



South Wales Marine Safety Management System



Port Marine Operational Procedures Manual Overview of the ABP Marine Safety Management System

The ABP Port Marine Safety Management System (MSMS) framework is intended to provide the foundation for ensuring individual ABP Ports and Harbours consistently and appropriately address the requirements of the Port Marine Safety Code (PMSC) and associated Guide to Good Practice on port marine operations (GtGP). Complementary ABP Marine Policies define the organisation and arrangements that ABP has established to monitor, promote and proactively manage Port Marine Safety.

This document describes how the ABP Marine Policies will be effectively implemented at both Group and Port level. This document must be adopted by all ports within the ABP Group. Each port will complete this template document (which is already populated with procedures which must be followed by all ports within the ABP Group) with local operational procedures.

The ABP Marine Policy can be found [here](#).

Group Template Revision History

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1.1	Minor typographical updates	W.Heaps March 2009		
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5.0.0	Major revision: introduction of template format			

Local Manual Revision History (Port of South Wales)

Version	Description	Prepared by	Date
5.0.0	Major revision: introduction of template format		

Control and Distribution

This document will be maintained on the Marine and Compliance section of ABP's SharePoint. The document will be available in controlled from to all users with access to this website. In addition this document will be made available to the following.

Location
Harbour Master
Bridge Control

PMSC-Section Name	PMSC Subject Heading	PMSC Paragraph Reference	GtGP Reference	Document Page/Section Reference
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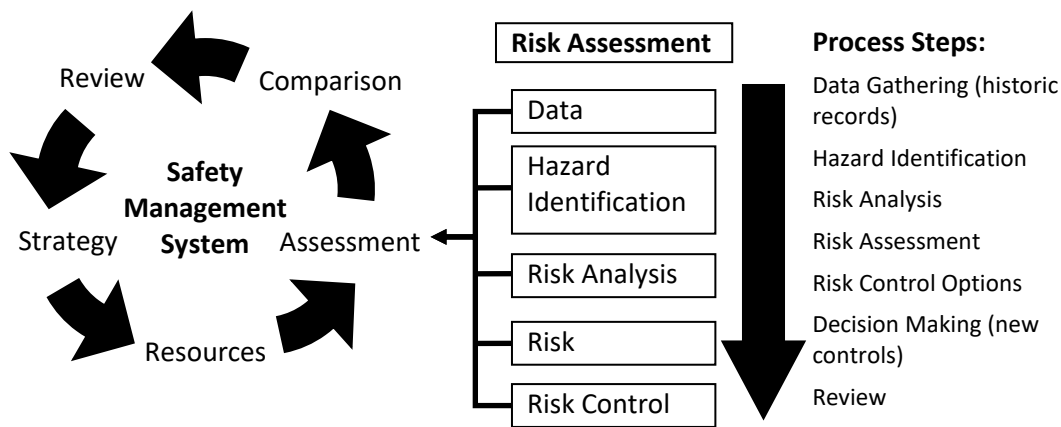
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1. Introduction - Background to Port Marine Safety

The Port Marine Safety Code (PMSC) applies to every Harbour Authority with statutory powers and duties. This also includes Competent Harbour Authorities which have specific powers and duties for marine pilotage. The PMSC is concerned with Harbour Authority responsibilities for port marine safety, but does not explicitly cover other duties derived from separate legislation, such as duties from health and safety legislation or those from Merchant Shipping Acts.

The PMSC has established a national standard for every aspect of port marine safety. It aims to enhance safety for those who use or work in ports, their ships, passengers and cargoes, and the environment.

The Port Marine Safety Code relies upon the principle that all Harbour Authorities will base their policies and procedures, relating to marine operations, on a formal assessment of risks; and that they will maintain a formal marine safety management system developed from that risk assessment.



The Guide to Good Practice on Port Marine Operations (GtGP) is used in combination with the PMSC to supplement the requirements by providing industry best practice. It contains useful information and more detailed guidance and examples on a number of issues relevant to harbour authorities and compliance with the PMSC. Like the PMSC, the Guide does not have any legal force, though it does refer to existing legal powers and duties.

1.1. The Harbour Authority

1.1.1. Associated British Ports

ABP is ultimately owned by ABP (Jersey) Limited, a limited liability company incorporated in Jersey. However, under Part II of the Transport Act 1981 ABP is controlled by Associated British Ports Holdings Ltd (ABPH), a company formed by the Secretary of State. The directors of ABP (of which there must not be less than five, nor more than thirteen) are appointed by ABPH, but ABPH has no power to give directions to the directors of ABP in respect of the execution of their powers and duties as a Harbour Authority. The directors of ABP while acting in their capacity as Harbour Authority are therefore the “Duty Holder” as defined by the Port Marine Safety Code.

ABP is the Statutory and Competent Harbour Authority for the following ports and harbours, although the precise nature of the arrangements varies according to local circumstances:

Ayr	Goole*	King’s Lynn	Southampton
Barrow	Grimsby*	Lowestoft	Swansea
Barry	Hull*	Newport	Troon
Cardiff	Humber	Plymouth	

Fleetwood
Garston

Immingham*
Ipswich

Port Talbot
Silloth

(* ABP is not a CHA in these ports)*ABP Humber Estuary Services fulfils the function of CHA for the Humber estuary and the ABP docks within.

1.1.2. The ABP Mission Statement

It is the aim of Associated British Ports that all of its Ports, and the waters under its control, as the Statutory Harbour Authority, are:

1. Managed efficiently and effectively in order to provide for safe navigation, under the guidance and direction of the requirements of the Port Marine Safety Code.
2. To facilitate the open use of the port by legitimate port users and to try to ensure no damage is caused to the marine environment through the activities of the Port.
3. To provide port facilities and services, making use of the Port's physical location in relation to UK & European trade routes and offshore activities.
4. To ensure that adequate resources are provided to enable personnel to follow policies, procedures and systems effectively, recognising that proper discharge of the Authority's duties will otherwise be compromised.
5. Work in partnership with port users, to be recognised for customer-focussed quality and flexibility of service.

1.1.3. South Wales

ABP are the Statutory and Competent Harbour authority for five ports in South Wales:

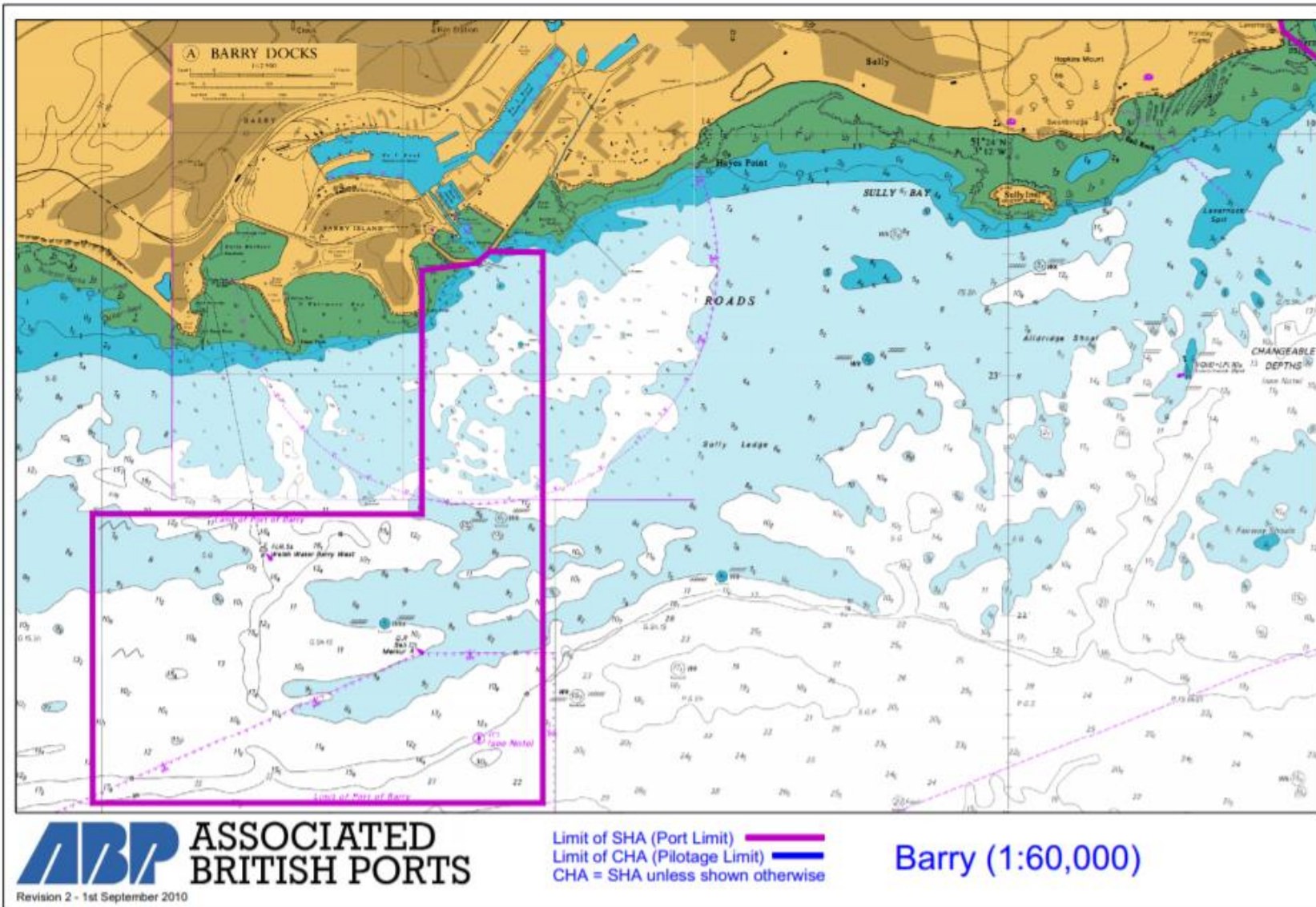
Port Talbot
Swansea
Barry
Cardiff
Newport

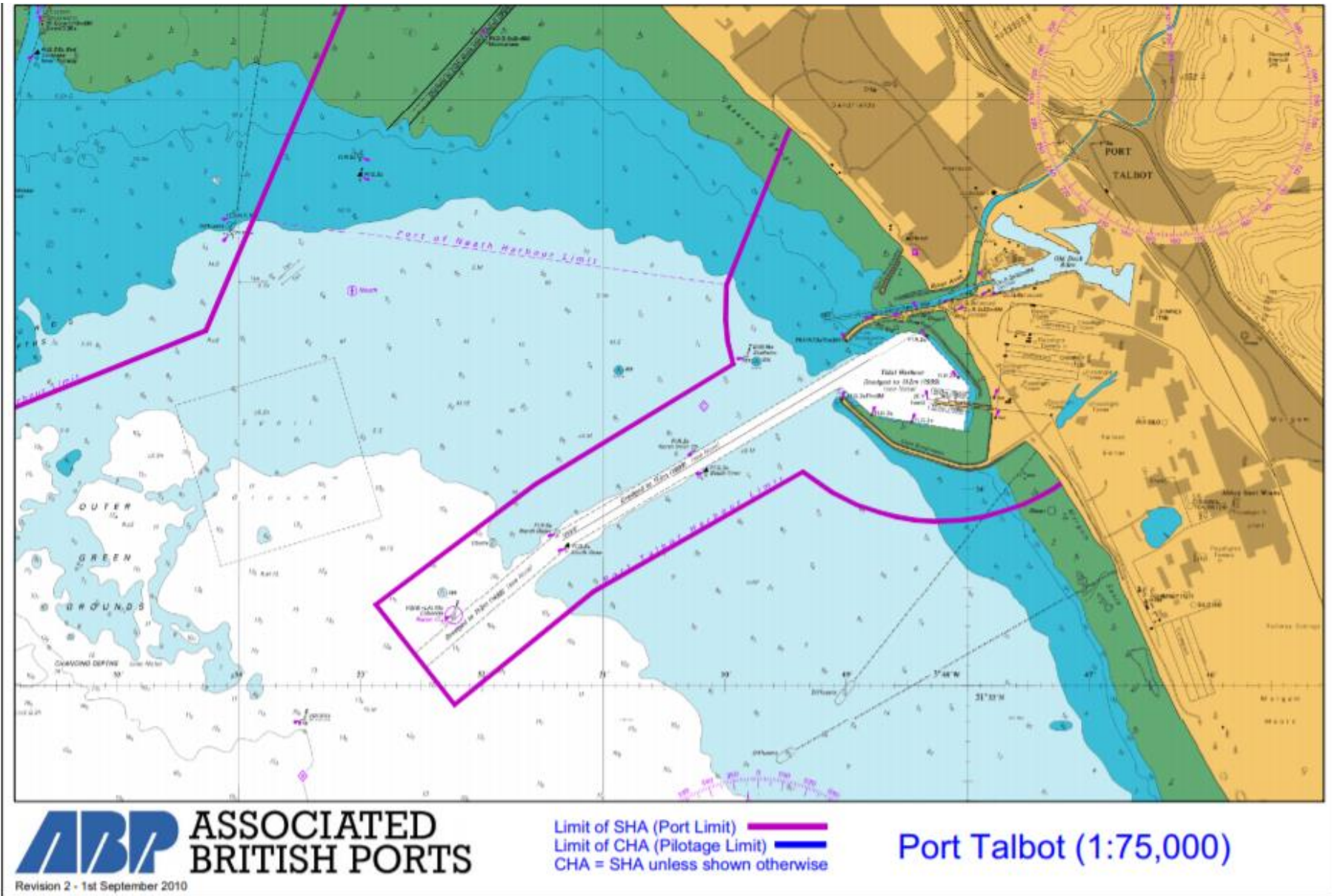
The marine functions, both statutory and operational, are managed and administered from Cardiff. Cardiff LPS has been established as a 24-hour response and coordination function.

