

DIRECTOR NAVAL BASE **OPERATING CENTRE**

DOCKYARD PORT **MARINE SAFETY POLICY**



ISSUE 2, 12 JUL 2012

FOREWORD



This is Issue 2 of the Dockyard Port Marine Safety Policy, first established in 2010 to ensure that our complex Dockyard Ports, handling thousands of ship movements each year including warships, commercial ships, ferries, fishing and leisure vessels of all sizes, descriptions and nationalities operate safely, with consistent and coherent management, using a common framework.

The Period 2010 to 2012 has seen a considerable amount of work in the ports to develop robust Safety Management Systems that meet the requirements of the Dockyard Port Marine Safety Policy, itself based on the Port Marine Safety Code designed to articulate industry best practise. Governance arrangements have matured and are robust. But with a number of neighbouring and embedded Harbour Authorities, and a myriad of stakeholders with changing interest and requirements (not least the introduction of new classes of RN vessels), ensuring safety of navigation requires a culture of continuous improvement and review; this requirement sits at the heart of my policy.

The coming years will see some significant changes in terms of 'ownership' of the Dockyard Ports, wider MOD governance of safety and the implementation of a number of modernisation and efficiency initiatives across the ports. Throughout these developments, I expect all those involved in the provision of safe navigation to hold fast to the principles set out in this policy drawing attention to any conflicts that may arise.

**REAR ADMIRAL I M JESS, ASSISTANT CHIEF OF NAVAL STAFF (SUPPORT)
AND DIRECTOR NAVAL OPERATING CENTRE**

1. Introduction

1.1 The Dockyard Ports of Portsmouth, Plymouth and Clyde exist to serve the defence interests of the UK. Safe operation of the Dockyard Ports is essential to support the operational programme of the Royal Navy but also for the safety of the many commercial and recreational users of Dockyard Port waters.

1.2 The 1865 Dockyard Ports Regulation Act 1865 (DPRA), provides for the regulation of Dockyard Ports, the limits of which Her Majesty may prescribe by Order in Council. Such Orders have been made in relation to the Dockyard Ports of Portsmouth, Devonport and the Clyde.(e.g. the Dockyard Port of Portsmouth Order 2005). These Orders include regulations and rules, which apply within the limits of each Dockyard Port. Under the DPRA, the Secretary of State (for Defence) appoints a Queen's Harbour Master (QHM) for each Dockyard Port to superintend the execution of the DPRA, and specifically to enforce the rules and regulations made under it, and otherwise to protect the dockyard by regulating navigation and other activities which may affect the interests of the Navy.

1.3 The Dockyard Ports are not governed by harbour authorities within the meaning of the 1847 Harbours, Docks, Piers and Clauses and the 1964 Harbours Acts but are operated in accordance with the MOD Dockyard Port governance arrangements described in this policy. This accords with the Secretary of State for Defence's Policy statement in which he directs that in instances where legislation does not bind the MOD, the MOD should nevertheless comply with that legislation, in so-far as it is reasonably practicable to do so. In accordance with this principle, the MOD recognises the Department for Transport's 'Port Marine Safety Code' (PMSC) as the authoritative articulation of best practice in port safety, and is committed to meet these, or equivalent standards as far as is reasonable and practicable. The principles of the PMSC sit comfortably with the broader safety management principles articulated in JSP 815 – the level one policy document for Health and Safety in the MOD.

1.4 With the above in mind, the Dockyard Ports Board has developed the Dockyard Port Marine Safety Policy using the Port Marine Safety Code as a basis. The Dockyard Ports Marine Safety Policy details the over-arching policies to be adopted by the MOD Dockyard Ports to achieve standards at least equivalent to those provided for in the PMSC so far as is reasonably and practicable. The policy is supported by the Dockyard Port Marine Safety Manual which gives further details. The specific manner in which the policy is put into effect at each Dockyard Port may vary according to local circumstances; details are to be included in the relevant port's plans. In any case, at all times, Dockyard Port safety policies and plans are to be based upon identification of the hazards, assessment of the risks and implementation of effective control measures to minimise or remove those risks, thus ensuring the safety of the Dockyard Port and their users.

