

Transport Committee

Oral evidence: [Jet skis: safety, regulation and environmental effects](#), HC 623

Wednesday 8 September 2021

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Members present: Huw Merriman (Chair); Mr Ben Bradshaw; Simon Jupp; Chris Loder; Karl McCartney; Gavin Newlands; Greg Smith.

Questions 1–130

Witnesses

[I](#): Andrew Norton, Director, Personal Watercraft Partnership; David Walker, Head of Road and Leisure Safety, RoSPA; Dave Brown, Deputy Co-ordinator, Dorset Marine Policing Team; and Bridget Betts, Environmental Advice Manager, Dorset Council.

[II](#): Robert Courts, Parliamentary Under-Secretary of State, Department for Transport.

Examination of witnesses

Witnesses: Andrew Norton, David Walker, Dave Brown and Bridget Betts.

Q1 **Chair:** This is the Transport Select Committee's one-off evidence session on jet skis: safety, regulation and environmental effects. We have two panels today to talk to us about jet skis and the impact that they are having around the coast and on inland waters. The second panel will comprise the Minister with responsibility. We have four witnesses on our first panel. I will ask them to introduce themselves in turn, starting with Andrew Norton.

Andrew Norton: Good morning. I am Andrew Norton, director at the Personal Watercraft Partnership.

Q2 **Chair:** Good morning, Andrew. Secondly—again, with a little relevance to the subject matter—I ask David Walker to introduce himself.

David Walker: Good morning. I am David Walker, head of road and leisure safety policy at RoSPA, the Royal Society for the Prevention of Accidents. I am also a member of the National Water Safety Forum and one of the principal authors of the UK drowning prevention strategy.

Q3 **Chair:** Good morning, Mr Walker. Third on my list is PCSO David Brown.

Dave Brown: I am David Brown. I am the Dorset police co-ordinator for all marine-related matters.

Q4 **Chair:** Good morning, PCSO Brown. Finally, we have Bridget Betts. Good morning, Bridget.

Bridget Betts: Good morning. I am Bridget Betts. I am the environmental advice manager for Dorset Council. I am here because I led a partnership on water safety at Studland and Swanage in Dorset, and because Dorset Council has three harbours.

Q5 **Chair:** Good morning, Bridget, and all our witnesses. I note that we have two representatives from Dorset, who have taken the matter into their own local byelaws, and hands, in trying to find a solution. We are therefore very keen to get your expertise in your practice and best practice.

We have a number of areas to go through. We are going to look at the industry, safety, training, the environmental impact of jet skis, local government regulation and the central Government consultation on proposed regulation, which was announced on Monday, very near to this session.

Let's start with Mr Norton. Could you tell us a bit about the jet ski industry? For those who are not so aware, could you tell us what jet skis are and how many people are using them? Could you also say a bit about the impact that they have?



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Andrew Norton: A personal watercraft is normally a water-jet powered craft that holds one, two or three people. The one-seaters or stand-ups are normally used for racing. The market is about 1,200 to 1,400 units a year. There are probably about 12,000 or 15,000 PWCs in use at present. They are used for a variety of things—recreational, police and RNLI. Yes, they travel places. They are very transient. They can go from area to area. There are many more traded than sold new in a year.

Q6 **Chair:** We have feedback from our colleagues, particularly coastal colleagues, that over the last year there have been increased issues. Has the purchase and take-up of jet skis increased significantly over lockdown?

Andrew Norton: Yes, it certainly has. It is still a minority that is causing the problems. We have many clubs around the coastline that are very responsible and promote responsible and safe riding, but there has been an increase during lockdown. A lot more skis have come on to the market. It is a very—for want of a different word—buoyant market.

Q7 **Chair:** You have talked about the units. Our briefing tells us that there are approximately 12,000 jet skis in the UK and that annual sales are 1,200 new machines. On the percentage increase, north Wales was cited to us. There has been a 30% increase in jet ski sales this year. Are people using them predominantly for maritime activities that you would recognise, or is it pretty much a leisure and fun market?

Andrew Norton: The vast majority are for the leisure market, but some are used commercially.

Chair: Before I move on to safety with Chris Loder, does any of the other witnesses wish to add any observations about the jet ski market and industry? Good. We will go through the sections, where you certainly will have expertise and relevance. I now bring in Chris Loder to discuss safety.

Q8 **Chris Loder:** Good morning, witnesses. It is good to see you. It is particularly good to see those from Dorset. First, I would like to ask you about safety and risks. I am keen to understand from you what sort of safety risks jet skis pose, both to the jet skiers themselves and to others who may be in the waters around them. David, can I ask you that first? I will come to Andrew afterwards.

David Walker: Thank you for that. As you say, the risks are split very much between risks to the jet skiers themselves and risks to third parties—to others. We track all water-related fatalities in the UK via the WAID system, which is shared with members of the National Water Safety Forum, including the Coastguard and the RNLI. We think about risks for the individual riders and risks to others.

As you say, the risk to riders tends to be associated with use: speed, leaving the jet ski at speed, impact with the water, impact with other users—collisions—or impact with fixed objects. The principal risk from jet



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skis to third parties, as we saw in the Goodwin case, is inappropriate navigation with ships, and being near to and striking swimmers and other people and objects in the water that are not as visible or clear from a jet ski when you are travelling at speed.

There seems to be a behavioural aspect, which is true across many water sports activities among certain users, where the user is not necessarily aware of cold-water shock, leaves the jet ski and decides to go for a swim, maybe not wearing their lifejacket, and jumps in quickly. It is the same trigger that we see with other drownings, where the cold-water shock effect hits people as well. Speed, collision and non-visible objects in the water are the principal issues that I would raise as risks.

Q9 Chris Loder: Andrew, could you answer that question next? I will come to Bridget afterwards.

Andrew Norton: There are no statistics, and not many incident recordings, for accidents. A lot of it is anecdotal. I have checked with the other partners—the Royal Yachting Association, British Marine, the UK Harbour Masters' Association and the British Ports Association—along with the manufacturers' insurance and identification system, Datatag. There are very few recorded accidents. It might be good to ask the Minister whether the MAIB has done many investigations into fatalities or, indeed, accidents with or involving PWCs.

Q10 Chris Loder: Thank you. Bridget?

Bridget Betts: I can report from the area near Studland and Swanage in Dorset. There are a few issues with sea swimming and jet skis, and jet skis being quite close. There have been some near misses, but that is just anecdotal, from a range of people who have told us.

Q11 Chris Loder: I went on my summer holiday to Swanage a few weeks ago and saw it in action live. It was quite concerning how close the jet skiers were getting to the coastline or to the beach and how fast they were going. Actually, they were not just individual; they were in tandem or there were three or four together, which was something that I had not seen before.

PCSO Brown, can we come to you next, please?

Dave Brown: There are lots of ways for incidents to be reported. Some will come to the police. Some will go to coastguards. I can speak only on the incidents that have been reported to the police. In Dorset this year, we have had two collisions. They were very minor. Both of them involved hitting moored vessels.

Other incidents we are having involve divers. We now have jet skis going over the top of divers because of their lack of knowledge of the divers down flags. A lot of it is just down to knowledge of the water highways.

Q12 Chris Loder: I see. How frequently does the Dorset marine policing team respond to jet ski incidents?



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Dave Brown: Over the years, we have had a marine section. When the cutbacks came, we reduced that to a force support group.

Q13 **Chris Loder:** Can you repeat that? A force of how many?

Dave Brown: A force support group. It has multiple purposes. The force support group will have a water capability, but it will also deal with high-risk public order. They will be inland as well as on water. It should be 80% inland and 20% on the water. That is not always the case.

Q14 **Chris Loder:** For our three harbours and fairly extensive coastline as a county, how many officers and PCSOs have that water capability?

Dave Brown: In our force support group, we have one sergeant and six PCs. The marine policing team, which is part of my team, has one PCSO and one PC. We are backed up by what we call SPOCs. We have trained PCSOs along the coastline and special constables to help with our joint patrols.

Q15 **Chris Loder:** Would you say that all the incidents you respond to are primarily because of irresponsible use of the jet ski, or are there genuine mistakes or failures with the jet ski?

Dave Brown: On the whole, I would say that most of the incidents are down to education, people not understanding the buoys, the zones in the water and the byelaws, and not feeling that the local byelaws apply to them.

Q16 **Chris Loder:** You would say that it is irresponsibility on the part of the jet ski rider.

Dave Brown: I would say that it is lack of knowledge more than—

Q17 **Chris Loder:** But ultimately, should it be their responsibility to make sure that they know these things?

Dave Brown: It should. The issue that we have is that it is not only coastal-lying people out on jet skis. We get people from all over the country, and trying to find byelaws can be quite difficult.

Q18 **Chris Loder:** Finally, over the last 12 months, what would you say, roughly, is the percentage increase in the use of jet skis on the Dorset coast?

Dave Brown: From talking to the harbours along the Dorset coast, I know that we now have no more spaces left for launching jet skis or keeping them on the water from floating pontoons. All the boatyards have sold out. It has increased no end.

Q19 **Chris Loder:** Bridget, briefly, is there any insight that you would like to offer into the increase in use of jet skis in the last 12 months?

Bridget Betts: In the last 12 months, there has been at least double the number of jet skis in our area.



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Q20 **Chris Loder:** At least double. Okay. Thank you.

Bridget Betts: Just so that you know, our patrols give education; that is all they do. They have given advice to 46 people riding jet skis and 24 with motorised boats. They have all been educated and did not realise what the byelaw was.

Chair: We will go from the Dorset coast to the Lincolnshire coast, with Karl McCartney, to talk about training.

Q21 **Karl McCartney:** Nicely done, Chairman. Welcome to all four of our witnesses. I am going to ask you some questions about training. Feel free to chip in; I will not come to anybody specifically. I will ask the first question, which is quite long, slowly, and hopefully you will remember it, but I am happy to repeat it.

What steps would I have to take if I wanted to rent and use a jet ski this afternoon? Would I require, first, training; secondly, insurance of any sort; thirdly, a lifejacket or other safety equipment; and fourthly, swimming skills? Could children or non-swimmers do the same as me? Andrew, you have a hand up.

Andrew Norton: The answer is none, nationally, but a lot of harbour authorities require insurance. The very important thing is the signage at the slipways, to educate people to start with. At clubs around the country, there is a lot of peer pressure for people to take the Royal Yachting Association one-day course. To date this year, 3,821 have been issued with certificates for those days. It is a very successful training scheme.

