

# THE NEWPORT HARBOUR COMMISSIONERS



## PORT MARINE SAFETY MANAGEMENT SYSTEM

February 2019

REF.	SECTION	PAGE NO.
	INTRODUCTION	
PM.S.M.S.1	1.1 SHA Duties	5
	1.2 NHC References	
	1.3 PMSC Compliance References	
	1.4 Linked documentation	
	1.5 Contracting out of Port Marine Functions	
	1.6 Definitions of Port Marine Functions	
	1.7 Aims Of The PMSMS	
	1.8 Incorporated Strategies And Policies	
	1.9 Newport Harbour Authority	
	1.10 Strategy and Policy Document	
	1.11 Purpose of this Manual	
	1.12 Document Control	
	RISK ASSESSMENT	
PM.S.M.S.2	2.1 The Formal Risk Assessment	9
	2.2 The MarNis Risk Database	
	2.3 H&S Duty to Risk Assess	
	2.4 Key Performance Indication	
	2.5 Risk Control Measures	
	2.6 Documentary Risk Control	
	2.7 Hardware Risk Control	
	2.8 Audit and Review	
	2.9 Principles	
	2.10 Internal Auditing	
	2.11 Reports To The Board	
	LEGAL AUTHORISATION AND MANAGEMENT RESPONSIBILITY	
PM.S.M.S.3	3.1 Legal Background	13
	3.2 SHA Duties and Powers	
	3.3 Organisational Structure	
	3.4 Bye Laws	
	3.5 General and Special Directions	
	3.6 Executive Responsibility	
	3.7 The SHA Board	
	3.8 The Chief Executive	
	3.9 The Designated Person	
	3.10 The Harbour Master	
	3.11 The Authorities Officers	
	3.12 Dangerous Vessels And Substances	
	3.13 M.S Dangerous Vessels Act 1985	
	3.14 Dangerous Substances In Harbour Areas	
	3.15 IMDGC	
	3.16 CERS	
	3.17 Prevention Of Pollution Regulations	

	3.18	Casualty Investigation Procedures	
	3.19	Explosives (Class 1)	
	3.20	Waste Management Plans	
	3.21	ISPS	
<hr/>			
HYDROGRAPHY AND CONSERVANCY			
	4.1	Conservancy Duties	
	4.2	Hydrographic Surveys and NAABSA	
PM.S.M.S.4	4.3	Navigational Information	27
	4.4	Navigational Aids	
	4.5	Dredging	
	4.6	Removal of Wrecks	
	4.7	Anchorage	
<hr/>			
EMERGENCY PROCEDURES			
	5.1	Incidents	
	5.1.1	Minor Incidents	
	5.1.2	Major Incidents	
PM.S.M.S.5	5.2	Incident Procedures	35
	5.3	Port Emergency	
	5.4	Oil Pollution	
	5.4.1	Other emergency and reference plans	
	5.5	Emergency Response Centre	
	5.6	Accident / Incident Investigation	
<hr/>			
PILOTAGE AND MANAGEMENT OF NAVIGATION			
	6.1	Pilotage Management	
	6.2	Authorisation of Pilots	
PM.S.M.S.6	6.3	Pilotage Directions	42
	6.4	Pilotage Exemption Certificates	
	6.5	Passage Planning	
	6.6	Pilot Boarding and Landing Arrangements	
	6.7	Management of Navigation	
	6.8	Local Port Services	
<hr/>			
PM.S.M.S.7	PORT TOWAGE OPERATIONS		49
<hr/>			
MARINE SERVICES			
PM.S.M.S.8	8.1	Work Boats	50
	8.2	Immobilisation Of Engines	
	8.3	Diving Operations	
<hr/>			
PM.S.M.S.9	PORT MARINE STAFF TRAINING		51
<hr/>			

CONTROLLED

# **SAFETY MANAGEMENT SYSTEM**

## **M.S.M.S. 1 Introduction**

- 1.1 Harbour Authorities have a statutory duty to manage safety. The Port Marine Safety Code (PMSC) sets out how the principles apply to marine operations. The particular risks associated with these operations bring their own safety management requirements, based on an appropriate assessment of port marine activities. The principles and objectives, however, are not fundamentally different.
- 1.2 Throughout this Marine Safety Management System document there are references to NHC and Newport Harbour Commissioners in the context of the Statutory and Competent Harbour Authority. The above terms can be considered to refer to the Newport Harbour Statutory and Competent Harbour Authority who's duty holders are the board of Commissioners.
- 1.3 Throughout this Safety Management Manual there are references in Green

