

Appendix 1

A Summary of the Port Marine Safety Code – October 2009

The Port Marine Safety Code (the Code) applies to all harbour authorities. The Code is primarily intended for “the duty holder” who is directly accountable for the safety of marine operations in their waters and approaches. In most authorities, the harbour board is the duty holder, so board members should regard themselves as individually and collectively responsible for meeting the Code’s standards.

The Code has been developed to improve safety in UK ports and to enable harbour authorities to manage their marine operations to nationally agreed standards. It provides the standard against which the policies, procedures and the performance of harbour authorities can be measured. It also describes the role of board members, officers and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of harbour authorities. As well as complying with these duties and powers, the authority must develop an effective marine safety management system based on formal risk assessment. When fully implemented, the Code should reduce the risk of incidents occurring in harbour waters and provide some protection for the duty holder if an incident does occur.

In order to comply with the Code, the duty holder on behalf of the harbour authority must :-

1. Review and be aware of their existing powers based on local and national legislation;
2. 'Comply with the duties and powers under existing legislation, as appropriate;
3. Ensure all risks are formally assessed and as low as reasonably practicable in accordance with good practice;
4. Operate an effective marine safety management system (SMS) which has been developed after consultation and uses formal risk assessment;
5. Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for safety of navigation;

6. Monitor, review and audit the marine SMS on a regular basis – an independent designated person has a key role in providing assurance for the duty holder;

7. Publish a safety plan showing how the standard in the Code will be met and a report assessing the performance against the plan;

8. Comply with directions from the General Lighthouse Authorities and supply information & returns as required.

In addition, harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation.

It is strongly advised that the duty holder and all officers involved in marine safety consider the guidance provided on how to comply with this Code and review the lessons learnt from incidents which have occurred in harbours. Guidance can be found in “A Guide to Good Practice on Port Marine Safety Operations”; recommendations and the common lessons that can be learnt from major incidents can be found on the Marine Accidents Investigation Branch website.

The Code is divided into four main sections :-

1. Accountability for marine safety: This part identifies who is accountable for marine safety in the harbour waters and the approaches. It is based on these general principles:

A. The duty holder, on behalf of the harbour authority is accountable for managing operations within the port safely and efficiently.

B. Harbour authorities should make a clear published commitment to comply with the standards laid down in this Code.

C. Executive and operational responsibilities for marine safety in harbour authorities must be clearly assigned, and those entrusted with these responsibilities must be answerable for their performance.

D. A ‘designated person’ must be appointed to provide independent assurance about the operation of its marine safety management system. The designated person must have direct access to the board.

2. Key measures needed for compliance.

E. Powers, policies, plans and procedures should be based on a formal assessment of hazards and risks, and harbour authorities should have a formal marine safety management system.

F. The marine safety management system should be in place to ensure that all risks are controlled – the more severe ones must either be eliminated or kept “as low as reasonably practicable” (ALARP).

G. All parties involved in the management and safety of navigation must be competent and qualified up to a minimum national standard.

H. Harbour authorities should monitor, review and audit the marine safety management system on a regular basis.

I. Harbour authorities should publish plans and an assessment of their performance in meeting their obligations under the Code, at least once every three years.

3. General duties and powers: For the purposes of this Code, the duty holder should ensure that the harbour authority discharges its responsibilities to:

J. Take reasonable care, so long as the harbour is open for the public use, that all who may choose to navigate in it may do so without danger to their lives or property.

K. Conserve and promote the safe use of the harbour; and to prevent loss or injury caused by the authority’s negligence.

L. Have regard to the efficiency, economy and safety of operation as respects the services and facilities provided.

M. Take such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the harbour.

N. Ensure that enough resources are available to discharge their marine safety obligations and set the level of dues accordingly.

4. Specific duties and powers: The duty holder should also be aware of other specific duties and powers which are relevant to port safety, including the following :-

O. Powers to direct vessels are available and should be used to support safe navigation.

P. Dangerous vessels and dangerous substances (including pollution) must be effectively managed.

Q. A pilotage service must be provided if required in the interests of safety.

R. Harbour authorities have duties and powers as local lighthouse authorities. Aids to navigation must be provided (as necessary), properly maintained and any danger to navigation from wrecks, obstructions or changes in the navigable waterway effectively managed.