

# NAVAL BASE COMMANDER CLYDE



## DOCKYARD PORT MARINE SAFETY POLICY CLYDE DOCKYARD PORT





## FOREWORD

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The Dockyard Port Board has endorsed the Dockyard Port Marine Safety Policy (DPMSP) which articulates specific requirements for Port Marine Safety. The Clyde Dockyard Port Marine Safety Policy articulates how the Clyde Dockyard Port (CDP) will comply with the DPMSP.

The CDP deals with thousands of movements each year including warships, submarines, commercial vessels, large oil tankers, fishing vessels and leisure craft of all sizes and descriptions; consequently ships using the CDP often operate in close proximity with other vessels and navigational hazards.

Like many commercial ports, the CDP also has a neighbouring Competent Harbour Authority with overlapping jurisdictions in relation to commercial pilots and towage. Furthermore, Clyde has diverse stakeholder interests and also has contractual relationships to provide towage, marine services and other harbour activities.

Consequently, the CDP is a complex port and, in order to operate safely, requires careful, consistent and coherent management. This policy, enhanced by using a common framework, where appropriate, shared with the two dockyard ports at Portsmouth and Plymouth is my direction for the discharge of my Port Marine Safety Policy requirements for the CDP.

This policy is to be reviewed annually.

A handwritten signature in blue ink, appearing to read 'M. E. Gayfer'. The signature is fluid and cursive, with a large loop at the end.

**Cdre M E Gayfer Royal Navy  
NBC(C)**

## 1. INTRODUCTION

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1.1 The Clyde Dockyard Port (CDP) exists to serve the defence interests of the UK, and the unique operating requirements of the strategic nuclear deterrent. Safe operation of the CDP is essential to support the operational programme of the Royal Navy but also for the safety of the many commercial and recreational users in the Dockyard Port waters.

1.2 The primary legislation is the 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; this document is the Clyde Dockyard Port of Gareloch and Loch Long Order 2011. This includes regulations and rules which apply within the limits of the CDP. Under the DPRA, the Secretary of State (for Defence) appoints a Queen's Harbour Master (QHM) 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 CDP is 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 the DPMS. 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, insofar 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 practical. 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 The Dockyard Ports Board developed the Dockyard Port Marine Safety Policy (DPMS) using the Port Marine Safety Code as a basis. The DPMS details the overarching policies to be adopted by the Dockyard Ports to achieve standards at least equivalent to those provided for in the PMSC so far as is reasonable and practicable. The policy is supported by the Dockyard Port Marine Safety Manual which gives further details. The purpose of Clyde DPMS is to specify the manner in which the policy is put into effect in the CDP. The CDP 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 CDP and its users.

## 2. Clyde Dockyard Port Marine Safety Policy Commitment Statement

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2.1 The CDP will comply with the DPMS. In complying with the policy the CDP will meet the eight pillars of compliance sought by the Dockyard Port Board, thereby meeting the Department of Transport's PMSC. The eight pillars of compliance are,

1. **Review and be aware** of our 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 are 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 – the **designated person** (Captain W Evans RN) has a key role in providing assurance to the delivery duty holder (NBC).
7. **Publish a safety plan** showing how the standard in the DPMSA will be met and a report assessing the performance against the plan.
8. **Comply with directions** from the Northern Lighthouse Board and supply information & returns as required.

### 3. Key Safety Roles and Definitions

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#### Duty Holders

3.1 For the purposes of Dockyard Port Marine Safety, 4 levels of duty holding responsibility have been identified – the 3 formal, titled duty holders and that level normally delivered by a CO of a unit.