### **Formal Risk Assessment (3.5 – 3.7)**

These references refer to the Port Marine safety code (PMSC) and denote the relevant parts of Chapter 3 "Key Measures for" compliance"

- 1.4 Throughout this document there are context sensitive [hyperlinks](#) to operational plans policies and manuals from the ABP and NHC websites and to the relevant legislation from the World Wide Web
- 1.5 Newport Harbour Authority has contracted out the provision (but not the duty) of Harbour Master and Pilotage services in their area of jurisdiction.  
The agreement between Newport Harbour Authority and ABP was made in 2005 and confirmed and renewed in 2010.

Section 4.2 of the agreement states that "ABP shall be responsible for the performance of day to day Harbour Master functions at the port and shall assume responsibility for the implementation of the strategic functions of the NHC as set out in the document "Strategy, policy and management review" (last reviewed December 2011 and amended from time to time)

Schedule 1 of the agreement sets out the functions that ABP are contracted to provide on behalf of NHC.

- 1.6** These functions include (but are not limited to) Port Marine Safety functions. As a result of the agreement the Newport Harbour Authority benefits from the procedures, experience and safety management systems ( Marine and otherwise) of ABP South Wales in securing their Marine Safety objectives, it follows that The Marine Safety Management System (MSMS) described in this document is closely harmonised with the ABP South Wales Marine Safety Management System.
- 1.7** The aim of this safety management system is to minimise, mitigate and to manage marine risk. Risk assessment methods are used to decide on priorities and to set objectives for eliminating hazards and reducing risks. Wherever possible, risks are eliminated through selection and design of facilities, equipment and procedures. If risks cannot be eliminated, they are minimised by physical controls, or as a last resort, through systems of work.
- 1.8** In line with the [Strategy and Policy Document](#) the procedures and processes that Newport Harbour Authority have adopted are in line with the principles of the [Port Marine Safety Code](#) and the [Guide to Good Practice On Port Marine Operations](#) and include but are not limited to
- Risk assessment
  - Auditing of systems and procedures
  - Periodic review of data from audits , inspections , incidents and PDS reports to determine where improvements and changes need to be made
  - To ensure their employed and contracted marine personnel are sufficiently qualified and trained so to raise awareness of the PMSC
  - To facilitate Stakeholder meetings to encourage port user involvement in the overall provision of navigational safety
  - To communicate Newport Harbour Authorities' ongoing efforts and improvements in Navigational Safety to port users
  - To review the effectiveness of the PMSMS and continually seek to improve it.

## Newport Harbour Authority

- 1.9** Newport Harbour Authority is a relatively small statutory harbour authority - they do not own, operate, or manage any berths or cargo facilities – however, they conscientiously manage the various harbour duties with which they are entrusted so as to maintain a harbour facility that is safe, efficient, cost-effective, and sustainable.

The limits of jurisdiction of The Newport Harbour Commissioners are defined by the Harbour Revision Order 2003. The seaward limit is defined by a line drawn from Goldcliff Point to the shore at Peterstone Wentlooge Church, and the inland limits are defined by (1), the road bridge crossing of the river Usk at Newbridge-on-Usk, and (2), the rail bridge crossing of the river Ebbw at Maes Glas (see British Admiralty chart No.1176).

## Newport Harbour Commissioners Strategy and Policy Document

- 1.10** In formulating this Marine Safety Management System (MSMS) Newport Harbour Authority have incorporated the principles policies and Strategies as detailed in the [Strategy and Policy Document](#) The above document sets out the intent of the duty holder ( the Board of commissioners ) to safely manage their marine related activities This document (PMSMS) details how those policies, strategies and principles are put into practice. It is supplementary to the document mentioned above and in no way supersedes it

## This Manual

### [Implement A Safety Management System \(3.8 – 3.11\)](#)

- 1.11** The purpose of this Manual is to describe how Newport Harbour Authorities marine operations are in compliance with the principles of [Port Marine Safety Code](#) the [Guide to Good Practice On Port Marine Operations](#) and the [Strategy and Policy Document](#) It also serves as a “Port Plan” to describe the Newport Harbour Authority Port Marine operational procedures and practices by linking to the latest editions of procedures and marine operations as well as policies, procedures and marine legislation from the World Wide Web.

