



**PART 1**  
**SAFETY AND ENVIROMENTAL MANAGEMENT SYSTEM**  
**DOCKYARD PORT OF PLYMOUTH**

ISSUE 02  
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## FOREWORD

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To comply with the Port Marine Safety Code (PMSC) a comprehensive Safety and Environmental Management System(SEMS) is required. This is the overarching document supporting the SEMS of the Dockyard Port of Plymouth.

This document is to be reviewed annually.



**C Necker**  
Queen's Harbour Master Plymouth

## ISSUE HISTORY

Version	Date	Summary of Changes
1	May 2018	
2	Feb 2019	Amendments as required by PMSC audit Nov 2018 including the withdrawal of the DPMSP

## 1. INTRODUCTION

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1.1 The Dockyard Port of Plymouth (DPOP) exists to serve the defence interests of the UK. Safe operation of the DPOP 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) which provides for the regulation of Dockyard Ports, the limits of which Her Majesty may prescribe by Order in Council; this document is the Dockyard Port of Plymouth Order 1999. This includes regulations and rules which apply within the limits of the DPOP. 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 Ministry of Defence.

1.3 The DPOP 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 DSA02-DMR – Defence Maritime Regulations for Health safety and Environmental Protection. 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, MOD port or marine facilities should nevertheless follow the Department of Transport's Port Marine Safety Code (PMSC), which the MOD recognises as the articulation of the best port management practice.

1.4 The purpose of this document is to be the overarching document of the DPOP SEMS and is to specify the manner in which the PMSC is put into effect in the DPOP. The DPOP 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 DPOP and its users.

## 2. Dockyard Port of Plymouth Commitment Statement

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2.1 The DPOP will comply with the PMSC. In complying with this policy the DPOP will meet the eight pillars of compliance sought by the Dockyard Port Board, thereby meeting the general principles of 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 and Environmental Management System (SEMS)** 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 SEMS on a regular basis – the **designated person** (Captain Port Operations) has a key role in providing assurance to the delegated duty holder (NBC).
7. **Publish a Safety Plan** showing how policies and procedures will be developed to satisfy the requirements under the Code.

8. **Report and Investigate Incidents** to determine the cause with a view to prevent recurrence and to determine if an offence has been committed.

### 3. **Key Safety Roles and Definitions**

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#### **Duty Holders**

3.1 For the purposes of Dockyard Port Marine Safety, 3 levels of duty holding responsibility have been identified – the 2 formal, titled duty holders and that level normally delivered by a CO of a unit.

- **Duty Holder:** Director Naval Support 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. Director Naval Support is to have arrangements in place to ensure that hazards and incidents are fully reported and, where necessary investigated with lessons identified and promulgated.
- **Delegated 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 Delegated Duty Holder for Duty Holding matters.

#### **Designated person**

3.2 Captain Port Operations is the Designated Person (DP) for the purpose of the PMSC. His role is to provide independent assurance to the Dockyard Ports Board that the operation of the DPOP's marine safety management systems meets the requirements of the PMSC. He will achieve this through a process of 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. Dockyard Port of Plymouth - Policy

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### Reasonable care

4.1 NBC(D) has a duty to take reasonable care, so long as the DPOP 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 their port and will take every precaution to prevent acts or omissions that may cause personal injury to any persons within the DPOP.

### Conservancy

4.2 NBC(D) will conserve the DPOP so that it is fit for use. Conservancy of the DPOP is overseen by the Port Conservancy Officer (PCO). Policy details can be found at DPOP SEMS Part II Annex A. This will specifically ensure:

- a. through liaison with Defence Infrastructure Organisation(DIO), 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 affect 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 and local service providers, 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 DPOP'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 (<https://www.gov.uk/government/groups/qhm-plymouth>), local user groups and local newspapers.

### Navigational Safety Management Systems

4.3 The DPOP is to maintain an effective Navigational Safety Management System (SMS) based on formal risk assessment such that all risks are controlled and either be tolerable or kept "as low as reasonably practicable" (ALARP). All risks noted in the SMS will be monitored and reviewed every twelve months by the Harbour Authorities Liaison Committee (HALC), made up of the harbour masters of all the Statutory Harbour Authorities (SHA) within the DPOP. The SMS is overseen by the Port Safety Officer (PSO) and subject to regular audit.