- **Senior Level Duty Holder.** The First Sea Lord is the Senior Level Duty Holder. He must have arrangements in place for ensuring activities conducted in Navy Command create and promote a positive safety culture for the protection of all personnel. 1SL is to assure himself that risk is owned and managed to ensure that it is broadly acceptable or tolerable and ALARP. He is to ensure that risk management and compliance in Navy Command adheres to MOD policy and legislation.
- **Operating Duty Holder:** Assistant Chief of Naval Staff (Support) (ACNS (Spt)) is the Duty Holder for Marine Safety across the Dockyard Ports. 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 intermediate 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. ACNS (Spt) is to have arrangements in place to ensure that hazards and incidents are fully reported and, where necessary investigated with lessons identified and promulgated.
- **Delivery 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. Safety risks are to be identified and managed, including escalation through the Duty Holder chain where it is not possible to mitigate a risk to ALARP locally. Further, they are responsible for ensuring that adequate resources are allocated from their budgets to meet the policy and safety management system requirements.
- **Significant Duty Holding Responsibilities:** The Queen's Harbour Master has significant responsibilities which are assigned by the Delivery Level Duty Holder. The QHM is responsible for the implementation of the Ports' policies, plans and procedures based on the requirements of their Dockyard Port's Safety Management System (SMS). He should ensure that he maintains a thorough understanding of, and works closely with, other 'CO Level' Duty Holders for other areas which may impact on marine safety. QHMs will report directly to the Delivery Level Duty Holder for Duty Holding matters

## Designated person

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

## Defence Marine Services

3.3 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. This assurance complements the assurance conducted by QHM and the Designated Person across the three ports.

## 4. Clyde Dockyard Port - Policy

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### Reasonable care

4.1 NBC(C) has a duty to take reasonable care, so long as the CDP is open for the public use, that all who navigate in the port area may do so without danger to life or property. He has a responsibility to protect the general public from dangers arising from marine activities within his port and will take every precaution to prevent acts or omissions that may cause personal injury to any persons within the CDP.

### Conservancy

4.2 NBC(C) will conserve the CDP so that it is fit for use. This will specifically ensure:

- a. through liaison with Defence Estates, which oversee the MOD maintenance dredging contract, that the port is surveyed and dredged as regularly as necessary as determined through formal risk assessment. Particular care is to be taken with regard to the effect that waterfront infrastructure works have on the underwater profiles of the port and in particular the mandated under keel clearance on all operational jetties
- b. 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);
- c. that the CDP's obligations as Local Lighthouse Authority are fulfilled;
- d. in liaison with UK Hydrographic Office, that proper hydrographic and hydrological records are maintained; and
- e. information that will supplement the guidance given by navigation marks is published as conspicuously as practicable, including on the QHM Web-site, local user groups and local newspapers.

### Marine Safety Management Systems

4.3 The CDP is to maintain an effective Marine Safety Management System (SMS) based on formal risk assessment such that all risks are controlled and either be eliminated or kept "as low as reasonably practicable" (ALARP). The SMS will be monitored, reviewed every twelve months by the Port Safety Officer (PSO), and will be audited on a regular basis.

4.4 The SMS will 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 SMS is to include procedures developed on the basis of the formal risk assessments. The suite of procedures in the CDP is to include;

- Pilotage Directions
- Towage Guidelines
- Vessel Traffic System Procedures
- Conservancy
- Diving
- High Speed Operations

## **Consultation**

4.5 QHM will consult widely amongst port users and relevant interested parties when considering applicable port marine safety matters. Equally, there must be a robust method of disseminating relevant information amongst the marine community. QHM will consult with,

Peel Ports Clydeport (neighbouring CHA)  
Petroineos Finnart Ocean Terminal  
District Marine Safety Committee  
Scottish Ports Group  
Clyde Inshore Fisheries Group  
Firth of Clyde Forum  
Clyde Mooring Committee  
Local Leisure & Commercial Organisations  
SERCO Marine Services/ Svitzer UK and other towage providers  
Internal MoD Agencies (COMFASFLOT / FOST / 43 Cdo FPGRM / CMU)

## **Legislation**

4.6 All legislation, including the Dockyard Port Order, Bye-laws and any Directions made pursuant to such legislation (ie Pilotage Directions), should be reviewed on a regular basis, at least every three years to coincide with the formal compliance audit, to ensure that it remains fit for purpose in changing circumstances.

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

## **QHM Directions**

4.8 The Queen's Harbour Master and his designated representatives are authorised by the port order to issue 'QHM Directions' for the purposes of the proper protection of the CDP, HM vessels, 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 may make provision as to the use of tugs and other forms of assistance and should be enforced.