As David Brown said, it is about education. As Bridget said, we have been working together to try to educate through signage and through Bridget's volunteer patrols, specifically in Dorset.

Q22 **Karl McCartney:** I heard what PCSO Brown said earlier about knowledge and so on. Basically, could I turn up today to rent a jet ski and go out without any training or insurance?

Andrew Norton: There are very few places you could rent a ski from because it is insurance precluded.

Q23 **Karl McCartney:** Would the situation be any different if I were to purchase a jet ski and go out on it myself this afternoon? Could I go without any training? Could I just buy it and tip up at—

Andrew Norton: Yes, you could.

Q24 **Karl McCartney:** Anybody could do that. There is no restriction on age or competence.

Andrew Norton: No, but quite a lot of the harbours have byelaws whereby people have to have insurance. Some require training as well.

Q25 **Karl McCartney:** They might have byelaws and so on, but as we have



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just heard from PCSO Brown, if nobody is there to check, you will be able to get on the water without any training or insurance.

Andrew Norton: Enforcement is a big part of any harbour's responsibility.

Q26 **Karl McCartney:** Do jet ski hire companies or those who sell jet skis provide any voluntary training you are aware of, or offer training courses?

Andrew Norton: No. Jet ski hire is not happening very much anywhere in the country because the insurance is so expensive. When you buy a new ski, you get information, but if it is a second-hand ski, probably not.

Q27 **Karl McCartney:** Does any of the other witnesses want to add anything?

Bridget Betts: You can hire them in Swanage because there is a jet ski hire business there. It is in our partnership, so they now get a safety talk. That is really interesting. People can turn up, but they get provided with all the details of how to ride and what to do.

Q28 **Karl McCartney:** Are those jet skis limited in the power or speed that they can go, as you might get with other types of vehicles?

Bridget Betts: I don't know that, I am afraid.

Q29 **Karl McCartney:** David, you put your hand up.

David Walker: I agree with what the other witnesses have said. I would add that this is not unusual for leisure activities; for example, on the River Wye there is a thriving hire business that has been subject to HSE inspections and so forth over the years. There is a similar story to tell of other hire activities where we have seen drowning deaths.

Q30 **Karl McCartney:** I have one final question. It is to all four of you. If I were to hire or rent a small open fishing boat and take to sea, would there be any difference in the training level requirements, other than the obvious fact of being classed as a ship or vessel and subject to the byelaws or the maritime rules and regulations already in place? I am getting blank looks.

Andrew Norton: Absolutely not. If you were hiring or chartering a rigid-hulled boat, which is more the norm, and you wanted it bare boat—without a skipper—they would normally require a qualification.

Karl McCartney: Okay.

Andrew Norton: Bridget, with her rental, is very unusual around the coast. There are jet ski safaris, which are, basically, accompanied rides. An instructor goes out with two or three other skis and shows them the sights, so they are under the control of an instructor. The instructor is always a Royal Yachting Association PWC instructor. That is more the norm around the country than rental that you would do yourself.



Karl McCartney: No further questions from me. If there is nothing else from the panel, I will hand back to the Chairman. Thanks very much.

Q31 **Chair:** David Walker, you mentioned a hire business on the River Wye. Can you explain a little more about that? I did not catch the detail.

David Walker: By way of example, you can visit the River Wye at places such as Glasbury-on-Wye or Symonds Yat rapids and hire a canoe with a similar set-up. You can take your children down the river with little or no training, and we have seen repeated fatalities in that type of scenario. The scenario that is described for jet skis around the coast is not unusual. It exists in different settings at inland waters and other places around the UK. I gave the example more as a way of referencing norms in water sports and leisure activities around the coast generally, although I think that jet skis, given their speed and their risk to third parties, are an unusual case and different from canoeing or manually powered craft.

Chair: Thank you. It is very kind of you to give further information.

We will now talk about the environmental impact of jet skis, and I hand over to Ben Bradshaw.

Q32 **Mr Bradshaw:** Mr Norton, why should my constituents who are trying to enjoy peace and quiet around our beautiful coastline and beaches have to put up with people creating an awful lot of noise, burning fossil fuel and polluting the sea for fun?

Andrew Norton: They are very environmentally friendly machines, as far as polluting the sea goes. The new machines over the last 10 years have had to come up to the Californian and Swiss standards, so as far as that is concerned they are very clean. With regard to noise, places have marine codes and zones where people can ride. This is contained in a management guide, which is being revised at the moment, that we put out to local authorities and harbour authorities to try to alleviate some of the issues that have been brought up before.

Q33 **Mr Bradshaw:** As we have already heard, there is no national regulation at all governing these vehicles, is there?

Andrew Norton: No, there is not. It is all governed by local byelaws. In north Wales, for instance, they have a maritime code that tries to address the issues of going near wildlife and close to beaches.

Q34 **Mr Bradshaw:** Some of the written evidence that we have slightly contradicts what you have just said about them being very clean. They are mainly two-stroke engines, aren't they?

Andrew Norton: Four-stroke.

Q35 **Mr Bradshaw:** Four-stroke. But am I not right in saying that, according to our evidence, 25% of the fuel ends up in the sea? Is that inaccurate?

Andrew Norton: I would imagine so, especially for the new machines over the last five or 10 years. I don't see any reason why fuel would end



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up in the sea at all; two-strokes, yes, but not four-strokes, and they have been four-strokes for a very long time.

Q36 **Mr Bradshaw:** On noise, is there any prospect that we could have electric versions of these machines any time soon?

Andrew Norton: Yes. Like all walks of life, PWCs are looking at electrification. At the moment, most manufacturers are trialling it. It is a small market, so it will be a while coming, but they are trialling at the moment.

Q37 **Mr Bradshaw:** That would be a very welcome development for my constituents, who are fed up with the noise that spoils their enjoyment of our local marine environment.

Unfortunately, we do not have an environmental scientist on the panel. Bridget, you are probably the best qualified. What broader environmental impacts of jet skis on marine life and the environment more generally are you worried about?

Bridget Betts: Within my work area, we have had the Marine Management Organisation working with us. Alongside Natural England, they have concerns about seahorses being disturbed, as well as about harassment of dolphins and seals. The noise is for things underneath the water, really. Then there is the poor behaviour of a jet ski or a motorised boat harassing marine wildlife.

In our area, the shape of the bay often causes more of the noise issue because the noise refracts off the cliff. Sometimes, the location of the area makes the noise worse. Bringing the speed down, which is what we have been about, did not really help with that; you just cannot get around it. In Studland and Swanage, the cliffs bend round and the noise reverberates off them.

Q38 **Mr Bradshaw:** We understand that Spain has already regulated jet skis quite significantly, which allows local authorities like you to insist on an exclusion zone around the coast. They cannot come very close to shore, there are speed restrictions and so forth. Is that the sort of thing you would like to see the Government do here?

Bridget Betts: We have a lot of byelaws or harbour directions. We do not have exclusion zones, but we have zones where they are slowed down. I am not 100% sure whether Dorset Council would want to see exclusion zones, but we certainly need some regulation in place.

Q39 **Mr Bradshaw:** What about a minimum distance from the shore?

Bridget Betts: I am sure that a lot of people would want to see that. In some ways, it would be a good thing to do, because that is where the conflict is—very close to shore—certainly for us. For our area, the distance is 100 metres, and when people come in, they often come in at speed. They can come right up to the beach and land quite freely, and that is often where the conflict is. You can have channels put in and out,



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but it is all to do with byelaws. Changing byelaws is complicated and time-consuming.

Q40 **Mr Bradshaw:** Mr Norton, in one of your earlier comments you said that the problems were caused by a small minority of users. Does that mean that you welcome the proposals that the Government published yesterday on national regulation, bringing jet skis under the auspices of the legislation covering other marine vehicles?

Andrew Norton: Certainly from the PWC side. The RYA, one of our partners, has been working with the Department for the last few months to try to bring this forward, after the Goodwin case. Yes, we welcome that. The RYA will be replying, as a representative of the PWP, in due course.

Q41 **Mr Bradshaw:** Great. Mr Walker, with your accidents hat on, what are your thoughts on what the Government have proposed?

David Walker: We broadly agree with the Government's proposals. The area we would note is the broad definition of "watercraft". We may inadvertently start to apply that to a stand-up paddleboarder, a kayaker or somebody like that. We may need to think about the impact on them, but particularly for jet ski users, and for fast boats that provide risk to third parties, the answer is an absolute yes.

Q42 **Mr Bradshaw:** The Government's proposals cover only the accident and liability side, don't they? They do not cover any of the environmental impacts, as I understand it.

David Walker: Yes. Personally, I agree with the aspects relating to noise reduction and so forth. As an organisation, RoSPA is not focused principally on those topics, but I agree with the sentiments that you and your constituents have expressed.

Q43 **Mr Bradshaw:** Bridget, do you have a concern that what the Government are proposing covers only the accident issue and not the broader environmental impacts?

Bridget Betts: Yes. I think that it would be really good to include the environmental impacts, as a package; otherwise, you almost have to do it twice for people.

Q44 **Mr Bradshaw:** Mr Brown, do you have anything to add from your frontline experience?

Dave Brown: No. I would like to see some sort of regulations that are more enforceable come in, not that that would be the first course. Police would like to prevent before we get to enforcement. Yes, I would like to see something come in. What that package would look like would be down to Ministers.

Q45 **Mr Bradshaw:** Mr Norton, can I go back to the noise issue? Until we get electric water skis, would you be happy with speed limits or silencers



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being mandatory, to reduce the noise impact that they have currently?

Andrew Norton: On most skis, those come as standard, although some people—the same as with cars—change their exhausts to noisy ones. It would be very difficult to get them any quieter than they are. At low speed, they are very quiet. It is just when they are on the plane and bouncing on the sea, which is basically air going through their jet grate or intake grate.

Q46 **Mr Bradshaw:** Reducing the speed would kill the fun, basically, although it might help with the noise.

Andrew Norton: The fun is in the speed, as with any fast craft, motorbike or motocross bike. In Dorset and many other places, people have to adhere to a speed limit off the plane, near beaches and within harbours, in the main. At slow speed, the noise is limited greatly.

Mr Bradshaw: Thank you very much.

Chair: Let's move on to the regulations that are available for local authorities. We have Dorset with us, which has done something quite novel. I will hand over to Simon Jupp. Many happy returns, Simon.

Q47 **Simon Jupp:** Thank you, Chair; much appreciated. Good morning to all the panel. If I may, I will start with Bridget at Dorset Council. At the moment, aside from what the Government are considering doing, do you believe that you have enough power to regulate jet skis effectively?

