

GUIDELINES FOR OPERATING RENTAL AGENCY FOR KITE SURF

1. Purpose of the Guidelines

These guidelines set standards and procedures for the safe operation of rental agencies for kite surf.

2. Definition

“authorised officer” has the same meaning as in the Tourism Authority Act.

“kite surfing” means a non-motorised surface water sport activity practised by a person standing on a board and propelled by his kite through the power of the wind.

“kite surfer” means any person carrying out the activity of kite surfing who is not below the age of 10 years and weighs at least 35 kg.

“licensee” has the same meaning as in the Tourism Authority Act.

“person-in-charge” means a person or persons duly authorised by the licensee (in writing) to represent him for the supervision of the kite surfing operations.

3. Clearances/Licences/Permits

A tourist enterprise licence is a mandatory requirement for any person who, against payment -

- (a) either rents out kite surfing equipment;
- (b) or provides kite surfing training;
- (c) or rents out kite surfing equipment as well as provides kite surfing training.

It is the responsibility of the licensee to ensure that he is already in possession of all clearances/permits/licences issued under any other enactment in relation to the tourist enterprise licence as may be applicable, failing which the tourist enterprise licence may not be renewed.

Upon issue of a tourist enterprise licence, the licensee shall be required to contribute to the Tourism Employees Welfare Fund (TEWF)/National Pension Fund (NPF)/National Pension Scheme (NPS)

4. Hours of operation for kite surfing

The authorised hours for carrying out kite surfing activities shall be as follows -

- a) from 7 a.m. to 5 p.m. during the winter season from 01 May to 31 October; and
- b) from 6 a.m. to 6 p.m. during the summer season from 01 November to 30 April.

5. Code of Practice and Sailing/Kiting Rules

Every kite surfer shall abide by the Code of Practice and the sailing/kiting rules referred to in Part A and Part B, respectively, at Annex I.

6. Minimum Age Limit and Physical Condition of Kite surfer

- (a) No person less than 10 years of age and weighing less than 35 kg shall be allowed to undertake kite surfing activities.
- (b) A disclaimer form (as per Annex II) shall be signed by the legal guardian or responsible party who accompanies the minor, of more than 10 years but less than 18 years of age.

7. Responsibilities of the Licensee

The licensee shall -

- (a) ensure that the kite surfer is knowledgeable in the kite surfing activity;
- (b) brief the kite surfer in a language he understands on –
 - (i) the Code of Practice set out in Annex I;
 - (ii) the currents, waves, winds and reefs;
 - (iii) the marine environment and the possible hazards;
 - (iv) the prevailing weather conditions and forecasts;
 - (v) the safety and security rules, and emergency procedures;
 - (vi) the regulations or parts of a management plan relevant to kite surfing for that particular area, wherever applicable;
 - (vii) the different colours of buoys and flags, wherever applicable;
 - (viii) the international signals used; and
 - (ix) the need to be prepared for any emergency;

- (c) request the kite surfer to fill in and sign the disclaimer form at Annex II before carrying out the kite surfing activity, whereby the kite surfer shall acknowledge that he is fully aware of the risks and dangers that may arise while carrying out the kite surfing activity;
- (d) keep a register referred to at Annex III [with the details such as date of activity, name of the client, National Identity Card/Passport number, age, time in and out, signature of client, name of instructor (if accompanied)] to be made readily available at the place where kite surfing activity is being carried out for inspection by an authorised officer;
- (e) ensure that –
 - (i) any kite surfer, while using his kite surfing equipment, shall carry out the kite surfing activity in accordance with the Code of Practice referred to at Annex I and in such a way as not to be a source of danger and nuisance to the public and other beach users or sea users including fishermen;
 - (ii) his kite surfing equipment is not left lying on the beach but is stowed away; and
 - (iii) constant lookout is carried out throughout the duration of the kite surfing activity for which he is responsible.
- (f) carry out an inspection of all kite surf boards, safety gears, rescue crafts and related equipment to ensure that they are properly maintained and are in safe operating condition;
- (g) test safety devices prior to carrying out kite surfing activities or renting same to clients;
- (h) display at a conspicuous place visible to all kite surfers engaged in the activity a signal system or at least ensure constant communication with the kite surfers to inform of weather conditions and of any changes thereof; or any other dangers.