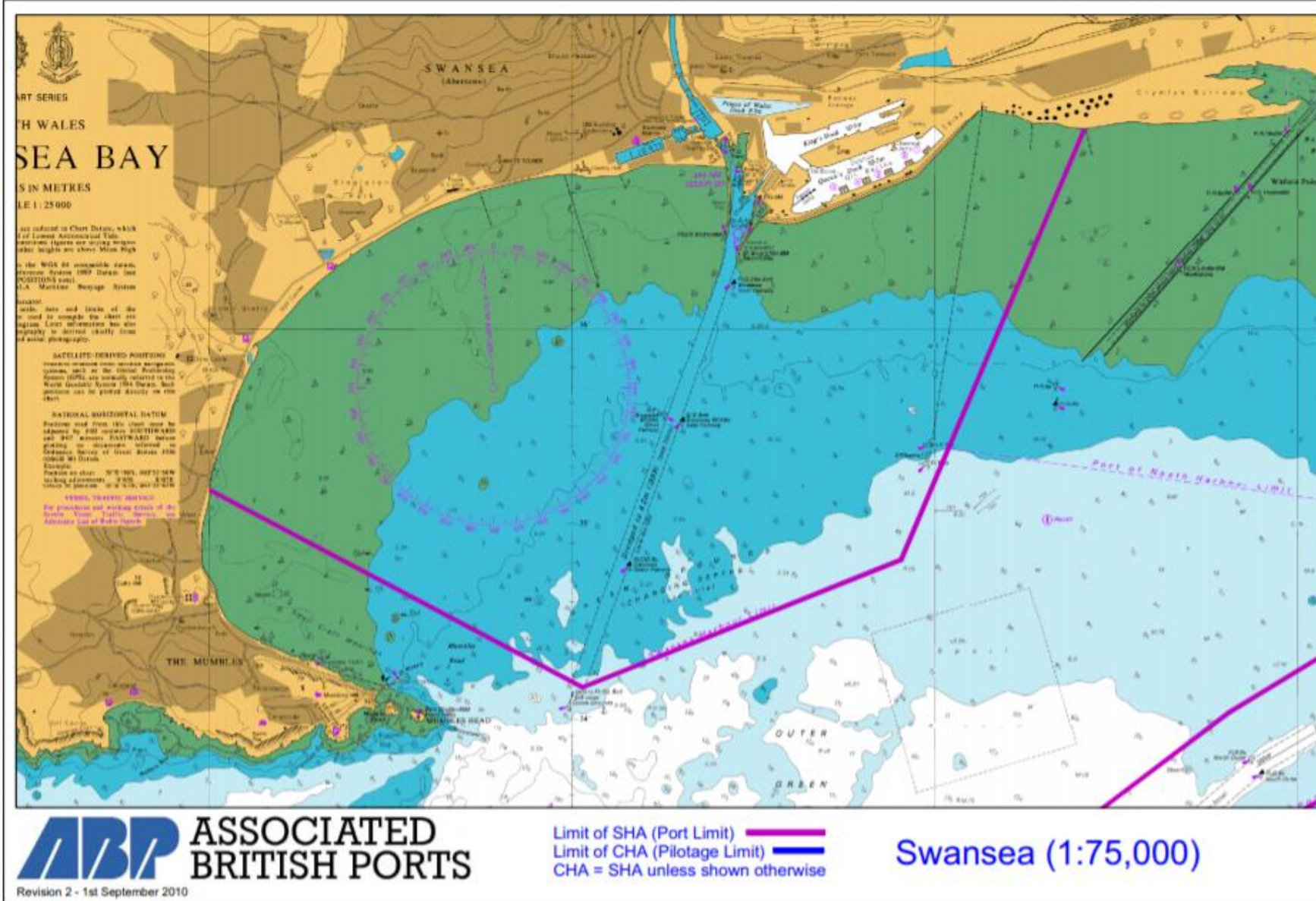
Pilotage for the 5 ABP CHA jurisdictions is provided by a South Wales Pilot Service, those Pilots board via certificated pilot cutters that are stationed at the Pilot stations at Swansea and Barry.

ABP, via service level agreements, undertake the Harbour Master and Pilotage functions for a neighbouring SHA (Newport Harbour Commissioners).

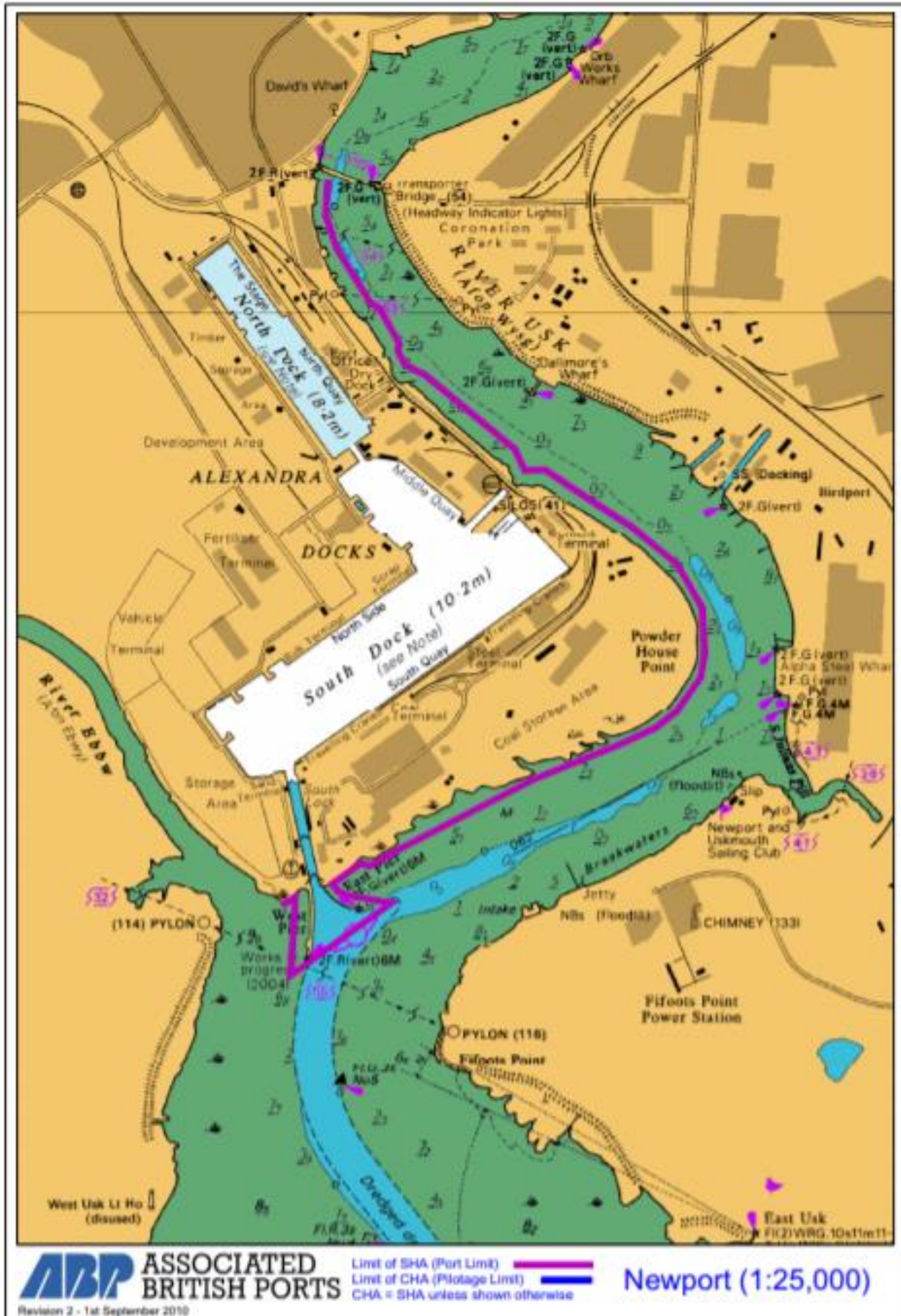
1.1.4. Limits of Harbour Authority











1.2. Marine Safety Management System Components

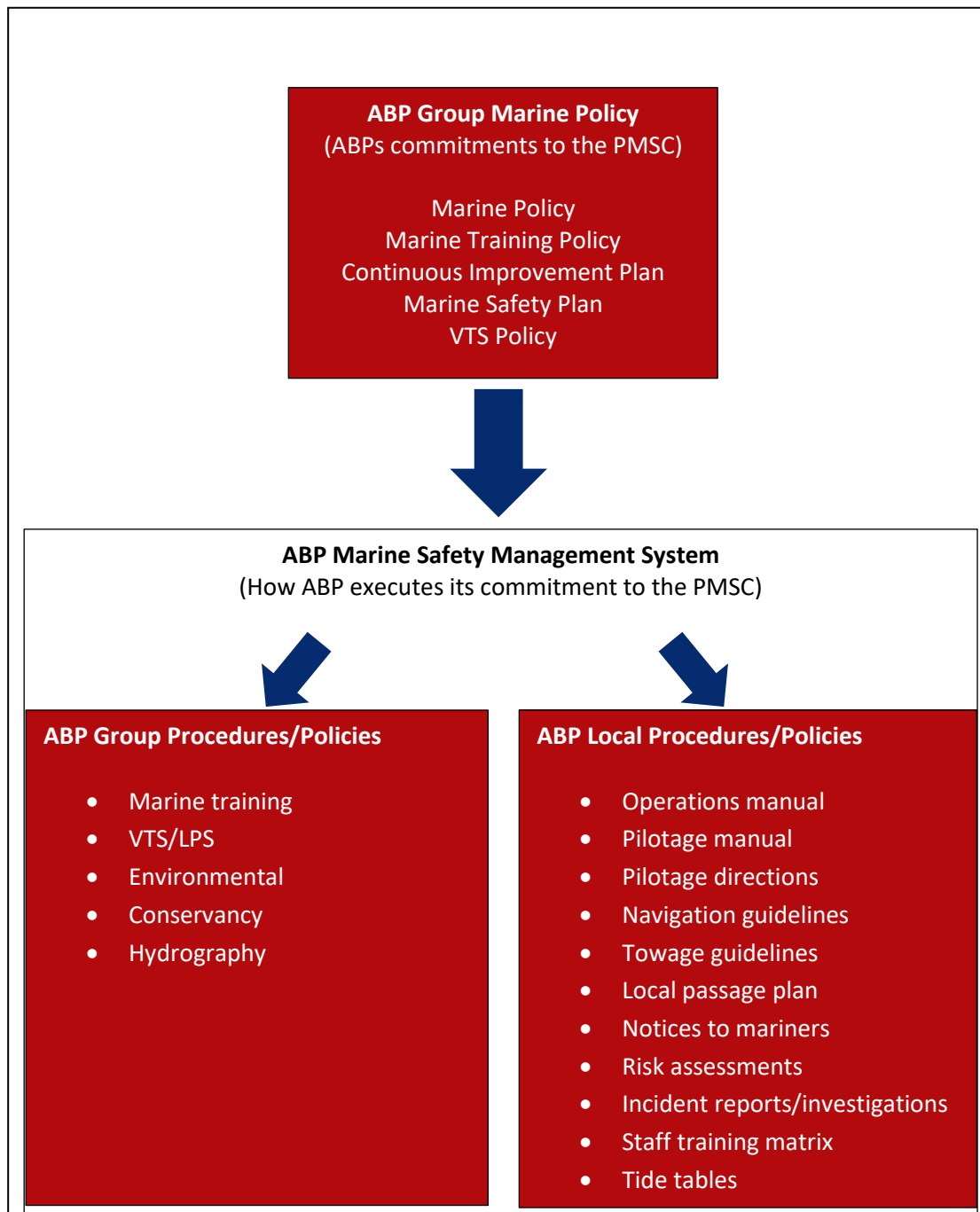
The Marine Safety Management System (described by this document) will be annually reviewed internally and updated in line with good practice, and to reflect experiences and lessons learned both within ABP and reported by other Ports and organisations (for example MAIB reports). The MSMS is also reviewed externally every three years.

The Port of South Wales MSMS comprises this document and a set of policies, procedures and guidelines related to port marine safety. The table below presents all of these associated documents, with links to their location on the ABP SharePoint.

ABP Documents (Group Level)	Revision Date
ABP Marine Policy	
ABP Marine Training Policy	
ABP Marine Continuous Improvement Plan	
ABP Marine Safety Plan	
ABP VTS Policy	
Legal / External Documents	
Harbour Acts specific to port – see Section 1.4	
Harbours Docks and Piers (Clauses) Act 1847	
British Transport Docks Act 1981	
Harbours Act 1964	
Pilotage Act 1987	
Docks Regulations 1988	
Port Marine Safety Code	
Port Marine Safety Code and Guide to Good Practice	
Harbour Masters' guide to hydrographic and maritime information exchange	2016

ABP Documents (Port Specific)	Revision Date
Cardiff Dock Byelaws	2003
Newport Alexandra Dock Byelaws	1923
Newport Alexandra Dock Additional Byelaw	1965
Newport Alexandra Dock Supplementary Byelaw	1927
Port Talbot Byelaws	1923
Swansea Harbour Byelaws	1924
Swansea Harbour Additional Byelaws	1971
Barry Dock Byelaws	1923
Local Notices to Mariners	NA
Vessel acceptance parameters	
Guidelines related to port marine safety	
Local Website	
Local Emergency Plans	
ABP BCP	
Emergency Plan	
Port Waste Management Plan	
Oil Spill Contingency Plan	
Civil Contingencies Plan	
Flood Response Plan	
Additional Published Information	
Rates and tariffs	
Tide Tables	
Port Web Site	

The following diagram illustrates the link between the various documents that comprise the ABP MSMS.