Bridget Betts: In some ways, the whole thing is around antisocial behaviour and criminal behaviour. It probably requires legal enforcement from the policing team that we use rather than from ourselves. Dorset is quite unique because it has a lot of open coast. Where we have harbours, it is easier to have enforcement and the people in place. That runs quite well, but we have an awful lot of open coast. In my area—Studland and Swanage—we have Lulworth, Kimmeridge and all the places where people are going, with no enforcement. We have a byelaw but no enforcement for it. We probably do not have the resources to deal with it.

Q48 **Simon Jupp:** I was about to get on to resources. No matter what the Government decide to do in this area, and every avenue they go down, if it cannot be enforced it is not worth the paper it is written on, to be blunt.

Bridget Betts: Yes.

Q49 **Simon Jupp:** This is a bit of a niche question; forgive me for that. Dorset Council is a relatively new authority. It has only been in place for a couple of years. Would this have been possible under the previous set-up of councils in Dorset, where there were six or seven district councils and a county council?

Bridget Betts: It would have been possible because Purbeck District Council used to be involved down in Studland and Swanage, and there was West Dorset District Council, so they did it, but it is a lot easier to be



one council bringing people together and singing from the same song sheet. I think it is incredibly more powerful, to be honest, working with all the harbours together. The cross-working and expertise have been in one place. I would say that our local town councils have echoed that. They have really valued Dorset Council taking the lead as the unitary authority on something that is quite big for them.

- Q50 Simon Jupp:** Thank you. On resources particularly, and the legislation that is currently in place, I will go to PCSO Dave Brown. In terms of the resources that you have, within the remit of the byelaws under which you work, how does your force cope with that? It is a rural force. You cover a vast area. This must be quite down your list, one would imagine, despite best efforts for it not to be.

Dave Brown: Yes, I would agree with that. We have to manage our risk. We have 96 miles of Dorset coastline. We have the second biggest natural harbour in the world. Trying to police that with the staff levels we have is extremely difficult. We have to have intelligence-led policing. We cannot be everywhere. We will hit most of the hotspots where incidents are recorded. That is the only way we could enforce byelaws or any legislation that would come into place.

- Q51 Simon Jupp:** The effort that Dorset Council and Dorset police are making is very welcome and unusual in the country. Andrew, clearly, what Dorset is doing is a great step forward. It is something that is obviously welcomed by many people, including users and local residents. There is no consistent national regulation at the moment. Do you think that what Dorset Council is doing could be replicated, depending on what the Government decide to do?

Andrew Norton: What Dorset has done has to be applauded. We have all worked together to make sure that happens, with appropriate signage and things. It can be replicated in some places, but with national legislation it is very difficult to build a one size fits all. I will use north Wales again because that is a very active place, with their maritime code, their buoyage and their permit system. They are working in sort of the same way as Dorset, but again enforcement is a very big problem for them.

- Q52 Simon Jupp:** If I may, I will ask David a similar question. What Dorset has done and what has been done in north Wales, as just referenced by Andrew, is a good step forward, but there is a lack of consistency across the country. That is quite a problem, not just for users but in an understanding of local resource as well.

David Walker: Yes. I think there are pockets of good practice. The PW Partnership and key councils such as Dorset have shown a way forward for managing personal watercraft in those areas. Fundamentally, you can put these things on the back of a trailer and drive somewhere else, so those sorts of intelligence, as the PCSO was saying, work both ways. Jet ski users who do not want to be regulated can move quite quickly.



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There is a slightly broader point. Around 2004, DEFRA published some guidance for local authorities on managing coastal authorities. That management guide was rescinded and pulled back. There was a move by previous Governments to engender a voluntary approach, which was stepped back. Fundamentally, I think what we will see is good authorities such as Dorset managing the problem, and it migrating along the coast towards areas that are less well observed or less actively managed.

I would very much welcome a more consistent regime. It would help authorities across the board if it was consistent, no matter where a personal watercraft is used, so as soon as they touch the water—as soon as they launch—the rules are the same. That makes for consistent and fairer regulation.

Q53 Simon Jupp: Thank you. Consistency is a big problem. My colleague, Ben Bradshaw, mentioned the Exe estuary earlier in this session. One of the challenges of the Exe estuary is the number of different landowners across that stretch of water, even though it is technically managed by Exeter City Council. I know that they are investing time and effort into trying to regulate the area properly, removing shipwrecks and other problems that are prevalent in the patch.

I will go back to Bridget for a second. What exactly led to the multi-agency approach that you have in Dorset? What made councillors and the local authority sit back and say, “Actually, we must step up our action on this and do something”?

Bridget Betts: When people came out of lockdown, everybody seemed to flock to our honeypot sites. One of them was Studland and Swanage. It became the mecca for motorised craft, jet skis and sea swimming. Everybody was taking up new activities. There was a real issue down there.

I am in charge of putting out the buoys that are associated with the byelaw, and I heard that people felt unhappy about what was going on. I decided to gather all the key stakeholders together, which includes obviously the police, Andrew, the town councils and the RNLI, meet them on site and find out exactly what the issues were. From then on, we formed this amazing partnership. We invited jet ski representatives and sea swimmers on to the group. We looked at all the issues that were going on in the summer of 2020 and decided to do something to change it.

Q54 Simon Jupp: To head back to PCSO Dave Brown for a second, when you intervene on someone who is not following the rules when it comes to the local byelaws in Dorset, what is the reaction that you and your officers tend to receive from someone who probably is not aware of the byelaws or the rules and may not be a local? Even if they are local, they may not be aware either. What is the reaction you get from them, and how do you explain that they cannot do what they were planning to do, or continue to do it?



Dave Brown: On the whole, 99% of the people we engage with, on and off the water, are quite positive and quite thankful for the information being passed on. We explain the local byelaws to them, the exclusion zones and the risks that are involved for them and other users. It is education rather than a big stick. It is more low-level, "Let's talk to them. Let's get them on side." That approach seems to be working in Dorset. It has now got users of PWCs giving out that education package and telling other users where they are in the wrong. It seems to be growing inside the PWC world, and the group causing the main issues is shrinking. We have some aggressive people still out there doing it, but very few. In Dorset this year, we have had three or four instances with aggressive riders. All the rest did not understand the byelaws.

Q55 **Simon Jupp:** We are relatively calm in the south-west most of the time, aren't we? David, you put your hand up.

David Walker: It was to build on your point that there is a broader challenge in the maritime sector with intelligence and data sharing. We have really excellent data sharing with the RNLI and the Coastguard via DfT, on fatalities. We are building a system sponsored by the Minister to get to the next level down.

When we start to get into the intelligence-leading indicators, it becomes quite hard. We are often unsighted about some incidents at the earlier stage, so it often escalates into some level of harm before action is taken. There is a broader challenge.

We have been working with the National Police Chiefs' Council and the National Fire Chiefs Council, in addition to the Coastguard and other partners, but it is still a project in progress to build a more detailed picture of intelligence on what is happening at the coast and on our inland waters. There is a theme and probably a gap there, which would be helped by longer term regulation and targeting some of those interventions nationally and locally.

Simon Jupp: You have seamlessly moved on to the next item of business in this session. I will hand back to the Chair.

Chair: Excellent Thank you, Simon. The last thing we want to touch on with you as witnesses and get your evidence on is the central Government consultation and potential regulation that was announced on Monday. I will hand over to Greg Smith to take us through this section.

Q56 **Greg Smith:** Thank you, Chairman. I will pick up on something that came out of the last session, to lead into this. PCSO Brown, you said that the Dorset approach is working, which was great to hear. With that in mind, do you think there is a need for legislation or further central Government intervention? What do you make of the consultation that was put out by the Government a couple of days ago? Would it be better to leave local areas to get on with it in the way that Dorset has, in your own words, effectively?



Dave Brown: Personally, I would say that it needs some higher Government involvement. The local byelaws can be very difficult to enforce. They are all different along the Dorset coastline. We have different speed limits and different exclusions. It is very confusing for riders and other users of the water. An overall Government review of the legislation would be welcomed.

Q57 **Greg Smith:** That is very helpful. Thank you. Perhaps I could get everybody's view on this. Central to the consultation that came out a couple of days ago, it is pretty clear that the Government's preferred route is extending provisions in the Merchant Shipping Act. Is that the right route to go down or do you think a more bespoke, brand-new piece of legislation that is explicit to jet ski usage or powered watercraft usage would be a better way to go? Perhaps we could start with you, Bridget.

Bridget Betts: This is not my area of expertise, unfortunately. I would always defer to someone like our harbour master. We would probably say in Dorset Council that we would welcome some extra legislation. Doing it as easily as possible, rather than in some long, drawn-out process, would be a good thing.

We have tried not to single out jet skis, because it is to do with motorised vehicles and people going at speed. It is the behaviour of people rather than the activity. Some people think it is all around jet skis, and our experience in Dorset is that it is not.

Q58 **Greg Smith:** That is helpful. Andrew, what is your take on bespoke legislation?

Andrew Norton: I totally agree with what Bridget said. There has to be consistency across all vessels. Obviously, I have not gone into the legislation completely yet, as it was a very recent consultation. Consistency around the coast for that kind of thing is exactly what we want for powered craft. National signage that looks the same each time you go to a new slipway or new area is something the PWP has been working on with local councils, so that when you turn up at a slipway it looks exactly the same, with the speed limit areas to go to, and so on. Dorset, Poole Harbour and Weymouth have taken part in that. There are about 14 other harbour authorities at present that do that. That is one of the tools as well. There are many things to alleviate the problems that have been caused by the minority, including the legislation, which I think will be useful for enforcement.

Q59 **Greg Smith:** That is a helpful answer but it is very much focused on what an individual who wishes to ride a jet ski or other powered craft does with it, as opposed to some of the things that Ben Bradshaw was questioning you about earlier on the unintended consequences perhaps of what comes out of the back of a powered craft and the impact on marine environments, or on other people trying to enjoy the coastline. What would be your take on where Government do or do not need to step in to regulate those areas?



Andrew Norton: It is the definition of a PWC as a ship or a watercraft as well that makes it come under the same legislation so that enforcement can be taken and carried out.

Q60 **Greg Smith:** Thank you for that. David, do you have any thoughts on that that differ from the other witnesses?

David Walker: Post Goodwin, generally there was surprise. We thought that when the test case was taken, it was nothing controversial at the time, and if you speak to a rig owner, they think they are within scope of that. An outcome that provides consistent and clear rules for users is the ideal outcome.