4.4 The SMS has been developed in co-operation with relevant stakeholders. Key documents making up the SMS are:

- DPOP SEMS Part 1 (This doc)
- DPOP SEMS Part 2 (Details the SEMS) (Link [here](#))
- DPOP Hazard Ranked Risk Assessment (Link [here](#))
- Harbour Safety Plan (Link [here](#))
- QHM Standing Orders (Link [here](#))
- The QHM Manual (Link [here](#))

- Desk Top Instructions (VTS, PCO, MOVO, Pilotage, MSS, PSO)
- Port Guidance and Pilotage and Towage Directions (Link [here](#))
- Emergency Plans (see para 4.14)

## Consultation

4.5 When deemed necessary, QHM will consult widely amongst port users and relevant interested parties when considering applicable port marine safety matters. QHM will, as required, consult with:

- DEVFLOT
- SUBFLOT(S)
- FOST(S)
- 1AGRM
- Serco
- Babcock
- Ministry of Defence Police
- Members of the Military Water User Committee (MWUC)
- Members of the Harbour Authorities Liaison Committee (HALC)
- Members of Port of Plymouth Marine Liaison Committee (PPMLC)
- Members of Tamar Estuaries Consultative Forum (TECF)
- Members of the Devon and Cornwall Resilience Forum
- Members of Tamar Estuaries Emergency Planning Forum (TEEPF)
- Local Leisure and Commercial Organisations

## 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.

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 DPOP, 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; General or Special. It is the duty of QHM in exercising these powers to consider the interests of all shipping in the port:

**General Directions.** A General Direction(GD) is a legal direction to be observed and complied with by port users and vessels when operating in the Dockyard Port of Plymouth (DPoP). Issued under the authority conferred from Statutory Instrument 1999 no. 2029 (The Dockyard Port of Plymouth Order 1999)(DPPO), they can be discrete to vessel type or area, or applicable to all. Failure to comply with a GD is enforceable by law and can result in prosecution.

**Special Directions.** Special Directions are verbal directions delivered over VHF radio or in person and are issued by personnel authorised to do so by QHM<sup>1</sup>. As with General Directions, they are legally enforceable and failure to comply can result in prosecution.

4.10 Local Notices to Mariners (LNTMs) are used to disseminate General Directions, information regarding activities, events or general information pertinent to individuals or vessels operating in the DPOP area. Examples include dredging; bathymetric surveys; open water swims; large regattas; air displays or pertinent safety advice. Observance of the content helps aid safe navigation within port limits. Individuals or organisations may make application for an LNTM to be published, although the decision to do so ultimately remains at QHM's discretion. LNTMs will either be designated as a Direction or Information in the opening paragraph. All LNTMs are to be approved by QHM<sup>2</sup> before issue. The procedure for the issue of PLNTMs are included in Section L of QHM Manual.

4.11 Navigation Warnings (NAVWARNs) are used to rapidly disseminate navigational safety information, particularly with regard to defective or out of position Aids to Navigation (AtoN); unexpected wrecks or obstructions, or uncharted shoal depths; underwater operations which may create temporary obstructions shallower than charted depth; any other item that is at variance to charted information. Published on the website, they are also sent by formatted signal to RN warships and RFAs. NAVWARNs can remain in force for extended periods, usually until the item is rectified or the details are accurately recorded and distributed on the relevant Admiralty Charts. The procedure for the issue of NAVWARNs are included in VTS DTIs.

### **Assigning responsibilities**

4.12 Executive and operational responsibilities for Marine Safety within DPOP 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 DPOP are outlined below:

- a. QHM – The Queen's Harbour Master has significant responsibilities including legal responsibilities and powers under the DPOP Order, which are assigned by the Delegated Level Duty Holder; he is responsible for overall management of the DPOP and its activities.
- b. DQHM – Deputy to QHM. Also responsible for legal, conservancy, safety and event management
- c. Chief Admiralty Pilot – responsible for the Admiralty Pilotage Service in the DPOP as well as advising on towage, navigation and conservancy; also fulfils the role as Port Operations Manager responsible for movements and VTS.
- d. PSO – responsible for the DPOP Safety Management System and maintains the database of all incidents reported within the port limits.
- e. PCO - Port Conservancy Officer - responsible for conservancy matters within the port area and liaison with external agencies.

### **Qualifications Training and Competencies**

4.13 The DPOP 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.

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<sup>1</sup> Within Individual TORs or by specific letter of delegation.

<sup>2</sup> DQHM in his absence or Duty QHM for time critical notices.

4.14 The DPOP policy in respect to training is to:

- a. Provide 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. Ensure that all VTS staff comply with training requirements.
- g. All training is recorded both locally and on HRMS in order to support Navy Command mandated training requirement.