1.2.1. The Marine Safety Management System

The Marine Safety Management System comprises of this document and all associated policy, procedures and plans relevant to marine safety. This document contains high level information to describe the overall framework for the management and co-ordination of all marine activities necessary to ensure safe marine navigation. In doing this the document refers to procedures and other documents that detail how operations are carried out. It aims to bring together ABP Marine Policies and local port documents, so that they may be applied consistently across all of the Group Ports. This document has been produced to facilitate a consistent

and clear commitment to marine safety, as required to comply with the PMSC, across the diverse range of ports.

This document is designed to be read in conjunction with the PMSC and GtGP, it as far as possible uses a similar layout and section titles to the latest version of the code. The tabulated information at the start of each of the following sections identifies the relevant PMSC and GtGP chapters and all legislation relevant to each section.

The policy, procedures and plans that, together with this document, make up the Marine Safety Management System are located on the Marine and Compliance site and are available online to all port personnel.

1.3. Commitment to the standards laid down by the PMSC

PMSC	1. 1	GtGP	2.3
Legislation	None		

ABP publishes a Marine Policy, the current version of which can be found on the Company web site: <http://www.abpmarine.co.uk>

The ABP Marine Policy aims to demonstrate our commitment to the safe and responsible operation of our ports and harbours by detailing areas of primary concern (which are closely based on the requirements of the Port Marine Safety Code). Linked to this policy, ABP as a ports group has developed standard Port Marine Operational Procedures Manuals, describing how the policy will be implemented at each ABP port and harbour.

1.4. Duties and Powers

PMSC	1.3 – 1.5	GtGP	1.3-1.4
Legislation	Harbours, Docks and Piers Clauses Act, 1847 Dangerous Goods in Harbour Areas Regulations, 2016		

Harbour Authorities have a range of statutory and non-statutory duties and powers relating to marine operations. The port of South Wales has a Duty of Care to its harbour users and will ensure the safety at work of employees and other persons who may be affected by the Authority's activities as far as is reasonably practicable to do so. This commitment is identified within the ABP Marine Policy and Marine Environment and Conservancy Policy.

The duties and powers for the five ports that comprise ABP South Wales are derived from a range of local legislation. A summary of this legislation is available for the individual ports at the following locations:

- [Barry](#)
- [Cardiff](#)
- [Newport](#)
- [Port Talbot](#)
- [Swansea](#)

1.5. The Duty Holder

PMSC	1.6 – 1.10	GtGP	Section 2
Legislation			

The Directors of ABP as a Harbour Authority are collectively the “Duty Holder” as defined by the PMSC for all of the ports within ABP.

The Harbour Authority organisation (identifying the roles of individual Board members, including the Chief Executive) is illustrated in section 2.7 of the [Marine Policy document](#).

The Harbour Authority has developed and adopted a [Constitution](#) clarifying the duties and roles of the Harbour Authority members (collectively and individually) when acting as Duty Holder.

1.6. The Designated Person

PMSC	1.11 – 1.12	GtGP	2.3.25 – 2.3.38
Legislation			

The Duty Holder has appointed a “Designated Person” who is currently the Technical Authority Marine (James Clark).

As designated person, the Technical Authority Marine has direct access to the Duty Holder. For practical operational and commercial purposes the Technical Authority Marine works closely with the Director Marine and Compliance and other compliance functions including Health and Safety, Environment, Security and Quality to ensure consistent and efficient compliance in all marine functions.

1.7. Chief Executive and the Organisation’s Officers

PMSC	1.6 – 1.10	GtGP	2.3.19 – 2.3.24
Legislation	None		

The Chief Executive is accountable for the operational and financial control of the authority. The Chief Executive has authority on all matters related to duties and powers. This role includes the following responsibilities under the PMSC:

- Oversee the implementation of policies and decisions;
- Have overall executive responsibility for the safety of operations and staff; and
- Oversee the recruitment and training policy for staff and key officers.

1.8. Director Marine and Compliance

The Director Marine and Compliance is a member of the board who has relevant maritime experience and who acts as the initial point of contact for the designated person, they also ensure that appropriate resources are made available for ABP to discharge their marine safety obligations and ensure that commercial pressures are managed appropriately without undermining the safe provision of services and duties.

1.9. Harbour Master

PMSC	1.14 – 1.15	GtGP	1.4
Legislation	Harbours, Docks, and Piers Clauses Act, 1847 Dangerous Goods in Harbour Areas Regulations, 2016		

The Harbour Master has day-to-day responsibility for the safe operation of navigation and other marine activities in the harbour and its approaches. The post holder must be competent and a suitably qualified person, with sufficient experience for the role. They must also be competent to undertake other relevant duties, in relation to Merchant Shipping legislation. The Harbour Master:

- Has powers of direction to regulate the time and manner of ships' entry to, departure from and movement within the harbour waters, and related marine safety purposes;
- Ensures the co-ordination and regulation of all vessels within the harbour and its approaches; and
- Has overall responsibility for monitoring the effectiveness of Aids to Navigation, including placement, type, defect reporting and performance monitoring to meet the authority's conservancy duties.

The Harbour Master's powers are determined by the Harbour's enabling (and subsequent) Acts, and can be further strengthened by Harbour Byelaws and General/Harbour Directions if available. The Port of South Wales Harbour Master's powers, duties and responsibilities are laid out in Section 4.1.

The five ABP Statutory Harbour Authorities in South Wales will exercise their powers to appoint a Harbour Master for its ports and Harbours. The Dock and Harbour Master is defined in Section 2 of the Harbours, Docks and Piers (Clauses) Act 1847 so as to include, in addition to the Harbour Master himself, his Deputy and any assistants who have been formally delegated such powers.

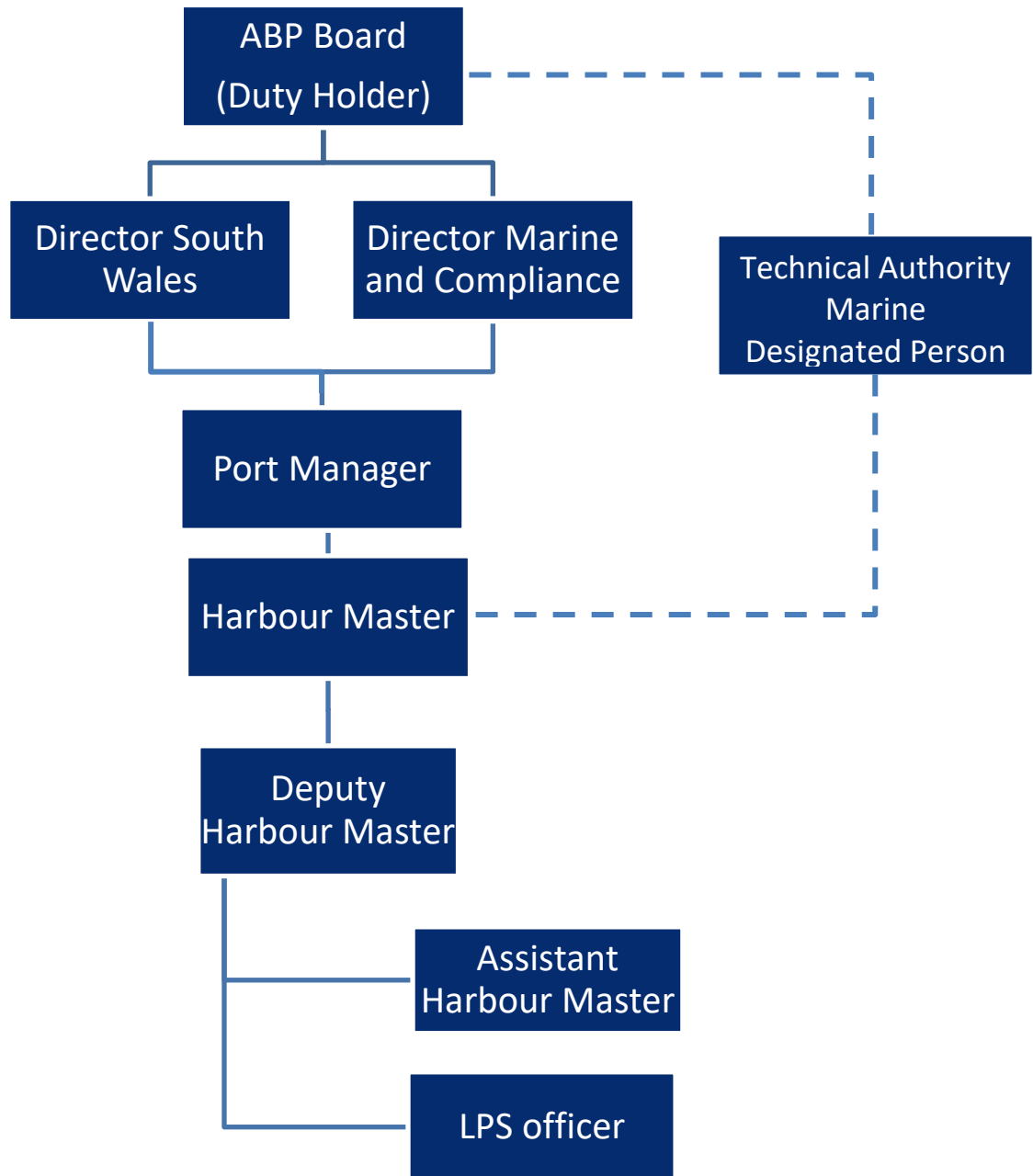
The expression includes any persons authorised by the Harbour Authority to act in the capacity of Harbour Master.

1.10. Local Port Officers

The Local port officers in South Wales have various statutory duties delegated to them by the Harbour Authority.

Local port officers, can be found in the span of control document along with their role, responsibility and delegated powers.

1.11. Marine Staff Reporting Lines



1.12. ABP Policies and Plans

PMSC	NA	GtGP	2.3.7 – 2.3.12
Legislation	NA		

ABP Publishes a [Marine Policy](#), which refers to other group level policies and sets out ABP’s commitment to the Port Marine Safety Code.

As required by the Port Marine Safety Code, ABP has also developed a [Marine Safety Plan](#). This plan sets out specific targets to improve marine safety at all Group Ports, and progress against the Marine Safety Plan is

reported to the duty holder in writing at every Harbour Board meeting. The Marine Safety Plan is kept under review as targets are met and changes or additions suggested by the Marine Advisor are approved by the Board as required so that the refreshed plan can be implemented. The ABP Board also believe that compliance with the Port Marine Safety Code requires a culture of Continuous Improvement, and they have therefore also adopted an ongoing Continuous Improvement Plan which supports the Marine Safety Plan.

Group plans and policies are approved by the ABP Board, and communicated to staff, port users and other interested parties by appropriate means (for example email, web sites / company intranet).

The ABP marine policy is supported at each location by specific local plans and policies as required. See Section 0 for a list of local plans.

These are primarily to facilitate the statutory duties of the Statutory Harbour Authority in respect of:

- The regulation of traffic and the safety of navigation within the limits of ABP's ports and harbours.
- The conservancy of ABP's ports and harbours.

The local plans therefore enable the Harbour Authority to:

- Monitor the safe arrival, departure and movement of vessels within ABP's ports and harbours;
- Protect the general public from dangers arising from marine activities within ABP's ports and harbours;
- Prevent acts or omissions that may cause personal injury to ABP's employees or others.

Other local plans that are required include emergency response & oil spill response plans. Such major contingency plans are likely to be prepared in co-operation with other agencies, but it is expected that the Harbour Authority will take the lead role in connection with navigational safety and harbour conservancy matters.

Local plans and policies are developed by the relevant marine team on behalf of each Harbour Master, with support from the Technical Authority Marine or Director Marine and Compliance. This will include consultation with relevant stakeholders through locally established mechanisms (port user groups, for example).

All plans and policies are subject to periodic review and updating.

2. Key Measures to Secure Marine Safety

2.1. Review Existing Powers

PMSC	2.3 – 2.6	GtGP	1.6, 1.9.4 – 1.9.6
Legislation			

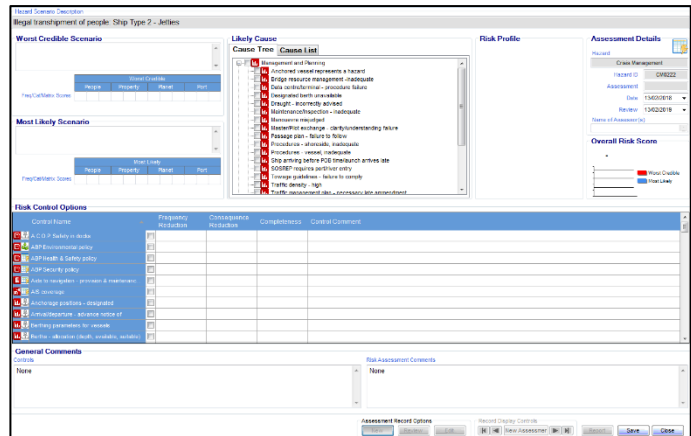
The powers available to the port are reviewed periodically to determine if they are appropriate to ensure safety of marine operations. Where additional powers are identified an appropriate means will be used to extend, improve or amend them. Methods may include the use of Harbour Revision Orders, additional or amended Byelaws and the use of powers of General Direction/Harbour Direction where available.

