



Briefing Report No: **260/2009**

Public Agenda Item: **Yes**

Title: **Port Marine Safety Code Refresh – October 2009**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee**

On: **7 December 2009**

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1. Key points and Summary

- 1.1 This report provides Members with a briefing on the recently refreshed Port Marine Safety Code. A summary of the Port Marine Safety Code (October 2009) is provided at Appendix 1.

2. Introduction

- 2.1 On the 13 March 2000 the new Port Marine Safety Code was published and at the time it heralded a new approach in the management of safety in ports.
- 2.2 The Code includes a summary of the legal duties and powers of harbour authorities relating to marine safety. For the purposes of the Code, marine operations are those which facilitate the safe use of a harbour by vessels. They include the direction of shipping and the regulation of safety of navigation in a harbour, and maintenance of aids to navigation within the jurisdiction of a harbour undertaking. The Code does not create new legal duties for harbour authorities. It is made clear in the Code that such duties and powers are only properly discharged if appropriate standards are fully met.
- 2.3 Since March 2000 the Code has promoted best practice and has served as a framework for the preparation of published policies and plans by harbour authorities in consultation with local users and other interests.
- 2.4 The Code has a companion document, the Guide to Good Practice for Port Marine Operations, which was published soon after the Code.
- 2.5 On 30 March 2000 the Harbours Sub-Committee received a report on the newly published Port Marine Safety Code. The Committee resolved that the requirements of the Code should be implemented, as specified, by the end of 2001.

- 2.6 Since the end of 2001 Tor Bay Harbour Authority has been compliant with the requirements of the Port Marine Safety Code and in recent years the Harbour Committee has received an annual report on compliance from an independent auditor called the 'Designated Person'.
- 2.7 At the end of 2008, it was clear that both the Port Marine Safety Code and the Guide to Good Practice for Port Marine Operations needed to be updated to take account of the new developments over the last few years. A working group was established which included representatives from the Department for Transport (DfT), the Maritime and Coastguard Agency (MCA) and ports industry.
- 2.8 Because of the duplication between the two documents, it was decided that the Code – which was originally in two parts – should be condensed and simplified into a single document of five chapters. Key elements of Part 2 (measures) of the Code can now be found under chapter three of the republished Code, or under the relevant sections of the new Guide.
- 2.9 The most significant revisions to the Code include:
- a reference to relevant national legislation that has come into force since its original publication in 2000;
 - a two-page summary of the main points of the Code; and
 - clarification of key elements, including the role of the “duty holder”.
- 2.10 There have also been several changes to the Guide to Good Practice for Port Marine Operations. The new version of the Guide includes:
- a revised section 4 covering risk assessment and the marine safety management system;
 - active links to useful websites, such as relevant MAIB publications and reports;
 - details about the MCA's verification visits and compliance exercises; and
 - a new section on incident investigation (section 12).
- 2.11 It is the Government's intention to review and update the Code at least once every three years. The Guide, which was always envisaged to be a living document for marine practitioners, will now be maintained by the ports industry and reviewed on an annual basis.
- 2.12 The annual Port Marine Safety Code compliance audit undertaken in November 2009, by the Harbour Committee's 'designated person', was conducted having regard to the refreshed Port Marine Safety Code.

Capt. Kevin Mowat
Executive Head of Harbour & Marine Services
Tor Bay Harbour Master

Appendices

Appendix 1 A Summary of the Port Marine Safety Code – October 2009

Documents available in members' rooms

Not applicable.

Background Papers:

The following documents/files were used to compile this report:

Port Marine Safety Code – March 2000

Port Marine Safety Code – October 2009 (see link below)

<http://www.dft.gov.uk/pgr/shippingports/ports/pmsc.pdf>