

MARINE POLICY

- 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.

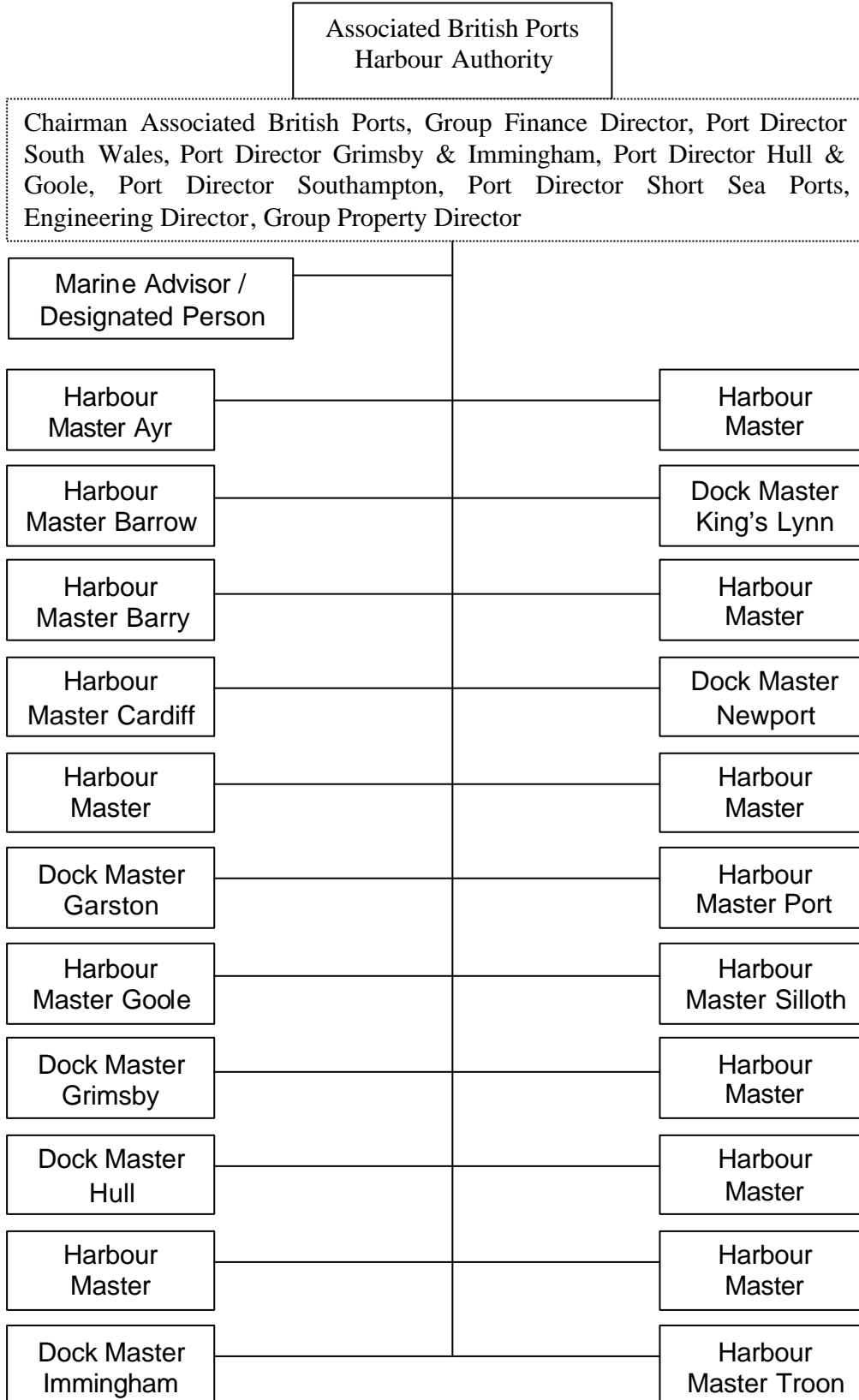
For regulating the manner in which any vessel entering the Harbour or Dock or coming to the Pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels and to the Harbour, Dock or Pier, and the moorings thereof.

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.

- iii. With specific reference to the aforementioned statutory powers, the following organisation chart illustrates the lines of responsibility between Associated British Ports (ABP) in its capacity as Harbour Authority and its Harbour Masters.

Harbour Authority Organisation Chart



1 ABP as Harbour Authority

1.1 Under Part II of the Transport Act 1981 ABP is controlled by Associated British Ports Holdings PLC (ABPH), a company formed by the Secretary of State. The directors of ABP (of which there must not be less than five nor 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.

1.2 ABP is the Statutory and Competent Harbour Authority for the following ports and harbours, although the precise nature of the arrangements may vary according to local circumstances:

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

1.3 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) The prevention of pollution and nature conservation.

2 Published policies and plans

2.1 The Harbour Authority has developed policies and plans in accordance with the standards set out in the Port Marine Safety Code. This document details the policies adopted to achieve the Code's required standard. The policies and plans are based upon a full assessment of the hazards that have to be managed to ensure the safety of ABP's ports and harbours and their users.