## Document control

**1.12** ABP South Wales, under the contract to provide Harbour Master functions to Newport Harbour Authority, will review this document annually and make appropriate recommendations for changes. Any agreed changes will be documented on the amendment sheet for audit purposes.

CONTROLLED



## M.S.M.S 2 Risk Assessment

### Formal Risk Assessment (3.5 – 3.7)

**2.1** A formal Risk Assessment was carried out, being completed in February 2002. The assessment covers the Newport Harbour Commissioners area of jurisdiction, and was carried out by independent consultants appointed by Associated British Ports.

The analysis of the results shows that, at the time of assessment, there were no risks that were considered to be intolerable' and that in general 'the results of the assessment confirm the evidence from the incident data that the Port is operating in a safe manner'.

The assessment team listed 21 recommendations for consideration. Wherever practicably possible, the recommendations have been acted upon.

It should be noted that since the Risk Assessment was carried out, four major "changes" affecting NHC strategy have occurred, viz.

- compulsory pilotage was introduced with effect from 1st January 2003
- a Harbour Revision Order resulted in a newly constituted (restructured) trust port body, with effect from 1st November 2003;
- the role of Harbour Master has been undertaken by Associated British Ports since 1st February 2005;
- The buoy tender vessel Uskmoor was disposed of, and the maintenance of aids-to-navigation is now contracted out to Trinity House.

These changes have had very positive effects on the general management of safety and, as such, have contributed to the reduction of risks overall.

## **Continual Risk Assessment**

- 2.2** The Harbour Master has fully populated a database of risk assessments on the MarNis System as detailed in section 6 of [ABP Marine Operations Manual. The HM department undertake a review and training session with commissioners on an annual basis and periodically review specific assessments as a need arises.](#)

The MarNis system forms the basis of Newport Harbour Authority Port Marine risk assessment, post incident review, periodic review and reporting system.

For Incidents and near misses, marine staff are requested to fill in a MarNis reporting form and pass to LPS Cardiff for entering onto the MarNis Database and risk assessment tool

- 2.3** In addition to the MarNis system The Harbour Master has identified, assessed (and performed a cost benefit analysis where appropriate) risks involved with their marine operations and for the running of a Pilotage service and boarding and landing facilities. These risk assessments are reviewed on an annual basis by members of Harbour Master department along with operational staff and Health & Safety representatives. The most recent versions of the South Wales risk assessments are available to all ABP Marine staff and therefore to all marine staff contracted by Newport Harbour Authority.

## **Key Performance Indication**

### **Publication of Plans and Reports (3.19 – 3.21)**

- 2.4** As part of the Safety Management System, key performance indicators are used as an element in the completion of risk assessments. records are kept of incidents, which occur within the Newport Harbour Authority area of jurisdiction these are used to monitor the ratio of the number of incidents per 1000 ship movements. This data is collected and reported using the MarNis system

The key performance indicators used within the port and approaches are:-

Collisions	Strikings
Groundings	Fire/Explosions
Sinkings/Capsize	Oil Pollution
Impacts	

To demonstrate the NHC commitment to maritime safety and ensure the involvement of harbour users, a safety plan for marine operations will be published every three years to include an assessment of the NHC's performance against the plan. Information gathered from the monitoring and auditing of the marine safety management system, Will be used, along with Key performance indicators from the MarNis system as detailed above, to support the analysis and conclusions.

## **Risk Control Measures**

**2.5** In accordance with the ALARP principle Newport Harbour Authority have introduced and / or made provision for the following risk control measures

### **2.6 Documentary risk controls**

- Formalised training and assessment Via ABP procedures – including systems to make sure all contracted Marine personnel receive appropriate training, and that such training is properly recorded.
- Regulatory Framework – including Local Harbour Acts, Revision Orders, Byelaws and Directions
- Accurate Hydrographical and Navigation Charts and other Navigational Information – including the promulgation of such documents, as well as tidal and weather information, navigation warnings, weather advice and other information required by Harbour users.
- Operational Manuals and Guidelines
- Operating Procedures – giving specific instructions for individual tasks
- Emergency plans [Regional oil spill contingency plan](#) [Regional Emergency Plan](#)
- [National pollution Contingency Plan](#)
- Notices to Mariners – giving general navigational guidance and advice [Notices to Mariners](#)

- Pilotage Directions [Pilotage Directions](#)
- Notices to Masters of Vessels - NHC have raised a “Notices to Masters of Vessels” document that is given to agents to pass to all vessels that Berth within the NHC area of jurisdiction. This is not applicable to vessels berthing within the enclosed dock of Birdport who issue their own notices that are closely harmonised with the NHC document. The content covers pertinent advice and information in relation to local & national legislation, responsibilities and duties of vessels Masters whilst in the Newport Harbour area of jurisdiction.