1.5 Whilst this policy and the supporting manual are written in such away as to be compatible with the workings of the Ship Environmental Safety Board (SESB) (one of the MOD Functional safety boards) and the JSP430 Ship Safety Management suite of publications, responsibility for regulation and assurance of Port Marine Safety remains with Director Naval Base Operating Centre for the time being.

2. Port Marine Safety Code Commitment Statement

2.1 Members of the MOD Dockyard Ports Board, as the 'Senior and Operational level Duty Holders' have committed to comply with the requirements of the Port Marine Safety Code, or to at least as good a standard, so far as is reasonably practicable as articulated in this Dockyard Port Marine Safety Policy and to develop policies and procedures in order to regulate marine operations in a way that protects the Dockyard Ports, their users and the environment. Furthermore, they have committed to ensuring that adequate resources are available to discharge their navigational safety obligations.

3. Key Safety Roles and Definitions

Duty Holders

3.1 For the purposes of Dockyard Port Marine Safety, 3 levels of duty holder have been identified.

- Senior Level Duty Holder: Director Naval Base Operating Centre is the Duty Holder for Marine Safety across the Dockyard Ports. Specifically, He is responsible for ensuring the development, promulgation and maintenance of effective policies and guidance for Dockyard Port Marine Safety and in doing so should maintain a close working relationship with other senior maritime Duty Holders. He is further responsible for ensuring that adequate resources are allocated to individual Dockyard Ports to allow them to fulfil the policy requirements.
- Operational Level Duty Holder: The Naval Base Commanders are the Duty Holder for Marine Safety within their respective Dockyard Ports. Specifically, they are to promulgate a Port policy and ensure the development of plans and procedures for Marine Safety based on a formal assessment of the hazards and risks, and the development of a formal safety management system. In achieving this, they should maintain a close working relationship and thorough understanding of the requirements of Platform and Operational Duty Holders. Further, they are responsible for ensuring that adequate resources are allocated from their budgets to meet the policy and safety management system requirements.
- Delivery Level Duty Holder: The Queen's Harbour Masters as Delivery Level Duty Holders are responsible for the implementation of the Ports' policies, plans and procedures based on the requirements of their Dockyard Port's Safety Management System (SMS). They should ensure that they maintain a thorough understanding of, and work closely with, Delivery Level Duty Holders for other areas which may impact on marine safety.

Dockyard Ports Board

3.2 The Dockyard Ports Board is chaired by Director Naval Base Operating Centre and the Dockyard Ports are represented on the Board by the respective Naval Base Commanders. Other members include: Salvage and Moorings Team Leader who is a key stakeholder and specialist operator within the ports; Defence Marine Services Team Leader who manages the contract with the MOD prime Marine Services contractor; Captain Waterfront Coherence and Assurance who, as Queen's Harbour Master Head of Profession, provides specialist marine advice to the board and acts as the 'designated person', delivering assurance to the board on compliance with the Port Marine Safety Code. Waterfront Coherence and Assurance SO2 Policy is secretary to the Board.

3.3 The Dockyard Ports Board roles include:

- Provide strategic oversight and guidance on all aspects of MOD marine operations in the Dockyard Ports to meet the requirements of this policy;

- Provide strategic oversight of marine safety aspects of other marine activity within the ports;
- Responsibility for the development of policies, plans, systems and procedures for safe navigation;
- Provision of resources necessary to meet the requirements of marine safety;
- Ensuring that assessments and reviews are undertaken as required to maintain and improve marine safety;
- Responsibility for the development of policies, plans systems and procedures for protection of the environment within the Dockyard Ports;
- Tracking and understanding civilian legislation and policy and ensuring that where appropriate it is pulled through to Dockyard Port business; and
- Directing the work of, and receiving reports from, the Dockyard Ports Advisory Board.

Designated person

3.4 Captain Waterfront Coherence and Assurance is the Designated Person (DP) for the purpose of Dockyard Port Marine Safety. His role is to provide independent assurance to the Dockyard Ports Board that the operation of the Dockyard Ports' marine safety management systems meets the requirements of this policy. He will achieve this through a process of continuous audit and assessment.

3.5 The Designated Person, in addition to conducting his assurance activities, is to satisfy himself, through his engagement with appropriate Maritime Associations, that this policy continues to reflect developments in broader Port Marine Safety.