- 2.2 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.
- 2.3 The ABP 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.
- 2.4 The ABP 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.

3 Harbour Authority Powers

- 3.1 The ABP 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.

4 Environmental Duty

- 4.1 ABP 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 EU Habitats Directive. If considered necessary, the Harbour Authority will seek additional powers for these purposes.

5 Good Practice

- 5.1 The Harbour Authority will ensure that the plans of its individual ports harbours are prepared and updated with reference to the Guide to Good Practice on Marine Operations in Ports, written in support of the Port Marine Safety Code.

6 Consultation

- 6.1 The Harbour Authority will seek to consult with harbour users and relevant interested parties when considering applicable port-marine safety-related matters.

7 Resources

- 7.1 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.

8 Safety Policy

8.1 The Harbour Authority has statutory duties in respect of:

- The regulation of traffic and the safety of navigation within the limits of ABP's ports and harbours.
- The conservancy of ABP's ports and harbours.

8.2 In order to effect the above statutory duties, the Harbour Authority will ensure that plans are in place to:

- Monitor the safe arrival, departure and movement of vessels within ABP's ports and harbours;
- Protect the general public from dangers arising from marine activities within ABP's ports and harbours;
- Prevent acts or omissions that may cause personal injury to ABP's employees or others.

9 Agents and Joint Arrangements

9.1 The Pilotage Act provides for the delegation of certain Harbour Authority functions or the establishment of joint arrangements with other Harbour Authorities in order to exercise given functions. Where applicable, the Harbour Authority will ensure that any such arrangements are formally organised in a manner that provides for associated statutory obligations.

10 The Duty Holder

10.1 The Harbour Authority accepts responsibility for ensuring that its duties and powers are discharged to the standard set out in the Port Marine Safety Code.

11 Chairman

11.1 The Chairman of ABP is accountable to the Harbour Authority for the operational and financial control of the authority. The Chairman will advise the Harbour Authority on all matters related to its duties and powers, with appropriate advice from 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.

12 The Designated Person

12.1 The Harbour Authority has appointed the Marine Advisor as the 'designated person' to provide assurances that ABP marine safety-management systems are working effectively.

13 Harbour Master

- 13.1 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 himself, his assistants. The expression includes any person authorised by the Harbour Authority to act in the capacity of Harbour Master.

14 The Authority's Officers

- 14.1 The ABP Harbour Authority will ensure that executive and operational responsibilities are assigned to properly trained people, with delegations being clear and formal.

15 Competence Standards

- 15.1 The ABP Harbour Authority will assess, using the most appropriate means available, the competence of all persons appointed to positions with responsibility for safety of navigation.
- 15.2 Wherever possible, the ABP Harbour Authority will encourage port users to undertake appropriate training in order to develop a shared understanding of the marine safety management system in use.

16 Health & Safety at Work

- 16.1 The ABP Harbour Authority will conduct its undertakings in such a way as to ensure, so far as reasonably practicable, that persons not in its employment who may be affected by the authority's undertakings are not exposed to risks to their health and safety.

17 Safety Management Systems

- 17.1 The ABP Harbour Authority policies are fully supported by procedures to: -
- Monitor the safe arrival, departure and movement of vessels within ABP's ports and harbours;
 - Protect the general public from dangers arising from marine activities within ABP's ports and harbours;
 - Carry out Harbour Authority functions with special regard to their possible environmental impact;
 - Prevent acts or omissions that may cause personal injury to ABP employees or others, or damage the environment.

18 Safety Assessment and Management

- 18.1 The Harbour Authority approach to safety assessment and management is aimed at enhancing marine safety within the jurisdiction of ABP ports and harbours, including protection of life, health, the marine environment and property.

19 Risk Assessment

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

20 Continuous Assessment and Review

- 20.1 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.

21 The 'ALARP' Principle (As Low As Reasonably Practicable)

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

22 Risk Control

- 22.1 All final decisions about risk control methods will take into account relevant legislation, minimum standards and human factors.

23 Auditing and Reviewing Performance

- 23.1 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 interests.

24 Measuring Performance

- 24.1 The Harbour Authority will monitor its performance in relation to port marine safety.

25 Link to Safety Management System

- 25.1 The Harbour Authority will endeavour to ensure that its marine safety management systems make proper use of all available powers and, in doing so, demonstrate the connection between powers adopted and the formal risk assessments.

26 Conservancy

- 26.1 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.

27 Hydrography

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

28 Local Lighthouse Authority Duties

- 28.1 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 General Lighthouse Authorities.

29 Anchorages

- 29.1 The Harbour Authority will ensure that appropriate provision is made for designating safe anchorages in its ports and harbour and, where necessary, the approaches to those ports and harbours.

30 Admiralty Charts

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

31 Pilotage

- 31.1 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.

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

32 Pilotage Directions

- 32.1 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.
- 32.2 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.
- 32.3 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.

33 Excepted Vessels

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

34 Limits of Jurisdiction

- 34.1 In the event that the Harbour Authority considers that pilotage should be compulsory for ships navigating in any area outside its harbours, it will, if appropriate, apply for a harbour revision order to be made to extend its limits for the purposes of pilotage to include that area.