## **2.7 Hardware controls**

- VHF equipment including back up systems with sufficient range to communicate with both commercial and pleasure craft within the port limits and approaches.
- AIS monitoring facilities
- Traditional Aids to Navigation – Buoys, lights etc.
- Third party towage services

## **2.8 Audit review Procedures**

### **Monitoring Performance and Auditing (3.17)**

**2.9** This is a fundamental principal of the Newport Harbour Authority MSMS, and is designed to ensure that Newport Harbour remains compliant with the requirements of the Port Marine Safety Code. Assessment and reduction of risks to as low a level as is reasonably practical (ALARP), followed by regular reviews and audits, aims to achieve a process of continual improvement.

**2.10** The Auditing of the Newport Harbour Authority Port Marine safety Management System will be carried out by the person(s) appointed by the NHC. This is presently contracted to MARICO Marine . Harbour Master department staff will review the MSMS on an annual basis in compliance with the contract of Harbour Master functions

**2.11** The Harbour Master provides the Board of Commissioners with a monthly Harbour Masters report detailing, amongst other items, details of Port Marine activities, non conformances and causes for concern. Based on this information the Board of Commissioners

may sanction an extraordinary review or an external audit of the PMSMS.

## **M.S.M.S.3 – LEGAL AUTHORISATION AND MANAGEMENT RESPONSIBILITY**

### **3.1 LEGAL BACKGROUND AND AUTHORISATION**

### **3.2 S.H.A. DUTIES AND POWERS**

#### **Review existing Powers (3.3 – 3.4)**

Newport Harbour Authority is responsible for ensuring the safety of marine operations within its area of jurisdiction. The Newport Harbour Authority derives its powers from legislation including; [The 2003 Harbour Revision Order](#) [Harbours Act 1964](#), [Pilotage Act 1987](#), [The Harbours, Docks and Piers Clauses Act 1847](#), [Docks Regulations 1988](#), and is the duty holder as specified in [the Port Marine Safety Code and Guide to Good Practice On Port Marine Operations](#) [Marine Navigation Act 2013](#)

Newport Harbour Authorities' responsibilities also include the protection, regulation, maintenance and improvement of its port and its approaches. The Harbour Master, appointed by the authority, is responsible for regulating the day-to-day activities and safety of all marine operations undertaken in the harbour as managed by the Board of Commissioners.

Newport Harbour Authority is the Competent and Statutory Harbour Authority for Newport Harbour. It is the statutory duty of the authority to ensure safe transit and to this end the byelaws will apply and be enforced. The Newport Harbour commissioners will review the byelaws in a timely manner and establish and review general directions as they see fit.