I was quite intrigued by option 3, which I thought was quite a good option, to legislate under the Railways and Transport Safety Act. That is quite a neat solution. Fundamentally, it comes back to my point that Dorset and the local authorities can manage it really well, but these are highly mobile craft. They can be put on the back of a trailer and moved, so we need a consistent approach. There are wider principles for the Government to have better regulation and reduce the burden on regulators and so forth. We all know that byelaws are not a very good way to manage this sort of risk.

I would say yes, very much, on the proposal. My only caveat—we have not really had time to talk through this with the port groups and some of the local experts—is the scope of the definition for watercraft. That would be an area we would want to think about a bit more closely. We do not want to legislate unnecessarily for a paddleboarder, for example, who poses little or no risk to third parties, or noise or anything like that.

Q61 **Greg Smith:** Do you worry that bespoke legislation or significant change to existing legislation could take away the ability of a local authority? I understand the point that byelaws are not at the top of everyone's bedtime reading list. People do not necessarily understand what local byelaws are. Could a clunky bit of national legislation take away from the ability of local councils and local areas to put in place an enforcement regime or a system that works for them? What works in Dorset might be very different from the Norfolk coast or somewhere else around the country.

David Walker: It is an area where we speak to local authorities and the coastal authorities on a regular basis. We hear concerns around that issue on a reasonably regular basis. As some of the other questions have alluded to, they tend to focus on the environmental risks or the environmental impacts.

Fundamentally, no, because I think they will be implicitly involved. They will manage it and tailor it for their own regimes. There is a very high day-to-day management burden on managers who need to enforce or change byelaws. They are not a very good or modern way to regulate these sorts of things. The framework approach is smart government from



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my point of view. As long as we are cognisant of the unintended impacts, particularly on unpowered craft—that would be at the top of my mind at the moment—I think we will be okay.

It is a problem that has been around for a decade. Goodwin was the test case and the Department has been grappling with it. It is not something, from my perspective, that has been kicked into the long grass. They have been grappling with the issue and trying to work through it. We are at the end of a long line of useful voluntary attempts. This is a much smarter way to take it and clean up this outlier issue from our perspective.

Q62 Greg Smith: That is helpful. Bridget, you wanted to come in.

Bridget Betts: What has really worked in Dorset is translating the byelaw into layman's language and having the key messages brought out. Nobody likes to read legislation or byelaws really, so we all got together and put it in that language. Jet skiers were part of that because they had to understand it. They wrote in their language. We included the marine environment. We included behaviour with other people, as well as safety for themselves. We worked very closely with Andrew to ensure that it fitted that model. That is what we can do really well locally; translate the legislation or the byelaw for people to understand it.

I had a film produced and we had social media posts, again with all the key messages. I think that is why it has worked. Studland and Swanage were places where you could go and do anything. Nobody was regulating anything. Since we have put all these things in place—better signage, social media, patrols providing education every single day—the incidents have dropped right down. Some would say that there are very few, and it feels a much happier place. It has been a lot of people working together to translate what the rules are in a really friendly way.

Q63 Greg Smith: That is helpful. Thank you. PCSO Brown?

Dave Brown: Bringing it under a national heading could be quite a good idea. Jet skis are now able to go a lot further. We are getting people leaving Dorset and taking trips round to the Isle of Wight, going across borders. We do not know in Dorset what the Isle of Wight byelaws are. It is people going out of our area and into other areas, and visiting vessels, that will all be under different instructions and byelaws in their local area. Something national to deal with bigger issues would be quite beneficial.

Q64 Karl McCartney: I want to come back to the four of you on that. Listening to Mr Norton's earlier answer, I agree with him that, if jet skis were the same as all other maritime vessels, that might take us some way to dealing with the issues.

I have just had a quick look at eBay. I am sure there are other auction sites available online. The prices go from £1,000 to £20,000 for a second-hand jet ski. Is there a case not just for registration but for insurance for every single type of jet ski on our inland or maritime waters? That question is open to all four of you.



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Andrew Norton: Obviously, we promote that everyone has insurance, as do most if not all harbour authorities and launch sites. Clearly, that is quite difficult to police—to use that word—especially at launch sites that are not local to harbour offices.

All new machines for the last 10 or 12 years have been data tagged and registered, which is a central base that police and harbour authorities have access to. It is registered keeper, and the data tag can be found 24 hours a day to find out who is registered to the data tag on the actual machine. Quite a lot of harbour authorities and local councils require a data tag to be current in the person's name. We have been working very hard with Poole harbour commissioners to tighten that up.

Q65 **Karl McCartney:** To come straight back at you, Andrew, for the second-hand market, or third, fourth or fifth hand, how many, percentage-wise, of subsequent owners of not-new jet skis have fulfilled those registration requirements?

Andrew Norton: It is very difficult to get to people who have bought straight from any internet site second hand. Peer pressure is a very good one, but it is very difficult to get to people who buy from those internet sites. I am sure that some are insured and I am sure that some are not.

Q66 **Karl McCartney:** I understand. Thank you for that. You might not know, but the Minister has come into the room. Hopefully, he is paying attention to this. Obviously, if any young person, or any person, buys a classic car off the same sort of sites, and they want to take it on the road, they not only have to be registered but insured. I do not think there is any difference for a jet ski, personally. Thank you very much indeed for that. Does anybody else have any comments?

Andrew Norton: It applies to all kinds of watercraft, from sailing dinghies to RIBs or whatever. The requirement for insurance and registration is not necessarily there.

Karl McCartney: Thank you very much.

Q67 **Chair:** Do Members have any other questions? I can ask that as we are all physically together. David Walker, can I ask you one final question? This is most relevant to the Royal Society for the Prevention of Accidents.

Over the weekend, I was moving my car in Brighton and something shot past me. It was someone on an e-bike or on a Cheetah. I could barely see them in the blink of an eye. We are looking at e-scooters and e-bikes, perhaps with less regulation. Is there concern that those on the water might feel they are being picked on, when those on the roads and pavements are seemingly able to ride around at speed without enforcement, or indeed regulation?

David Walker: Chair, in my previous comment I was going on to say that, beyond some light-powered vehicles and e-scooters, I cannot think of any other powered vehicle that does not require registration or insurance. In our wider motoring department, I know this is something



that is on their agenda. I know that we are in hire trials up and down the country and looking at point of sale work as well. Although it may not be, in current state, something that is needed, I understand that it is on the agenda and in the eyeline of the department over the next 18 months, particularly with the hire trials.

I would not say that we are setting a precedent by looking at personal watercraft. Fundamentally, I come back to the fact that these craft can create considerable third-party risks. They can hit swimmers. They can hit other objects. That is the risk we are principally concerned with, and it happens on a not infrequent basis.

Q68 **Chair:** Thank you for that. E-scooters are a subject that we have looked at and will no doubt look at again. Andrew Norton, do you want to come in on that?

Andrew Norton: The vast majority, if not all, of the newer skis—the high-value ones—will be insured, if only to protect their asset. That would cover third party. Our insurance partner's statistics say that at least 85% of skis are insured, but there will be some that are not. It is the same as on the road. There is legislation for the road and still people do not insure. There is no legislation on personal watercraft, but the majority insure. The majority of harbour authorities and local councils require insurance to launch, but it is quite difficult to police, as I said.

Chair: Thank you very much for that. We will conclude there. We can put some of these points to the Minister, who has come into the room. A big thank you to Bridget Betts, PCSO Dave Brown, Andrew Norton and David Walker for all of your evidence. We are very grateful indeed. Thank you.

Examination of witness

Witness: Robert Courts.

Q69 **Chair:** We move to our second panel—our sole witness. I ask the Minister to introduce himself.

Robert Courts: I am Robert Courts, the Maritime Minister.

Q70 **Chair:** Good morning, Minister Courts. We have heard a lot of evidence of concerns, and we would ordinarily put to you, "What are you going to do about it?", but actually on Monday it appears you have. Perhaps it would be worth us asking what your concerns are around jet skis and the safety issues, and what has driven you to take action and what that action will comprise?

Robert Courts: Thank you, Chair. As the panel knows, and as you heard from the earlier witnesses already, there was a case called Goodwin back in 2005, which tragically resulted in a fatality. That was a test case. Probably, if you had asked the Department before that case, and a Minister or an official were sitting here—I suspect it would have been the case for most people in the industry as well—they would have thought



that personal watercraft fell within the Merchant Shipping Act. That case, of course, found that they did not.

It contains some very important provisions. They are intended to address the safety aspects that you have heard a lot about today. As the last witness was saying, there is clearly a risk from these devices, which can be powerful. If they were to be operated unsafely, they could pose a risk to third parties.

What we propose to do is to introduce some legislation that brings personal watercraft within the Merchant Shipping Act, principally article 7 and article 9, which are probably the most relevant for the Committee's purposes today. I will not go through them all in detail, Chair, but just to give a quick flavour of what we would do, we would apply section 58 of the Merchant Shipping Act to personal watercraft, or jet skis as they tend to be called colloquially. If anybody does any act that causes, or is likely to cause, "the loss or total destruction of or serious damage to any other ship or structure"—so the property aspect would be covered—or "the death of or serious injury to any person," they would then be brought within the Act.

What does that mean in practical terms? It gives an extra enforcement prosecution option to the authorities, the police of course being the relevant authority in this case. There are, as the Committee has heard already, a number of different byelaws that exist in different places around the coast and of course inland. Those generally tend to be summary-only offences, so the penalty is, relatively speaking, low. In cases where you are talking about death or serious injury to a person, we think it is appropriate that you should, if possible and if need be, be prosecuted with a more serious offence.

That is what we are proposing to do. As I started off by saying, most people would have thought before Goodwin that PWCs fell within the Act. We are seeking now to make sure that they do, so that option is available.

I would also like to say, Chair, that it is important that we recognise that the vast majority of users of personal watercraft do so safely. It is important that we recognise that they are useful for some organisations like the RNLI, for example. They also provide leisure opportunities, employment and water enjoyment all around the coast. There is a proportionality aspect. We are looking to address the serious safety aspect.

- Q71 **Chair:** Greg Smith will drill into the detail of the proposed legislative changes. Perhaps I could ask, without trampling into Greg's area, did you decide to amend the existing legislation in order to get to this point faster than primary legislation, or do you actually think that primary legislation is not required, and you do not need to distinguish the features of a jet ski over other existing watercraft legislation?



