



# MARINE POLICY

## Document Control Information

<b>Document Number</b>	<b>ABP-MAR-PO-001</b>
<b>Business Area</b>	Marine
<b>Document Title</b>	Marine Policy
<b>Version</b>	5.0
<b>Authors</b>	James Clark
<b>Approver(s)</b>	Harbour Authority Safety Board

<b>Publication Date</b>	December 2021
<b>Review Date</b>	December 2022

## Amendment Log

<b>Version</b>	<b>Comments</b>	<b>Author</b>	<b>Date</b>
3.0		James Clark	26 Nov 2019
4.0	Annual Review: No significant amendments / additions, dotted line inserted between HMs and Designated Person	James Clark	21 Oct 2020
5.0	Annual Review: carried out by legal counsel and Technical Authority marine. Enforcement section amended to refer to ABPs approach to Marine enforcement and structural marine responsibilities amended for Garston, Fleetwood, and Barrow	James Clark	December 2021

## Accountable Owner

The accountable owner for this Document

<b>Accountable Owner</b>
James Clark

## 1. Introduction

ABP, acting in its capacity as statutory harbour authority **the Harbour Authority**, has developed policies and plans in accordance with the standards set out in the Port Marine Safety Code (**PMSC**). This document details the policies adopted to achieve the PMSC's required standard. The policies and plans are based upon a full assessment of the requirements of the PMSC and the hazards that have to be managed to provide for the marine safety of ABP's ports and harbours and their users.

This document is intended to be read in conjunction with ABP's Marine Safety Management System, which detail *how* the policies set out in this document will be implemented. These documents, together with other group policies, and local policies and procedures, underpin the ABP Group "Marine Safety Management System" (MSMS). Each section of this policy is cross referenced to the appropriate sections of the current version of the PMSC (November 2016), for example [\(1.1 – 1.5\)](#)

## 2. Accountability for Marine Safety

### ***Duties and Powers: ABP as Harbour Authority (1.1 – 1.5)***

Under Part II of the Transport Act 1981 ABP is controlled by Associated British Ports Holdings Limited (**ABPH**), a company which was formed by the Secretary of State. The directors of ABP (of which there must not be less than five or more than thirteen) are appointed by ABPH, but ABPH has no power to give directions to the directors of ABP in respect of the execution of their powers and duties as a Harbour Authority.

In accordance with the PMSC and the *Guide To Good Practice* (published by the Department of Transport and which applies to all harbour authorities), the directors of ABP's Harbour Authority and Safety Board has been appointed as the "Duty Holder" (as defined by the PMSC (See section 1.6 – 1.10 below). ABP's Harbour Authority and Safety Board comprises of the same membership as the main ABP Board but meets separately from the main ABP Board and has its own remit. Such remit includes (amongst other things) the responsibility for overseeing ABP's compliance with its obligations as Duty Holder under the PMSC.

ABP is the Statutory and Competent Harbour Authority for the following ports and harbours.

Ayr	Goole	King's Lynn	Southampton
Barrow	Grimsby	Lowestoft	Teignmouth
Barry	Hull	Newport	Swansea
Cardiff	Humber	Plymouth	Troon
Fleetwood	Immingham	Port Talbot	
Garston	Ipswich	Silloth	

The precise nature of the arrangements varies according to local circumstances and are described in port specific components of the local Marine Safety Management System (**MSMS**).

The main functions of the Harbour Authority may generally be classified as follows:

- a. The provision and maintenance of harbour facilities, i.e., quays, wharves, piers, etc.
- b. Navigational safety functions, including lighting and buoying the harbour, the removal of wrecks and other obstructions and maintenance dredging of navigational channels.
- c. Regulating the activities of other persons at the harbour including, in particular, the movement and berthing of ships in the harbour, by means of directions and byelaws, and licensing dredging and the construction of works in the harbour by other persons.
- d. Carrying out harbour operations including, in particular, cargo-handling activities.
- e. The provision of a pilotage service - the general duties for the provision of pilotage services are contained in section 2 of the Pilotage Act 1987.
- f. Nature conservation and the prevention of pollution.

