

Ports & Marine Facilities Safety Code

Guidance for all ports, harbours, marine facilities,
berths and terminals.



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Port Marine Safety Code and Marinas:

In a bid to bolster maritime safety across the UK, the Department for Transport has issued an updated version of the [*Port Marine Safety Code \(PMSC\)*](#). This should be read in conjunction with the updated [*Guide to Good Practice on Port and Marine Facilities*](#) (GTGP).

The Code is applicable to anyone who operates any form of port or marine facility including those which do not otherwise have defined statutory powers and/or duties including all port and harbour authorities and all other marine berths, **marinas**, terminals, piers and jetties even if they are located within, or adjacent to, an statutory harbour authority.

First introduced in 2000 and periodically updated, the Port Marine Safety Code sets out a national standard for port marine safety. It provides a framework to ensure marine operations within UK ports and harbours are carried out safely, responsibly, and in compliance with legal duties. Although compliance is not mandatory, there is a strong expectation that anyone who manages ports and other marine facilities will incorporate the relevant requirements of the Code into their safety management and other systems.

The GTGP is intended to supplement the Ports and Marine Facilities Safety Code and it contains useful information with more detailed guidance on several issues relevant to the management of ports and other marine facilities.

Failure to adhere to the PMSC and the GTGP could be used against a marina in a court of law if something goes wrong as it shows they are not adopting 'industry best practice'.

The Code has been developed to improve the safety of ports and marine facilities by:

- establishing nationally agreed standards;
- defining the role of the Duty Holder, Designated Person and other key personnel;
- clarifying responsibilities within, and between, different organisations; and
- holding organisations to account for safe and effective management.

The Code is based around 10 key measures (shown below) identified as critical to the management of port and marine facility safety. Some measures may not be relevant to some organisations, but all organisations should consider which may be applicable to the facilities they manage and what they need to do to demonstrate compliance given their safety responsibilities.

1. Duty Holder: whose members are typically, individually and collectively, accountable for compliance with the Code, and their organisation's performance in ensuring safe marine operations.

What does this mean for marinas? - The organisation must have a 'Duty Holder' who is accountable for its compliance with the Code and its performance as regards the safety of marine operations, for some organisations this might be a member of senior management who ultimately has access and influence at a corporate or strategic level and can ensure that adequate support and resources are directed towards the organisations port marine responsibilities.

It is important that executive and operational responsibilities should be assigned appropriately by organisations – and to properly trained people. The organisations employees should have training appropriate to the responsibilities for marine operations assigned to them relating to the safety of

marine operations. In some small organisations, functions may be combined. It is also important in all cases that there is a proper separation of safety and commercial functions.

The Duty Holder is responsible for ensuring that adequate resources are provided to its staff to enable them to manage marine operations effectively and to adhere to the stated marine and navigation policies, procedures and systems, recognising that proper discharge of the organisations duties will otherwise be compromised. This includes adequate resource for training.

It is the Duty Holders responsibility that a suitable safety management system is in place and operational.

2. Designated Person: provides independent assurance about the operation of the organisation's marine safety management system and must have direct access to the Duty Holder.

What does this mean for Marinas? Marinas must appoint through the Duty Holder a Designated person who is knowledgeable in the type of operations, applicable legislation, the PMSC and GTGP. The role of the designated person is to effectively audit the marinas SMS against the PMSC and the GTGP and suggest improvements and offer assurances that the marina is compliant. The designated person must not be the same person as the Duty Holder and should not be directly linked to the operation of the safety management system i.e. it is offering an external audit system.

The designated person can be someone from within the organisation or an external consultant.

The audit must be carried out on at least an annual basis.

3. Legislation: the Duty Holder must be aware of and review the organisation's legal powers, duties and responsibilities based on applicable local and national legislation and seek additional powers if necessary to improve marine safety.

What does this mean for Marinas? Marinas will have important legal duties relating to the safety of people who work at, or use, their facilities, and to the wellbeing of the marina marine environment and community. It is vital that organisations are aware of these duties and responsibilities as well as their own powers. The Duty Holder must be aware of and ensure all legislation that applies to them, both national such as the Health and Safety at Work etc. Act 1974, the Corporate Manslaughter and Corporate Homicide Act 2007, Marine and Coastal Access Act 2009 etc and local such as local by laws are met.

4. Duties & Powers: organisations must comply with any statutory duties and responsibilities they have.

What does this mean for Marinas? This section is primarily directed towards Harbour Authorities, however all marinas should read this section of the PMSC and the GTGP and assure themselves of any sections that may apply.