35 Authorisation of Pilots

- 35.1 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 details of these arrangements are made available to applicants.
- 35.2 The Harbour Authority is committed to exercising its clear role in the authorisation and discipline of pilots, and on the issuing of exemption certificates.

36 Contracts with Authorised Pilots

- 36.1 The Harbour Authority will ensure that suitably detailed contractual arrangements are in place either directly with its authorised pilots or through a contract of service, as appropriate.

37 Training

- 37.1 The Harbour Authority will ensure that all its authorised pilots are trained so as to be qualified to conduct the vessels to which they are likely to be allocated. The training standards will be appropriate to the competence standards developed in parallel with the Port Marine Safety Code.
- 37.2 The Harbour Authority will endeavour to satisfy itself that prospective pilotage exemption certificate (PEC) holders are properly trained in the conduct of the vessel or vessels to which the certificate they are seeking applies.

38 Allocating Pilots

- 38.1 The Harbour Authority will ensure, where applicable, that arrangements are in place for pilots to be allocated to vessels with sufficient time and information available to prepare a pilot passage plan.

39 Two Pilots

- 39.1 The Harbour Authority will determine, through a process of formal risk assessment, any circumstances in which more than one pilot would be needed to conduct the navigation of a vessel safely.

40 Pilot Launches and Workboats

- 40.1 The Harbour Authority will ensure that only those vessels that are specifically approved for the purpose will be used as pilot launches. The Harbour Authority will also ensure that workboats used in ABP's ports and harbours comply with the applicable Regulations and Codes of Practice.

41 Boarding and Landing Procedures

- 41.1 The Harbour Authority will, with reference to the geographical limit of the appropriate pilotage directions, identify safe pilot boarding and disembarkation areas.

42 Pilot and the Port State

- 42.1 The Harbour Authority will ensure that the Maritime and Coastguard Agency is informed whenever reports are received from a pilot working in an ABP port or harbour that a vessel has deficiencies which may prejudice the safe navigation of that vessel, or which may pose a threat of harm to the environment.

43 Pilotage Exemption Certificates (PECs)

- 43.1 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.
- 43.2 The Harbour Authority will issue PECs to appropriately qualified mariners.

44 Use of Certificates

- 44.1 The Harbour Authority will make arrangements with PEC holders and their employers, setting out agreed conditions on which PECs are issued to ensure the use of PECs is in accordance with the terms on which they are issued.

45 Pilotage Charges

- 45.1 The Harbour Authority will ensure that pilotage charges for each of its ports and harbours are published in such a manner so as to bring them to the notice of those persons likely to be interested.

46 Directions and Passage Plans

- 46.1 The Harbour Authority will utilise and promote the use of appropriately detailed passage plans within its ports and harbours.

47 Publication of Port Passage Guidance

- 47.1 The Harbour Authority will provide, in the most appropriate format, up-to-date passage guidance applicable to its ports and harbours.

48 Passage Record Keeping

- 48.1 The Harbour Authority will ensure that suitable arrangements are in place to assist in securing access to vessel passage plans in the event that they may be needed for incident investigation purposes.

49 Moorings

- 49.1 The Harbour Authority will make appropriate use of mooring plans and, where practicable, ensure that mooring parties meet the industry's competence standards.

50 Tugs

- 50.1 The Harbour Authority will ensure that, where applicable, appropriate guidance is provided for the use of tugs in ABP's ports and harbours, including recommendations on the appropriate number of tugs required.

51 Vessel Traffic Services

- 51.1 The Harbour Authority will determine, through a process of formal risk assessment, circumstances in which a functional radar or radio-based vessel traffic service should be established and operated in accordance with internationally agreed guidelines.

52 Prevailing Conditions

- 52.1 The Harbour Authority will ensure, so far as practicable, that information is made available regarding prevailing and forecast meteorological conditions and, where necessary, their affect on the operation of ABP's ports and harbours.

53 Enforcement

- 53.1 The Harbour Authority will monitor and, where appropriate, actively enforce compliance with its harbour byelaws and directions. It is to be noted that any apparent contravention of such byelaws or directions may result in the prosecution of the offender.

54 Collision Regulations

- 54.1 The Harbour Authority will, where necessary, seek to ensure that its harbour byelaws provide for circumstances that the Collision Regulations do not consider.

55 Dangerous Vessels

- 55.1 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.

56 Waiving Directions

56.1 The Harbour Authority acknowledges the need for directions to be carefully drafted to ensure that special circumstances in which they would apply are properly covered.

57 Emergency Planning

57.1 The Harbour Authority will ensure that appropriately detailed emergency plans are published and periodically exercised.

58 Prevention of Pollution

58.1 The Harbour Authority will ensure that plans are in place to deal with oil spills.

59 Works in Harbours

59.1 The Harbour Authority will ensure that its marine safety management systems have appropriate provision for works undertaken in harbours, in particular for the regulation of dredgers and other craft associated with such works.

60 Wrecks

60.1 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.