What is the RSPB’s position on jet skiing?
The RSPB does not want to see a general ban on jet skiing or other personal watercraft (PWC). However, we do want to see steps taken to ensure that it takes place outside of sensitive times or places for seabirds and waterbirds. We are keen to work with watersport clubs to develop responsible jet ski practices, including codes of practice. We do, however, support stronger regulation and management of jet skiing in and around areas protected for seabirds and waterbirds where appropriate, including breeding colonies and adjacent waters.

What is the issue?
The presence of jet skis can cause a high degree of disturbance to birds and can even cause injury or death in extreme circumstances. Seabirds use the waters around their breeding colonies for feeding, resting and socialising (‘rafting’), with certain species, in particular auks, congregating in groups on the water at this time. Jet skis can access areas close to breeding sites themselves, flushing birds from their nests or foraging areas (Rodgers and Schwickert, 2002). At certain times of year, non-breeding birds, such as moulting sea ducks, are also vulnerable to disturbance.

As well as impacts from disturbance and direct injury or mortality, irresponsible jet skiing can also lead to noise, chemical and air pollution, turbidity in shallow areas and can endanger other marine recreational users:

What is our position in and around protected areas?
Jet skis should be strictly managed in or around waters protected for birds. This applies particularly to waters adjacent to major seabird breeding colonies, including those protected as maintenance extensions, as well as overwintering areas.

Any codes of practice for jet skiing must clearly set out appropriate speed limits and define closed periods where necessary to avoid particularly sensitive areas or species. However, in the context of a general lack of compliance with voluntary measures and the continued risk to the protection of bird species during the sensitive breeding or moulting seasons, we would also like to see at a minimum the consideration of regulatory management for jet skis in protected areas, where the conservation objectives of particular sites are found to be incompatible with jet ski activity. This should be discussed

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on a site-by-site basis. There are precedents for equivalent regulations restricting personal watercraft from seabird and/or marine mammal reserves, including from Monterey Bay, Newfoundland and Alaska.

**What is the legal context?**

The Wildlife and Countryside Act 1981 makes it an offence to intentionally injure or kill any wild bird or to attempt to do so. This would be directly relevant to any seabirds intentionally struck by a jet ski. There is no reckless provision in the Act for these offences, so it is important that potential offenders are contacted by the Police and informed that their actions, if continued, are likely to constitute an offence.

Reckless disturbance of certain protected species during the breeding season, while nesting, and their dependant young are also prosecutable offences under UK and EU law (under the UK Wildlife & Countryside Act and EU Birds and Habitats Directives). This offence applies to many seabirds protected by Special Protection Areas (SPAs) or Sites of Special Scientific Interest (SSSIs). Stop Notices can also be issued in England and Wales under the Environmental Civil Sanctions Orders (England) and (Wales) 2010.

Provisions for the management of marine protected areas (MPAs) are provided by relevant UK marine legislation, including the power to make byelaws, which could be applied to recreational activities. The MMO in England and Welsh Ministers in Wales, as the main bodies responsible body for enforcement of MPAs, have byelaw making powers to regulate under advice from the relevant statutory nature conservation body under Section 129 of the Marine and Coastal Access Act 2009 for Marine Conservation Zones (MCZs), and Section 38 of the Conservation of Habitats and Species Regulations 2010 for European Marine Sites, including SPAs. In Scotland, reckless or intentional harm to species that are protected features of national MPAs is an offence under section 95 of the Marine (Scotland) Act 2010.

**What will the RSPB do?**

In the event of individual incidents, the RSPB will work with the police, Marine Management Organisation (MMO), statutory nature conservation body and others to gather evidence that can lead to successful prosecution.

To prevent this in the first place, however, we are keen to work with operators and clubs to raise awareness of the natural environment and agree best practice guidelines to allow jetskiing to take place. We will also work with others to improve the management of protected areas with regards to marine recreation, especially where jet skis have been identified as a potential threat to seabirds.

**For more information contact:**

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1 http://montereybay.noaa.gov/intro/mp/archive/original_eis/partIII_sii.html
3 http://www.alaskaquietrights.org/laws-and-regs/