If, through risk assessment or consultation, it is identified that further powers are required to provide for safety of vessel navigation and port operations a review will be conducted. Due to the resource and legal knowledge required to undertake a formal review of powers, ABP Head Office and legal department will be consulted during any formal review.

2.2. Use Formal Risk Assessment

PMSC	2.7 – 2.11	GtGP	3.3.8 – 3.3.9 Section 4
Legislation			

Risk assessment at ABP is carried out using the MarNIS Port Assessment Toolkit. This software was developed by ABP to facilitate the documentation and review of all Hazards and Controls, and allow a consistent method for the assessment of marine risk across all ABP locations. In addition the toolkit allows consistent recording and reporting of incidents that occur, allowing appropriate and timely review of all associated risk assessments, to further reduce risk where possible.



The areas covered by these risk assessments are:

- Nautical safety;
- Environmental protection;
- Port efficiency; and
- Crisis management.

The Hazard scenarios are displayed in MarNIS with icons giving immediate visual indications of their status (level of risk, review requirement) and the assessments ranked by risk score. Further detailed guidance on the use of the Operational Risk Management module of MarNIS is given in the [MarNIS User Guide](#).

ABP South Wales carry out regular reviews of all their risk assessments as well as reviewing them following an incident or near miss.

ABP South Wales ensures Consultation with port users and stakeholders through regular minuted meetings. Table of South Wales Scheduled user meetings.

ABP South Wales have an annual MarNIS training / assessment session with the Newport Harbour Commissioners

During the assessment of a hazard the consequence to people, property, port business and the environment are considered to determine the likely outcome should an incident occur. In practice the key features of the Risk Assessment Method are:

- Identification of all Hazards likely to impact navigational safety;
- Assessing those Hazards against an appropriate standard of acceptability;
- Identification of the causes and control methods which can be introduced to reduce the likelihood of the hazard occurring;
- Quantify future control methods to determine a planned residual risk;
- Review of identified control measures to eliminate risk or reduce to risks to as low as reasonably practical (ALARP);
- Continuous review of hazards, either:
 - On a periodic basis (see Section 2.2.1);
 - Following a marine accident/incident; or
 - Post-review of relevant marine accident or health check trend report.

The process of assessment within ABP is continuous and reflective, so that new hazards to navigation and marine operations are identified and properly addressed. Central to the risk management process within is the concept of reducing risk to levels which are (ALARP).

2.2.1. Periodic Reviews

Periodic reviews are carried out at a frequency selected by the assessors (nominally annually). The review schedule for each hazard will be identified at initial assessment, though the review period will itself be subject to re-assessment at each subsequent formal review. In principle, those hazards with the highest risk scores will be reviewed more frequently while those with very low risk scores may be reviewed at larger intervals, subject to a maximum of not more than three years.

When an assessment is reviewed a new iteration of the risk assessment is created in MarNIS. Previous iterations or marine risk assessments are retained in MarNIS to allow for auditability. The assessors review all aspects of the hazard in the light of any changes to existing risk controls, or other external factors.

While the review is the responsibility of the named assessors for each hazard, the process will take account of consultation with relevant staff, port users and external bodies where appropriate. Risk assessment reviews will be undertaken by a **minimum of two** qualified staff, although it would normally be expected that other stakeholders / local marine team members are also involved where appropriate and feasible (e.g. Pilots, tug crew etc. for relevant assessments). The full name and position of each assessor must be recorded in the relevant text area of the MarNIS assessment form.

2.2.2. Post-Incident Reviews

A post-incident review will take the form of an immediate review of the hazard scenario related to the incident. This will include the causes of the incident, and the risk control measures which were in place, and

if necessary a re-scoring of the overall risk. It is likely that unless changes are made to controls, the risk score will increase and a judgement will have to be made as to whether this is acceptable.

Post incident reviews will be carried out to the same standard as Periodic Reviews (Section 2.2.1) (See also section 2.5 Incident reporting and investigation)

Upon review, it is necessary to assess whether the time period set until next routine review is suitable, or whether to set a shorter period until it can be confirmed that new control measures are working effectively.

To positively contribute to navigational safety, the lessons learned from post-incident reviews must be effectively promulgated. This may be achieved by a number of mechanisms locally, but MarNIS will allow sharing of the reviews across all Group ports as all users are able to review hazards and assessments for all locations. Whenever a new incident is added to MarNIS the Marine Advisor and his Deputy are automatically notified, and will monitor trends or notable incidents which ought to be brought to the attention of other ports.

Post incident review should also include any recommendations from MAIB reports or other relevant worldwide marine casualties. These 'lessons learnt' will be promulgated via marine advisor notices (see Section 2.3.1); however HMs who are made aware of relevant incident investigations should inform the Marine advisor so that the lessons can be learnt and promulgated around the group as necessary.

2.2.3. New Risk Assessments

New risk assessments may become necessary for a number of reasons:

- A significant change in operational procedures (e.g. new vessel or type of vessel, new cargo, new berth etc.)
- As a result of routine reviews / consultation, it becomes apparent that a hazard exists but has not yet been considered
- Following an incident, a new hazard is identified

In these cases, a new hazard scenario will be created in MarNIS and the risk assessment procedure completed. After taking into consideration (and recording) existing control measures an overall risk score will be derived and recorded in MarNIS. If this score is not acceptable a comment will be noted and new control measures introduced. The assessment can then be reviewed as soon as the new measures are in place, and the risk re-assessed until such time as it becomes acceptable.

It may become apparent that the only way to reduce the risk to an acceptable level is to remove the hazard completely (for example cease the hazardous operation). MarNIS provides a useful tool in assisting the responsible person in reaching this decision objectively.

2.2.4. Risk Control Measures

Any activity will involve some element of risk. However, that risk can be reduced by introducing robust control measures to ensure that the activity is carried out as safely as possible, and in a "controlled" manner.

The frequency reduction, consequence reduction and completeness for each risk control measure is evaluated to allow further quantification of the effect of each risk control. For further instruction on evaluating risk control measures, see this [guidance note](#).

2.2.5. Significant High Risk

If in the opinion of the Harbour Master, a marine risk assessment has been assessed to have significantly high risk, following the application of currently available risk control measures the harbour master should inform

the Technical Authority Marine. The Technical Authority Marine will review the assessment and its associated risk controls, to determine if any further risk control measures could be used to mitigate the operation. Following this review, and validation of the assessment outcome, if the Technical Authority Marine believes the operation and/or risk should be brought to the attention of the Duty Holder, this will feature in the bi-monthly Harbour Authority Board Meetings, or sooner if the operation will occur before the next scheduled Board Meeting.

2.3. Implement a Marine SMS

PMSC	2.12 – 2.17	GtGP	Section 5
Legislation			

Each port MSMS includes reference to the policies and procedures necessary to ensure a port:

- Maintains proper control of shipping movements
- Protects the general public from dangers arising from marine activities
- Has regard to possible environmental impact
- Prevents acts or omissions which may cause injury to employees or others.

Furthermore, the MSMS:

- Confirms roles and responsibilities of key personnel (Including those responsible for matters such as hydrography, conservancy, environmental protection, etc.)
- Outlines present procedures for maritime safety (by reference to one or more local operational manuals)
- Measures performance against targets (for reporting to the Harbour Authority on a quarterly / annual basis)
- Refers to emergency plans

The MSMS is subject to ongoing review:

- As changes occur locally the MSMS is updated;
- Every three years a comprehensive review of PMSC compliance will be completed, including a review of the MSMS document, as well as assessments of individual port audits, marine policies, procedures and Marine Authorisations. This will enable the Duty Holder to confirm compliance with the PMSC to the MCA when requested. (see section 2.11)

Reviews will also take account of external information from neighbouring competent and statutory authorities, examples of best practice from other ports and organisations, and other relevant reports (for example MAIB Investigations and Marine Advisor notices)

2.3.1. Marine Advisor Notices

The Marine Advisor will ensure that ABP is aware of any changes to legislation, new guidance or availability of new examples of best practice. This will be achieved by means of (but not limited to):

- Subscription to government alert services
- Attendance at appropriate national meetings including
 - Port Marine Safety Code Steering Group (MCA)
 - UK Safety of Navigation Committee [UKSON] (MCA)
 - Marine and Pilotage Working Group (UKMPG)

- Monitoring MAIB investigations and reports
- Reviewing official reports, such as MCA annual summary of health checks
- Attendance at relevant industry events (e.g. UKHMA seminars)

Whenever new guidance or procedures should become necessary, the Marine Advisor will disseminate these by appropriate means. For non-safety critical amendments or advice, this will most likely take the form of incorporation in the MSMS documents during the review process described above. The issue of new procedure or policy will be accompanied by a Marine Advisor’s Notice to ensure record of receipt and implementation at each location.

However, in the case of safety or compliance critical information (Where safety of life may be impacted, or if ABP could fail to meet regulatory or statutory requirements if immediate action is not taken), the Marine Advisor will issue a formal “Marine Advisor’s Notice” at the earliest opportunity. This will require specific action within a fixed time period and a formal response confirming the action has been taken.

Reasons for issue of a Marine Advisor notice will include:

- Any action or request requiring confirmation from all group Dock /Harbour Masters
- Lessons learned from *marine* incidents leading to improvements which should be adopted at all ABP ports
- Best practice identified through ABP or external audit, or from an MCA Health Check in one ABP port, which should be adopted by all ports.
- Any matters relating to marine safety equipment.
- Notification of new or revised ABP Marine Policy
- Notification of new or revised marine legislation or national policy
- Marine safety notices produced by other organisations, if appropriate to ABP
- MAIB or PSS safety flyers – if not already covered by other methods of dissemination

All Marine Advisor Notices will be immediately issued by email to individual Dock and Harbour Masters and their nominated representatives. In addition all current and past MA Notices will be made available on the [ABP Intranet](#). The Marine Advisor will maintain a record of all notices issued, and responses received.

2.3.2. Confirming the MSMS is Available and Understood

All ports must implement a documentary system to ensure that all Port Marine Employees have access to relevant parts of the MSMS, and receive updates as and when they are made. There must be some form of evidence that relevant employees have received and understood the MSMS and updates. This may take the form of signature sheets, or evidence of attendance at a Tool Box talk where the new documents or updates are introduced and explained.

The marine on the job training requires that personnel are familiar with and understand the requirements of the port MSMS. This training requires sign off by a supervisor to ensure the requirement is met.

2.4. Competence

PMSC	2.18	GtGP	Section 12
Legislation			

Appropriately trained and competent staff are key elements of many risk control measures, and are essential in determining risks and appropriate controls at the outset.

ABP has published a [Marine Training Policy](#), the purpose of the policy is to ensure that all employees undertaking port marine activities undergo training and assessment to be sure that they are competent to carry out their work in accordance with current appropriate National Occupational Standards and the requirements of the Port Marine Safety Code and Guide to Good Practice.”

The policy applies to all employees with marine roles and is supported by the [Group Training Matrix](#) that has been created to outline competencies that are required or desirable for training for each marine role.

Where possible, those with the required qualifications and experience will be employed to perform marine roles. If a suitable applicant does not hold all of the relevant qualifications, a training plan will be required once employment commences.

ABP South Wales has created a local training matrix for all marine personnel. The matrix identifies all qualifications and training which is considered to be either a requirement of or desirable for each marine role. Review and update of the training matrix is the responsibility of the Harbour Master.

The qualifications, training and corresponding certification for each member of the marine team is recorded and monitored to ensure that they are maintained and renewed as required.

2.5. Incident Reporting and Investigation

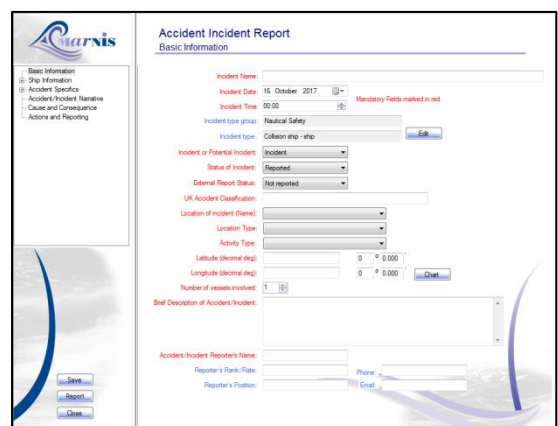
PMSC	2.19 – 2.23	GtGP	Section 13
Legislation	The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 IMO Resolution MSC.255(84) Casualty Investigation Code		

Reporting

2.5.1. MarNIS Incident Database

The MarNIS Port Assessment Toolkit allows full details of all marine incidents to be recorded and reports to be generated for external bodies, or to provide feedback to all port users. The centralised location of the software databases allow incident reports to be viewed by the relevant personnel at Group level. When a new incident is recorded using the MarNIS toolkit, automated email notifications are sent to the relevant personnel.

Further detailed guidance on the use of the Accident/Incident reporting module of MarNIS is given in the [MarNIS User Guide](#).



2.5.2. Incident Reporting Requirements

To determine whether an incident is required to be reported to the MAIB a process is used within MarNIS which complies with the [Merchant Shipping \(Accident Reporting and Investigation\) Regulations 2012](#). The process uses the following criteria to provide the classification of the incident and whether reporting is required:

- Location of incident;
- Type of vessel;
- Consequences of the incident;
- Resulting maritime damage.

The MarNIS system allows an immediate incident report to be produced in a format acceptable to the MAIB. A report will be sent to the MAIB containing the details available at the time the incident is reported. After investigation of the incident has been completed a further report will be sent to the MAIB with the additional information, causes and identified further control measures determined by the investigation.

When a Marine incident occurs a member of the ABP South Wales Marine Management team shall be informed immediately. Call out procedures for the managers can be found here.

