

POLICY FOR WATER SPORTS BUSINESSES (MOTORIZED AND NON-MOTORIZED)

1. INTRODUCTION

The Seychelles Islands, a destination traditionally known for the 'sun, sea and sand' is renowned typically for its natural beauty. Being surrounded by a number of pristine beaches, some of which have been classified amongst the world's best, culminates in a number of tourists coming to our shores as well as locals appreciating and participating in activities that revolve around the sea. In 2016, the Seychelles witnessed over 303,000 visitors which in itself represented an increase of 10%. All this calls for a systematically organized and regulated tourism industry with commitment towards sustainable tourism and active support and cooperation from stakeholders.

As the tourism industry continues to evolve, there is a need for new product offering and new advancements have emerged to fulfill the increasing requirements, demands and thirst of the adventure seeking tourists. Tourism today requires activities to entertain tourists and have seen an increase in demands for tourism products like watersports activities.

Water sports that are under the purview of this policy are divided into two categories:

- Motorized
- Non-motorized

The following activities are classified under the *motorized water sports*:

- Jet-skiing
- Parasailing - A person is towed behind a vehicle (in this case a boat) and attached to a parachute
- Boating using power boats
- Barefoot skiing - water-skiing with no skis
- Banana boats
- Cable Skiing – similar to wakeboarding but with cables for artificial maneuvering
- Wakeboarding – similar to water skiing, but using only one board attached to the feet
- Water-skiing – is using skis to slide over the water while being pulled by a boat or other device
- Any other related motorized water sports activity which are primarily offered and managed by private water sports operators

The following activities are classified under the *non-motorized water sports*:

- Canoeing
- Kayaking
- Water rafting
- Dinghy sailing
- Kite surfing on flat water using a kite for propulsion
- Stand up paddle surfing a surf style board with a paddle, used in flat water or waves
- Surfboarding
- Wind Surfing on flat water using wind for propulsion in combination with sails
- Any other related non- motorized water sports activity which are primarily offered and managed by private water sports operators

2. REGULATORY BODIES

Water sports activities are a multi-sectorial operation. All operators must comply with the safety and security requirements, environmental, marine and legal requirements amongst others, as well as those established by the Tourism Department. These standards are established by different technical agencies/departments, whose powers are constituted under different statutes and laws. As such the issuance of a license does not absolve the license holder to comply with other laws and obligations imposed by other statutory bodies or government departments.

The **Seychelles Maritime and Safety Authority**, established under the *Seychelles Maritime Safety Authority Act* is responsible for the issuance of licenses to operators of water sports activities. It also ensures that all marine users operate and enjoy our seas and other water bodies, in a safe and lawful manner. This includes demarcation of specific areas for users of maritime related activities.

The **Department of Environment** is responsible for monitoring and enforcing compliance with environmental protection laws and regulations. Its powers and functions are very broad and granted under various statutes, the main one being the Environment Protection Act.

The **Maritime Police** within the Seychelles Police Force assist in ensuring that the laws and regulations pertaining to the sea are complied with

and that water sports operators do not ply their equipment within demarcated swimming areas.

The **Tourism Department** is responsible for setting the criteria and establishing standards for tourism service providers; and monitoring the quality of service and comfort of guests. However, the only way for the Tourism Department to ensure compliance with these standards is by recommending or not recommending the issuance of a license to the SMSA depending on the compliance of an activity to the established standard of service and comfort.

POLICY STATEMENTS FOR WATER SPORTS BUSINESSES

Policy 1

Ownership or investment in a water sports business is reserved for Seychellois only.

In order to ensure locals and residents can benefit from the water sports business and tourism in general, it is necessary that Seychellois can participate actively. It is therefore necessary to restrict ownership or investment in water sports businesses to Seychellois only. "Seychellois only" means 100 % ownership of shares by Seychellois citizens including all assets.

A promoter shall be allowed to have only one water sports business. An operator with more than one existing water sports business will be allowed to continue to operate.

Hotels are encouraged to lease out water sports businesses to Seychellois. Consideration shall be given where a hotel wants to provide limited non-motorized activities, but must be on a complimentary basis.

Consideration shall also be given on a case by case basis for hotels who are based on outer islands wishing to provide water sports activities to their clients.

Policy 2

All water sports businesses shall register their equipment at the Seychelles Maritime Safety Authority.

All water sports operators shall register all equipment within their activity at the Seychelles Maritime and Safety Authority under the provisions of Beach Control Act.

Registration number for specific boats/equipment must be obtained through SMSA at the cost of the operator and prominently affixed at a place on the boat/equipment specified by SMSA.

Policy 3

All water sports businesses shall have a rescue boat manned and ready at all times during operation.