Robert Courts: Chair, there is probably an element of both in reality. If we go down a primary legislation route, of course, that will take longer. Government time is limited, and that will naturally mean that it is longer. It is a bigger exercise in any event to introduce primary legislation because of all the consultation processes that you have to do for that, and then to find parliamentary time.

We also have to look as to whether the suite of powers actually exists. As I outlined, most people probably would have thought that the Merchant Shipping Act would have applied, and should apply, to personal craft. The first thing we should do is to apply that, and to remove the lacuna in the law that was there before, and which probably nobody would have expected to exist, and to put that right. We will continue to keep everything under review. If further steps have to be taken, we will of course listen to what everyone has to say and consider it.

Chair: I will trample no more, Greg. We are keen to go through the sections in a similar order to the first panel. They are on safety, environmental impact, training, local government regulation—we have heard from Dorset about their byelaws—and then with Greg, central Government consultation. I will hand over to Chris Loder to see if we have some more on safety.

Q72 **Chris Loder:** Good morning, Minister. I have a few questions for you on safety and the work the Department has done in this area, particularly to understand the safety issues and the risks. Could you briefly outline to us what assessment the Department has made in relation to jet skis, particularly for the users and those who might be in the water around?

Robert Courts: Probably the best way to look at it is to look at the incidents that have occurred. As you heard from your earlier panel, there is no one database that you can go to. We can look at fatalities, which of course tragically have sometimes occurred. Looking at the last three years, for example, there has been one in 2021 to date. There were three in 2020; none in 2019; and one in 2018. Those are the fatalities, where we can understand what has happened.

I should emphasise that that is where a personal watercraft has been involved. The personal watercraft may not have been the causative factor in those cases. It is important to note that as well. For example, were a person to fall off a jet ski and not be wearing a personal flotation device, they may tragically become very unwell or die in those circumstances, but the jet ski itself may not be the causative factor. We have to be careful about that at the outset.

There are, of course, other incidents. There is no one database that can tell us all other incidents. Probably the best source is the National Water Safety Forum database. That is not comprehensive. However, my understanding is that it would tend to include reports from organisations like the RNLI but might not include the police. As one of your earlier witnesses told you, we are scoping a replacement for that. I cannot go



any further than that at the moment. We are looking at what we might be able to do, but it is only scoping work at the moment. There is that limitation around the intelligence that we have.

Every single incident, particularly a fatality, is a tragedy. Clearly, we want to reduce those and remove them altogether. Overall, there is a good safety record. We feel that the lacuna needs addressing, but there is a good safety training record. I will look at some of the statistics for a second. There are organisations, as you have heard, like the RYA—the Royal Yachting Association—that have a proficiency course. For example, in this year, 2021, we have had 3,861; 3,667 in 2020; and 4,195 in 2019. It is roughly the same, Chair, for the previous two years. There is a fairly stable figure of 3,000 to 4,000 people undergoing training. That is worth looking at as well.

Q73 Chris Loder: Thank you for sharing those insights. The lady from Dorset Council, Bridget Betts, told us that she estimated that jet ski usage had increased 50% over the last 12 months or thereabouts. The numbers you have just outlined to us are probably slightly going the other way rather than reflecting a considerable increase in jet ski usage. Do you think that more needs to be done, or can the Department do more, to promote or advertise the fact or awareness that courses such as those from the RYA are available and should be taken?

Robert Courts: We are always happy to consider ways in which we can spread awareness of water safety. It is quite a big part of the Department's work, particularly with the MCA, the Maritime and Coastguard Agency. We are working very closely with partners like the RNLI, and of course with the RYA, who are not Government partners. We are very keen to work with them in any way. We have an ongoing process on how we can increase awareness of them.

By and large, it is difficult to get a figure for the numbers of people who are using personal watercraft in the UK, but the sales figures, for example, are approximately 1,000 or 1,500 per year for the last few years, depending on which year you are looking at. If you are looking at that figure and you bear in mind that you do not have to have a training course every time you buy one, I would suggest that it is quite good training.

Q74 Chris Loder: Going back to the original question about what assessment may have been done by the Department, are you saying that the absence of statistics and data collection is impeding the Department's ability to do a thorough assessment at this time?

Robert Courts: No. We tend to offer advice and support to local partners. I think that is an important part of this. I know we will come to this in a minute when we come to byelaws. It is important that local authorities are able to best judge their areas. They will come to the Department if they need help or support.



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What we can absolutely be sure about is that the fatality figures—each and every one is a tragedy and we want to remove all fatalities—when looked at overall, holistically and in the round, suggest that the safety record for this area is quite good. It does not mean that some work does not need to be undertaken.

Q75 Chris Loder: To come back to the question, has the Department done anything to assess those risks and to do anything about them at this stage?

Robert Courts: If you are asking me, has there been a specific exercise—

Q76 Chris Loder: Yes, that is what I am asking.

Robert Courts: There has not been a specific exercise, no, but clearly what the Department does on an ongoing basis, in any event, is to talk to all our partners around the country to hear what—

Q77 Chris Loder: Is one of those exercises planned at any point?

Robert Courts: There isn't one planned at the moment. We will consider whether that is necessary. I think the reactive approach we take of listening to people coming to us is the right one, given that there has to be a proportionality aspect. I should of course say that we are consulting on the changes, and that is a big proactive exercise in and of itself. Were the responses to say that this is inadequate, we might consider something else.

Q78 Chris Loder: You briefly mentioned data collection, and clearly there are some caveats, which you articulated. Is there any intention for the Department to improve data collection that can take into account things such as injuries or near misses?

Robert Courts: As I have outlined already, we are scoping a better way of collecting data than exists for us at the moment, which is the National Water Safety Forum database. At the moment, we are simply scoping that. We are considering what we might be able to do to make it a more holistic data collection.

Q79 Chris Loder: Roughly what timescale are you looking at in order to deliver that?

Robert Courts: I am sorry, I cannot give you anything on that at the moment.

Q80 Chris Loder: It could be anything from 12 months to—

Robert Courts: It is only a scoping exercise at the moment, so I would simply be speculating.

Q81 Chris Loder: Finally from me, Minister, do you think that it is appropriate that there is no minimum age requirement at the moment for jet skis, given their very high speed and the very tragic consequences that can



come from using jet skis if they are not used properly?

Robert Courts: I would suggest that everything we do in government ought to be a balance between the risk that you are seeking to avert and the consequences of any regulation that you introduce, and it ought to be proportionate. We have, as I outlined, a very good programme of training. I think that we ought to be working with partners to include that. I welcome what Dorset are doing. That sort of approach, I would suggest, is a very—

Q82 **Chris Loder:** We should be delighted if you would like to come and visit us in Dorset.

Robert Courts: I would love to, Chris.

Simon Jupp: I am sure you could just pop over the border—

Robert Courts: If an invitation were forthcoming, I would like to come and see you.

Q83 **Chris Loder:** There is an open invitation for you, Minister, at any time.

Robert Courts: Thank you. I very warmly welcome that.

If I may say to Dorset Council, I think that is exactly the sort of thing we should look at doing. That is a council that has looked at the issue that exists in its area—I am familiar with it—and then has worked with local partners to improve the situation. That is always the thing about any kind of devolution or local democracy. You have to allow local areas to take their own decisions. The alternative is that the Government take a much more draconian approach and apply the same rule all over the country, which may be heavy-handed for some areas. I clearly welcome what they are doing. There is a proportionate aspect with all of this.

What we are doing in applying the Merchant Shipping Act deals with the consequences of personal watercraft being driven unsafely. That is where the law at present, I would suggest, needs some amendment. If you are looking at the risks you are seeking to avert, that would adjust it. Any further licensing regime has other consequences like, for example, who runs it and its bureaucratic cost. That has consequences that you may not welcome.

Q84 **Chris Loder:** Would you consider implementing post-haste the simplest regulation, which would probably make a considerable impact on safety, that lifejackets must be worn, point blank? It is the simplest and most straightforward thing. You would probably have to consult on it, but it is very straightforward. It would probably save lives. We heard some evidence earlier that some jet ski users can come off quite suddenly and go into very cold water shock. They lose stability, and that is one of the reasons for serious injury or even death. Is there anything you could do to help with the most basic things?



Robert Courts: It is something the Government can consider. We ought not to be under the illusion that simply mandating something solves the problem. Whatever you do, be it a licence regime or mandating it, you still have to enforce it. We heard from the panel earlier about the enforcement challenges that exist. You still have that. It does not of itself provide it. As we know from other forms of transport, the fact that something has been mandated does not mean that it is automatically complied with.

What I think is critical, which again is why I welcome the Dorset model and what the RYA are doing, is education. At the end of the day, that is what motivates people. If you wear a personal flotation device, you are much more likely to survive.

Q85 **Chris Loder:** It would make education much easier, though, if there was a rule or a regulation in that respect, given the considerable increase that we are seeing on the Dorset coast, as was articulated earlier.

Robert Courts: We will have to keep reviewing that, of course. An increase in usage of devices does not necessarily equate to an increase in incidents or fatalities—

Q86 **Chris Loder:** With the absence of the data, we cannot say that just yet.

Robert Courts: That is why I said, “not necessarily”.

Q87 **Chris Loder:** Would you consider doing such a thing? That is what I am asking, really.

Robert Courts: We will keep everything under review and look at what happens. As you rightly say, it is too early. For me to speculate about some further step that we will take, in the absence of the evidence, would be premature.

Chris Loder: Visit us in Dorset.

Robert Courts: I would love to.

Chair: Other coastal counties are available.

Robert Courts: Indeed.

Chair: One of which is Devon. We will go to Ben Bradshaw to discuss the environmental impact.

Q88 **Mr Bradshaw:** Minister, why should my constituents trying to enjoy the peace and quiet of the Devon coastline have to put up with the noise, pollution and damage to the local environment by people simply out, one assumes, having fun?

Robert Courts: There are a number of points there that I will address. I will take a few minutes to do them, if I may. Any of the environmental aspects would, of course, be a DEFRA lead rather than a Transport lead. I am not seeking to sidestep it or anything, but that of course is a wider issue.



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I think there is something that we ought to address; there is a safety concern. If we are to start addressing some of those wider things at central Government level, it would of course mean that the legislation we are proposing would be bigger and longer. It might require primary legislation, and it would step outside what we are seeking to do. We would have to look at the powers that we had to address that. It would be a much bigger exercise, and I think the safety aspect ought to be addressed here and now in the way we are proposing.