Investigation

2.5.3. Conflict between Types of Investigation

All significant incidents and potential incidents are to be investigated, giving rise to two competing and incompatible objectives:

- To determine the cause of the incident, with a view to preventing a recurrence (an investigation to determine cause).
- To determine if an offence has been committed and whether enforcement action is appropriate (a criminal investigation).

It is ABP policy that in the interests of safety and where the circumstances of the incident dictate, an investigation to determine cause should take primacy, these include the following circumstances:

- Where it is necessary to determine the cause of the incident so that precautions can be put in place at the earliest opportunity to prevent a recurrence.
- Where it is necessary to promulgate the cause of an incident to interested parties and other Harbour Authorities so that lessons can be learned.
- Where it is necessary to determine the cause of the incident where those causes may initiate amendments to the Marine Safety Management System which in turn will ensure ABP continue to comply with the Port Marine Safety Code.

2.5.4. Other Agencies

ABP will co-operate with all other agencies including the police, MCA, MAIB and HSE and will, where appropriate, respect their primacy to conduct their own investigations. ABP will endeavour not to hamper or conflict with investigations undertaken by external agencies and will assist as required. When the circumstances of the incident dictate, ABP will seek advice and assistance from other agencies.

2.5.5. Investigations to Determine Cause

When conducting an investigation to determine cause due regard will be given to the IMO "Casualty Investigation Code" [resolution MSC.255\(84\)](#) adoption of the Code of the International Standards and

Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident) insofar as it provides guidance to a Harbour Authority.

Having completed an investigation to determine cause, a report will be compiled. Before a report is finalised, parties that are involved in the incident may be given the opportunity to make representations. The object of the report will not be to apportion blame but to inform and improve the Marine Safety Management System and in particular stimulate review of Port Marine Risk Assessments (MarNIS).

A report on an investigation to determine cause will not be made public or published where it may prejudice an investigation conducted by another agency or when legal actions are anticipated. Although a report may not be published any lessons learned will be promulgated on a confidential basis to parties that can assist in the management of risks identified in the report.

2.6. Incidents involving drugs and alcohol

PMSC	NA	GtGP	13.3.2
Legislation	Railways and Transport Safety Act 2003		

2.6.1. ABP employees

If an incident occurs involving an ABP member of staff that may require action, the Duty Manager is to be informed, then he will give consideration as to whether or not a drug and alcohol test is required. (See ABP’s [Drug and Alcohol Policy](#))

2.6.2. Non ABP employees

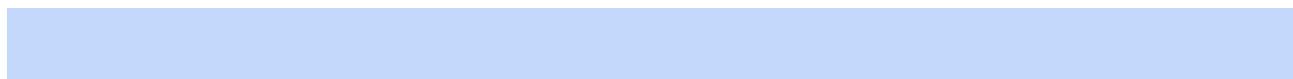
Non ABP employees (vessel masters and crew) accused of being under the influence of alcohol and/or drugs may be committing an offence under Part 4 of [the Railways and Transport Safety Act 2003](#). This Act covers commercial vessels and leisure craft.

When there is a report of a Master or seaman of a vessel within the Port of South Wales who is on duty and suspected of being under the influence of drink or drugs, then Port Control must inform the Harbour Master, Deputy or Duty Assistant Harbour Master in the first instance and then inform the MCA.

It will also be necessary to get a Police Officer to attend to undertake a breath test under [the Railways and Transport Safety Act 2003](#).

To request the presence of a Traffic Police Officer contact the Police by calling 101.

State the reason for the request and the name of [the Railways and Transport Safety Act 2003](#).



2.7. Monitoring Performance and Auditing

PMSC	2.24	GtGP	5.2
Legislation			

2.7.1. Key performance indicators

In order to monitor the effectiveness of the ABP Port Marine Safety Management System and to provide for progressive improvements in navigational safety a number of key performance indicators have been selected, which can be measured and assessed on a regular basis.

The KPIs are kept under regular review as required by the Harbour Authority Board members, and are collated and presented on two monthly intervals at the HA Board meetings.

Furthermore, the status of each internal and external audit finding will be tracked by the Technical Authority Marine, and the number of open and overdue audit findings (together with their priority – High, Medium or Low) will be reported to each meeting of the Harbour Authority as a KPI.

The key performance indicators are meaningful statistical measurements that are measurable and aim to show change (improvement) over time. Some of these key performance indicators are not applicable to all of the ports.

2.7.2. Audit Requirements

The MSMS is audited and reviewed for the following:

- To determine if the Navigational MSMS is being operated in accordance with the ABP Marine Policy and the requirements of the PMSC;
- To monitor the overall effectiveness of the system;
- To identify and implement ways of improving overall performance; and
- To confirm that relevant procedures are understood and being actioned by those involved.

Within ABP auditing is conducted as a centralised activity. The following audits in respect of the PMSC are adopted within the overall framework of business auditing.

- Internal MSMS audit for each port;
- Enhanced internal audit.

2.7.3. Internal Audit

The 'Designated Person' shall undertake periodic audits/reviews of the MSMS for the purpose of assessing the following:

- The continued provision of an appropriate and effective MSMS.
- ABP's ongoing, overall compliance with the requirements of the Port Marine Safety Code.

The Technical Authority Marine will audit each group of ABP ports annually. A full review covering all aspects of the PMSC will be undertaken at every annual audit. Outcomes from the annual audits will be reported to the Duty Holder at the regular Harbour Authority meetings, and summarised in the annual report.

The status of actions can be tracked and updated by action owners via the ABP [Compliance Management System](#). Overdue actions will be proactively followed up by the Technical Authority Marine.

Additionally, the Technical Authority Marine will meet at least once per year with each Port Director (in addition to the Harbour Authority Meetings) to discuss PMSC related issues arising from the audit process. A formal agenda will be used for these meetings which will be minuted.

ABP has published an [Internal Compliance Audits Policy and Procedure](#). Internal marine audits will comply with the procedures set out in this document.

2.7.4. Enhanced Internal Audits

Once per year enhanced internal audits using appropriate external professional auditors will be carried out. These audits have the same objectives as the internal audits and additionally ensure objectivity and rigour of method in the internal audit process. These enhanced audits will rotate around the Group port directorates on a 3 year rolling basis. These audits are also likely to be based upon the internal audit checklist to ensure PMSC compliance at the audited port, but will also provide a professional external check on the processes employed by the Designated Person.

2.7.5. External Audit

From time to time, ports may be audited externally by the MCA to ensure PMSC compliance, either following an invitation from ABP for the MCA to carry out a “health check”, or following a recommendation by the MAIB following an incident investigation.

ABP will ensure that any lessons learned from any audits at any port location, are transferred to all other locations through revision of the MSMS or provision of consistent advice to provide for appropriate updates of local policies and procedures

2.8. Enforcement

PMSC	2.25	GtGP	1.9.12
Legislation			

To be read in conjunction with Section 2.5

2.8.1. The Range of Enforcement Options

Before embarking on any type of enforcement action the legal team at Head office should be consulted. Enforcement covers everything from cordial education on the conduct expected to prosecution on indictment in the Crown Court where the Court may send someone to prison.

The range includes:

- Information and Instructional leaflets;
- Informal education;
- Formal education - e.g. seminars, briefings etc.;
- Formal advice - e.g. in Local Notices to Mariners;
- Informal warnings;
- Formal warnings;
- Prosecution.

Which option from the above range is used will depend on the circumstances of each particular incident and will include consideration of the following:

- The severity of the misconduct;
- The risk caused and associated with the misconduct;
- The consequences of the misconduct;
- Any repetition of the misconduct;

- The attitude of the person involved;
- The need to provide a deterrent;
- The evidence available;
- The interests of the public;
- Any considerations of the Harbour Master and the Harbour Authority;
- The knowledge and experience of the suspect.

2.8.2. Criminal Investigations

A criminal investigation does not necessarily end in a prosecution but if the investigation is not done in accordance with the Police and Criminal Evidence Act 1984 (PACE) a prosecution will not be permissible. Therefore all investigations that may lead to a prosecution have to be conducted with that possibility in mind.

For guidance on using PACE when collecting evidence to use during a prosecution see the [ABP Enforcement Handbook](#).

2.8.3. The Conduct of a Criminal Investigation

The conduct of a criminal investigation has to meet strict requirements. Not to comply with these requirements will make it almost impossible to prosecute an offender regardless of the evidence against him. When an incident indicates that a criminal investigation is appropriate but in the interests of safety an investigation to determine cause should take primacy, assistance will be sought from outside agencies.

In the case where the Harbour Authority conducts its own criminal investigation it will be conducted in accordance with the requirements of:-

In England and Wales:

[Police and Criminal Evidence Act 1984](#) and [Codes of practice. Criminal Procedure and Investigation Act 1996](#) and [Code of practice](#).

These requirements and useful and practical guidance are incorporated into the:

[HSE Enforcement Guide \(England and Wales\)](#),
[HSE Enforcement Guide \(Scotland\)](#),
[ABP Harbour Authority Enforcement Handbook](#).

In Scotland:

[Reports to the Procurator Fiscal. A guide for Specialist Reporting Agencies](#).

Assistance should be sought from Head Office Legal Team and/or external experts before proceeding with a criminal investigation.

2.8.4. Incidents involving laser devices

PMSC	NA	GtGP	13.3.2
Legislation	The Laser Misuse (Vehicles) Act 2018		

Any person targeting those in control of vessels (or aircraft and road vehicles) as a malicious action, is committing an offence. Under the new law, it is a crime to shine or direct a laser beam that dazzles or distracts, or is likely to dazzle or distract, air traffic controllers, pilots, captains of boats and drivers of road vehicles.

It will also be necessary to get a Police Officer to attend to undertake a breath test under [The Laser Misuse \(Vehicles\) Act 2018](#). To request the presence of a Police Officer contact the Police by calling 101. State the reason for the request and the name of [The Laser Misuse \(Vehicles\) Act 2018](#).

2.9. Plans and Reports

PMSC	2.26 – 2.28	GtGP	2.3
Legislation			

2.9.1. Safety Plan

A group [safety plan for marine operations](#) is published. This plan sets out specific targets to improve marine safety at all Group Ports, and progress against the Marine Safety Plan is reported to the duty holder in writing at every Harbour Board meeting. The Marine Safety Plan is kept under review as targets are met and changes or additions suggested by the Marine Advisor are approved by the Board as required so that the refreshed plan can be implemented.

2.9.2. Reports

The Harbour Master of South Wales submits a report to the ABP Marine Advisor every two months, including details of Incidents, Key Performance Indicators and other matters of relevance to Port Marine Safety.

The reports from each port, together with a summary document, are provided to the Duty Holder at the ABP Board meeting in writing. In addition, the summary report is presented to the board members every two months by the Marine Advisor in person, in his capacity as Designated Person. During this meeting time is made available for discussion of issues, and for the Board members to question the Designated Person, as required.

2.9.3. Annual Report and Assessment of Performance

The Designated person will annually report to the duty holder, giving an assessment of the Authority's performance against the overall marine safety plan. The report will also be published each year on the [company website](#) to publicise the most recent assessment of performance.

2.10. Consensus

PMSC	2.29	GtGP	Section 3
Legislation			

Guidance on the formation of port user groups is given in the [National Directions Panel Supplementary Guidance: Code of Conduct on Harbour Directions](#).

ABP South Wales ensures Consultation with port users and stakeholders through regular minuted meetings. [Table of South Wales Scheduled user meetings here](#)

2.11. Monitoring Compliance

PMSC	2.30 – 2.32	GtGP	2.3.2
Legislation			

ABP will ensure that a prompt and internally verified response is made to the MCA's compliance programme, every three years.

Verification of compliance will be assured by means of ABP's ongoing programme of performance monitoring and audit as described in section 2.7 above. By means of having regular and recent audits of all ABP locations, together with oversight of progress made against actions identified during audit, it will not be necessary to carry out additional audits at the time a response is due to the MCA. This is in compliance with the spirit of the Port Marine Safety Code, which not only requires compliance at all times between verification checks, but also requires the ability to demonstrate continuous improvement in Port Marine Safety.

In advising the Duty Holder whether or not ABP should confirm compliance when requested, the Marine Advisor will specifically consider:

- All of the most recent internal ABP audits
- Minutes of Meetings held with regional Port Directors
- Recent enhanced internal audits
- Any MCA Health check reports
- The number and status of any outstanding audit recommendations from any source
- The status of any recommendations received from official bodies, for example the MAIB)
- The status of all ABP MarNIS risk assessments (If any significant assessments are overdue review)
- The status of all internal investigations (Any significant incidents which have not been formally investigated and closed)

When making his decision to recommend confirmation of compliance (or otherwise) to the Duty Holder, the Marine Advisor will prepare a draft letter to the MCA setting out his recommendation. Before this is formally considered by the full Harbour Authority Board for approval, guidance will be sought from Group Legal Counsel. The letter will then be presented to the Harbour Board at least one month before the requested response date, and formal approval for submission to the MCA obtained and minuted.

ABP will always assist the MCA, should a health check visit be required at any ABP port. Should internal audits reveal potential compliance issues which cannot be resolved internally, ABP will seek the advice of the MCA to assist in gaining confirmation of compliance.

3. General Duties and Powers

3.1. Introduction

This section describes the general duties and powers appropriate to a Harbour Authority. The manner in which these duties are fulfilled, and the extent of available powers, are in this section of the manual. Some detail and procedures are common to all ABP ports, and this text should not be changed without approval of the Technical Authority Marine.

3.2. Safe and efficient port marine operations

PMSC	3.4	GtGP	1.3, 2.2
Legislation	Section 26 of the harbours Act 1964		

A harbour authority is responsible to ensure that the mariner is provided with the necessary information to ensure the safe passage of his vessel in the port. It is vital for procedures to be in place to make sure that this information is given out as soon as possible.