5. Risk Assessment: organisations must ensure that risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice.

What does this mean for Marinas? All marinas must identify the hazards they manage, complete risk assessments and incorporate these within their MSMS. Risks may be identified which are intolerable. Measures must be taken to reduce these using As Low As Reasonably Practicable (ALARP), or in line with the organisation's tolerability policy, and ensure they become tolerable by the end of the process.

All risk assessments must be carried out by a competent person who understands the different types of risk assessments.

Effective Risk Assessments should:

- correctly and accurately identify all hazards
- identify who may be harmed and how
- determine the likelihood of harm arising
- quantify the severity of the harm
- identify and disregard inconsequential risk
- record the significant findings
- provide the basis for implementing or improving control measures
- provide a basis for regular review and updating, including after an incident has occurred.

6. Marine Safety Management System: organisations must operate an effective MSMS which is based on formal risk assessment.

What does this mean for Marinas?

An effective SMS is formed from clear policies, approved by the Duty Holder, and implemented by the organisation's officers and tied into the companies risk assessments. Clear assignment of relevant executive and operational responsibilities to staff is vital.

Policies:

In developing a safety policy, an organisation should make the following commitments:

- to manage the relevant assets of the organisation safely and efficiently;
- to maintain relevant marine equipment to agreed industry standards;
- to recruit and train operational staff to nationally agreed competence levels;
- to ensure that staff are properly trained for emergencies and contingencies.

An organisations safety policy should promote a positive safety culture, fostered by the visible and active leadership of senior management. Its aim should include the motivation and empowerment of staff to work safely, not just to avoid accidents. Policy and related procedures should be underpinned by effective staff involvement and participation, and sustained by effective communication and promotion of competence.

Specific policies

Policies should be supported by procedures to:

- Regulate the safe arrival, departure and movement of all vessels;
- Protect the general public from dangers arising from marine activities within the harbour or facility;

- Carry out all its functions with special regard to their possible environmental impact;
- Prevent acts or omissions that may cause personal injury to employees or others, or damage the environment.
- create and promote an interest and awareness in employees and others with respect to safety and protection of the environment; and
- Work with government agencies and others to comply with national legislation in respect of the management of environmentally designated areas and the biodiversity of harbour waters, including, 'where technically feasible and not disproportionately costly', measures to achieve 'good ecological status'.

7. Review & Audit: organisations must review and audit performance against applicable requirements of the Code.

What this means for marinas: The designated person must audit the system and report back to the Duty Holder on an annual basis.

The marina must also have a regular policy, risk assessment and SMS review and auditing program. HSE states risk assessments should be reviewed at least on an annual basis. Additional reviews are required if additional risks are identified, there are incidents that occur or failures with the assessments or their implementation are identified.

During the audit and review the marina should assess and review its performance against the policies, risk assessments and identify areas for improvement and non conformities to current policies and implement any necessary changes.

All audits and reviews must be documented.

8. Competence: organisations must use people who are appropriately trained, qualified and experienced to manage marine safety.

What this means for Marinas: The Marina must ensure that all persons involved in the management and execution of marine services should be competent, qualified and trained to the appropriate national standard.

Organisations must assess the fitness and competence of all persons appointed to positions with responsibility for marine and navigation safety on a regular basis.

Qualifications to consider for the various levels and roles within marinas include but are not limited to:

- Advanced Marina Manager course
- Intermediate Marina Manager
- SMS courses
- PMSC courses
- Internal training courses

- Marine qualifications and training for those operating craft in the marina such as those listed in [MSN 1853 \(M\) Amendment 1: Boatmasters' Qualifications, Crew and Hours of Work - GOV.UK](#)

All training should be documented and reviewed periodically, any qualifications that have renewal stipulations must have processes in place to ensure they do not lapse.

9. Plan: organisations must publish a marine safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3 years.

What does this mean for Marinas: To help demonstrate its commitment to prioritising the continued safety of those within its jurisdiction an organisation should publish a marine safety plan for marine operations at least once every three years.

Though the format of each organisations safety plan will be for it to determine, the plan should illustrate how the policies and procedures will be developed to satisfy the requirements under the Code.

10. Conservancy Duty: organisations must ensure their facilities are fit for purpose and have a duty of reasonable care to ensure that any vessel can utilise them safely.

What does this mean for Marinas: The marina have responsibility for the operation and maintenance of marine facilities should ensure that these are in good repair and are fit for purpose. This is vital to ensure that any vessels using them can do so safely. The marina must have a suitable maintenance and inspection regime in place to ensure all the marina infrastructure is suitable for use and fit for purpose. This should be documented and aligned to industry best practice.

Marinas must fully read the PMSC and the GTGP identify the relevant parts and put policies in place to ensure they are compliant with the code and guide.

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