are designated for use by craft other than PWs, based at six local sailing or boat clubs. The two designated PW/motorboat joint use facilities and the exclusive PW site are manned by attendants each day between April and September inclusive.

The Council has byelaws in force to regulate the use of Seaside Pleasure boats. It requires users to register, charges launching fees, requires proof of insurance and checks that all craft are equipped with basic emergency equipment. PW use is limited by quota, setting maximum usage levels at each authorised site. By agreement with the Council, the local Jet Ski Club regulates PW activity in conjunction with Council officers at the most popular launch site at Colwyn Bay dedicated for PW use.

In recognition of this assistance the Council discounts season launching permits to club members and grants the Club exclusive use of the slipway prior to midday at weekends and bank holidays. This co-operation between the local club and the Council has been particularly effective and has considerably enhanced regulation of PW activity in the area. The Council operates 2 regular patrol boats for the PW areas and a very effective PW patrol craft on loan.

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 bylaws. 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 byelaws[5] – '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

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

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.

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

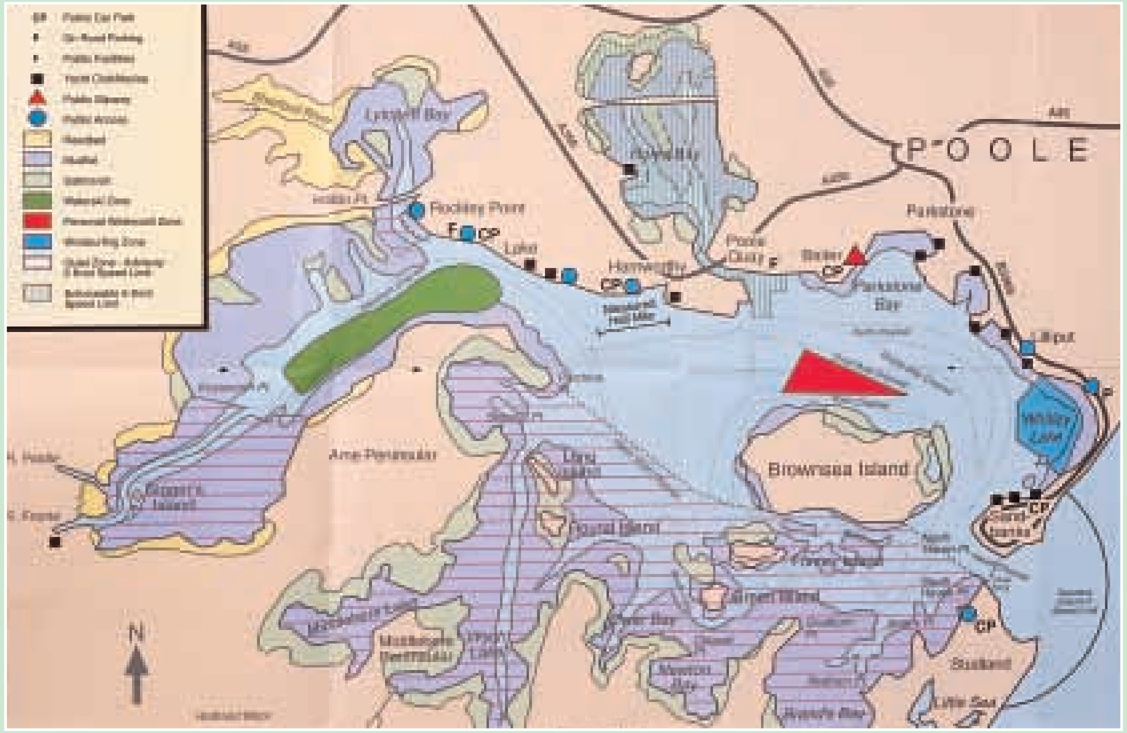
Enforcement of speed limits: Poole Harbour Commissioners

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.

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.



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.

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.

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. 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.

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 fess for PW permits are £5 per day, £15 per week, £30 per fortnight and £60 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.

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

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 has recently chosen to replace their existing 16ft patrol boat with a new 22ft craft.

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 al 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 has now been formed and is making an important contribution to the management of PWs on the Canterbury coastline. 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.

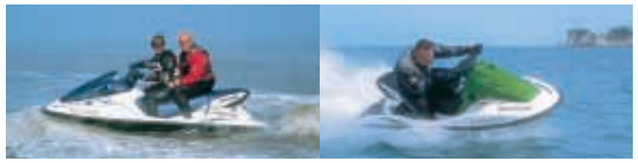
In addition, the Authority continues to work with the independent Water Safety Committee on all aspects of coastline matters. The Water Safety Committee represents the interests of all clubs and official bodies along the coastline thus ensuring that all interested parties can be involved in the decision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

Gwynedd County Council

Gwynedd Council, like Poole and Canterbury have had a very successful PW Management programme in place for over five years, and have gained a reputation for their proactive approach.

Gwynedd's 300 mile coastline stretches from Aberdyfi in Mid Cardigan Bay, around the Llyn Peninsula and through the Menai Strait to a point between Bangor and Conwy.