3.6 The role of the DP does not obscure the accountability of the Operational Level Duty Holder or the Dockyard Port Board members.

Dockyard Port Advisory Board

3.7 The Dockyard Port Advisory Board (DPAB) is a subsidiary board to the Dockyard Ports Board that deals with the implementation of safety and other marine issues within the Dockyard Ports. The board is chaired by Captain Waterfront Coherence and Assurance (WCA), as Professional Head of the Queen's Harbour Masters and Admiralty Pilotage Service. The board is composed of the 3 Queen's Harbour Masters and their Chief Admiralty Pilots, the Fleet Navigating Officer, Defence Marine Services DEL-SL, and a member from the Salvage and Mooring IPT.

Admiralty Pilotage Service Management Board

3.8 The Admiralty Pilotage Service Board (APSMB) is a subsidiary board to the DPAB that specifically focuses on pilotage issues, such as standards, training and manpower sustainability within the 3 Dockyard Ports. It is chaired by Capt WCA.

Defence Marine Services

3.9 Defence-wide provision of marine services is managed centrally by Defence Marine Services (DMS). Assurance of service provision by contractors is provided by DMS staff to DSEA out-with the Dockyard Ports Board, albeit the Senior Responsible Officer for FPMS (currently Naval Base Commander Portsmouth) is a member of the Dockyard Port Board and all Naval Base Commanders are members of the FPMS Strategic Partnering Board. This assurance complements the assurance conducted by QHM and the Designated Person across the 3 ports.

Defence Safety and Environmental Authority

3.10 The Defence Safety and Environmental Authority (DSEA) is the Functional Safety Board that addresses safety and environmental protection issues across MOD shipping, diving and water safety activities. Its remit includes all MOD owned and operated vessels including ships under commercial management or chartered to perform MOD business worldwide. The authority, which is at Initial Operating Capability, does not explicitly address Port Marine Safety, however, it is anticipated that once formal mechanisms have been agreed and resources are in place, it will. Director Naval Base Operating Centre is a member of the DSR Maritime Safety and Environmental Stakeholder Committee.

4. Policy

Reasonable care

4.1 Naval Base Commanders have a duty to take reasonable care, so long as their Dockyard Port is open for the public use, that all who navigate in the port area may do so without danger to life or property. They have a responsibility to protect the general public from dangers arising from marine activities within their port and are to take every reasonable precaution to prevent acts or omissions that may cause personal injury to any persons within the Dockyard Port.

Conservancy

4.2 Naval Base Commanders are to conserve their port so that they are fit for use. Specifically, they are to ensure:

- through liaison with Defence Infrastructure Organisation, which oversee the MOD maintenance dredging contract and, that the port is surveyed dredged as regularly as necessary as determined through formal risk assessment;
- through liaison with DMS, navigation marks are placed and maintained where they will be of the best use to navigation (marked appropriately by day and night);
- that the port's obligations as Local Lighthouse Authority are fulfilled;
- in liaison with the UK Hydrographic Office, that proper hydrographic and hydrological records are maintained; and
- further information that will supplement the guidance given by navigation marks is published as conspicuously as practicable, including on the QHM Web-site

Marine Safety Management Systems

4.3 Dockyard Ports are to maintain an effective marine Safety Management System (SMS) based on formal risk assessment conducted in consultation of stakeholders such that all risks are controlled and either be eliminated or kept "as low as reasonably practicable" (ALARP). The SMS should be monitored, reviewed and audited on a regular basis.

The safety management system should cover the provision of MOD moorings and use of MOD owned or contracted harbour craft and should be developed in co-operation with relevant stakeholders.

The Marine Safety Management System is to include procedures developed on the basis of the formal risk assessments. The suite of procedures is to include *interalia*;

- Pilotage
- Towage
- Vessel Traffic System

- Conservancy
- Diving
- Shiphaz

Consultation

4.4 Dockyard ports are to seek to consult widely amongst port users and relevant interested parties when considering applicable port marine safety matters and should be included, where appropriate, in safety reviews. Equally there must be a robust method of disseminating relevant information amongst the marine community.