### **Marine Services**

4.15 QHM, through DMS and the local Serco Management, is to ensure that MOD owned or contracted harbour vessels or craft which are used within the DPOP limits are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform. Assurance of Serco craft is gained through audit and spot check by QHM's Marine Services Superintendent (MSS). The MSS will also ensure that assurance is provided by the following organisations, that their craft or contracted vessels are fit for purpose:

- DES Salvage and Marine Operations (SANMO)
- Ministry of Defence Police (MDP) Marine Unit
- Defence Infrastructure Organisation (DIO)
- Naval Base Infrastructure (INFRA)
- Southern Diving Unit (SDU)
- FOST Hydrographic School

### **Emergency Plans**

4.16 Emergency plans are a key part of the DPOP SEMS. The suite of emergency plans are as follows:

- Oil Spill Contingency Plan (Link [here](#))
- Sound Off – Maritime Emergency and Contingency Plan (Link [here](#))
- Port Control Station Emergency Cards (Provide immediate actions required in event of emergencies within the DPOP)

## Enforcement

4.17 QHM under NBC(D) is responsible for the effective enforcement of relevant legislation, directions and regulations relating to the safety of navigation within DPOP. In this policy, enforcement comprises the promulgation of regulation and guidance, effective surveillance, and where appropriate formal warning and prosecution. The Ministry of Defence Marine Unit are responsible for conducting this enforcement on behalf of NBC(D).

4.18 Where appropriate, and where empowered to do so, QHM will prosecute offenders for committing criminal offences and failing to comply with DPOP order 1999. To this end, it is QHM'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 DPOP 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 DPOP enforcement procedures.
- e. Ensure that all staff involved in an incident investigation, or who are required to follow DPOP enforcement procedures, receives effective and relevant training.
- f. Respond to breaches of regulation, where justified by the evidence and other circumstances, by the use of formal warnings and legal prosecution.
- g. Manage the progress of enforcement activities, including incident investigations and prosecutions, and the maintenance of appropriate records.

4.19 Further details are found at SEMS part II Para 9.2.4.

## Navigational Policy

4.20 The DPOP has a primary responsibility to facilitate the safety of navigation in the area under the DPOP's jurisdiction. This is managed as follows:

- a. Maintain an effective navigational Safety Management System based on a continuing, formalised assessment and mitigation of risk in consultation with the HALC.
- b. Review regularly the effectiveness of, and if necessary seek amendments to, its legal powers and Directions in respect of navigational safety.
- c. Monitor and manage vessel traffic within DPOP limits through the provision of a Vessel Traffic Service (VTS) and Port Information Service.
- d. Provide an appropriate level of pilotage services in accordance with the Pilotage Agreements between QHM and Cattewater Harbour Commissioners. This aspect of the policy will be expanded in Pilotage Directions.
- e. Ensure the provision of necessary aids to navigation within DPOP limits and maintain a close liaison with Trinity House(TH) in respect of the other aids which TH

maintains within or adjacent to the port and with regards the TH's responsibility to monitor the nav aids within DPOP jurisdiction.

- h. Promulgate effectively navigational and other relevant information to all DPOP users.
- i. Provide effective management and co-ordination in respect of the DPOP's response to emergency incidents within its area of jurisdiction.
- j. Consult with DPOP 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 and Towing Directions

4.21 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.

4.22 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.

4.23 QHM will publish towing directions, based on formal risk assessment and produced in consultation with admiralty pilots and towing providers.

4.24 Pilotage and towing directions are published in a single document which includes port guidance (Link [here](#)).

## 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 or whole port incident means:

- **A Marine Incident** is an event or sequence of events which has occurred directly in connection with the operation of a ship that endangered, or if not corrected, would

endanger the safety of a ship, its occupants or any other person or the environment. Near Misses are Marine Incidents.

- **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;
  - pollution or the potential for such pollution to the environment caused by damage to a ship.
  
- **A Serious Marine Casualty**, does not qualify as a very serious marine casualty but involves:
  - fire
  - explosion
  - collision
  - grounding
  - contact
  - heavy weather damage
  
- **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 All reported incidents and near misses will be entered on the MarNis incident database and investigated IAW SEMS part II para 9.1.

5.5 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.

5.6 QHM Plymouth will provide a written and verbal reports for all categories of accidents / incidents and near misses as required to the DPAB in order to allow trend analysis, monitoring and audit of lessons and recommendations, and to form the basis of Capt Port Ops report to the Dockyard Ports Board.

## **6. Assurance**

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6.1 The designated person, Capt Port Operations, will conduct advisory visits to monitor progress and will conduct annual audits of the three dockyard ports.

6.2 In addition QHM will conduct his own internal audit programme, which will be coordinated by the PSO. Details are a QHM Manual Section O.