8. Minimum Personnel

- (a) The licensee shall employ, at least, –
 - (i) an instructor holding qualifications acceptable to the Authority, unless the licensee himself holds the requested qualifications and expertise;
 - (ii) a person responsible for lookout duties.
- (b) No instructor shall carry out training unless he holds the required qualifications. The level of training authorised shall be in accordance with the qualifications of the instructor as specified in the following table:

Qualification of Instructor	Training authorised
Instructor LEVEL 1 or equivalent IKO or	Authorised to conduct kite surfing classes with 2 students using only 1 kite flying
Instructor LEVEL 2 or equivalent IKO or	Authorised to - (a) conduct kite surfing classes with 4 students using a maximum of 2 kites flying; (b) train Assistant Instructors
Instructor LEVEL 2 SENIOR or equivalent IKO or	Authorised to - (a) conduct kite surfing classes with 4 students using a maximum of 4 kites flying; (b) train Assistant Instructors

- (c) The instructor or the person responsible for surveillance shall be holder of a valid First Aid Certificate and a Life Saving Certificate.
- (d) An assistant instructor shall not conduct training in kite surfing but can assist an instructor.

9. Kite surfing equipment

- (i) The licensee shall have the following kite surfing equipment to rent out –
 - (a) kite surf boards;
 - (b) kites including proper safety devices;
 - (c) kite control bars;
 - (d) special kite harnesses;
 - (e) kites of all common sizes.
- (ii) The licensee shall, in addition to the equipment referred to above, provide the following kite surfing equipment to beginners in kite surfing –
 - (a) helmet of all common sizes;

- (b) harness with a hold-down handle;
 - (c) neoprene wet suit of at least 3mm, and of all common sizes, where necessary; and
 - (d) foot protection of all common sizes, where necessary.
- (iii) The licensee shall ensure that any kite surfer wears an appropriate floatation device.

10. Safety and Security

The licensee shall have –

- (a) an adequately equipped first aid kit (as per Occupational Safety and Health Act) for ready use at the place where kite surfing is proposed to be carried out;
- (b) at least one rescue craft as approved by the Authority. The rescue craft shall be either equipped with a Very High Frequency Radio (VHF) or an alternative means of communication.

11. Requirements to rent out kite surfing equipment and provide kite surfing training

The licensee shall have the following plans -

(i) An Operation plan

An operation plan shall consist of –

- (a) a training manual for beginners and intermediates in kite surfing (in a language they understand), whichever applicable;
- (b) an assessment procedure before training or renting out the kite surfing equipment to a person who intends to carry out kite surfing;
- (c) a signal system to inform persons carrying kite surfing activity of weather conditions and of any changes thereof, as follows –
 - (i) Green flag – All safe;
 - (ii) Yellow flag – Kite surfing only inside the lagoon;
 - (iii) Red flag – Danger! No kite surfing at all; and
- (d) The signal system shall be displayed at such a conspicuous place so as to be visible to the kite surfers engaged in the activity.

(ii) **A Maintenance plan**

A maintenance plan shall include –

- (a) the name of the person responsible for maintenance;
- (b) the frequency at which maintenance is and will be carried out (*specifying the dates and time*); and
- (c) the means and measures put in place to monitor the effectiveness of the plan.

(iii) **An Emergency plan**

An emergency plan which, shall be revised at least every 2 years shall provide for –

- (a) safety and emergency procedures and checks;
- (b) assignments and responsibilities of staff;
- (c) emergency procedures in case of equipment failure, adverse weather conditions, illness and injury;
- (d) emergency telephone numbers;
- (e) casualty evacuation plan;
- (f) means of transportation to hospital; and
- (g) reporting of procedures post accident (Police/NCG).

12. National Pension Fund(NPF)/National Pension Scheme(NPS)/Tourism Employees Welfare Fund (TEWF)

The licensee shall ensure that his staff is registered with the NPS/NPF/TEWF.

13. Insurance Policy

The licensee shall hold a comprehensive insurance policy including third party liability to the satisfaction of the Authority.