Local Notices to Mariners are issued from time to time advising mariners operating within the area of jurisdiction of the port of changes that have taken, or are likely to take, place and which may affect the safety of navigation (i.e., buoyage, amendments to advertised depths, wrecks, obstructions and implementation of new guidelines, etc.). These Local Notices to Mariners are promulgated via the port website.

Any changes in the available depth of water or any other navigational significant events will be communicated to port users at the earliest possible opportunity. In the cases of those changes identified by survey, the most appropriate method of promulgation will be chosen following an assessment of the risks posed by the newly found information. Available methods of promulgation are as follows:

Immediate radio navigational warning by VHF from the Local Port Service (LPS) to all vessels in the port area. In the case of a very serious event, the Harbour Master South Wales would also notify the UKHO Radio Navigational Warning Section who will decide whether to issue coastal radio navigation/Navtex Warnings.

A local [Notice to Mariners](#) which would be issued to all Pilots and Port users. These are also sent to UKHO who may decide to include the information in the Admiralty Notice to Mariners for International distribution. UKHO may also use the information to amend Admiralty Charts.

These methods would also be used to advise mariners of any navigational significant events, whether identified by survey or not and may include notice of works in progress within the port area, defective or off station navigational aids or particular events taking place within the port.

3.3. Vessel Traffic Services

The need for a Vessel Traffic Service must be established by risk assessment, and full guidance on the process required, is given in the [MCA Guidance Notice MGN 401](#), and the referenced documents produced by IALA. There should be a designated person responsible for the effective management of the service, including the personnel and hardware. Local procedures and guidelines will be required to ensure adequate staff training to internationally agreed standards and to control the proper operation and maintenance of the VTS facility and service.



3.4. Local Port Services

At the majority of ABP ports, which have assessed that there is not a requirement for the provision of a full VTS, a “Local Port Service” will be provided to the standards recommended in section 7.2.8 of the PMSC Guide to Good Practice, and as described in the MCA Guidance Notice [MGN 401](#).

Following formal risk assessment, Cardiff LPS was established as a 24-hour regional response and coordination service. All marine resources and services are managed and allocated via this function. Cardiff LPS is the regional point of contact in the case of incidents and emergencies. Cardiff LPS is the function that manages the program of traffic movements at Cardiff during tidal periods. This function is undertaken by lock controllers during tide time at the ports of Swansea, Port Talbot, Barry and Newport. Coordination of vessel movements is coordinated via VHF communication to vessels based on information provided by Cardiff LPS – Pilot orders, non piloted vessel movements and berthing positions

3.5. Recreational Navigation

PMSC	NA	GtGP	8.11
Legislation			

Recreational navigation includes a wide range of differing activities and craft types, ranging from off-shore power boats, cabin cruisers, yachts, sailing dinghies, rowing sculls, canoes, personal watercraft, and water-ski boats. Recreational users are not always well-trained, safety conscious, experienced boat handlers affiliated to local clubs; or the RYA; neither do they all have detailed knowledge of the harbour they are using.

A Harbour Authority should provide information to recreational users of the harbour area and consult with local clubs to promote safety. This information may include existing traffic management systems, contact information, byelaws, directions and the role and responsibility of the Harbour Authority.



3.6. Open port duty

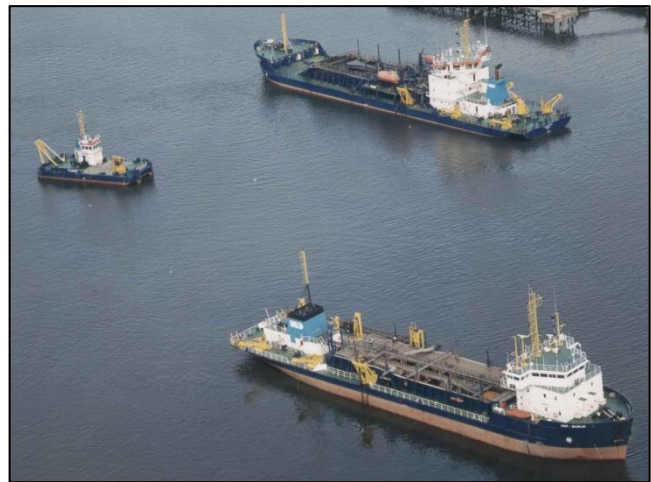
PMSC	3.5	GtGP	8.3
Legislation	Section 33 of the Harbours, Docks and Piers Clauses Act 1847		

Every ABP port has the Open Port Duty meaning that the harbour must be open for the shipping and unshipping of goods and the embarking and landing of passengers, on payment of rates. This duty is a requirement of Section 33 [of the Harbours, Docks and Piers Clauses Act 1847](#).

3.7. Conservancy duty

PMSC	3.6 – 3.7	GtGP	Section 7
Legislation	Section 198 of the Merchant Shipping Act 1995		

All ports within ABP have an effective programme of hydrographic survey designed to establish and confirm the depths of channels, fairways and berths, and to inform the Harbour Master and port users of any shoaling or new obstructions. This function will also ensure that any necessary dredging is carried out safely and in good time, and that new charts are issued upon the completion of dredging works. The marine conservancy function also ensures that all physical aids to navigation are correctly positioned and maintained according to the requirements of the GLA, and that all changes in depths, navigation aids or arising due to development are immediately promulgated, and forwarded to the UKHO for inclusion on official charts. Ports should also ensure that all appropriate Admiralty publications that reference their ports e.g. Sailing Directions, List of Radio signals vol 6, are reviewed and updated annually. Tidal measurements and accurate predictions are also an important part of the conservancy function. Appropriate consenting of works within the SHA area is also a conservancy function.



Hydrographic surveys of the South Wales ports and their approaches are carried out by the hydrographic section of ABP's UK Dredging division at intervals determined by the historical siltation trend for each port or Harbour. The arrangements in place are covered by MOU that can be found [here](#).

The results of surveys are published in the form of paper and electronic charts and are provided to the ABP South Wales Harbour Master in order to monitor the depth within the ports and their approaches. This information is also used in setting "stemming allowances" to be applied to ACD tidal predictions for the various ports, berths and harbours that ABP South Wales provide Harbour Master functions for and to the SE and SW Pilot Stations for the guidance of Pilots. These stemming allowances are issued in the form of a N2M for the benefit of customers who stem vessels several weeks in advance.

Vessel transit is predicated on meeting reasonable UKC requirements. Controlling soundings are established post survey. The controlling sounding process and UKC requirements can be found [here](#)

The Survey PDFs can be found [here](#). Survey information is sent by UKD to the United Kingdom Hydrographic Offices under the bilateral agreement, where it is used in the compilation of British Admiralty Charts.

In addition to the scheduled surveys, pre and post dredge surveys are completed for each maintenance dredging campaign.

3.8. Environmental duty

PMSC	3.8	GtGP	6.5, 6.6.4
Legislation	Section 48A of the Harbours Act 1964 Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994 (SI 1994 No 2716) Section 262 of the Town and Country Planning Act 1990 Section 40 of the Natural Environment and Rural Communities Act 2006		

All Statutory Harbour Authorities have a duty to conserve the Marine Environment, and many of the control measures introduced to enhance marine safety also serve to protect the environment.

ABP has a Sustainable Development Department, which works in close co-operation with the Marine Advisor. A number of documents are produced by the SD team aimed at giving advice, recommending procedures appropriate for marine teams, and contributing to compliance with the PMSC. In particular the port of South Wales ensures that local procedures adopt the requirements of Environmental Management Framework (EMF) Notices [19](#), [20](#) and [25](#) in particular.

The Port of South Wales makes the contents of [EMF 20 \(Environmental Information for Masters\)](#) available to all visiting vessels before first arrival. This includes information on Bunkering procedures.

The Port Waste Management Plan for South Wales can be found here. This plan is designed to ensure that suitable waste handling provisions are made and at the same time outlines the obligations and responsibilities of port users. Terminal operators have their own Waste Management Plans and provide their own facilities.

3.9. Civil contingencies duty

PMSC	3.9	GtGP	6.2.2 – 6.2.4
Legislation	Civil Contingencies Act 2004		

ABP as Harbour Authority is a category 2 ‘cooperating body’ with specific defined roles in the event of incidents that affect the Harbour. ABP shares relevant information with category 1 bodies (emergency services and local authorities), and other category 2 responders, through attendance and dialogue with the Local Resilience Forum.

3.10. Port safety and security plans

PMSC	NA	GtGP	6.2 – 6.5
Legislation	Dangerous Goods in Harbour Areas Regulations 2016 International Ship and Port Facility Code International Convention on Oil Pollution Preparedness, Response and Co-operation 1995		

To comply with the ABP South Wales’ requirements under the ISPS code, a Port Facility Security Plan has been created. In addition vessels intending to use common user dock or river berths at ABP South Wales or adjacent rivers are required to submit an ISPS declaration at least 48 hours prior to their arrival in the port of destination. The declaration must provide information regarding their last ten ports of call, the

security level in force in each of these facilities and the visit dates as well as the vessel’s current security level. In addition the vessel should notify if any special security arrangements or any deviance from the appropriate procedures has taken place in the last ten ports of call and any other practical security information during the voyage.

The MLC and the Marine Administrator are required to check declarations for all vessels (greater than 500 GT that has made an international call in its last ten ports of call), bound for Barry, Cardiff, Newport, Port Talbot Docks and Swansea (Not Port Talbot Tidal Harbour) 48 hours prior to arrival. An ISPS ship pre-arrival notification form is available [here](#).

ABP South Wales have formulated a Regional Emergency Plan detailing procedures for certain pre-planned responses to generic incidents. The plans are contained within the Port Emergency Plan and include notification details in order that Tenants of the Dock Estates can be notified in the pre-determined areas of the Ports.

The ABP South Wales Regional Oil Spill Contingency plan has been written in accordance with the [Merchant Shipping \(Oil Pollution Preparedness, Response and Co-operation Convention\) Regulations 1998](#) and approved by the MCA. The plan details the structured response and notification procedures required in the event of an oil pollution incident.

3.11. Counter Pollution Response and Planning

PMSC	NA	GtGP	6.5
Legislation	International Convention on Oil Pollution Preparedness, Response and Co-operation 1995 The Merchant Shipping (Oil Preparedness , Response and Co-operation Convention) Regulations 1998		

Every ABP port has an Oil Spill Contingency Plan in accordance with [The Merchant Shipping \(Oil Preparedness, Response and Co-Operation Convention\) Regulations 1998](#). These plans are updated and approved by the MCA on a 5 yearly basis.

An annual return is provided to the MCA detailing the date the Oil Spill contingency Plan requires re-approval, a summary of exercises undertaken and pollution training which has been undertaken. An example format for the annual return is provided in Appendix K of the [OPRC Guidelines for Ports](#).

Exercises of the Oil Spill Contingency Plan are carried out as stipulated in the plan and reported to the MCA using the annual return. These exercises will include as a minimum:

- a) 2 x Annual Notification Exercise;
- b) Annual Table-Top Exercise;
- c) Three yearly Incident Management Exercise.

Following an exercise a post-exercise form is completed and sent to the regional CPSO and all relevant plan holders. An example of this form is provided in Appendix J of the [OPRC Guidelines for Ports](#).

ABP currently has provision for the Tier 2 Oil Spill response contractors (Adler and Allan) to provide training and support at Oil Spill / Hazardous Material contingency exercises. This includes exercise facilitation, and post exercise reporting and feedback. Each Dock or Harbour Master must ensure that any feedback received from exercise facilitators (whether Adler and Allan or any other source) is forwarded to the Marine Advisor so that any lessons learned, or best practice identified, can be shared with all Group ports.

3.12. Harbour authority powers

PMSC	3.10 – 3.11	GtGP	1.3 – 1.4
Legislation	Section 40 of the Harbours Act 1964 Local Legislation		

The Harbour Authority powers for the Port are derived from the local legislation detailed within Section 1.4. These powers are kept under review as detailed within Section 2.1.

3.13. Revising duties and powers

PMSC	3.14	GtGP	1.9.4 – 1.9.6
Legislation	Schedule 2 of the Harbours Act 1964 Section 7(5) of the Pilotage Act 1987 Sections 17A to 17F of the Harbours Act 1964		

A harbour revision order can be used to amend statutory powers in a Harbour Authority’s local legislation. It can be used to achieve various outcomes, one of which is to impose or confer additional duties or powers on a harbour authority (including powers to make byelaws). It can also be used in the context of the Code to substitute or amend existing duties and powers. The following are some examples of the purposes for which duties and powers may be imposed or conferred, substituted or amended by a harbour revision order:

- improving, maintaining or managing the harbour;
- marking or lighting the harbour, raising wrecks or otherwise making navigation safer; and
- regulating the activities of other individuals and groups in connection with the harbour and the marine/shoreside interface.

Harbour revision orders can also be used to change the harbour limits and to extend compulsory pilotage beyond the harbour.

Harbour revision orders are made by the Secretary of State or the Marine Management Organisation to whom order-making powers have been. The order can only be made if the person making it is satisfied that the order would be desirable:

- to secure the improvement, maintenance or management of the harbour in an efficient and economical manner; or
- to facilitate the efficient and economic transport of goods by sea; or
- be in the interests of the use of sea-going ships for leisure purposes.

For guidance on applying for a harbour revision order visit the GOV.UK website [here](#).

