

CHAPTER 278A

COMMERCIAL RECREATIONAL WATERCRAFT

COMMERCIAL RECREATIONAL WATERCRAFT REGULATIONS *S.I. 58/2006*

[Commencement 15th September, 2006]

PART I - PRELIMINARY

1. These Regulations may be cited as the Commercial Recreational Watercraft Regulations. *Citation.*

2. In these Regulations, unless the context otherwise requires — *Interpretation.*

“Authority” means the Port Controller or the port authority defined in the Port Authorities Act; *Ch. 269.*

“craft” means a commercial recreational watercraft including banana boats, parasail operations and any such craft.

**PART II - APPLICATION FOR LICENCE, ETC,
TRAINING, INSPECTION AND CERTIFICATION**

3. (1) Every person desirous of operating a craft for hire shall apply to the Authority and shall furnish all relevant particulars and make any relevant declarations specified in Form I of the Third Schedule to these Regulations. The application shall be accompanied with — *Application for licence and registration of craft.
Form I Third Schedule.*

- (a) a current police record;
- (b) if the owner is a company, information on beneficial ownership;
- (c) copy of current business licence;
- (d) certificate of completion of required training, e.g. safety and boat handling, Bahama Host, Sales Marketing and Royal Treatment (SMART);
- (e) medical certificate; and
- (f) proof of legal status (or work permit).

Form II Third
Schedule.

(2) Every person who owns a craft shall apply for registration of that craft to the Authority and shall furnish all relevant particulars and make any relevant declarations specified in Form II of the Third Schedule to these Regulations. The application shall be accompanied with —

- (a) a certificate of safety inspection from the Port Department;
- (b) copies of licences of all operators who are permitted to use the craft; and
- (c) the bill of sale for new craft or proof from The Bahamas Customs Department providing verification of importation if purchased outside of The Bahamas.

(3) Any person giving false information under this regulation shall be liable on summary conviction to a penalty not exceeding five thousand dollars or imprisonment for a term not exceeding two years or both.

Inspection of
craft.

4. (1) Every craft before being registered under these Regulations shall, together with the machinery, gear fixtures or equipment, used therewith, be submitted for inspection by the authority, and the authority shall decide whether the craft is fit and proper to be registered and after registration an inspection shall take place annually.

(2) Where any alteration affecting the terms of the licence, or the safety of the craft is made to the craft or to any machinery, gear, fixtures or equipment thereof the owner of that craft shall, within fourteen days of the making of such alteration submit it for inspection by the authority.

(3) Subject to the satisfactory inspection and registration of the craft, the owner shall affix or paint the registration number assigned by the Authority on the craft in such dimensions as prescribed.

Orientation
training on use of
craft.

5. (1) An owner or operator of a craft popularly known as “jet ski” shall, before he rents out the craft to a person, provide to that person an orientation training for fifteen minutes on the use of the craft. The check list in the First Schedule shall form part of the orientation training and the renter shall append his initials to every paragraph of the check list to signify his acknowledgment.

First Schedule.

(2) The orientation training referred to in sub-regulation (1) shall include training in the operation of the craft and safety procedures.

(3) An owner or operator who contravenes or fails to comply with this regulation shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or both.

6. An Authority shall not register or issue a licence to an operator of a craft unless the operator is certified by the authority or a body recognized by the authority as having successfully completed basic training in —

Training and certification.

- (a) rescue procedures;
- (b) rules of the road;
- (c) security;
- (d) First Aid;
- (e) customer service;
- (f) swimming competency;
- (g) vessel maintenance;
- (h) any other training as the authority may specify from time to time;
- (i) use of personal floatation device;
- (j) geographical boundaries of operation including access points;
- (k) location and content of warning labels;
- (l) noise and nuisance avoidance;
- (m) environmental concerns; and
- (n) re-boarding of craft in the event of accidental fall off.

7. In the interest of safety —

Safety.