Commitment to comply

4.5 Each Dockyard port is to make a clear published commitment to comply with the standards laid down in this Policy, recognising its coherence with the Port Marine Safety Code.

4.6 Dockyard ports should publish plans and an assessment of their performance in meeting their obligations under this policy, annually.

Legislation

4.7 All legislation, including dockyard port orders, byelaws and any directions made pursuant to such legislation, should be reviewed on a regular basis, preferably every 3 years to coincide with the formal compliance audit, to ensure that it remains fit for purpose in changing circumstances.

4.8 The Dockyard Ports Board must understand clearly the meaning of all the relevant legislation which affects their ports in order to avoid failing to discharge their duties or exceeding their powers.

4.9 The Queen's Harbour Master's are to familiarise themselves with the extent of their legal powers under general and local legislation.

QHM Directions

4.10 The Queen's Harbour Masters and their designated representatives are authorised by the relevant port order to issue Directions for the purposes of the proper protection of the dockyard ports, HM vessels, or property or for the requirements of the Navy to lay down general rules for navigation (subject to certain constraints) and regulate the berthing and movements of ships. These directions, which are supported by the force of law, may make provision as to the use of tugs and other forms of assistance and should be enforced.

4.11 QHM directions may take 2 forms; written or verbal. These effectively equate to general and specific directions as authorised by the Harbours Act 1987. It is the duty of a QHM in exercising these powers to consider the interests of all shipping in the port.

Byelaws

4.12 The Secretary of State has power to make byelaws in respect of the Naval Bases and other MOD property (for example HM Naval Base Portsmouth Byelaws 1981, Plymouth Byelaws dated 1935 and 1939). Byelaws may cover a wide range of subjects within the Naval base, wider Naval base estate and MOD property, for example, the quayside and the regulation of vessels within restricted areas. QHMs are to ensure that they are aware of, and enforce, these byelaws.

Assigning responsibilities

4.13 Executive and operational responsibilities for Marine Safety within Dockyard Ports must be clearly assigned, and those entrusted with these responsibilities must be answerable for their performance.

Qualifications Training and Competencies

4.14 All parties involved in the management and safety of navigation must be competent and qualified up to a minimum national standard. Further guidance on the minimum required competencies and qualifications can be found in the Admiralty Pilotage and Harbour Control Service Handbook and the manual.

Marine Services

4.15 QHMs, through DMS, are to ensure that MOD owned or contracted harbour vessels or craft which are used within the port limits are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform.

Emergency Plans

4.16 Dockyard Ports' SMSs should refer to emergency plans - and these should be developed as far as practicable, based on the formal risk assessment. The suite of emergency plans is to include *inter alia* the following:

- Oil Pollution Plan
- Fire in a ship / SM
- Grounding / collision / salvage
- Diving emergency
- Explosive incident

4.17 Emergency plans are to be published and exercised.

Enforcement

4.18 Dockyard ports are to have clear and effective policies on the enforcement of the Port Order and Directions, and should monitor compliance.

Port passage plans

4.19 Port passage plans are to be operated and enforced under the powers of direction, through liaison with CHAs where appropriate, to ensure that:

- all necessary parties know relevant details of any particular port passage in advance;
- there is a clear, shared understanding of potential hazards, margins of safety, and the ship's characteristics;
- intentions and required actions are agreed for the conduct of the port passage - including the use of tugs and their availability and any significant deviation should it become necessary.

Vessel Traffic Systems

4.20 Dockyard Ports are to monitor the safe arrival, departure and movement of vessels within their port limits.

4.21 A formal assessment of navigational risk is to be used to determine what management of navigation is required, and to what degree monitoring, controlling or managing traffic needs to be taken in mitigating risk.

Pilotage Directions

4.22 Dockyard Ports are to publish pilotage directions for MOD owned or contracted vessels, or vessels proceeding to the Naval Base, which are based on formal risk assessment. These directions are to define the geographic area within which pilotage is compulsory and specify the requirements for different ship types.

4.23 Dockyard Ports are to ensure that arrangements are in place for pilots to be allocated to vessels with sufficient time and information available to prepare a pilot passage plan.

Towage

4.24 Dockyard Ports are to publish towage guidelines, based on formal risk assessment and produced in consultation with towage providers. These guidelines are to include comprehensive procedures for the use of tugs in restricted visibility.