4. Specific Duties and Powers

4.1. Appointment of Harbour Master

PMSC	4.2	GtGP	1.4, 12.5
Legislation	Section 52 of the Harbour, Docks and Pier Clauses Act 1847 Sections 40A to 40D of the Harbours Act 1964 Local legislation		

The principal responsibility for navigational safety lies with the Harbour Master who, by virtue of section 52 of the Harbours, Docks and Pier Clauses Act 1847, amplified as necessary in local Orders, is empowered to regulate shipping. For the purposes of this document, the most important aspect is the power to give Special Direction as detailed in Section 4.3. Section 52 details the Harbour Master’s statutory powers, namely:

‘The Harbour Master may give directions for all or any of the following purposes:

For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock or pier, and within prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein;

For regulating the position in which any vessel shall take in or land its passengers, or shall take in or deliver ballast within or on the Harbour, Dock or Pier;

For regulating the manner in which any vessel entering the harbour or Dock or coming to the Pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels and to the Harbour, Dock or Pier, and the moorings thereof;

For removing unserviceable vessels or other obstructions from the harbour, dock or pier and keeping the same clear;

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the Harbours, Dock or Pier shall have during the delivery of her cargo, or after having discharged the same; and

Provided always, that nothing in this or the Special Act contained shall authorise the Harbour Master to do or cause to be done any Act in any way repugnant to or inconsistent with any law relating to the customs, or any regulations of the commissioners of Her Majesty’s Customs.’

Each ABP SW port is a separate statutory Undertaking, relevant clauses of the Harbours Piers Docks and Clauses Act 1847 have been incorporated in enabling legislation. ABP, in accordance with section 52 of HPDC 1847 have appointed a regional Harbour Master to perform Harbour Master functions for the SW Ports. as set out previously in this manual, the Harbour Master Powers are not exclusive to the appointed Harbour Master but have been delegated to various marine staff. A list of marine staff who have been delegated HM powers in SW is confirmed to the ABP Harbour Board on an annual basis and can be viewed [here](#)

4.2. Byelaws

PMSC	4.3 – 4.5	GtGP	1.7, 1.9.7 – 1.9.10
Legislation	Section 83 of the Harbours, Docks and Piers Clauses Act 1847		

Section 236 of the Local Government Act 1972
Local legislation

All ABP ports have powers drawn from Section 83 of the Harbours, Docks and Piers Clauses Act 1847. The procedure for making and confirming the port byelaws is modelled on the procedure used for Local Authority byelaws contained within Section 236 of the Local Government Act 1972. The byelaws are kept under review as detailed within Section 2.1.

Cardiff Dock Byelaws were made by the Great Western Railway Company under the Bute Docks Acts, in pursuance of the Powers contained in the Bute Docks Act, 1865, the Bute Docks Act, 1874, the Bute Docks Act 1882, the Bute Docks Further Powers Act, 1886, and the Harbours, Docks and Piers Clauses Act, 1847.

The current Bye Laws entered into force in March 1929 and enable the Harbour Authority to enforce rules considered necessary to protect and maintain safety in the port.

[Cardiff Byelaws are available here](#)

Alexandra Docks and Town Dock at Newport (Monmouthshire) Byelaws were made by the Great Western Railway Company under the Docks Acts. The Bye Laws entered into force in July 1923 and are to enable the Harbour Authority to enforce rules considered necessary to protect and maintain safety in the port in pursuance of the Docks Harbours, Docks and Piers Clauses Act, 1847.

[Newport Byelaws are available here](#)

Port Talbot Docks Byelaws and regulations were made in 1923 by the Great Western Railway Company under and by virtue of the powers given to them in and by the Port Talbot Railways and Docks act 1894 and 1899 and the Harbours and Harbours docks and piers clauses act 1847(except section 85 of this act incorporated therewith).

Port Talbot Docks supplementary Byelaws were made in 1927 by the Great Western Railway Company, also under the enabling powers of the above acts.

[Port Talbot Byelaws are available here](#)

Swansea Docks By-Laws and regulations were made in 1923 by the Great Western Railway Company under and by virtue of the powers given to them in and by the Port Talbot Railways and Docks act 1894 and 1899 and the Harbours and Harbours docks and piers clauses act 1847 (except section 85 of this act incorporated therewith).

[Swansea Byelaws are available here](#)

Barry Dock Bye Laws were made by the Great Western Railway Company under the Bute Docks Acts, in pursuance of the Powers contained in the Bute Docks Act, 1865, the Bute Docks Act, 1874, the Bute Docks Act 1882, the Bute Docks Further Powers Act, 1886, and the Harbours, Docks and Piers Clauses Act, 1847

4.3. Directions (usually referred to as Special Directions)

PMSC	4.6 – 4.7	GtGP	1.8
Legislation	Local legislation		

It is this Power of Direction that enables a Harbour Master to regulate the movement of Harbour traffic to minimise risk of collision, and ensure the safe and timely movement of all vessels within his area of jurisdiction and responsibility. Section 30 (e) of the 1959 Act reiterates that:

‘section 52 of the Act of 1847 shall extend to empower the harbour master to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour;’

This provides the Harbour Master with powers to give direction regarding prohibited mooring of vessels in defined areas of the harbour. Section 30 (f) of the 1959 Act further clarifies requirements from the 1847 Act stating that:

‘section 53 of the Act of 1847 shall not be construed to require the harbour master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given verbally or otherwise communicated to such master but a notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the court before whom any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel.’

This clarification allows the Harbour Master to communicate with vessels in the most appropriate manner to pass on direction, thereby removing the need to use written instructions in each instance. This should not be confused with General Directions.

The following paragraph provides suggested wording for all ports whose powers of Special Direction are obtained through incorporation of the Harbours, Docks and Piers Clauses Act 1847.

This is the Assistant/Harbour Master speaking with the authorisation of the Harbour Master. Under the powers of direction through incorporation of the Harbours, Docks and Piers Clauses Act 1847 Section 52, I hereby give the Master of the vessel _____ a Special Direction as follows

If a Special Direction is to be issued the vessel in question shall be informed that the instruction being described is a “special direction”. The Direction shall then be issued. The means of communication of the Direction shall be that which is most appropriate, usually by VHF.

Once issued, the Direction shall be recorded and the Harbour Master and Deputy Harbour Master notified if not issued by them.

[A SOP for issuing Special directions can be viewed here.](#)

4.4. General Direction and Harbour Directions

PMSC	4.8 – 4.9	GtGP	1.9
Legislation	Local legislation		

The Ports comprising ABP South Wales have the powers to issue Harbour Directions as detailed within [The Marine Navigation Act 2013](#). To issue a Harbour Direction, consultation is required with a range of stakeholders who must agree with the requirements of the direction before it can be brought into force.

These powers were granted through [The Harbour Directions \(Designation of Harbour Authorities\) \(No.2\) Order 2015](#) and [The Harbour Directions \(Designation of Harbour Authorities\) Order 2016](#).

4.5. Dangerous Vessels

PMSC	4.10	GtGP	6.4
Legislation	The Dangerous Vessels Act 1985 The Merchant Shipping Act 1995, Section 144, Section 135, Section 259(6) The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 Dangerous Goods in Harbour Area Regulations (DGHAR) 2016		

Under the [Dangerous Vessels Act 1985](#), the Harbour Master may:

“give directions prohibiting the entry into, or requiring the removal from, the harbour for which he [or she] is Harbour Master, of any vessel if in his [or her] opinion the condition of that vessel or the nature or condition of anything it contains is such that its presence in the harbour might involve:

1. Grave and imminent danger to the safety of any person or property, or
2. Grave and imminent risk that the vessel may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other vessels.



These directions can be given to the vessel owner, the master or any salvor or their agent.

The [Dangerous Vessels Act 1985](#) does not apply to any vessel belonging to Her Majesty (or employed in the service of the Crown) or any vessel which is a pleasure boat of 24 metres or less in length. These directions can be given to the vessel owner, the master or any salvor or their agent. The Port Authority may have limited liability for any loss or damage occurring outside the Harbour as a result of any such direction. Direction of the Harbour Master/Deputy may be overruled by the Secretary of State’s representative (SOSREP). In these cases the vessel must be permitted to enter or stay in the Harbour and the Government assumes liability for the vessel.

The direction of a Harbour Master may be overruled by Secretary of State or his representative (SOSREP). In these cases the vessel must be permitted to enter or stay in the Harbour and the Government assumes liability for the vessel.

4.6. Dangerous Substances

PMSC	4.10	GtGP	6.3
Legislation	The Dangerous Goods in Harbour Areas Regulations 2016		

The entry and presence of dangerous, hazardous and harmful cargoes in port areas and any consequential handling must be controlled to ensure the general safety of the area, the containment of such cargoes, the safety of all persons in or near the port area and the protection of the environment. The safety of life and

the safety of a ship, its cargo and all persons on board in a port area are directly related to the care which is taken with such cargoes prior to loading or unloading and during the handling.

The Harbour Master has the power to prohibit the entry into a port of any dangerous goods, if the condition of those goods, or their packaging, or the vessel carrying them is such as to create a risk to health and safety.

All dangerous substances being transported or handled through ABP Ports are handled in accordance with the Dangerous Goods in Harbour Area Regulations except that being stored under the COMAH Regulations.

ABP procedures regarding Dangerous Goods and Hazardous Substances are available [here](#).

Vessels must report dangerous substances to APB South Wales as prescribed in the [ABP South Wales Dangerous Goods reporting procedure](#). In addition vessels carrying oil or gas are required to complete the tanker checklist as part of [The Merchant Shipping \(Tankers\) \(EEC Requirements\) Regulations 1981](#).

ABP South Wales maintains a Regional Emergency Plan to detail responses to emergencies involving dangerous substances.

Explosives can be handled within the port of Newport at certain berths licensed by the HSE. And at certain designated and licensed anchorages adjacent to the English and Welsh Buoy. All explosives will be handled under the provisions of the explosive licence, the Dangerous Substances in Harbour Areas Regulations and the IMDG Code.

4.7. Pilotage and Pilotage Directions

PMSC	4.11 – 4.12	GtGP	3.3.6 – 3.3.7, 8.8.15 – 8.8.22, 8.9 Section 9
Legislation	The Pilotage Act 1987 Local legislation		

In accordance with current legislation and guidance, where a port provides a pilotage service there will be a continual process of review and risk assessment to determine the level and type of service to be provided and to identify the safe boarding and landing areas associated with the service. Each location will also have local operational procedures, guidelines and directions.

In those locations where pilotage is provided by a third party in an ABP CHA area under a joint agreement, ABP will maintain a formal relationship with the pilotage provider in order to ensure (through the procedures outlined above) that the service meets the same standards as would be the case if ABP provided the service itself. This will include, but not be limited to, senior ABP marine managers (Harbour or Dock Master) attending relevant meetings of the pilotage authority, and being formally consulted on any proposed changes to pilotage directions affecting the ABP CHA area. The ABP Harbour or Dock Master should also be formally involved in the process of authorisation of any Pilots / PEC holders who may be authorised to enter any part of the ABP CHA area.



In particular, local procedures should both require, and enforce, berth to berth passage planning especially for that part of the passage undertaken with in an ABP SHA area (or CHA area if larger). Passage plan documents or pilotage record documents and procedures must record the fact that a Pilot / Master exchange has taken place (if under pilotage), and all records should be kept for inspection after completion of the passage. Records should be kept for as long as possible, subject to local storage constraints, but if an incident should occur, it is recommended that records be kept indefinitely if possible.

Each port should use a suitable mechanism (Notice to Mariners) to advise all Harbour users, including non-piloted (leisure and small craft), and PEC holders to formally adopt passage planning techniques. PEC holders should be assessed on their knowledge of passage planning on examination, and at periodic re-authorisation.

The ABP South Wales Competent Harbour Authority pilotage directions define the circumstances in which pilotage is compulsory, how and to which vessels they apply and in what circumstances.

The ABP South Wales Competent Harbour Authority will seek to make allowances should the Master of a vessel ask for a pilot when pilotage is not compulsory. These will be considered when reviewing to determine if pilotage should be compulsory for those vessels.

The ABP South Wales Competent Harbour Authority will ensure that the risks associated with vessels to which the requirements of pilotage directions may not apply are adequately managed. ABP South Wales Competent Harbour Authority will review the pilotage provision to determine whether it should be compulsory for ships navigating in any area outside its harbours. If appropriate, it will apply for a Harbour revision order to be made to extend its limits for the purposes of pilotage to include that area.

Pilotage directions for ships to be navigated within the South Wales Pilotage Area are published online. The controlled Pilotage directions and schedules can be viewed [here](#)

4.8. Authorisation of Pilots

PMSC	4.13 – 4.14	GtGP	9.5.25 – 9.5.29
Legislation	The Pilotage Act 1987		

Harbour masters or designated deputies or assistants are generally responsible for authorising pilots and PECs themselves. They will advise the appropriate member of the board of such pilot authorisations.

Where a Harbour Master is in a position of needing pilotage authorisation they should liaise with Technical Authority Marine who will then recommend authorisation to the appropriate member of the competent harbour authority.



ABP South Wales as Competent Harbour Authority is committed to exercising its clear role in the authorisation of Pilots and on the issuing of exemption certificates.

ABP South Wales will ensure that all their authorised pilots are trained so as to be qualified to conduct the vessel to which they are likely to be allocated. Pilotage procedures are outlined in the South Wales Pilotage Manual.

4.9. Port passage plan and Master Pilot Exchange

PMSC	NA	GtGP	8.8.15 – 8.8.22
Legislation			

Each port should have a passage plan template in place which allows an appropriate level of navigational information to be displayed and recorded so as to enable the master of a ship and their bridge team to appropriately monitor the ships passage and the actions of the pilot if one is embarked.

