



PORT MARINE SAFETY CODE (THE BIBLE FOR HARBOUR AUTHORITIES)

1 What is a harbour authority?

A body created by statute to serve a public interest to manage, maintain and improve a harbour.

Funded by charging vessels 'dues' to use the harbour and to load and discharge cargo and passengers.

They have to be "Open, Accountable and Fit for Purpose" and are considered as public authorities answerable to the Secretary of State.

2 Port Marine Safety Code (PMSC).

Introduced a national standard for every aspect of port marine safety but the Code also reiterates the functions and duties of harbour authorities.

Its focus is to improve safety for those who use or work in ports, ships and vessels, passengers and cargoes and protect the environment.

Established a measure by which Harbour Authorities can be accountable for their legal powers and duties.

It requires that Harbour Authorities pro-actively manage safety. They must **assess risks** and manage them by way of a **safety management system** so that the risks are:-

AS LOW AS REASONABLY PRACTICABLE

"ALARP"

The Code is not law but it establishes the national standard. It is very persuasive in Court; non compliance is indicative of breach of duty, negligence and possible criminal offences. The Code is not optional – harbour authorities are expected to work to achieve the agreed standard by implementing its requirements. The Code is accompanied by a **Guide to Good Practice on Port Marine Operations** which expands, explains and gives examples of the requirements of the Code.

Open port duty (a legal requirement). The harbour, dock, pier must be open to anyone for the shipping and unshipping of goods and the embarking and landing of passengers, on payment of ‘dues’.

Conservancy duty. A harbour authority has a duty to conserve the harbour so that it is fit for use as a port, and has a duty of *reasonable* care to see that the harbour is in a fit condition for a vessel to utilise it safely.

Dues. Harbour authorities have powers to collect dues from users and should raise enough to provide resources to enable them to pay for the discharge of their statutory functions.

Duty Holder. The decisions makers; normally the Board or Commissioners. They are accountable for managing operations within the port safely and efficiently. The Board members are collectively and individually accountable for marine safety. **The Duty Holder cannot delegate accountability, they have joint and severable liability.**

Designated Person (DP). Each harbour authority must appoint an individual as the DP to provide independent assurance directly to the duty holder that the marine safety management system (SMS), for which the duty holder is responsible, is working effectively.

The Code represents the national standard against which the policies, procedures and performance of Harbour Authorities may be measured. Evidence of compliance may be sought by the “authorities” (Police, MCA, MAIB and Coroner) as well as third parties considering litigation.

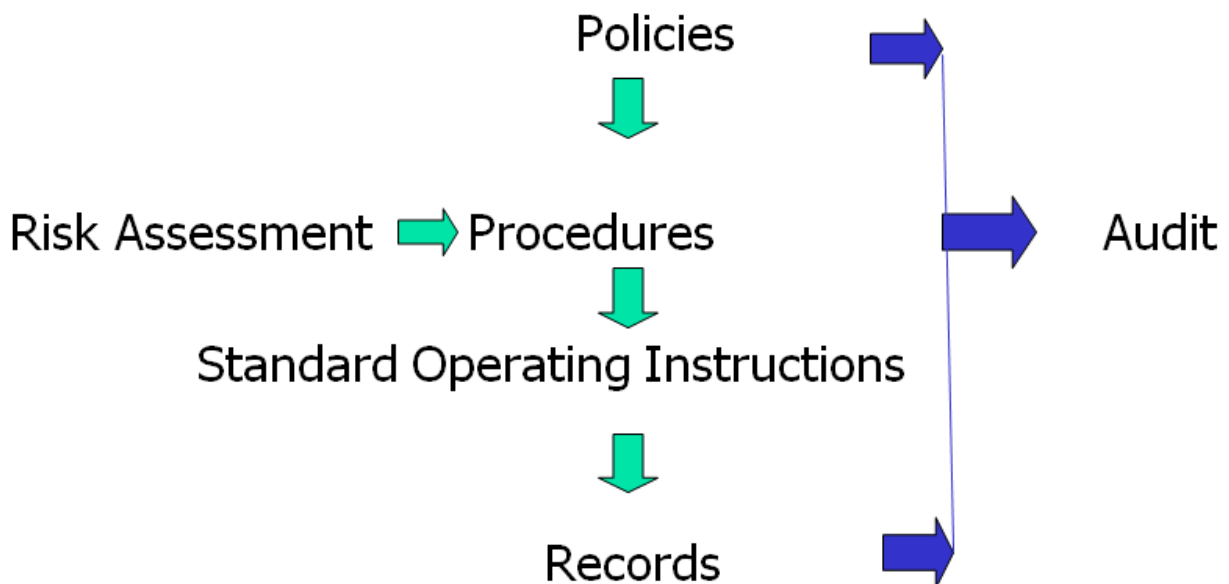
Periodically and /or following an incident, the MCA will seek assurance that all ports are complying with the Code. The Government will monitor levels of compliance to assess its effectiveness in delivering improved safety.

3 Basic Requirements of the Code

- That all vessels can enter, stay and leave the harbour safely and without accident.
- All those involved in a Harbour Authority including the governing body should have clearly defined roles and responsibilities.
- The Harbour Authority must pro-actively manage and review safety and keep records.
- A Harbour Authority must consult with all those that have an interest.
- Those accountable for the Harbour Authority must be kept informed.

4 The Safety Management System at Hayle.

The Safety Management System works on the following principle:

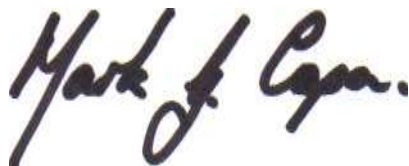


The Safety Management System is supported by a number of other documents and records in particular:

- Policy Statements;
- Standard Operating Procedures and associated Standard Forms;
- Job Descriptions and Training Records;
- Documented Targets and Objectives;
- Safety Records and Incident Reports;
- Hayle Harbour Authority Limited Risk Register for Marine Operations;
- Emergency and Contingency Plans;
- Oil Spill Response Plan;
- Waste Management Plan.

The SMS is available for inspection by the public at the Harbour Office.

The SMS was last audited by the Designated Person during November 2011 and his report forms part of the Harbour Master's Report to be presented to the HHAC at this meeting.

A handwritten signature in black ink, appearing to read 'Mark J. Capon'.

Mark Capon
Harbour Master
Hayle Harbour Authority Limited.

Note:

The DfT have published a number of "Reviews" on Harbour Authorities. I suggest that at the next HHAC I summarise their findings.