Tourism is a major part of the local economy and the County's resort towns draw thousands of visitors each year from the Midlands and North West of England.

There is no more stark an example of the mix of benefits and problems this influx of visitors brings than the increasing use of personal watercraft at the County's beaches. During the peak in the summer months, as many as a hundred PWs can be seen at any one time off popular beaches such as Porthmadog and Abersoch.

Noise nuisance, fear of injury to swimmers and a number of incidents created a strong local demand for management by the Council. In February 1998, the Council hosted a national conference on PW management, at which it explained the management measures to be introduced that summer. The event highlighted both the strength of local views about PW use and the willingness of the users to work with the Council to develop management solutions. The conference provided the stimulus for the first PW guide.

Identification of Management Problems and Assessment of Risks

The Council has carried out an assessment of the risks associated with PW use of its beaches and the problems experienced with their management. It has used the results of this risk assessment to redesign its management strategy.

This work involved:

- Analysing the circumstances of known incidents
- Identifying gaps and weaknesses in existing beach management
- Surveying for access, use and ownership of the beaches within its jurisdiction, and classifying them for the level of management likely to be needed
- Balancing the likely needs for management 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 management measures.

The main issues of concern were identified as:

- swimmers drifting into designated launching areas
- drivers of powercraft failing to comply with the zoned areas, speed restrictions or the collision avoidance rules
- difficulty in identifying offenders
- lack of understanding of byelaws by PW users
- Inappropriate use of PWs by young children
- concern about whether PW users were insured against third party risks.

The Management Scheme

The management scheme that was developed has been in operation for over five years, the main elements being:

- Classification of beaches by level of management required
- Zoning and marking of waterspace off bathing beaches to designate:
  - i) bathing area,
  - ii) launching areas leading from the launching ramp to the open sea,
  - iii) buffer zone between the two.
- Speed limit for all craft of 4 knots within 100 metres of the shore
- A 'permit to launch' scheme for all PWs, based on Datatag craft identification, by which users register themselves and their machine and pay a fee, currently:
  - £12 annual registration fee by post, £18 at Council offices/phone
  - £10 for single day
  - £70 per month
  - £110 for the whole year (1 April – 31 March)
- Prohibition of use by children under 12 and a requirement that those between 12 and 16 show either evidence of competence (completion of RYA training scheme or equivalent) or be accompanied on the machine by an adult
- A requirement for each user to be adequately insured against third party risks
- education and communication to users by signage at launch sites, using a nationally agreed standard and format
- providing face to face information about local rules and procedures

Wirral Borough Council

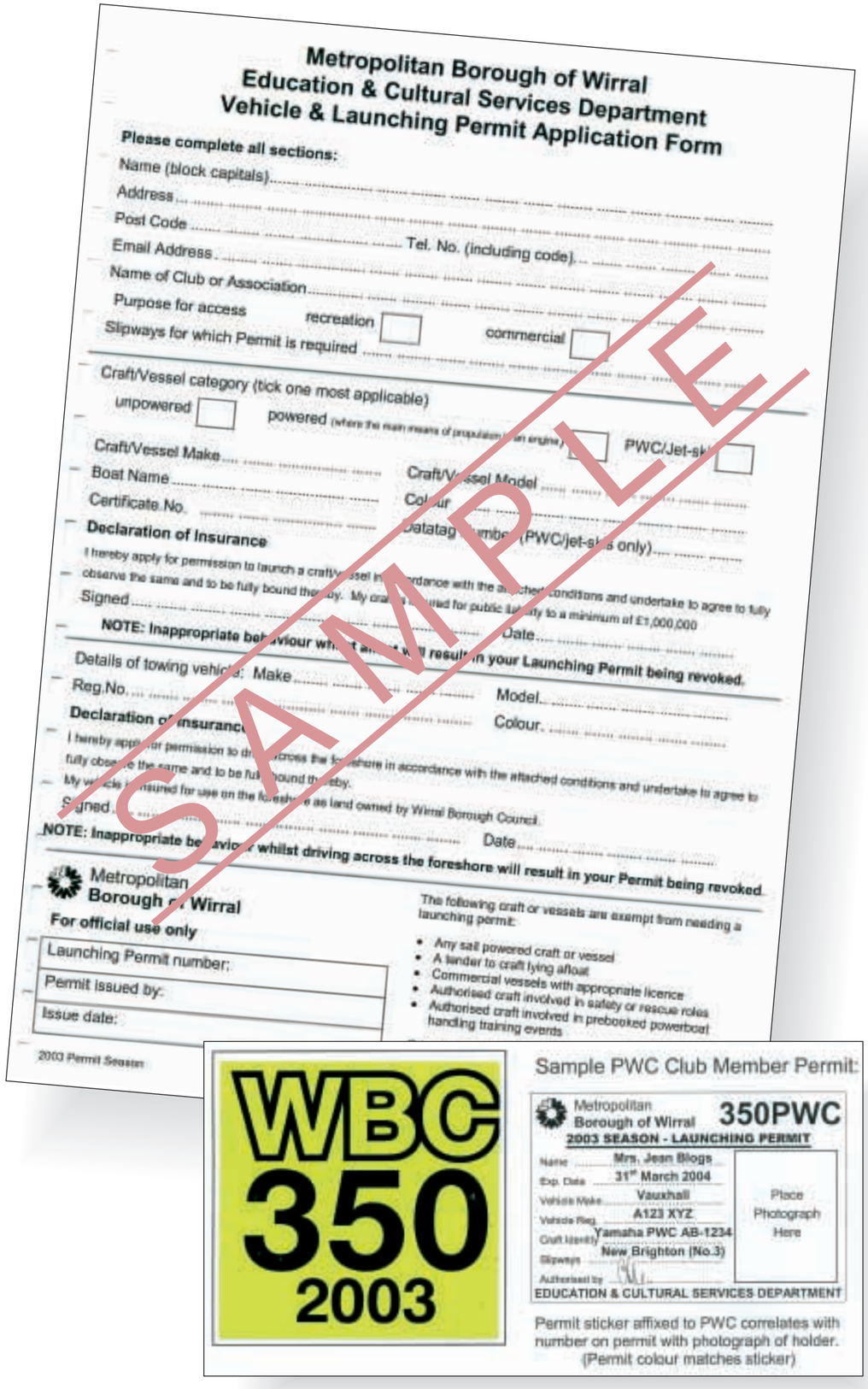
Wirral Borough Council runs a comprehensive scheme administered by a permit system. The permit sets out a number of requirements and provides compulsory certification for all powered recreational craft. The permit holder is directly responsible for the behaviour and actions of any person using their craft and permit details must be clearly displayed and available on request at the authorised launch sites.

