

THE CROUCH HARBOUR AUTHORITY

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The Crouch Harbour Authority has decided to put together this brief information booklet that hopefully will help PWC licence holders understand the new legislation that was put in place by the Maritime Coastguard Agency in **March 2023**. Please take a few minutes to digest the significant points that follow.

The **Watercraft Order 2023** includes powered watercraft in the definition of a vessel that is bound by the Merchant Shipping Act 1995. This includes but is not limited to;

Provision 6- (Section 58 of the Act) **Conduct endangering watercraft, ships, structures or individuals**

Provision 8- (Section 100 of the Act) **Owner liable for unsafe operation of watercraft**

What does it mean for me as a PWC owner/user on the River Crouch?

The PWC terms and conditions are clearly laid out on the Crouch Harbour Authority website:

<https://crouchharbour.uk/byelaws/personal-watercraft/>

The **Watercraft Order 2023** however requires users, owners and operators to comply with International regulations as well as Local regulations. As the Merchant Shipping Act 1995 is written into UK Law then any non-compliance is considered a “**criminal offence**”.

It is not the Authority’s intention to “spoil peoples fun” but there are now certain obligations that PWC users should be aware of as they could be open to prosecution if deemed non-compliant.

Probably the most important things to take away from this information guide are as follows:

1. Follow the CHA terms and conditions. Complete the RYA Certificate of Proficiency and consider additional training courses. Have the proper insurance in place and **DO NOT** launch your PWC without the Annual Licence.
2. Consult the **COLREGS**, “The Rules of the Road” for power driven vessels.
3. Consult the **Crouch Harbour Authority Guide** for the location of the 8 knot speed limits and the designated jet ski area (East Fambridge Ski Area) which extends to the east of the N.Fambridge moorings’ 8 knot limit for 3 miles down to the water ski area limit at the eastern end of Bridgemarsh Island This does not include the South Woodham Ferrers Ski Club Area which may be transited only. PWC’s are not permitted on the Roach or in any of its creeks.
4. Consider the implications of non-compliance in the event of an accident.

The following is an edited version of the latest Marine Guidance Notice **MGN 684 Safety of Powered Watercraft** regarding the Merchant Shipping Watercraft Order 2023.

Summary

This Marine Guidance Notice (MGN 684 Safety of Powered Watercraft) explains the application of the “dangerous use” provisions of the Merchant Shipping Act (“MSA”) 1995 to powered watercraft, the obligations and offences for different “actors” and notes the role of the Maritime and Coastguard Agency (“MCA”) as the main statutory authority for enforcement.

These changes are effective from **31 March 2023** and are designed to ensure that the owners, operators and users of watercraft within all UK waters (including inland waters) can be held accountable for their actions and omissions.

The Merchant Shipping (Watercraft) Order 2023 (“the Order”) applies the dangerous use provisions of the MSA to powered watercraft.

2. Dangerous use

2.1 The Order creates obligations on **users, operators** and **owners** of powered watercraft, as appropriate, to ensure they protect both themselves and other water users from harm.

User – any person using the powered watercraft at a given time

2.2 The behaviour of the user is key to preventing incidents and accidents occurring in the first place. An offence will be committed if the user does anything which causes or is likely to cause the loss or destruction of, or serious damage to, their powered watercraft, or any other watercraft or ship; or causes (or is likely to cause) the death of or serious injury to any person.

2.3 It is important to note that anyone aboard a powered watercraft is likely to be a “user” of it, so passengers and other people besides the person driving or piloting a powered watercraft can commit this type of offence.

Operator – the person who has responsibility for operating a powered watercraft.

2.4 The operator of a powered watercraft will commit an offence if they discharge any of their duties, or fail to discharge them, in such a way as to cause any of the outcomes listed for a user under paragraph 2.2.

Owner – the person, or persons, who own title or has responsibility for the powered watercraft’s operational safety.

2.5 Users and operators may be liable for what they do with a powered watercraft; but owners of such vessels may also be criminally liable if they do not take all reasonable steps to secure that it is used in a safe manner.

3. COLREGs

3.1 The Order also applies the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 to powered watercraft. These Regulations apply international standards, more commonly known as “COLREGs”, which are the rules of the road for the sea. **Anyone wishing to use a powered watercraft needs to be familiar with these rules as uncertainty over how to react when vessels encounter one another is a frequent cause of accidents.** Moreover, the Order makes a **failure properly to follow the COLREGs a criminal offence** not only for those using the powered watercraft at the time and those responsible for its conduct (such as, for instance, an instructor), but for the **owner** as well.

3.2 The COLREGs cover issues such as **safe speeds, overtaking** and **actions to prevent collisions.**

5. Ports and Harbours

5.1 The Order applies in all UK waters including those managed by Statutory Harbour Authorities (SHAs). It also extends the ability of those SHAs which have not previously had the powers to do so to regulate the use of powered watercraft in their harbour limits through Harbour Directions.

5.2 SHAs may already have byelaws or Harbour Directions in place which provide them with enforcement powers within their harbour limits. Where these are in force, the harbour authority’s procedures for the reporting of offences should be followed.

5.3 Users, owners and operators, when within the harbour limits of any SHA, should always consult the information published by the harbour authority and **comply with any local regulations which apply to powered watercraft.**

7. Enforcement authorities

7.1 For significant breaches of the Order, the **MCA** is the relevant enforcement authority. The MCA will investigate whether an offence has been committed in individual cases where a significant breach of the Order is suspected.

7.2 The MCA is not the only enforcement body. **Police forces, local authorities and harbour authorities also have powers under the Order**, and for many issues and concerns these bodies are likely to be an appropriate first port of call (and can refer matters to the MCA if appropriate).

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