Q89 Mr Bradshaw: Do you accept that what you are proposing only really addresses a small part of the problem posed by jet skiers? It is the safety and the liability issue.

Robert Courts: Yes, clearly I have to accept that. This is a limited change to the law. We are not addressing some of the wider issues. They can be looked at of course, but that would be a larger and bigger issue.

As to what we do about all of those, there are a number of different answers. In some cases, as you will have heard from earlier panels, the technology is improving, and in some ways it parallels the technology on road transport, for example. We are not there yet, but we will see electric personal watercraft in the same way as we will see electric motorcycles. That will address some of the noise, but not all. In the same way as you have road noise, you have water noise as well. There is that as well.

We also have to look at the powers that are available. There is already a strong suite of powers available through local byelaws, as you have heard. There is a philosophical issue. I think, for example, that in your case it ought to be your council that addresses what their residents would most like to see rather than us mandating it from our area. The technology will assist in time. Of course, there are wider environmental aspects around the use of any fossil fuel engine. That aspect is being addressed in a macro sense with regard to the move to net zero.

In terms of the nuisance aspect, if we use that legalistic phrase, I think local authorities ought to be the ones looking at this. That, after all, is the point of—

Q90 Mr Bradshaw: But you could regulate now, couldn't you, to address the noise issue and all the speed issues that we heard earlier were the main problems—the causes of the noise and the main nuisance as perceived by the public.

Robert Courts: This is, of course, a balancing act. In your constituency, I think you have Exewake, who provide training and personal watercraft hire. I do not know that organisation, but for organisations like that—everybody will have something in their constituency—there will be an impact on them as well. Should Government do it at macro level? It can happen, but I think we ought to allow local authorities to look at this.

Q91 Mr Bradshaw: We heard from our local authority witnesses that there are limitations with the byelaws. It is very difficult. They are very pressed



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for resources, and enforcement resources in particular, as you know. They would welcome a more consistent regulatory approach across the country as a whole.

Robert Courts: There is always tension between consistency and local circumstances. If we take an approach from central Government, yes, that will be consistent, but it means that something that might be correct for your constituency may not be correct for Chris's, for example. There is that tension. You have to decide whether it is better to have a local authority approach. I think that is right in this case, and that we should allow local authorities to enforce it through byelaws. They know their areas. They know their local residents. They know the businesses that they have. They know the scale of the problem, rather than the man in Whitehall doing that. Obviously, it is something we can review. At the moment, I think the approach that we are taking is correct.

Q92 **Mr Bradshaw:** Have you had any discussions with your DEFRA colleagues about the environmental aspects?

Robert Courts: Not specifically on personal watercraft, but clearly there is a major ongoing piece of work around the environmental improvements we wish to see with regard to maritime. For example, maritime and the move to net zero and cutting down on pollution is clearly a big part of the Department's work more broadly.

Q93 **Mr Bradshaw:** DEFRA Ministers have not approached you in the context of this legislation, asking whether you could have discussions about something a bit broader.

Robert Courts: I am not aware of any such. There may have been an officials contact. I am simply not aware. I cannot confirm or deny, I am afraid.

Q94 **Mr Bradshaw:** We have the experience of other countries. Spain is an example that we had in our written evidence. It is further ahead than us in terms of the use of these things all year round, possibly because the climate is a bit warmer. It has national regulation which means that you cannot come closer into shore than a certain distance, which is where most of the danger and most of the environmental nuisance is caused. Do you not think that that kind of development, particularly if we have more people using these and more staycations, will have to come at some stage in this country? It is ruining the experience of holidaymakers and my constituents when they are trying to enjoy the tranquillity and beauty of our natural marine landscape.

Robert Courts: I understand the concern, of course. Naturally the Government will consider that. Again, it comes down to the point of whether it ought to be done at central Government level or local government level. The suite of powers exists at local government level, so those byelaws are able to be exercised, as we have seen, where you have speed limits. We have seen, of course, what Dorset has done. In Simon's constituency as well there are different approaches, depending



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on which different area you are dealing with. I think that local authorities, who know their area and their residents better, ought to be able to take action accordingly.

You raised the further point about enforcement thereof. Of course, there is an enforcement issue, but that is the case whatever we do. Even if central Government regulate, there is still an enforcement concern. At the moment, I think the approach we are taking, addressing the safety aspect and allowing the environmental aspect to evolve, while allowing local democracy to take its course, is the right approach.

Q95 Mr Bradshaw: Can I ask you a personal question? Have you ever personally felt irritated by what you perceive to be unnecessary noise?

Robert Courts: From—

Mr Bradshaw: From jet skis or from any other antisocial activity.

Karl McCartney: Not when they normally go at 50 mph, no.

Mr Bradshaw: I am thinking particularly about what you might suffer from the noise of jet skis, and even speedboats coming very close into shore.

Robert Courts: In my personal life?

Mr Bradshaw: Yes.

Robert Courts: I am a diver, so—

Q96 Mr Bradshaw: That is a very relevant point. Some of the complaints we have heard from divers' organisations and others are that the whine from jet skis can really ruin their experience of the marine environment.

Robert Courts: I simply suggest that those powers already exist. If you are looking at it from a diver perspective, you will always be concerned about safety. It is not just personal watercraft. It is anything that is above you, when you are coming up to the surface in particular. The rules already exist. You have to have a dive boat, and the dive boat has to have a flag up. That is the diver's responsibility. Then other water users have to take account of where you are.

With regard to the environmental aspects, those authorities already have the powers. If an area that is frequented has a reef in it or an artificial wreck or something, those powers can be enforced. By and large, that does take place.

One thing we have not addressed is the wildlife aspect. I do not know whether you were going to ask me about that.

Q97 Mr Bradshaw: That is why I asked whether you had had any engagement at all with DEFRA Ministers. I think it is extraordinary that you have not, because the wildlife impacts of these crafts are



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considerable.

Robert Courts: It is an important point to make that, as far as I am aware, there is not a call for a wider licensing regime, for example from the RSPB. I think that is an important and relevant point.

Q98 **Mr Bradshaw:** One of the questions I asked was whether we had evidence from the RSPB. I am not sure whether we asked them, but we are going to do that. Thank you.

Robert Courts: My understanding is that they are not pushing for a wider licensing regime. For example, some of this already exists. If you were, for example, to ride through an SSSI, there is an offence. The Wildlife and Countryside Act already makes it an offence to intentionally kill or injure any wild bird, for example.

Q99 **Mr Bradshaw:** Quite difficult to prove in this case. As a diver, do you feel increasingly vulnerable from the growing activity of not just jet skis but fast inland water vehicles and the risk they pose to divers and other sea users?

Robert Courts: Look, as a diver you are in an environment that is dangerous in a number of different ways if you do not respect your limits; if you have not rested properly; and if you are not trained. You have a safety imperative when you are diving in any event. There are a number of different hazards. Don't go inside a wreck unless you are properly trained to do so, for example. Don't push your air limits. Don't go beneath the depth that you are trained to deal with. Obviously, coming to the surface is just another of those hazards. Personal watercraft are no more dangerous than speedboats from that perspective.

Q100 **Mr Bradshaw:** Except that at the moment there is absolutely no national regulation governing them. Even with your changes, there would be no training, so a youngster could get on one of those and would not know what your flag is sticking up out of the water and could ride right over you.

Robert Courts: Yes, but we have a number of other powers through byelaws, for example. What we are doing with the Merchant Shipping Act addresses the specific safety point about operating in such a way that it causes danger to another person. Assuming we do this when the consultation comes back, if you were to operate a personal watercraft in a way that is likely to cause death or serious injury to another person, you would commit an offence, and quite a serious offence. That would be something that the police would be able to prosecute.

You raise the point about evidence. That is true and it is a good point, but that is the case regardless, whatever you do.

Chair: Let's move now to training and Karl McCartney.

Q101 **Karl McCartney:** Minister, it is a joy and a delight to welcome you this morning and to hear that actually, ahead of time perhaps, you seem to



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have come to the conclusion that some of us might have done ahead of this witness session. We have read some of the reports and it was pleasing to hear that. Knowing Whitehall a little bit, there has obviously been some long-term work done before your announcement of a consultation on Monday ahead of today's witness session. What recent assessment have you or your Department made of the effectiveness of training for jet ski users?

Robert Courts: As I have outlined already, a substantial programme of training takes place with the partners that we have in the industry. The RYA is a very good example of that. The feeling is that that is effective. It is something that a relatively large number of people are going through.

We have to look at the point that I raised about the overall safety record. As I say, I am not underplaying the fatalities, because every fatality is a tragedy, but I have given you the numbers, and overall the safety record is good in this area. Everything has to be proportionate. If we take a further approach or a further regulatory step, it would have to be something that is justified, and it would have to be justified causatively. When we look at some of the examples of whether the PWC is the causative factor, it is not necessarily clear. The assessment is looking at the risk factor surrounding the fatalities.

Q102 **Karl McCartney:** Indeed. Should training be voluntary? I think that maybe you are not looking to legislate in that area. I know that you covered this with my colleague, Chris Loder, when we talked about safety earlier. In my view, there probably is a case—but I am going to ask you—for mandatory training and licensing. Those are the first two things. The second two things that I think might be quite helpful are registration and insurance.

Robert Courts: I will separate the licence side of things from the training. I would suggest that the training programme is already advanced. It is already something that has yielded a good safety record overall.

Q103 **Karl McCartney:** But should it be mandatory and not voluntary?

Robert Courts: At the moment, when we look at the number of fatalities that we have had and the number of incidents, I would suggest that the record we have is a good one. The record that the industry has is good—

Q104 **Karl McCartney:** With respect, Minister, it is an answer where you can say yes or no. Should it be mandatory or voluntary?

Robert Courts: At present, it is voluntary—

Q105 **Karl McCartney:** It is voluntary, and you might think that it is working, but any death is one death too many. I am not saying that with mandatory training you are not going to have any deaths, but surely everybody who uses a jet ski should have undergone some form of training.



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Robert Courts: It is a balance; it is a proportionality balance. When you drive, for example, there is training. That does not stop car accidents by any stretch of the imagination—

Karl McCartney: No.

Robert Courts: People get rusty. People get carried away, and people drive too fast. The same thing would be true here. We have to look at what we are seeking to achieve, and the proportionality of any steps taken. I think—

Q106 **Karl McCartney:** Minister, I am sorry to interrupt you, but anybody who gets in a car and goes on our roads undertakes some form of training before they are let loose on our roads. Surely that should be the same for jet skis.

Robert Courts: I am at the risk of repeating myself, I am afraid, Karl.