### ***The Duty Holder (1.6 – 1.10)***

The Harbour Authority is responsible for ensuring that its duties and powers are discharged to the standard set out in the PMSC. ABP recognises that it is the Duty Holder (being the directors of ABP's Harbour Authority & Safety Board) who are accountable for compliance with the PMSC, and while appropriate officers are appointed (see sections below) to assist in the discharge of their duties, the Duty Holder recognises that they may not assign or delegate their responsibilities on the grounds that they do not individually have particular skills.

### ***The Designated Person (1.11– 1.12)***

The Harbour Authority has appointed an appropriately qualified individual as the '**Designated Person**' to provide assurances that ABP's Marine Safety-Management Systems are working effectively at each port (being the Group Technical Marine). The Designated Person has access, and reports directly to, the Duty Holder; and regularly attends ABP's Harbour Authority & Safety Board meetings (or similar).

### ***Chief Executive (1.13)***

The CEO of ABP (also the Chairman of the ABP Harbour Authority & Safety Board) is accountable for the operational and financial control of ABP acting in its capacity as Harbour Authority. The Chairman will advise the Harbour Authority on all matters related to its duties and powers, with appropriate advice from The Marine Advisor, Harbour Masters and other officers. The Chairman will oversee the implementation of the Harbour Authority's policies and decisions and will have overall executive responsibility for the safety of its operations and staff.

### ***Harbour Masters (1.14 – 1.15)***

The Harbour Authority will, where necessary, exercise its powers to appoint Harbour Masters for its ports and harbours. The Harbour Master is defined in Section 2 of the

Harbour Docks and Piers Clauses Act 1847 so as to include, in addition to the Harbour Master him / her self, his / her assistants. The expression includes any person authorised by the Harbour Authority to act in the capacity of Harbour Master (e.g. Dock Master).

- i. In considering the role of the Harbour Master, the Harbours, Docks and Piers Clauses Act 1847 states:

*“The Expression “The Harbour-Master” shall mean, with reference to any such Harbour, the Harbour-Master and with reference to any such Dock, the Dock-Master and with reference to any such Pier, the Pier-Master, respectively appointed by virtue of this or the Special Act, and with respect to all Acts authorised or required to be done by such Harbour- Master, Dock-Master or Pier-Master, shall include the Assistants or every such Harbour-Master, Dock-Master or Pier-Master.”*

- ii. Section 52 of the Harbours, Docks and Piers Clauses Act 1847 details the Harbour Master’s statutory powers, namely:

*“The Harbour Master may give directions for all or any of the following purposes; (that is to say)*

For regulating the time at which and the manner in which any vessel shall enter into, or go out of, or lie in or at the Harbour, Dock or Pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein.

For regulating the position in which any vessel shall take in or land its passengers, or shall take in or deliver ballast within or on the Harbour, Dock or Pier.

For regulating the manner in which any vessel entering the Harbour or Dock or coming to the Pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels and to the Harbour, Dock or Pier, and the moorings thereof.

For removing unserviceable vessels, and other obstructions from the Harbour, Dock or Pier, and keeping the same clear.

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the Harbour, Dock or Pier shall have during the delivery of her cargo, or after having discharged the same. Provided always, that nothing in this or the Special Act contained shall authorise the Harbour Master to do or cause to be done any Act in any way repugnant to or inconsistent with any law relating to the Customs, or any regulations of the commissioners of Her Majesty’s Customs.

The organisation chart on the following page illustrates the lines of responsibility between Associated British Ports (ABP) in its capacity as Harbour Authority and its Harbour Masters.

### ***The Organisation’s Officers (1.16 – 1.17)***

The Harbour Authority will ensure that executive and operational responsibilities are assigned to properly trained people, with delegations being clear and formal. Section 0 below summarises the Harbour Authority’s organisational structure. This is supplemented with additional detail at port level.