- (a) all operators shall provide each person operating or riding a craft with an approved personal floatation device;
- (b) a craft shall not be operated from sunset to sunrise;

- (c) a craft shall not be operated in weather and sea conditions which may prove hazardous and as determined by the Port Department;
- (d) a craft shall maintain a distance of 100 feet from any divers-down flag, and 200 feet offshore, only approaching the shore in a designated staging area;
- (e) embarkation and disembarkation from any craft shall occur only in an area designated by the Port Controller;
- (f) in the event of an accident any person operating a vessel involved in a boating accident shall make every reasonable effort to provide aid to the involved persons and report the accident to the proper authorities; and
- (g) every operator shall render aid, whenever possible to persons in distress at sea.

PART III - CODE OF CONDUCT AND ETHICS OF CRAFT OPERATOR

Code and ethics.

8. There shall be observed the following code of conduct and ethics —

- (a) all operators shall wear a shirt bearing the licensed company's or association official name and logo. All operators must wear the shirt at all times;
- (b) all operators shall carry identification cards issued by the Port Department, which are subject to annual renewal;
- (c) operators at all times must visibly wear a valid identification badge issued by the Port Department;
- (d) all craft must be accompanied by the official licensed operator (on the certificate of registration) or the owner. No substitutes shall be permitted on the beach;
- (e) there shall be no use of profanity or unruly behavior by operators;
- (f) there shall be no harassment of tourists;
- (g) there shall be no fighting while on duty;

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- (h) no weapons are to be carried; and
 - (i) every person operating a craft shall observe a code of ethics, namely —
 - (i) respect the rights of all users of recreational waterways, both on public waters and adjacent property;
 - (ii) to be considerate of other users at the launch ramps and docks;
 - (iii) follow the navigational rules of the road around all other craft or vessels, including regulations prohibiting wake jumping;
 - (iv) to give all anchored or drifting vessels adequate room;
 - (v) to be especially aware of swimmers, divers and other craft, when approaching shore;
 - (vi) not to disturb wildlife and to avoid areas for the protection of wildlife;
 - (vii) not to litter the shore, nor be careless with the use and disposal of fuel or oil; and
 - (viii) to volunteer assistance in case of emergency;
 - (j) all operators must remain in the assigned areas, and are not permitted to wander about the hotel property and amongst the guests;
 - (k) all craft must be accompanied by a valid certificate of registration (hard card);
 - (l) all craft must be accompanied by the official operator (on the certificate of registration/hardcopy) or the owner. No substitutes and no loafers will be permitted on the beach;
 - (m) all operators will adhere to a rotation system as established by the Port Controller;
 - (n) all craft must leave the beach area, once the rotation has closed for the day or is closed by a Port Officer;
 - (o) craft shall not be rented prior to 9:00 a.m. and shall not arrive at the hotel property prior to 8:00 a.m.;

- (p) no craft shall be rented if the craft is not physically at the designated location on the beach;
- (q) rental rates shall be posted and adhered to in all cases. There shall be no undercutting of established rates; and
- (r) an official clock shall be available and visible at all times to eliminate disputes, which may arise concerning the length of rental time.

PART IV - SUPPLEMENTAL

Supplemental:
parasailing.

9. The following procedures and rules shall be observed in respect of parasailing operations, namely —

- (a) prior to the operator of a parasailing vessel commencing operations on any day, the operator shall make a thorough inspection of all parasailing equipment to be used to ensure the equipment is in safe operation. Equipment includes, but is not limited to, ropes, harnesses, webbing, clips, shrouds, canopies, winch controls and the vessels;
- (b) the operator shall not use or allow the use of parasailing equipment that the operator knows is unsafe;
- (c) the operator shall keep a written record of each daily inspection, which must provide the following —
 - (i) the date of inspection;
 - (ii) the name of the person who conducted the inspection; and
 - (iii) confirmation that the equipment was found to be safe, or otherwise i.e. unsafe;
 - (iv) confirmation that the equipment found or suspected to be unsafe;
 - (v) the reason for the equipment being unsafe.
- (d) the operator of a parasailing vessel shall ensure that all equipment utilized for parasailing is fitted, maintained and used in accordance with any instructions provided with the equipment by the manufacturer;