4.9 'QHM Directions' may take two forms; written or verbal, and may be specific or general in nature as authorised by the Harbours Act 1987. It is the duty of QHM in exercising these powers to consider the interests of all shipping in the port.

## **Bye-laws**

4.10 The Secretary of State has power to make Bye-laws in respect of the Naval Bases and other MOD property. Bye-laws 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. QHM is to ensure that they are aware of, and enforce, these Bye-laws.

### **Assigning responsibilities**

4.11 Executive and operational responsibilities for Marine Safety within CDP must be clearly assigned, and those entrusted with these responsibilities must be answerable for their performance. Terms of reference for those key personnel who have responsibility for delivering marine safety have been agreed. The key positions and descriptions of tasks in the CDP are outlined below:

- a. QHM – The Queen’s Harbour Master has significant responsibilities which are assigned by the Delivery Level Duty Holder; he is responsible for overall management of the CDP and its activities.
- b. DQHM – responsible for port and nuclear safety procedures, port conservancy, navigation and deputising for QHM.
- c. Chief Admiralty Pilot – responsible for the Admiralty Pilotage Service in the CDP as well as advising on towage, navigation and conservancy; also fulfils the role as Port Operations Manager.
- d. PSO – responsible for the CDP Safety Management System and advising on all matters related to marine safety.
- e. PCO - Port Conservancy Officer - responsible for conservancy matters within the port area and liaison with external agencies in this regard

### **Qualifications Training and Competencies**

4.12 The CDP recognises that training is fundamental to its continuing efficient operation and that responsibility for training rests with management and supervision. To help achieve its objective, the organisation will develop its personnel, by a systematic approach applicable to its requirement under the following specific aims.

4.13 The CDP policy in respect to training is to:

- a. Provide on and off the job induction training for all new employees.
- b. Foster a regular discussion between management and employees concerning the employee’s progress in the job and aims for the future in accordance with MOD guidelines and, determine future training needs as a result of such discussions.
- c. Provide adequate and appropriate training before and after all promotions and transfers to all employees to allow them to reach the required level of competence, as specified in the job description.
- d. Provide time off and the necessary facilities to enable employees to train for their long term development as agreed between the MOD and the employee, including utilisation of on and off the job training, seminars, conferences etc.
- e. Ensure that all Admiralty Pilots comply with the training requirements of the Admiralty Pilots and Harbour Control Handbook.
- f. All training is recorded both locally and on HRMS in order to support Navy Command mandated training requirement.

- g. Ensure proper evaluation of job and personal profiles are conducted to allow proper training needs analysis to be conducted in support of sub paragraph b above.

### **Marine Services**

4.14 QHM, through DMS and the local Serco Management, are to ensure that MOD owned or contracted harbour vessels or craft which are used within the CDP limits are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform.

### **Emergency Plans**

4.15 CDP SMS refers to emergency plans - and these are developed as far as practicable, based on the formal risk assessment. The suite of emergency plans includes the following:

- Oil Pollution Plan – as approved by the MCA
- Port emergency procedures
- Diving emergency
- Explosive incident
- Nuclear Incident/accident

### **Enforcement**

4.16 NBC(C) is responsible under the Clyde Dockyard Port Marine Safety Policy for the effective enforcement of relevant legislation, directions and regulations relating to the safety of navigation within CDP. In this policy, enforcement comprises the promulgation of regulation and guidance, effective surveillance, and where appropriate formal warning and prosecution.

4.17 Where appropriate, and where empowered to do so, NBC(C) will prosecute offenders for committing criminal offences, including those set out in the Merchant Shipping Act 1995 or pursuant thereto and in port Bye-laws and Directions. To this end, it is NBC(C)'s policy to:

- a. Maintain through regular reviews, an effective regulatory framework, which is integrated with relevant national legislation and includes local regulation resulting from risk assessment, or as otherwise made necessary.
- b. Ensure that the CDP regulations and associated guidance are widely promulgated.
- c. Develop and maintain effective enforcement procedures, which comply with relevant national legal requirements and guidelines.
- d. develop and maintain effective investigation procedures for use in the event of a navigational incident, which support CDP enforcement procedures.
- e. Ensure that all staff involved in an incident investigation, or who are required to follow CDP enforcement procedures, receives effective and relevant training.
- f. Maintain an effective spot check regime, to monitor compliance with, and detect breaches of, relevant national and CDP regulations.
- g. Respond to breaches of regulation, where justified by the evidence and other circumstances, by the use of formal warnings and legal prosecution.
- h. Manage the progress of enforcement activities, including incident investigations and prosecutions, and the maintenance of appropriate records.