For the purpose of monitoring the activities and providing timely assistance when a craft is in distress, all water sports businesses shall have a minimum of one rescue boat manned and ready at all times during operation. The rescue boat must be equipped with all necessary lifesaving equipment required by the Seychelles Maritime and Safety Authority. Any staff authorized to operate the rescue boat must during rescue operation wear a buoyancy aid as approved by SMSA.

Policy 4

All water sports businesses shall conduct their business from a base of operation within specific demarcated areas.

All water sports businesses shall have a base of operation. The Department of Environment and Planning Authority shall identify and demarcate specific areas where water sports businesses will operate from. Such base, which may be in the form of a building or booths/kiosks (chairs and tables) shall be the point of contact between the operator and client as well as areas where all equipment pertaining to the activity are placed as per safety standards prescribed without infringing the Environmental Protection Act.

The Department of Environment and Planning Authority shall determine the number of businesses allowed to operate within a specific demarcated area. Consideration shall also be based on the number of equipment to be allowed within the area.

Where a business does not operate within a building but rather within an open demarcated space, the operator shall ensure that all necessary precautions are taken to prevent ecological damage when transporting equipment.

A water sports business shall be allowed to operate at a tourism establishment provided permission is obtained from the operator of the establishment.

Policy 5

All water sports activities shall be undertaken within specific demarcated areas.

Water sports activities must be conducted within areas as demarcated by the Seychelles Maritime Safety Authority. Restricted zones and watersports activity zones shall be clearly demarcated by yellow, green and red floating buoys. The demarcated areas would comprise but not limited to watersports corridors, watersports activity areas, swimming and snorkeling areas. All water sports activities must be undertaken in accordance to the demarcation.

The areas currently demarcated for watersports activities are:

- Beau Vallon
- Port Launay
- Anse Royale
- Perseverance
- Anse Lazio
- Cote D'Or

SMSA shall from time to time determine and demarcate other areas as necessary.

It is the responsibility of the operator to ensure that individuals operating water sports equipment remain within the water sports activity zone. Operators must ensure that there are proper systems in place for example the red flag system to call back individuals who fail to comply with rules and regulations.

Policy 6

Water sports activities shall be carried out from 10.00 am to 6.30pm.

The water sports activities on beaches/inshore waters shall only be carried out from 10.00 am to 6.30pm.

No watersports activities shall be carried out in unsafe water conditions, period of storm, whenever the red flag signage has been displayed, or any such period banned or notified by a competent authority.

Policy 7

Water sports businesses shall ensure that individuals partaking in water sports activities abide to the terms and conditions of use.

All watersports businesses shall ensure that the following conditions are applied when engaging with a client:

- i. Not to permit any person under the age of sixteen (16) years to operate motorized water sports equipment. A person under the specified age shall only be allowed as a passenger.
- ii. Ascertain in good faith as to whether the person is intoxicated with alcohol or drugs. Where an operator is of the opinion that a person may be under the influence, the operator shall refuse to engage in business with the person.
- iii. Appropriate instruction as to the use of the equipment be given to each person before use.
- iv. Operators shall ensure that clients wear a life vest or life jacket as approved by SMSA at all times during the activity.
- v. Adequate safety briefing with regards to the use of equipment, areas to operate and speed limit shall be provided to each person before use.

Policy 8

Water sports businesses shall employ and engage only well trained personnel.

All watersports operators shall employ and engage only well trained personnel certified by the Seychelles Maritime and Safety Authority. There shall be at least one trained personnel responsible for the handling of all water sports equipment, briefing of clients on terms and conditions of use and safety and security procedures.

All employees must possess at least a basic certificate in First Aid with one employee possessing advanced certificate in first aid and rescue.

Policy 9

All licensed water sports businesses should have a risk management plan for risk reduction, emergency response and disaster preparedness and should also have appropriate insurance cover.

All water sports businesses must possess adequate insurance and should include a minimum third party liability and public liability to cover liability to clients. Insurance must be based as per the capacity of the boat/equipment, to the extent as may be specified per passenger.

All licensed water sports businesses should also have a risk management plan for risk reduction, disaster preparedness and emergency response.

Policy 10

All water sports businesses are required to meet the minimum standards of the regulatory bodies and sensitize their clients on the need to preserve the environment and respect the laws that are in place.

All water sports businesses shall be required to meet the quality and standards set by the regulatory bodies, which include but are not restricted to, the Department of Environment, Marine Police, Tourism Department and the Seychelles Maritime Safety Authority.

It should be the responsibility of the water sports business to sensitize its clients on the need to respect the environment and abide to the rules and regulations that govern the activities they are involved in.