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- (e) the operator of a parasailing vessel shall ensure that each item of equipment used for parasailing (inclusive of winch) is thoroughly inspected twice annually by the manufacturer of the equipment or the manufacturer's authorized agent to determine if the equipment is still safe to use. Evidence of each inspection is to be submitted to the Port Department;
 - (f) the operator of a parasailing vessel shall ensure that a written record of the inspection in subparagraph (e) includes the following information —
 - (i) the date of the inspection;
 - (ii) the name of the manufacturer or authorized agent who conducted the inspection;
 - (iii) any deficiencies found in the equipment;
 - (iv) any corrective action for that equipment; and
 - (v) the serial number of the defective equipment;
 - (g) the written record referred to in this paragraph shall be kept for the life of the equipment;
 - (h) the operator shall test the winch through its full range of operation prior to commencing parasailing each day;
 - (i) the winch rope used for parasailing purposes shall have a minimum breaking strain of 4800 pounds;
 - (j) the length of the rope used shall not exceed the maximum length specified by the harness's manufacturer;
 - (k) the rope used in parasailing must be replaced after one year, provided that the rope is not frayed or damaged and that 6 inches is cut off at the earlier of —
 - (i) two (2) weeks after its first use; or
 - (ii) the completion of 400 parasail flights;
 - (l) the owner of a parasailing vessel shall ensure that only a person with 500 parasail flights as a parasailing deckhand, or 100 parasail flights in control of the vessel (under supervision), using different chute sizes and under diversified

- weather conditions, shall act as master of the parasailing vessel;
- (m) the operator of a parasailing vessel shall ensure that all persons involved in conducting the parasailing are adequately trained and experienced for the duties the person performs in conducting the parasailing;
 - (n) the owner shall keep a written record of the relevant qualifications, training and experience of each person involved in conducting the parasailing;
 - (o) the owner shall ensure that a person holding a “B” Class Master License is onboard the parasail vessel to act as a lookout and monitor the operation whilst conducting parasailing activities;
 - (p) the operator shall ensure that no person under the age of 18 years is permitted to parasail without the written consent of their parent or guardian; and that any person under the age of 12 years must be accompanied by an adult on the parasail;
 - (q) the operator shall ensure that all persons whilst parasailing wear a personal floatation device approved by the Port Department;
 - (r) whilst conducting parasailing activities, the operator of a parasailing vessel shall ensure that the tow line and the person parasailing maintain a minimum distance of —
 - (i) 200 ft. from a helicopter, sea plane or other aircraft that is airborne;
 - (ii) 200 ft. from another parasailing vessel conducting parasailing;
 - (iii) 100 ft. from another ship, whether underway, moored or at anchor;
 - (iv) 100 ft. from a power-line, wharf, jetty or other fixed structure;
 - (v) 100 ft. of a navigational hazard; or
 - (vi) 200 ft. outside of the swim-line;
 - (s) the operator of a parasailing vessel must not commence parasailing unless the operator

reasonably believes the distance mentioned in paragraph 9(r) can be maintained;

- (t) the operator of a parasailing vessel shall immediately cease parasailing operations if the operator believes the distances mentioned in paragraph 9(r) cannot be maintained;
- (u) the operator of a parasailing shall not commence parasailing until the operator reasonably believes the distances mentioned in paragraph 9(r) can be maintained;
- (v) the operator of a parasailing vessel shall ensure that the wind speed and direction is monitored and taken into account each day and each time whilst conducting the parasailing operation; and
- (w) notwithstanding the provisions detailed in paragraph 9(r) the Port Controller is to be satisfied that the weather conditions are favorable prior to the commencement of parasailing operations, and once the weather deteriorates is to suspend the same.

10. The following procedures and rules shall be observed in respect of banana boat operations, namely —

Supplemental:
banana boat
operations.

- (a) operators must be certified to operate a banana boat, in addition to licence requirement;
- (b) a look-out must be provided who must complete specified training as established by the Authority;
- (c) equipment must be maintained in accordance with manufacturer’s instructions and the Port Department’s requirements;
- (d) personal floatation devices are necessary for all passengers on power boats and banana boats;
- (e) the Authority shall set operational areas for banana boat operations; and
- (f) the boat towing the banana must not proceed at a speed greater than 10 knots.

PART V - MISCELLANEOUS

11. In order to be registered under these Regulations, a policy of insurance shall be obtained by the owner or operator of a craft.