5. Accidents and Incident Reporting

5.1 It is recognised that no matter how effective a safety management regime is, accidents and incidents do occur in ports. It is, therefore, essential that the Safety Management System addresses the potential for incidents to occur and to provide instruction and guidance on any investigations that may be required as a result.

5.2 The primary purpose of investigations into accidents and incidents is to determine the cause of the accident or incident, with a view to preventing a recurrence. If, during any investigation, it becomes apparent that an offence has been committed, there may be the need on the part of a Dockyard Port to initiate criminal or disciplinary proceedings in their own right or through the agency of another authority such as the Health and Safety Executive (HSE), the MCA or through MOD disciplinary procedures. In any event, care must be taken not to compromise either the investigation or disciplinary proceedings by combining them.

5.3 An accident means

- a marine casualty which results in:
 - the death of, or serious injury to, a person;
 - the loss of a person from a ship;
 - the loss, or presumed loss, or abandonment of a ship;
 - material damage to a ship;
 - the stranding or disabling of a ship, or the involvement of a ship in a collision;
 - material damage to marine infrastructure external of a ship, that could seriously endanger the safety of the ship, another ship or any individual;
 - severe pollution, or the potential for such pollution to the environment caused by damage to a ship.

- A very serious marine casualty, which results in;
 - the total loss of a ship;
 - loss of life;
 - severe pollution.

5.4 JSP 375 Vol 2 Leaflet 14 (May 2012) provides general MOD direction on Accident / Incident investigation and Annex B of the leaflet defines the severity of the incident. Dockyard Ports are required to have procedures specific to the port environment based on this guidance and the Dockyard Ports Marine Safety Manual.

5.5 For accidents and incidents within the dockyard port, there are essentially 2 levels of investigation, local and independent.

- Local (for trivial, slight and serious events): An investigation directed by QHM and either conducted by him, his staff, or in appropriate circumstances, adjacent SHA /CHAs or the marine service provider.

- Independent (for major and critical events): Such investigations will either be conducted by the MAIB/MCA (for any incident involving a commercial asset), NCHQ for any incident involving warships.

5.6 Capt WCA is to maintain a record of all accidents and investigations classified serious and above, and make these reports available to legitimate stakeholders through MOSS. Where the QHM determines that lessons from local events have applicability outside their own port, these should also be included on the WCA database. Where it is determined that the content of any report is too sensitive for wide dissemination, either a redacted version, or a summary version is to be developed by WCA staff. Dockyard ports and all stakeholders are to forward appropriate accident and incident reports to Capt WCA at the earliest opportunity. Within the recommendation section of the report any lessons are to be identified or it is to be stated that there were no lessons to be identified. A deadline for rectification for port actions and who holds the action is also to be included.

5.7 For every accident / incident, there will inevitably be many times more 'near misses' and investigation of these can lead to valuable lessons and recommendations that might prevent a future accident. QHMs are to forward near miss investigation reports in the same manner as accident / incident reports.

5.8 All Dockyard ports are to provide a written and verbal report for all categories of accidents / incidents and near misses to the DPAB in order to allow trend analysis, monitoring and audit of lessons and recommendations, and to form the basis of Capt WCA report to the Dockyard Ports Board.

6. Assurance

6.1 The designated person, Capt WCA, will conduct termly advisory visits to monitor progress and will conduct annual reviews of the 3 dockyard ports using the Dockyard Ports Compliance Assurance Check List .

6.2 Dockyard Ports are also to conduct their own internal audit processes. In addition, they are to report Key Performance Indicators (KPIs) given in the Dockyard Port Marine Policy Manual quarterly (in support of quarterly DPABs) to Capt WCA.

6.3 Dockyard ports are to make a full report annually against all KPIs to Captain WCA who will compile an annual safety report for Director Naval Base Operating Centre and the SSEB.

6.4 Each Naval base will be fully audited against the requirements of the DPMSP once every 3 years by the designated person. If the designated person is not sufficiently SQEP then external consultants will be engaged to conduct the audit. On completion of the audit Capt WCA will report to the MCA the state of compliance with the Port Marine Safety Code.