## 2.7 Harbour Authority Organisation Chart

### Associated British Ports' Board (Duty Holder)

CEO, CFO,; Regional Director Wales and Short Sea Ports ; CCO, Regional Director Humber; Regional Director Southampton; Chief HRO; CIO, General Counsel & Company Secretary; Group Director of Safety, Marine and Engineering



Marine Advisor  
(Group Director of Safety Marine and Engineering)



Designated Person  
(Group Technical Authority Marine)



Harbour Master Ayr and Troon	Harbour Master Humber
Harbour Master Barrow (currently fulfilled by DHM Barrow)	Dock Master Immingham and Grimsby
Marine Manager Garston & Fleetwood (with delegated HM powers from SW HM)	Dock Master Hull and Goole
Harbour Master East Anglia: Kings Lynn, Lowestoft & Ipswich	Harbour Master Southampton
Harbour Master Silloth	Harbour Master South Wales Newport, Cardiff, Barry, Port Talbot and Swansea
Head of Marine - Humber	Dock Master Plymouth & Teignmouth (Contracted to work for ABP)

### **3. Key Measures to Secure Marine Safety**

#### ***Review Existing Powers (2.3 – 2.6)***

The Harbour Authority will keep its powers - and the extent of its jurisdiction - under review to ensure that they are appropriate for maintaining the overall safety of its ports and harbours, promoting changes where necessary.

#### ***Use Formal Risk Assessment (2.7 – 2.11)***

The Harbour Authority has undertaken a formal, documented marine risk assessment of each of its ports and harbours, and established systems designed to review the findings of the assessments.

The Harbour Authority acknowledges that the process of port marine safety assessment is continuous, so that new hazards and changing risks are properly identified and addressed. The Harbour Authority will supplement the continuous review process with formal reviews at suitable intervals.

The Harbour Authority will, so far as is practicable, take measures to eliminate any risks identified, through the assessment and review process.

#### ***Implement a Marine Safety Management System (2.12 – 2.17)***

The Harbour Authority has implemented a Marine Safety Management System to manage marine hazards, risks and emergency preparedness. The Marine Safety Management System is supplemented by local MSMS documents for each of the Harbour Authority's ports and harbours.

The Duty Holder is responsible for ensuring that adequate resources are provided to its officers to enable them to manage marine operations effectively and to adhere to the stated marine and navigation policies, procedures, and systems, recognising that proper discharge of duties will otherwise be compromised. This includes adequate resource for training.

#### ***Competence Standards (2.18)***

The Harbour Authority will assess, using the most appropriate means available, the competence of all persons appointed to positions with responsibility for safety of navigation, and provide additional training where such need is identified.

The Harbour Authority & Safety Board (acting as Duty Holder) will ensure that individual Board members receive an introduction to their duties under the PMSC. All Board members will subsequently receive PMSC refresher training at intervals not exceeding three years.

Wherever practicable, the Harbour Authority will engage and consult with port users in order to develop a shared understanding of the marine safety management system in use.

The Harbour Authority will ensure that officers are suitably trained in relation to their powers of detention in relation to drink or drug offences committed by a mariner.

#### ***Incident Reporting and Investigation (2.19 – 2.23)***

The Harbour Authority recognises that however effective the safety regime is, incidents including "near misses" will occur. Significant incidents and potential

incidents will be investigated in accordance with a process, and all stages of that process will be recorded. The process will recognise the often conflicting essential purposes of an investigation:-

- to determine the cause of the incident, with a view to preventing a recurrence,
- to determine if an offence has been committed and whether enforcement action is appropriate.

The Harbour Authority considers that the principle requirement of a marine incident investigation should be to determine the probable causes and contributing factors, so that precautions can be put in place to ensure known risks are managed to As Low As Reasonably Practicable (ALARP). By identifying the “what” and “why” of an incident the harbour authority will be better equipped to prevent a recurrence. In meeting this objective an investigation to determine if an offence has been committed (a criminal investigation) may be compromised and in such cases the Harbour Authority will seek assistance through an agency of another authority such as the Police, Maritime and Coastguard Agency (MCA) or the Marine Management Organisation.

Details of any statutorily reportable marine incident will be sent to the Marine Accident Investigation Branch (MAIB) and or the Maritime and Coastguard Agency (MCA) as soon as possible.