## Security

4.18 The CDP has a number of security responsibilities under MOD directions and the International Ship and Port Facility Security Code. Specifically, NBC(C) has the responsibility of providing security for the UK's Strategic Nuclear Deterrent, and through the legal instruments of the DPRA 1865, Clyde Dockyard Port of Gareloch and Loch Long Order 2011 and local Bye-laws, lays down security regulations under which the security of the CDP is administered.

4.19 The CDP policy in respect to security is to:

- a. Provide a robust and continuous maritime security infrastructure to protect all personnel and vessels in accordance with MoD directions.
- b. Enforce the Dockyard Port Order and local Bye-laws, including the particular requirements of the Restricted and Protected Areas.
- c. Maintain a close working relationship between the Ministry of Defence Police, MoD Guard Service, Police Scotland and the adjacent CHA (Clydeport).
- d. Monitor relevant activity both inside and outside CDP waters.

## Navigational Policy

4.20 The CDP has a primary responsibility to facilitate the safety of navigation in the area under the CDP's jurisdiction. To this end, CDP policy that it shall:

- a. Maintain an effective navigational Safety Management System based on a continuing, formalised assessment and mitigation of risk in consultation with CDP users.
- b. Review regularly the effectiveness of, and if necessary seek amendments to, its legal powers, Bye-laws and Directions in respect of navigational safety.
- c. Monitor and manage vessel traffic within CDP limits through the provision of a Traffic Organisation Service and Port Information Service.
- d. Provide an appropriate level of pilotage services in accordance with the Pilotage Agreements between QHM and Peelports Clydeport. This aspect of the policy will be expanded in Pilotage Directions.
- e. Ensure the provision of necessary aids to navigation within CDP limits and maintain a close liaison with the Northern Lighthouse Board (NLB) in respect of the other aids which NLB maintains within or adjacent to the port and with regards the NLB's responsibility to monitor the nav aids within CDP jurisdiction.
- h. Promulgate effectively navigational and other relevant information to all CDP users.
- i. Provide effective management and co-ordination in respect of the CDP's response to emergency incidents within its area of jurisdiction.
- j. Consult with CDP users and other relevant stakeholders in respect of navigational safety issues and proposed changes to navigational arrangements.

k. Verify the fitness for purpose of registered craft, via MOD vessel regulation and by engaging with commercial partners and contractors to be assured that those vessels are fit for purpose.

l. Ensure, through risk assessment that any infrastructure works takes due regard of the safety of navigation.

### **Pilotage Directions**

4.23 QHM is 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.

4.24 QHM is 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 Guidelines**

4.25 CDP will 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**

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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 Part 2 Vol 1 Ch 16 (Jan 2016) provides general MoD direction on Accident / Incident investigation and 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 CHA 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 Port Operations 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 Port Ops database and NLIMS. 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 Port Ops staff. Dockyard Ports and all stakeholders are to forward appropriate accident and incident reports to Capt Port Ops 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. QHM is to forward near miss investigation reports in the same manner as accident / incident reports.

5.8 QHM Clyde will 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 Port Operations report to the Dockyard Ports Board.

## **6. Assurance**

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6.1 The designated person, Capt Port Operations, will conduct termly advisory visits to monitor progress and will conduct annual reviews of the three dockyard ports using the DPMSP Compliance Verification Form.

6.2 QHM will conduct his own internal audit processes which will be carried out by the PSO. In addition, the PSO will compile incident data to contribute to the quarterly performance report by reporting on those Key Performance Indicators (KPIs) given in the Dockyard Port Marine Safety Key Performance Indicator document.

6.3 QHM will be fully audited against the requirements of the DPMSP every year by the designated person.