Insurance

Fees.
Second
Schedule.

12. The fees set forth in the Second Schedule to these Regulations shall be in force as the fees payable under these Regulations in respect of the matters mentioned in the said Schedule.

Zoning.

13.(1) With respect to New Providence, Watersports activities shall be conducted only in those areas as prescribed by the Port Controller.

(2) The Watersport zoning in the Family Islands within which a craft may operate shall be determined by the New Providence Port Authority after consultation with the appropriate local authority.

FIRST SCHEDULE**(Regulation 5)****Orientation check list for “jet ski” renters**

1. I have been shown the operation of all gears of the equipment
2. I have been advised of the area of operation and the restricted area and shown the Hard Card of those areas.
3. I have been advised of the law against the reckless operation of the equipment.
4. I confirm that I am not under the influence of alcohol or drugs.
5. I confirm that the identification (ID) indicating that I am 18 years old is correct.
6. I have been supplied with a life jacket and advised to wear it at all times while I am operating the equipment.
7. I acknowledge that a maximum of two (2) persons shall ride the equipment.
8. I confirm that I have been advised about the maximum speed allowed during departure from and arrival at the beach.

SECOND SCHEDULE

(Regulation 12)

Fees

A.	Boats under 15 Feet in Length	\$30.00
B.	Boats 15 Feet in Length	\$50.00
C.	Boats under 25 Feet or over and under 50 Feet in Length	\$100.00
D.	Boats 50 Feet or over and under 100 Feet in Length	\$200.00
E.	Boats 100 Feet or over in Length	\$400.00
F.	Transfer of Registration Certificate	\$10.00
G.	Duplicate Certificate	\$10.00

INSPECTION FEES

A.	Boats under 15 Feet in Length	\$20.00
B.	Boats 15 Feet or over and under 25 Feet in Length	\$30.00
C.	Boats 25 Feet or over and under 50 ft	\$40.00
D.	Boats 50 Feet in Length and under 100 ft	\$60.00
E.	Boats 100 Feet or over in Length	\$80.00

OPERATOR'S LICENCE FEES

A.	Annual Licence Fee	
	A Class	\$50.00
	B Class	\$30.00
B.	Duplicate Licence Fee	\$10.00
C.	Examination Fee	\$30.00

THIRD SCHEDULE

(regulation 3)

FORM I

**APPLICATION FOR LICENCE BY OPERATOR UNDER
THE COMMERCIAL RECREATIONAL WATERCRAFT
ACT, (Ch. 278A)**

1.	Full name of Applicant	
2.	Age of Applicant	
3.	Postal address or usual residence of Applicant	
4.	Nationality of Applicant	
5.	Class of registration	
	No. of crafts for which Applicant desires to be licensed.	
6.	Particulars of any licence which the Applicant holds or which he has previously held.	
7.	Nationality of Applicant	
8.	Whether Applicant has ever — (a) been refused licence, or (b) had licence cancelled.	

I certify the Applicant to be a competent operator and a fit and proper person to have a licence.

Date :

Chairman (other Designation)

.....*Port Authority*

Note : The maximum penalty for making a Declaration which is to the knowledge of the declarant false or in any material respect misleading shall not exceed five thousand dollars.

FORM II

**APPLICATION FOR REGISTRATION OF CRAFT BY
OWNER UNDER THE COMMERCIAL RECREATIONAL
WATERCRAFT ACT, (Ch. 278A)**

1. Name of Craft
2. Craft's Length
3. Description of Craft
4. Class of registration applied for
5. Name (s) and address (es) of owner (s)
6. Age (s) of Owner (s)
7. Nationality of owner (s)
8. Name and address of Operator
9. Name (s) and address of crew
10. Type and number of fire extinguishers fitted
11. Life saving equipment carried
12. Number of passengers to be carried
13. Make and Horse Power of Engines
14. List auxiliary machinery (if applicable)
15. Is radio receiver and transmitter in good working condition ?

Signature of Owner

Inspected and passed by

Dated

Note : The maximum penalty for making a declaration which is to the knowledge of the declarant false or in any material respect misleading shall not exceed five thousand dollars.