### ***Monitoring Performance and Auditing (2.24)***

In considering the safe operation and management of its ports and harbours, the Harbour Authority will monitor and review their performance against a number of predetermined indicators. The results of such reviews will be recorded and, where appropriate, information will be made available to users and other interested parties.

### ***Enforcement (2.25)***

The Harbour Authority has an enforcement policy which can be found at [www.abports.co.uk/marine-information-and-compliance/abp-marine-policy-and-pmsc/](http://www.abports.co.uk/marine-information-and-compliance/abp-marine-policy-and-pmsc/)

### ***Publication of Plans and Reports (2.26 – 2.28)***

The specific manner in which relevant Harbour Authority policies are observed at each of the ports and harbours may vary according to local circumstances. Details are included within the individual port’s plans.

The Harbour Authority will make available reports of its formal periodic reviews, measuring performance against its plans and against the standards as set out in the Code.

The Harbour Authority’s policies and procedures commit the authority to undertake and regulate marine operations in a way that safeguards all of its ports and harbours, their users and the environment.

### ***Consensus (2.29)***

Where appropriate and practicable, the Harbour Authority will seek to consult with harbour users and relevant interested parties when considering applicable port marine safety-related matters which may impact such parties.



### ***Monitoring Compliance (2.30 – 2.32)***

The Harbour Authority will ensure that a prompt and internally verified response is made to the MCA's PMSC compliance programme, every three years. The statement will reflect the compliance status as assessed at the date of response.

ABP will cooperate and assist the MCA if they carry out a verification visit at any ABP port.

If any internal audits reveal potential compliance issues which are unable to be resolved internally, ABP will seek the advice of the MCA to assist in gaining confirmation of compliance.

## **4. General Duties and Powers**

### ***Open Port Duty (3.5)***

The Harbour Authority recognises this duty, as regulated by the local legislation governing each port and harbour.

### ***Conservancy Duty (3.6 – 3.7)***

The Harbour Authority shall endeavour to conserve each of its harbours to ensure they are reasonably fit for use as a port, taking reasonable care to ensure that each is in a fit condition for a vessel to resort to it.

The Harbour Authority will use appropriate means to find, mark and monitor the best navigable channel or channels in its harbours. It will share, as appropriate, relevant hydrographic information associated with its ports and harbours, including information relating to navigational hazards.

The Harbour Authority will seek to work closely with the UK Hydrographic Office to ensure that relevant information required for inclusion within Admiralty charts and publications is made widely available.

### ***Environmental Duty (3.8)***

The Harbour Authority acknowledges that it has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations, in particular with regard to the requirements of the Habitats Directive. If considered necessary, the Harbour Authority may wish to seek additional powers for these purposes.

The Harbour Authority will ensure that contingency plans are in place to deal with oil spills, and that local powers are sufficient to ensure any pollution incident is reported and cleared.

The Harbour Authority will endeavour to ensure that all reporting requirements for Dangerous Substances are complied with.

### ***Civil Contingencies Duty (3.9)***

The Harbour Authority will ensure that appropriately detailed emergency plans are prepared in conjunction with other relevant authorities, and that such plans, where appropriate, are published and periodically exercised.

***Harbour Authority Powers (3.10 – 3.11)***

The Harbour Authority will keep its powers - and the extent of its jurisdiction - under review to ensure that they are appropriate for maintaining the overall safety of its ports and harbours.

***Revising Duties and Powers (3.12 – 3.14)***

Where powers are considered to be outdated, or insufficient, the Harbour Authority will promote any changes that may be necessary.

## 5. Specific Duties and Powers

### ***Appointment of Harbour Master (4.2)***

The Harbour Authority will, where necessary, exercise its powers to appoint Harbour Masters for its ports and harbours.

### ***Byelaws (4.3 – 4.4)***

The Harbour Authority will make best use of powers to make Byelaws, where appropriate, and seek to ensure that existing Byelaws are kept under review and fit for purpose.

### ***Directions (Usually Referred to as Special Directions (4.6 – 4.7))***

The Harbour Authority will ensure that appropriate use is made of the power to give Special Directions, and that training is provided on these powers are to Harbour Masters, and authorised assistants to each Harbour Master.