Control of access to designated PW launch sites ensures that the Authority has strict control over all users within their area and offers the Authority the opportunity to provide detailed launch, recovery information and safety information targeted at personal watercraft.

The permits include a number or requirements and conditions detailed below:

- PW/Jet ski club members permit fees are £25
- No persons under the age of 12 are permitted to use any powered craft
- No persons under the age of 16 must be under direct supervision of a competent adult whilst using any powered craft.
- All PW users are required to hold the RYA personal watercraft certificate of proficiency and must carry their original certificate at all times and must produce it on request.
- They are also required to display a valid permit sticker on the front of the craft below the handlebars so that it is clearly visible.

A copy of the permit application is illustrated overleaf along with a sample permit and a copy of the licence.



Organisations

Prime contacts

Personal Watercraft Partnership
PO BOX 1906
Salisbury SP5 2ZL
Mobile: 07836 695999
T/F: 01725 513775
Chris@pwpuk.org

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

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

Datatag Ltd
Sopwith Drive
Brooklands, Weybridge
Surrey KT13 0UZ
T: 01932 358100

Contributors

Solent Skiers Association
www.solentskiers.org.uk

Teignbridge District Council
Forde House
Brunel Road, Newton Abbot
Devon TQ12 4XX
T: 01626 361101

Canterbury County Council
49 Harbour Street
Whitstable, Kent
CT15 1AQ
T: 01227 763763 F: 01227 763727

Wirral Borough Council
Department of Education &
Cultural Services
Hamilton Buildings
Conway Street, Birkenhead
Wirral CH41 4FD
Tel: 0151 666 2121

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

Wirral Jet Ski Club
c/o The Workshop
Virginia Road
New Brighton, Wirral,
Merseyside L45 2LH
T: 0151 691 0006 F: 0151 691 0660

Thorpe Bay Marine
108-199 Eastern Esplanade,
Southend-on-Sea
Essex SS1 3AD
T: 01702 588065

Government Departments & Agencies

DEFRA (Department for Environment,
Food and Rural Affairs)
Countryside (Recreation &
Landscape) Division
Temple Quay
Bristol BS1 6ED
T: 0117 372 8000

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, Aimondsbury
Bristol DS32 4UD
T: 01454 624376

The Crown Estate
Marine Estates,
16 Carlton House Terrace
London SW1Y 5AH
T: 0207 210 4377

CIEH (Chartered Institute of
Environmental Health)
Chedwicks Court, 15 Hatsfields
London SE1 8DJ
T: 0207 328 6006

BWSF (British Waterski Federation)
The Tower, Thorpe Road
Chertesy KT16 8PH
T: 01932 570885

Safety Organisations

RNLI (Royal National Lifeboat Institution)
West Quay Road, Poole
Dorset BH15 1HZ
T: 01202 663000
Sea safety liaison group

ROSPA (Royal Society for the
Prevention of Accidents)
353 Bristol Road, Edgbaston Park
Birmingham B5 7ST
T: 0121 248 2000
Beach safety and signage

RLSS (Royal Life Saving Society)
River House, High Street
Broom
Warwickshire B50 4HN
T: 01789 773994 Beach safety

Key Insurance contacts

Mardon Insurance Brokers (UK) Ltd
4/5 Dogpole, Shrewsbury
Shropshire SY1 1EN
T: 01743 232688

R.J.P Marine Insurance
1-7 Dunstall Street, Scunthorpe
North Lincolnshire DN15 6LG
T: 01724 872939