Q107 **Karl McCartney:** You are at risk of not giving an answer, I would say.

Robert Courts: No. Hopefully, I am being quite straightforward. You are asking me whether training should be mandatory, and I am saying at the moment no. I am simply explaining why. When we look at the safety record that we have, overall it is good. I think it is important to say that the vast majority of people who use these devices do so safely. That is different from the point that Ben was raising. Ben was raising environmental factors around noise and pollution. That is a separate issue, which I understand is a concern for people. That is a wider issue.

The precise safety thing is being addressed by the training that other partners like the RYA do. What we are doing is making sure that people realise that, if you behave in a way that causes a likelihood of death or serious injury to another person, you are committing a serious criminal offence. That is something that everybody going out on the water should be aware of.

You also asked me about licensing and that wider side of things.

Q108 **Karl McCartney:** Yes; licensing, registration and insurance.

Robert Courts: All of that, again, comes down to some liability in some cases for the owner under the proposals that we are making. Chair, I did not outline that bit at the very beginning, but that is the section, if you would pardon me for a second. There is liability for the unsafe operation of watercraft under section 100 of the Merchant Shipping Act. That is their step—to take all reasonable steps to secure that the ship is operated in a safe manner. For owners, if you own a water ski and you rent it out, you are not simply able to wash your hands of it and say, “Nothing to do with me; it’s all about the operator.” There is that compelling factor as well.

You can take those steps—of course you can—but you have to look at whether they are likely to address the mischief that you are seeking to



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solve. I suggest that we are well on the way to doing that anyway. Any other step, be it licensing or anything else, has bureaucracy. Somebody has to enforce it. There has to be a body that runs that programme. They then have to enforce it and look for any breaches. That has ramifications in itself. We have to look at what is, overall, a safe industry with some highly regrettable incidents. We are taking action on those.

Q109 Karl McCartney: But certain individuals will be buying jet skis on the second, third and fourth-hand market. If they are not going to have to register those vehicles, as we might want to call them, and can use them without insurance, that is going to create a problem. Surely it is a good idea to deal with that problem now rather than wait for it to surface.

Robert Courts: Chair, it is a question of whether it will solve the mischief that you are seeking to solve. If you are someone who is going to drive them in an unsafe way, you may in any event buy one second hand and simply operate it. People do that, as they do in other areas of transport as well.

It is the point I made a little while ago, but it is worth mentioning. Simply the fact that you outlaw something does not mean that it does not happen. It just means that you then have to enforce it, which creates another issue. Is what we are doing adequate? That is what I would suggest is the test that we should be applying. I think making sure that the Merchant Shipping Act applies, so that if you behave in a way that causes the likelihood of death or serious injury to another person you commit a serious offence, then everyone who goes out on the water, assuming we do this after the consultation comes back, will know that, or should know that.

Karl McCartney: I feel complimentary about that point, but maybe you should just go a little bit further. On that point, Chair, I will finish.

Chair: Thank you very much indeed. We heard from the local teams in Dorset about the approach they have taken. We are going to look further at local government regulation with Simon Jupp.

Q110 Simon Jupp: My colleague Greg will look at what you have got planned, Minister, but let's look at the scenario at the moment on the ground or at sea across this country. You made a big point about the fact that we are talking about local byelaws that are put in place and regulated by local councils. I quite agree that local people and local authorities know best, but are they resourced enough to carry out the regulation and the control that perhaps you would like to see to make sure that safety in this area is maintained and improved?

Robert Courts: Simon, you are absolutely right to point out that any regulation of itself does not solve the issue. You have to enforce it, and that resource issue is of course there. I am not seeking to sidestep the essence of the question, but of course enforcement would not be a matter for DfT in those cases. It would be a matter for local councils, if



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we are dealing with byelaws. If you were to take a national legislative approach, it would be a matter for the police.

There is a resourcing issue in any event because, of course, the police have resource challenges, as we know. That is a whole different and bigger question. Again, it is a matter for local democracy. A local council will have to look at how serious a challenge it is in its area. If it thinks it is a significantly bigger issue, it can obviously put resources in that way occasionally.

The partnership in Dorset is something that I welcome. It improves the education piece. You have to have some faith in the good sense and the good intentions of most people who go out on the water. They are seeking to enjoy the water; they are not seeking to be a nuisance or a danger to anyone else. For example, in your patch there is an 8-knot speed limit in Exmouth—it might be 10—so your council has already done that. Where it is also very good is that it encourages, as I understand it, PWC users to undertake training and to join the Exmouth Power Boat and Ski Club. That is a council working with a local partner, and I think it is really effective. It is more effective than DfT doing it.

Q111 Simon Jupp: I take your point. You are right; there is an awful lot of work being done by my local council, including Exeter City Council, to look at the issue. I have been out with the harbour master who points out the problems that the current byelaws can bring as well.

There is also an issue with land ownership. No matter where you are across the coast, there are private landowners who own sections of our coastline. That can be very challenging for local authorities. I go back to the point, as raised by my colleague Ben Bradshaw earlier in the session, that this is a cross-departmental issue. When it comes to enforcement, you are talking about the Home Office and policing. When you are talking about local councils, it is MHCLG. We also have DEFRA in the mix as well. What will be done as part of the consultation to work across all those different Departments—if there are more, please let me know—to make sure that what is put in place is workable and enforceable? Otherwise, it is not worth the paper it is written on.

Robert Courts: That is, of course, the case. Any consultation will involve all other parts of Government. That is the point of a consultation. It is for everybody to have their say about something that we are proposing.

It is probably worth us focusing on the relatively narrow issue that we are seeking to address, which is the safety point: the fact that PWCs are outside the scope of the Act means that if you act in a way that endangers other people, the penalties are only at byelaw level, if they exist. In some cases, they may not. We should look at that because we are talking about risk to life or serious injury in those cases.

There is, of course, another issue, which Ben has gone into, about the wider environmental aspects of the noise, pollution and so on. Obviously,



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that is something that is wider than DfT. It would be a bigger and larger consultation piece, and a bigger and larger piece of action if we decided to take it. Obviously, we will continue to talk to all Departments, particularly those affected in those cases.

Q112 Simon Jupp: In this plan and the consultation, do you think there will be confidence among the public that there is enough force out there to actually patrol the issue and look at it, and not just from a safety aspect? We all know that we want to trust the good spirit of the British people to do the right thing and behave themselves, but we know that is not always the case. People do not always get the right training and everything else.

I go back to my point. I am not confident that any local authority will be able, even if they use the Dorset model which is exemplary in the country, to sort this issue out properly. I receive emails now and then from people who are quite concerned about this and have no idea what the laws are.

Robert Courts: I think we are in slight danger of conflating the two issues on the local authority aspect. What we are seeking to do is to assist local authorities. At the moment, there is only the byelaw power, so there may be a speed limit. For example, you could have a case where perhaps, if you are in Exmouth, you might be operating at under 10 knots but still operating in a way that would cause a danger to someone else. That would not be covered at the moment, as I understand that byelaw. Essentially, we are seeking to give a further prosecution avenue in the exigencies where someone is operating in a way that creates a danger to a person or another vessel. That does not rest solely on local authorities. It is different from the environment aspects that we were talking about earlier, which clearly do.

The Dorset option is as much about education, as I understand it, as it is about enforcement. This is why I referred, as I have a number of times, to the RYA training course. There are very high numbers of people who are doing training. By and large, most people want to do the right thing. By and large, people are operating these devices safely. The education thing is really important, which is why I praised that model.

Q113 Gavin Newlands: My colleague Greg has some substantial questions on the central Government consultation: I have a specific question on the consultation. I do not have any figures for jet ski usage in Scotland or across the UK for comparison, but certainly Scotland has a significantly longer coastline, including islands. It is something like 11,500 miles of coastline, and that is not including any of the lochs. What consultation, if any, have you had thus far with the devolved Administrations on your plans?

Robert Courts: The consultation will include that. It will give the opportunity for devolved Administrations to have their say, as with every other partner.



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Q114 **Gavin Newlands:** But none thus far.

Robert Courts: I have not personally, no. Officials may have done, but personally I have not.

Q115 **Greg Smith:** Throughout a lot of the questioning, Minister, you have answered many of the points. I hope that in the next few questions we can draw the whole thing together and try to get a picture of the limit that you have rightly identified of what the current consultation is looking to do, and how that could then inform answering some of the points we heard in the first session and some of the points that have come up over Members' questioning of you in the last 45 minutes or so. Can I start by picking up and following on from Simon Jupp's questions on local government interaction?

Robert Courts: Yes.

Q116 **Greg Smith:** At the moment, as Simon highlighted, we have seen the very good model in Dorset. As I flick through the consultation documentation, there still seems to be disparity between giving them the powers that they can use on safety grounds, but without really the teeth to enforce. Across everything that is coming through, either through the consultation or future steps that the Department for Transport may wish to take, where is the enforcement really going to be delivered? Who is going to fund it? Is it a pass-on to local authorities? Is it a pass-on to the local coastguard? Where will it actually sit?

Robert Courts: It will depend on which offence is being prosecuted and what mischief is being addressed. If it were a breach of a local byelaw for a speed limit, for example, it would be the local authority. If it were under the Merchant Shipping Act, the police would obviously be looking at it because that is a serious criminal offence.

Q117 **Greg Smith:** So the natural follow-on—

Robert Courts: Sorry to interrupt, but those obviously then become matters for MHCLG, the Home Office, and ultimately the Treasury, as does everything when it is a money matter.

Q118 **Greg Smith:** Indeed. The point I am getting to is that the DfT is leading on a change, rightly, and whenever a change comes about, there is always an impact on someone either to implement or to enforce whatever it might be. Do we think there is sufficient resource out there—I guess the consultation will answer this—be it the Coastguard, the local authority or the local police force, to enforce?

Robert Courts: Yes, you are right; to a certain extent the consultation will answer that. We will get some answers back and, no doubt, everyone will tell us one way or another whether they feel they do have that.

Let us assume that everyone says, "We don't have the resource to enforce this." Should DfT then say, "Okay, we won't do it"? I don't think that is right. What we are doing is giving the option. We are giving the



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power. It is then another stage as to how you enforce it, but I do not think it would be the right approach, if the consultation comes back saying that people are worried about resource, that we decide not to give people this extra tool in their armoury, as it were—without mixing metaphors too badly.

Q119 Greg Smith: I understand that point. Does that not actually lead us to a position where localism works best, and any change still needs to fit a locality as opposed to trying to have a national one-size-fits-all model?