### ***General Directions and Harbour Directions (4.8 – 4.9)***

Where the ability to give General or Harbour Directions is available, The Harbour Authority will ensure that they are appropriately devised and implemented at each port or harbour. The Harbour Authority will review the need for General Directions or Harbour Directions at those ports where they are not currently available.

### ***Dangerous Vessel Directions (4.10)***

The Harbour Authority will ensure that due notice is provided to the directions that may need to be given in relation to a dangerous vessel that may wish to enter an ABP port or harbour. The Authority will always work with, and have due regard to advice and direction given by The Secretary of State's representative for maritime salvage and intervention (SOSREP)

### ***Pilotage and Pilotage Directions (4.11 – 4.12)***

The Harbour Authority will keep under consideration whether any and, if so, what, pilotage services need to be provided to secure the safety of ships navigating in, or in the approaches to, its harbours. It will also consider whether, in the interests of safety, pilotage should be compulsory for ships navigating in any part of that harbour or its approaches. If compulsory pilotage is deemed necessary, the authority will consider to which ships this should be applied and in what circumstances. It will also consider the pilotage service to be provided for those ships. Should the use of an ABP port or harbour change, pilotage services will be reviewed to ensure that the service provided continues to meet requirements.

Having considered the above, the Harbour Authority will ensure that the appropriate level of pilotage service is provided.

Where the Harbour Authority considers, in the interests of safety, that pilotage should be compulsory in any of its ports or harbours or any part thereof, it will issue pilotage directions.

The Harbour Authority will ensure that its pilotage directions define the circumstances in which pilotage is to be compulsory, how, and to which vessels they apply, and in what circumstances.

In providing a pilotage service, the Harbour Authority will consider the possibility that the Master of a vessel may ask for a pilot even when not required to take one by

Pilotage Directions. The Harbour Authority will seek to make allowances for such requests and refer to them when reviewing whether in any circumstances pilotage should become compulsory.

The Harbour Authority will ensure that the risks associated with vessels to which the requirements of pilotage directions may not apply are adequately managed.

#### ***Authorisation of Pilots (4.13 – 4.14)***

The Harbour Authority will determine the qualifications for the authorisation of its pilots in respect of age, physical fitness, time of service, local knowledge, skill, character and otherwise. The Harbour Authority will ensure that proper arrangements are in place for the ongoing review of pilot competence and fitness and that detail of these arrangements are made available to applicants.

The Harbour Authority is committed to exercising its clear role in the authorisation and discipline of pilots.

#### ***Pilotage Exemption Certificates (4.15 – 4.16)***

The Harbour Authority will ensure the provision of appropriate formal procedures for assessing the suitability of PEC applicants. The standards and procedures adopted by the Harbour Authority for each of its ports and harbours will be published and available to applicants.

The Harbour Authority will issue PECs to appropriately qualified mariners. The Harbour Authority will make arrangements with PEC holders and their employers, setting out agreed conditions on which PECs are issued and used.

#### ***Collecting Dues (4.17 – 4.20)***

The Harbour Authority dues will be reviewed on a regular basis and properly accounted for. The Harbour Authority will ensure that adequate resources are provided to its officers to enable them to operate its policies, plans and systems effectively, recognising that proper discharge of the authority's duties will otherwise be compromised.

#### ***Aids to Navigation (4.21 – 4.24)***

The Harbour Authority will make arrangements for General Lighthouse Authority (GLA) inspections and comply with any directions from the GLA concerning aids to navigation.

The Harbour Authority, in its role as a local lighthouse authority, will seek to maintain applicable aids to navigation in accordance with the availability criteria laid down by the GLA.

The Harbour Authority will determine, through a process of formal risk assessment, circumstances in which a vessel traffic service should be established and operated in accordance with internationally agreed recommendations and guidelines. In those ports where a VTS is not appropriate a Local Port Service will be operated.

#### ***Wrecks (4.25– 4.32)***

The Harbour Authority will ensure that its marine safety management systems require a risk assessment to be undertaken of any wreck in, or in the approaches to, an ABP port or harbour which may cause a danger to navigation.