14. Weather Conditions

(i) Monitoring of weather conditions

The licensee or the person in charge shall-

- (a) monitor the weather forecast daily before start of operation and during the activity;
- (b) have updates on weather and sea conditions every four hours (same to be recorded); and
- (c) ensure that no kite surfing activity is being carried out under adverse weather conditions;

(ii) Pre-Activity weather evaluation

It is the responsibility of the licensee or the person in charge to evaluate and determine if weather and sea conditions are favourable for the conduct of kite surfing activity.

(iii) Cyclone warnings

No kite surfing activity shall be conducted when a cyclone warning Class 1 is in force and within 24 hours of termination of cyclone warning, subject to favourable weather conditions. All ongoing activity shall be interrupted upon issue of a cyclone warning.

(iv) Sea conditions/Tsunami warnings

No kite surfing activity shall be conducted upon the issue of rough sea conditions, heavy swells and Tsunami warnings, by the Mauritius Meteorological Services (MMS).

- (v) When an authorised officer is of the opinion that kite surfing activity is unsafe due to the prevailing climatic and sea conditions, he may prohibit any person from undertaking kite surfing activity.

15. Offence

Any person failing to comply with the guidelines, the Code of Practice or the directions issued by the Authority or an authorised officer, shall commit an offence as per section 126 of the Tourism Authority Act.

16. Powers of the Tourism Authority

The Tourism Authority may vary, revoke or refuse to renew a tourist enterprise licence for reasons specified under section 30 of the Tourism Authority Act.

Annex I- Part A – CODE OF PRACTICE

Every person who carries out the activity of kite surfing shall –

- (a) abide by relevant legislation in force and any directives by an authorised officer with regards to safety and security at sea or on the beach;
- (b) ensure that the kite surfing carried out is not a source of danger to the public;
- (c) be fully informed of any management plans, zoning of the area in which he operates;
- (d) make a risk assessment of the spot by taking cognisance of the wind, water and weather conditions and by checking the area thoroughly;
- (e) not undertake any kite surfing activity during adverse weather and sea conditions, cyclone warnings, heavy swells and tsunami warnings.
- (f) avoid launching and landing near trees, automobiles, people, streets, power lines and other obstacles;
- (g) avoid crowded beaches and areas with rocks and/or reef;
- (h) carry out a pre-flight check as follows –
 - (i) check kite for tears, leaky bladders and attachment points;
 - (ii) check the bar system for wear, abrasion and knots;
 - (iii) inspect and test the quick release system; and
 - (iv) check the harness, control bar lines and leaders;
- (i) ensure that he has properly tested and well maintained safety equipment;
- (j) ensure that proper launching and landing techniques are used;
- (k) ensure he has adequate space on which to launch and land;
- (l) give way to the public on the beach and be mindful of other beach or sea users, including fishers, windsurfers, boaters, and swimmers or other users carrying out surface and underwater activities;

- (m) launch, land and ride preferably with a partner;
- (n) ensure that someone onshore keeps an eye on him or that a third party is notified of his intended trip, location and expected time of return.
- (o) not kite surf further from the shore than he is able to swim back;
- (p) understand the technique of self-rescue and be familiar with rescue signals before using his kite surf in deep water;
- (q) be responsible for the safe operation of his kite and shall not endanger anyone including himself;
- (r) follow the right-of-way rules;
- (s) avoid obstructing the way or cluttering any area with grounded kites, unrolled lines or scattered boards and keep lines rolled up when kites are not in use.;
- (t) secure their kites with sand while on land;
- (u) not kite surf in congested areas with swimmers, boats, crafts or obstacles;
- (v) not kite surf at an upward distance of less than 30 metres from a person swimming, fishing or engaged in other nautical activities;
- (w) approach the shore slowly with care and caution;
- (x) take care to avoid causing an accidental jump in well powered conditions by slowing suddenly while approaching the shore;
- (y) arrange for assisted landings or launchings at least 30 metres from bystanders, power lines and other obstacles especially in the upwind area because of dangerous upthrusts:
 - (i) avoid using non-kite surfers for assisted launchings and landings;
 - (ii) use mutually-understood hand and/or visual signals to improve landing safety;
 - (iii) safely self-land his kite if no assistant is available;
 - (iv) depower his kite immediately even in deep water to avoid being lifted or dragged in sudden gusty winds.
 - (v) abide by instructions or directions made by an authorised officer.