Robert Courts: I agree entirely with the philosophical point that you raise there. That is why, in answer to others, I have stressed that on a number of occasions. Sometimes it is right that central Government step in. That is right when you are dealing with a risk of serious injury or death, because that is what we do in other areas.

Where you are dealing with local factors—for example, how close you can operate to shore—I think local authorities ought to take that view because they know their areas better. They know their people better. They know their residents and businesses better. It is far better that that takes place there than in central Government, where the man in Whitehall imposes a sweeping, top-down rule from afar.

Q120 Greg Smith: As we look to future legislation, I guess the question is that there is potentially a grey area. As you pointed out earlier, MHCLG would have to be involved with this as well as, potentially, other Government Departments would. Councils have half powers to enforce some of those at the moment. Is the natural conclusion that there probably needs to be a longer-term bespoke piece of primary legislation around this, not necessarily for Government to dictate, but to reform local government powers to encompass the full 100% ability to set some of those? Evidence we heard earlier, and other things I have read, suggests that some councils would question their ability to do some of that as current legislation stands.

Robert Courts: You tempt me to get involved in local government reform, which is outside my brief. Without wishing to not give you a proper answer, I think that is the sort of thing where we have to wait for the consultation response to come back. Clearly, our job is to review the suite of powers that people have available. If everybody comes back and says that there is a problem, we will address the problem. But that is not what I am seeing at the moment. Where there clearly is a problem is the lacuna that needs addressing, which is what we are seeking to do.

Q121 Greg Smith: Coming back to the point you made earlier about Government time being scarce, if this consultation comes back with potentially many of the issues we discussed earlier—the issues that came up in the witness session before—what sort of timescale do you think the Government would be looking at to take action on anything that the consultation says—

Robert Courts: For this change?



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Q122 **Greg Smith:** Not just for this, but things that might come out of the consultation. If we take for read that the consultation is going to say, "Yes, bring it all under the Merchant Shipping Act," fine, but there are also all of the cross-departmental issues. There are the things that Ben was talking about—the pollution issues and the impact on the marine environment. How quickly do you think the DfT would want to move on those, if that comes up?

Robert Courts: It would depend on what the issues were. On this issue, we will clearly move as quickly as we can to bring in the regulation. I cannot give a precise answer to that now; it is a parliamentary timetabling issue. Depending on the consultation, if a major issue were suddenly raised, we would obviously have to look at it, and then you would have to find time. If you are talking about a statute, that would clearly be a long way off.

Clearly, every Government will want to act to address the things that concern people as quickly as we possibly can. It is the nature of priorities across Government. In some cases, particularly some of the things that Ben refers to, I think the powers are already there. They rest with local authorities.

Q123 **Greg Smith:** In many ways, it might be the case that what Government need to do centrally, cross-departmentally, is to pull together a fresh set of guidance from existing legislation rather than pass new laws.

Robert Courts: Yes. That is a very helpful suggestion. Looking at guidance is where we really can help. That is why things like the partnership that Dorset are doing is so helpful. We are always happy to look at whether we can offer some guidance and bring together things that already exist. Yes, it may well be that councils have powers at their disposal that perhaps need dusting off and looking at. That is certainly something that I am happy to take away.

Q124 **Chair:** Do Members have any other points? No. I have a couple that I want to raise to wrap up. The consultation ends on 1 November 2021 in terms of responses from the public. I know you said that you cannot actually give a timeline, Minister, but is the intention to get something in force for summer 2022? What is driving the timetable?

Robert Courts: We are looking to do it as soon as possible. The straightforward answer is that I do not know what the legislative opportunities are, Chair, but I care about this and I want to see it happen, so I will be looking for an opportunity to do it as soon as possible.

Q125 **Chair:** Touching a bit on Greg's point, do you see the danger of any conflict between the byelaw model that Dorset is doing and what may be advocated as a general responsibility on watercraft that currently exists, so the local solution is above that and there is no way that what the Government could be proposing could actually weaken some of the local measures?



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Robert Courts: Do you mean this Government proposal?

Chair: Yes indeed.

Robert Courts: No, I don't think so. I gave an example when I was talking to Simon a second ago. If we are dealing with Exmouth harbour, where there is a 10-knot speed limit, you may be complying with the speed limit but you may not be operating in a safe manner and you may create a danger to others. At the moment, that is not something, as I understand it, that would be addressed. We would clearly be doing that on a national level. I do not think there is a tension there.

As with all offences—Chair, I know you are also a lawyer—there are sometimes a number of offences that are potentially contravened and the prosecution authority chooses the one that best fits. That does not create a problem. It just means that the prosecutor has to consider which is correct. That would simply be the case here.

Q126 **Chair:** We heard a concern from one of the last witnesses that the scope of the definition of water user could end up being too broad and include paddleboards, paddleboarders and the like as well. Are you taking steps to ensure that it is narrowly defined?

Robert Courts: I heard that. Yes, we will take that away. To be honest, it is one of those things that lawyers need to make sure is drafted correctly. That is why the consultation response is so important.

There are probably two points I would make. I think that 2.5 metres is the limit for paddleboards. I will check the consultation—forgive me if I don't have it quite right—but I think 2.5 metres is the limit. That has already been built in on our proposals anyway.

It is important to remember that the issue is whether or not an offence has been committed. Can you operate a paddleboard, of whatever size, in such a way that you are likely to cause death or serious injury to another user, a person, or to a craft? We may feel that is probably unlikely, in which case no offence is committed. Whether or not it applies to someone, it may just be otiose. It is not necessarily a problem that it applies to someone if no offence is ever going to be committed. We will obviously make sure that the lawyers get the drafting right, but I am not immediately seeing a concern there.

Q127 **Chair:** Perhaps the definition would include a motor or something along those lines.

Robert Courts: It could, certainly.

Q128 **Chair:** Looking at Spain, I understand the desire not to go over the top and to leave some form of local action in place where you drill into the specifics about where the jet ski can and cannot be used, and other measures that we have heard about. As we are hearing, there are more of these jet skis being used. Is there a danger of there being more



likelihood of further local byelaws being put in place, and then a lack of understanding as to what the rules are, depending on where you go with your jet ski?

Ben touched on the Spanish model, which has a whole list of requirements. You have to be 18 or 16-plus, with written consent from a parent or guardian. You have to have a rider licence, and to register and carry ID. There are navigation rules. If you have to go through an unmarked swim zone, you can only go at 3 knots. Those are specifics that would really ensure that jet skiers have to behave in a certain manner and that you can really track individuals. Is there a danger that the central legislation is a neat fix, and perhaps a fast fix, but is not ultimately going to address the fundamental specific issues that we have been hearing about?

Robert Courts: With the obvious caveat that, if there is a significant rise in the number of people who are using personal watercraft, we will obviously continue to monitor the situation. If we need to consider further action, we will.

I am going to take away the Spanish point, if I may, and have a look at it. I apologise that I am not familiar with the Spanish model. It may be—I am only speculating—that they do not have an equivalent of byelaws, which might be why they are doing it that way, but maybe they do. I will look at it and write to you, Chair, if I may, on that. Other legislations work in different ways from ours, and that may be why they do it.

I think that overall having a local approach is best. That is fundamentally a philosophical point. It is whether we think that Whitehall is best at legislating for everybody, or whether we deal with the really serious things and then allow local democracy to take its place. For most cases, bearing in mind that we are dealing with an industry that by and large has a good safety record and bearing in mind that it has an economic impact and some areas will feel differently about it, I think it is something that should be done locally.

I do not think we should lose sight of the overall thing that we are trying to deal with. Everything you have mentioned and all the points about where you can operate, how close to shore, age and insurance, fundamentally go down to safety. It is the safety aspect. What we are doing is taking the action that I think is necessary, which is that, if you operate it in a way that causes a danger of injury to someone else, you are committing an offence. At the end of the day, that is what we want to achieve. It does not really matter why you are doing it or what the causative factor was for why you were operating it unsafely. The point is that, if you are, the law can take action. I think that is the thing we should not lose sight of.

Q129 **Chair:** It is good of you to say that you will take a look and come back to us. Is there a school of thought in the Department that this might be the right immediate measure to take, but that if we see an increase of jet ski



take-up—it was mentioned in the last panel that there has been a 30% increase in north Wales—and perhaps we go towards where the Spanish market is, which I assume is a bigger one because of the all-year-round weather, there may be a requirement to look at the specifics and make it uniform so that all riders fully understand it? Could we be trending that way? I do not want to pre-empt it because you have not brought the first step in yet, but is that—

Robert Courts: I think we have to have an iterative approach. We have to bring this in and see how we get on and see whether there is a need for further action, rather than being heavy-handed overall. It is also very early days. Chris and I, in the earlier part of the session, dealt with the fact that the evidence is not necessarily there yet. We do not really know. It may be that it is not a long-term trend. It may be that some of the people who are currently operating personal watercraft off Ben's or Simon's constituencies are not doing so in a few years' time.

I am conscious that in another session we will be talking about regional aviation and the aviation sector, and getting people flying again, obviously in a green, sustainable and health-secure manner, which we all want to see. It may be that that is what people are doing, in which case it would be premature for us to start taking a very heavy-handed legislative approach to something that may not be a long-term concern. We will just have to see. Obviously, I am committed to continuing to watch this area. I will consider anything else, if and when it is necessary.

Q130 **Chair:** I have a final question, just to show that I have some balanced views on this and no preconceived ideas. Could it also be said that the sea is vast, so why do the Government have to regulate in every single area? It is about individual responsibility, and there is court action for those who are negligent. Shouldn't that be enough? Is this just another example of the Government regulating everything to death?

Robert Courts: Yes, it will not surprise you that that is a point of view I have some sympathy with. If I were to do some of the things that I have been urged to consider during the course of this session, that might be a criticism. I do not think it is a criticism for what we are proposing here because we are simply seeking to close a lacuna in the Merchant Shipping Act that I think everybody thought applied anyway, to make sure that if you operate in a way that causes death or serious injury to someone else, you can be prosecuted. I do not think people would object to that. If we were to start micromanaging the way that people operate all over the coast without regard to local characteristics, I think that would be a legitimate criticism.

Chair: If there are no other points from Members, I would like to thank you very much indeed, Minister, for your evidence. It is fast moving this week as far as this is concerned. We look forward to possibly contributing to the consultation.

Robert Courts: I welcome that, Chair.



HOUSE OF COMMONS

Chair: We are certainly following it with interest as well. Thank you.