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MPC offers advice to personal watercraft regulation consultation

The Maritime Professional Council (MPC) of the UK has responded to a recent Department for Transport (DfT) consultation on whether personal watercraft (PWC) users should be subject to the same safety obligations that exist for the operators of ships.

In principle, the MPC supports the DfT's proposals that would ensure PWC come within the scope of the Merchant Shipping Act 1995 (MSA) and has made a number of constructive observations aimed at achieving regulations that are fit for purpose.

Since being formed in September this year, the MPC has been busy working on various areas of maritime policy and has engaged with a number of industry players and official agencies and departments. The MPC believes there are a number of policy issues which require urgent attention and is considering them in detail with a view to offering constructive advice on proposed regulatory changes.

The MPC comprises the Honourable Company of Master Mariners, The Nautical Institute, International Institute of Marine Surveying, Institute of Seamanship, United Kingdom Marine Pilots Association and Trinity House.

The combined expertise of the MPC was used to good effect to review the proposed regulations for PWC. The Council's members were consulted by email and telephone and subject matter experts assigned to draft technical detail. Their views were collated into a collective MPC response.

Responding to a key DfT question on whether new legislation is necessary the MPC has answered: “Yes. There is evidence from our members involved in providing safety patrols in harbours, rivers and other areas around the UK routinely and frequently witnessing dangerous/irresponsible behaviour by PWC drivers.”

A court case in 2005 cast doubt on what craft are covered by the MSA. So DfT’s proposed definition of watercraft is any type of craft that is “situated wholly or partly in water, is used, or is capable of being used, to carry one or more persons, and is less than 24 metres in overall length”. The MPC considered this to be an appropriate definition.

Exemptions are proposed for ships or fishing vessels, for which the MSA 1995 already makes separate provisions for safety, as well as any unpowered craft which is less than 2.5 metres in length or any product such as an inflatable dingy designed or intended for use in play by children under 14 years old. Again, the MPC considered this to be appropriate.

Among a number of other questions raised in the consultation the DfT asked: “Should the power of detention be available to enforcement officials to ensure dangerously unsafe watercraft are not used on the water?” The answer to that was an emphatic: “Yes, the power of detention is fundamental enforcement capability.”

As to whether any significant new costs or administrative burdens might be created as a result of the introduction of the proposed legislation the MPC advised: “We believe there will be additional costs and administrative requirements associated with these changes including in circumstances where PWCs would not be covered by the MSA's definition of 'pleasure vessels. The process of licensing and registration will have an administrative and financial impact though the scale of this impact is hard to assess.”

A final question called for documentary evidence that alcohol or drug use among recreational mariners is leading to safety concerns or an increased number of accidents or incidents.

The MPC did not have specific data on this subject but commented: “Members are alert to the fact that countries such as Australia conduct random breath-tests on users of leisure watercraft and that useful information may be available from authorities in this country.”

The MPC is now awaiting the outcome of the public feedback which will be published on the DfT's website.

For more information, please contact David Hughes.

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Notes for Editors

Honourable Company of Master Mariners  
The Honourable Company of Master Mariners encourages and maintains a high and honourable standard of ability and professional conduct in the officers of the British Merchant Navy.

International Institute of Marine Surveying  
IIMS is the leading professional body for the marine surveying profession with over 1,000 members whose job it is to survey and inspect vessels of all shapes and sizes.

Institute of Seamanship  
The Institute of Seamanship promotes seamanship through education and training as a practical skill requiring knowledge, experience and common sense.

The Nautical Institute  
The aim of The Nautical Institute is to promote professionalism, best practice and safety throughout the maritime industry and to represent the interests of their members.

Trinity House  
Trinity House is a charity dedicated to safeguarding shipping and seafarers, providing education, support and welfare to the seafaring community with a statutory duty as a General Lighthouse Authority to deliver reliable, efficient and cost-effective aids to navigation service for the benefit and safety of all mariners.

United Kingdom Maritime Pilots Association  
The UKMPA represents approximately 500 highly skilled UK Maritime Pilots. Their role is to safely navigate ships in and out of the United Kingdom’s waterways and ports.

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