PART B – SAILING/KITING RULES

1. A starboard rider (kite on the right-hand side) has priority over the oncoming rider and shall keep his course, speed with the kite high to allow the other rider to give way.
2. A port tack rider (kite on the left-hand side) shall give way to the oncoming rider by adjusting his course or speed and passing downwind with the kite low to avoid collision.
3. Where 2 kite surfers converge, and they are on the same tack, the kite surfer most upwind shall give way to the kite surfer most downwind. The leeward kite surfer has right of way in this situation.
4. Where 2 kite surfers converge in a way that may lead to the kites colliding, the upwind kite surfer shall fly his kite as high as possible, and the downwind kite surfer shall fly his kite as low as possible.
5. A kite surfer overtaking shall give way and go downwind of the other kite surfer in clear time. The kite surfer being overtaken should maintain his course.
6. When changing direction, the kite surfer has to look ahead and behind before turning.
7. Before jumping, a kite surfer shall ensure a safety distance of 50 metres downwind.
8. When jumping, a kite surfer shall give up his right of way to any other kite surfer on a steady course.
9. A kite surfer riding on a wave has priority over any other kite surfer.
10. A kite surfer closest to the curl of the wave has absolute priority on that wave. All other kite surfers must keep well clear of a kite surfer on a wave.
11. Whilst surfing, priority shall be given to other sea users in the following order – (a) swimmers (b) body surfers (c) surfers (d) windsurfers and (e) kite surfers (as the user with the least mobility has right of way over the one with more mobility).
12. A kite surfer entering the water from the beach has priority over incoming kite surfers from the sea.

Annex II

DISCLAIMER FORM – KITE SURFING ACTIVITY

WAIVER AND RELEASE FROM LIABILITY

1. KITE SURFER’S INFORMATION

SURNAME: _____ NAME: _____ NATIONALITY: _____
Age: _____ Passport No. (if non-resident): _____ Weight (kg): _____
NIC (if Mauritian): _____
Address: _____
Email: _____
Person to contact in case of incident/accident: _____
Phone no. of contact person: _____
Date & Time of Departure (if non-resident): _____

2. ACKNOWLEDGEMENT OF RISK

Please read the following declaration carefully before signing.

- | |
|--|
| <ul style="list-style-type: none">a) In signing this document, I affirm that I am aware of and understand that kite surfing activities as well as the aquatic environment in which it takes place have inherent risks.b) I agree to abide by and respect the security measures and information given during the verbal and physical briefing of which I have been informed by the instructor.c) I accept that the activity may be stopped or cancelled by a decision taken by the person-in-charge/Instructor due to weather, sea or any other adverse conditions.d) I specifically acknowledge that I am physically/mentally able to participate in kite surfing activities.e) I hereby declare that I do not, and have not, suffered from any health conditions, which I understand may lead to a dangerous situation with regard to other persons or myself during recreational kite surfing activities.f) I assume full responsibility for all risks as well as any injuries or damage in relation with the activity for which I have signed up and which could be due to my acts or doings. I undertake personally, as well as on behalf of my family, heirs, assigns or beneficiaries not to proceed with any claim, lawsuit or plaint against the person-in-charge or staff members. |
|--|

- g) In case of incident/accident, I authorize the person-in-charge or his staff to transport me or have me transported for examination by a doctor. If the medical advice is immediate treatment and if unconscious or incapable, I authorize that medical treatment be administered to me.
- h) I acknowledge to have been informed and fully understand the signal system regarding weather conditions.
- i) I understand that the terms used in this document are contractual and that I have signed this document of my own free will.

(Please write “Read and Approved”)

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Signature:

.....

Date:

Signature of parent or responsible party:

Date:

(where applicable)

Anne x III

REGISTER OF CLIENTS

Date:.....

Responsible Person:

SN	Name of Client	Passport Number/NIC Number	Nationality	Time in	Time out	Name of Instructor	Remarks	Signature of Client
1.								
2.								