The object of a port passage plan as required by the PMSC is to ensure that:

- All 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.
- As an aid to assist a pilot in relaying any specific port passage details during a pilot/master exchange

4.9.1. Passage Abort Procedures

In some ABP Ports, particularly in ports with long river or estuarial characteristics where tidal constraints are evident, it will be necessary to develop abort procedures. In developing such procedures ports should give consideration to turning points for different sizes of vessel, the notice needed for all involved to execute an abort and to the need for stakeholders – particularly berth holders – to give due warning of berth unavailability and the potential impact on navigational safety.

4.9.2. Master/pilot exchange

The master/pilot exchange of information needs to be both detailed and structured, if the respective roles of the pilot and the master are to be integrated to best effect. It should include as a minimum the following.

- The provision by the pilot of detailed local navigational information, including his recommended pilotage passage plan. Such details will assist the master to update his own plan and charts.
- Details on how the bridge is managed, and who fulfils what functions will also assist the pilot to work effectively with the bridge team.
- Presentation by the master to the pilot of a completed standard Pilot Card. In addition, information should be provided on rate of turns at different speeds, turning circles, stopping distances and, if available, other appropriate data.
- Discussion of any special conditions such as weather, depth of water, tidal currents and marine traffic which may be expected during the passage.
- Discussion of any unusual ship-handling characteristics, machinery difficulties, navigational equipment problems or crew limitations which could affect the operation, handling or safe manoeuvring of the ship.
- Information on berthing arrangements; use, characteristics and number of tugs; mooring boats and other external facilities.
- Information on mooring arrangements.
- Confirmation of the language to be used on the bridge and with external parties.

Pilots are given orders in good time to allow time for passage planning before commencing each individual act of pilotage

It is the responsibility of each vessel to complete a passage plan from “berth to berth”. This passage plan may be modified after consultation between the Pilot and Master of the vessel but any modification does not take the responsibility from the Master of the vessel. The passage planning and Master Pilot exchange SW procedures can be found here

ABP South Wales have raised outline passage plans for suggested passages in the SE Wales area. These have been incorporated into the regional guides to Navigation and services available for download on the South Wales Ports Website.

ABP South Wales Guide to Services and Navigation - ABP South Wales

Acceptance tables have been created to detail maximum dimensions for vessels at any of the ABP South Wales ports.

- Barry Acceptance Table
- Newport Acceptance Table
- Cardiff Acceptance Table
- Swansea Acceptance Table
- Port Talbot Acceptance Table

A Pilot voucher is used to record the master/pilot exchange and vessel information. Deficiencies in a piloted vessels equipment or procedures that are noted by the pilot are communicated to the Harbour Master who in turn will inform, the MCA.

The ABP South Wales Competent Harbour Authority have issued the passage plan booklets in duplicate. Pilots return a copy to the Pilotage manager for archiving in the event that they may be needed for incident investigation purposes.

4.10. Training of pilots

PMSC	NA	GtGP	9.5.31 – 9.5.42
Legislation			

ABP South Wales have an agreement with our Towage providers for reciprocal training of tug crews and pilots as detailed in the Pilotage career development training plan SEW

Pilotage Career development Training Plan SWW

This reciprocal training has proved to be invaluable in helping tugs crews to appreciate the considerations that the pilot will have and likewise for the pilots to appreciate the need for safe deployment and retrieval of towage gear and the operational parameters of the tugs and equipment

ABP South Wales have an approved Port Marine Training Matrix that details appropriate training for South Wales Marine Pilots

4.11. Pilot Exemption Certificates

PMSC	4.15 – 4.16	GtGP	9.5.33 – 9.5.36, 9.6
Legislation	The Pilotage Act 1987		

ABP South Wales have set a level of competency for PECs that is similar but no more stringent than for authorisation of Pilots.

The ABP South Wales Competent Harbour Authority will use appropriate formal procedures for assessing the suitability of PEC applicants and issue pilotage exemption certificates to appropriately qualified Deck Officers.

Details of the qualifying requirements for PEC’s are contained in the pilotage directions.

4.12. Collecting Dues

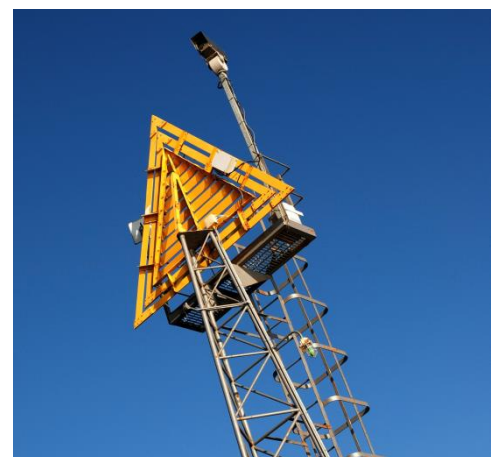
PMSC	4.17 – 4.20	GtGP	8.3.1
Legislation	The Pilotage Act 1987 The Harbours Act 1964		

ABP has the power to collect dues from users of the Harbour. The collection of dues forms an important aspect of safety management, by providing the necessary resources to discharge Harbour Authority duties in respect of the Code. ABP undertakes to ensure that sufficient resources are available to discharge its marine safety obligations and sets the level of dues accordingly. ABP’s power to levy and collect dues also extends to any vessel using pilotage services. ABP’s power to levy dues and pilotage charges are subject to the statutory right of objection to the relevant Minister.

4.13. Aids to Navigation

PMSC	4.21 – 4.24	GtGP	3.3.13, 7.6
Legislation	The Merchant Shipping Act 1995		

Within the meaning of the Merchant Shipping Act 1995, Associated British Ports is the Local Lighthouse Authority. This empowers ABP to carry out and maintain markings and navigation lights within the Statutory Harbour Authority area. Any removal, alteration or placement of lighthouses, buoys or beacons are subject to consent of the General Lighthouse Authority. All characteristics of navigational aids used by ABP comply with the requirements of the ‘International Association of Lighthouse Authorities (IALA) Guidelines and Recommendations’. ABP recognise the responsibility and duty of Trinity House, as General Lighthouse Authority, to inspect their lighthouses, buoys, beacons and other aids to navigation as necessary.



ABP South Wales use external contractors to carry out the maintenance of floating lights and marks. The Marine Maintenance Manager and other members of the Marine Management team are responsible for instructing the contractor to carry out repairs. The defect notification procedure for fixed and floating aids to navigation is available here. These procedures also cover Floating Marks that come under the Management of Trinity House.

4.14. Wrecks and Abandoned vessels

PMSC	4.25 – 4.32	GtGP	7.7
Legislation	The Merchant Shipping Act 1995		

The Merchant Shipping Act 1995 provides powers to a Harbour Authority regarding wrecks. ABP exercises its powers in respect of wrecks to mark and remove wrecks which in their opinion, are a danger, or likely to become a danger to navigation.

The powers given to a Harbour Authority regarding wrecks is defined in [Section 252 of the Merchant Shipping Act 1995](#) as:

- “(a) to take possession of, and raise, remove or destroy the whole or any part of the vessel and any other property to which the power extends;
- (b) to light or buoy the vessel or part of the vessel and any such other property until it is raised, removed or destroyed; and
- (c) subject to Subsections (5) and (6) below, to sell, in such manner as the authority think fit, the vessel or part of the vessel so raised or removed and any other property recovered in the exercise of the powers conferred by paragraph (a) or (b) above;
- (d) to reimburse themselves, out of the proceeds of the sale, for the expenses incurred by them in relation to the sale.”

ABP’s Legal Department should be consulted before the exercise of powers to remove wrecks.

4.15. Towage Operations

PMSC	NA	GtGP	Section 10
Legislation			

4.15.1. Routine Towage

All ABP ports provide clear guidelines for towage, established following appropriate risk assessment and consideration of local conditions. The guidelines should be agreed with towage providers and pilots. They should take into account availability of local towage providers and their resources, and consider the requirements of individual berths and locations within the port and a range of weather conditions (with particular regard to wind strength and visibility).



While it will be the responsibility of towage providers themselves to risk assess the practical aspects of undertaking the act of towage itself, ABP as Harbour Authority is responsible for ensuring that towage is considered as an appropriate control measure when undertaking marine risk assessments. Through adherence to the guidelines as described above, ABP will ensure that the use of towage as a control measure remains effective.

ABP will also ensure that the towage providers operating within ABP SHA areas are appropriately experienced and fit for purpose. ABP will not carry out vessel surveys or assess crews, but will annually carry out checks that all vessels and their crews have appropriate and current certification issued by a recognised authority (e.g. the MCA). The outcome of these annual checks will be formally recorded and available for inspection as required (MA Notice No.1 of 2014 refers). Also refer to section 9 of the [PMSC Guide to Good Practice](#).

ABP South Wales review both the provision of towage and towage guidelines for the South Wales Ports in a timely manner. Where relevant, Pilots, Agents and Towage providers are consulted as part of the review process.

ABP South Wales recognise that the towage guidelines are not definitive and have procedures in place for consultation when a deviation from the guidelines is requested.

All towage services in South Wales are provided by third parties who retain responsibility for the following:

- Tugs and associated equipment
- Crew Competence and training
- Vessel Safety Management Systems

The towage providers undertake a licencing process and keep ABP South Wales updated as to the configurations and capabilities of the tugs available. Tug details are published on the SW website here [ABP South Wales](#), in conjunction with our Towage providers have raised a restricted visibility towage protocol and included it in the Towage Guidelines

4.15.2. Non-Routine Towing

In all cases where non-routine towing is planned within an ABP SHA area, a specific risk assessment will be carried out prior to authorising the tow to proceed. This should be recorded on an appropriate Non-Routine Towing Assessment form which will be kept for inspection and record keeping. In particular ship owners, towage contractors, tug masters, project managers and agents must be advised that the person responsible for the safety and planning of the manoeuvre (and thereby acting as the Towing Master) must be clearly identified and be responsible for the production of risk assessments, method statements and passage plans which must be discussed and agreed in advance with the Harbour Authority. [Marine Advisor Notice No.5 of 2013](#) and attachment give additional detail. Also refer to section 9 of the [PMSC Guide to Good Practice](#).



ABP South Wales have issued a Notice to Mariners to reflect this guidance and have issued an unusual tow check sheet that needs to be completed by the person in charge prior to an unusual or dead ship tow taking place. This information has been forwarded to the South Wales towage providers

4.16. Licensing Craft and Harbour Works

PMSC	NA	GtGP	1.9.11, 7.8, 11.3.3, 11.4.3 – 11.4.5
Legislation	Local legislation		

Under local legislation, some Harbour Authorities may have powers to licence craft and works within the harbour area. Where these powers are available ABP implement these powers through a licensing scheme and harbour works consenting process.

Where a project may affect navigation within the harbour area ABP will be a statutory consultee as part of the consenting process for the project. ABP will engage with these projects to ensure that any risks associated with the project are maintained to as low as reasonably practicable.

ABP South Wales appraise all third party and ABP works in our Harbour Areas to ensure there is due consideration to all legal and safety responsibilities. We do this for our works as well as where we give permission to others via a Harbour Works Consent (HWC).

If the works are licensable they are assessed in terms of navigational safety. If the operations are exempt from marine licensing ABP South Wales are the competent authority for the environmental requirements (the HWC template is split into two parts accordingly). For third party works ABP South Wales should seek evidence that the third party have had discussions with NRW on environmental aspects. The SW procedure can be found here

4.17. Permit and Permission to Work

PMSC	NA	GtGP	6.7, 11.5.5
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The permit and permission to work system apply to operations carried out in the harbour area. Consideration should be given, where appropriate, to any activity within the ports jurisdiction that should require permission in order to secure and promote safety of navigation. The following are an example of some activities that are controlled by a Permit to work:

- Hot works;
- Engine immobilisation; and
- Commercial diving (where the diving operation is contracted by ABP)
- Bunkering (shore side and afloat)
- Engine trials being conducted
- In-Water Cleaning
- Permissions for Planned Events (sailing regatta, swimming event, firework display etc.)

Permissions are given for commercial diving operations contracted by third parties within the harbour. To obtain a permission to dive, the contractor must supply their completed permit to work. The permission to work will be issued with any additional requirements following review of the permit to work.

All "Permits to Dive" and "Request for Permission to Dive" forms must be signed by authorised personnel only. Marine Staff do not issue Permits to dive, only permissions.

ABP South Wales have raised a Port Diving Plan that covers the 5 ABP South Wales Ports and diving hazard Plans for each individual port

Barry Diving Hazards
Newport Diving Hazards
Cardiff Diving Hazards
Swansea Diving Hazards
Port Talbot Diving Hazards

For welding, burning and other hot work to be carried out on board vessels or on an adjacent quay/berth within the port, the Harbour Master or his nominated deputy must give permission.

All "Permits for Hot work" and "Request for Permission for hot work" forms must be signed by authorised personnel only

Hot work permit General
Hot work permit ship
Hot work Permission

ABP staff and contractors wishing to work within the defined lock areas in the South wales ports must obtain the permission of the Harbour Master by completion of a 'Request for permission to work on the lock'. On completion of the declared work the form must be signed off by the Harbour Master or Lock Supervisor.

Permission to work on the lock

Permission to immobilise a vessel's engines must always be sought, in Writing, from the Harbour Master via the duty Lock Controller, by the ship's agent or by the Master. Such permission will generally be granted subject to whatever provisions are required by the Lock Controller.

Masters and ship's agents need to be aware that the granting of permission to immobilise does not preclude compliance with a properly formulated and valid request for the vessel to be moved to a different berth. Should an immobilised vessel need to be moved, additional tugs may be necessary to control the move, with the additional expense being to the vessels account

4.18. *Restricted Visibility*