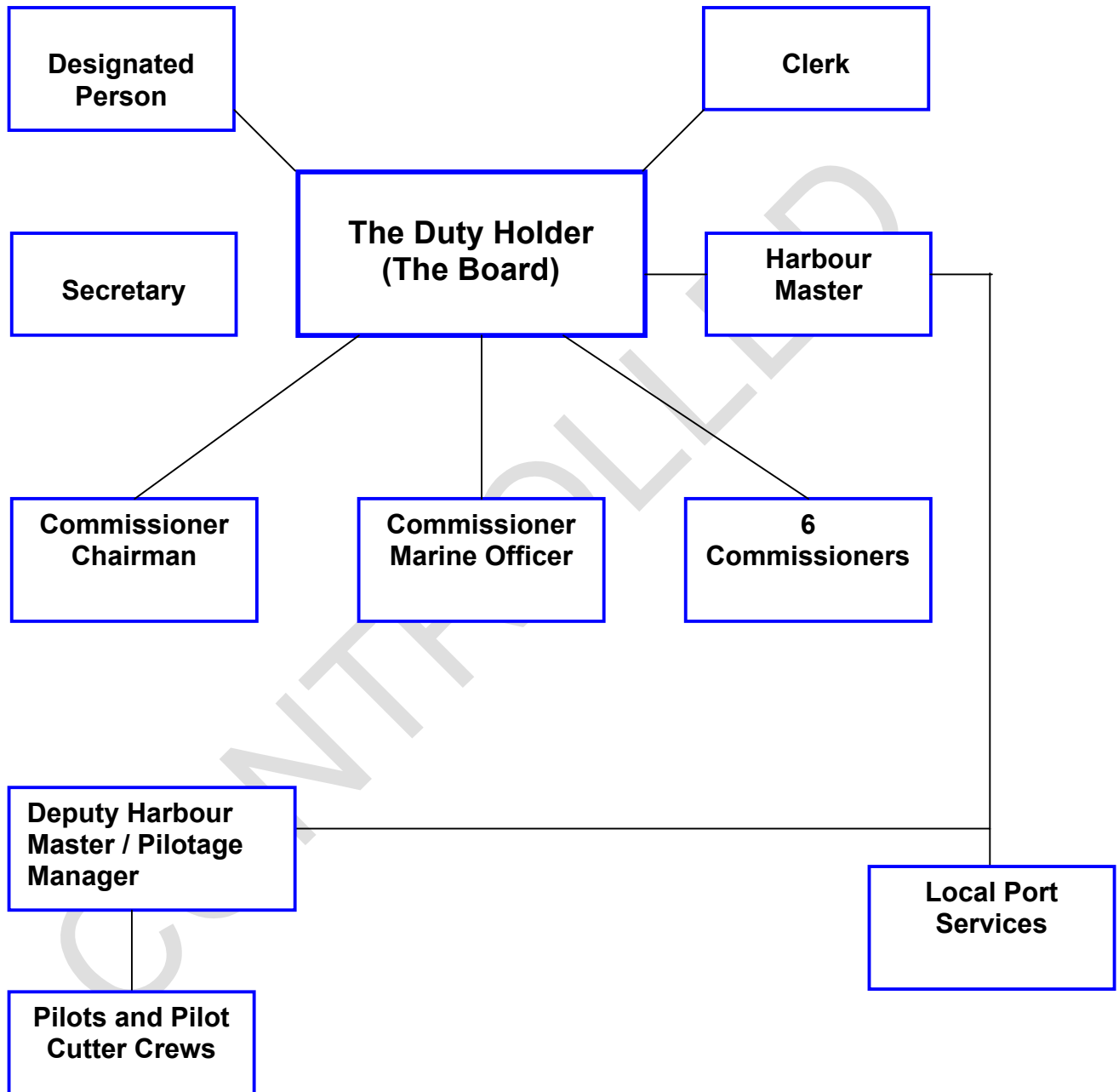
Under the Provision of the [Pilotage Act 1987](#), Newport Harbour Authority is the Pilotage Authority for Newport Harbour. The Provision of this service is via an agreement with ABP South Wales. The Act confers upon a Harbour Authority the responsibility for pilotage. Pilotage is compulsory for all vessels over 85m and for certain other categories as detailed in the latest version of the Pilotage directions available on the South Wales ports website [www.southwalesports.co.uk](http://www.southwalesports.co.uk)

Newport Harbour Commissioners hold copies of the following legislation:

- Gulielmi IV Regis 1935
- Newport (Monmouthshire) Harbour Act 1836
- Harbour, Docks & Piers Clauses Act 1847
- Newport (Monmouthshire) Harbour Act 1890
- Pilot Orders Confirmation Act 1893
- Newport Corporation Act 1902
- Newport Harbour Act 1906
- Great Western Railway (General Powers) Act 1909
- Alexandra (Newport & South Wales) Docks & Railway Act 1916
- Newport Harbour Act 1919
- Great Western Railway Act 1931
- Coal Industry Nationalisation (Harbour Commissioners) Order 1947
- Harbours Act 1964
- Harbours, Docks, Piers & Ferries – The Statutory Harbour Undertaking (General) Regulations 1969
- Harbours, Docks, Piers & Ferries – The Statutory Harbour Undertaking (General) Regulations 1983

### 3.3 Organisational Structure

#### The Board of Commissioners & Associated Staff



### **3.4 Local Bye Laws**

#### **Enforcement (3.18)**

Newport Harbour Authority will monitor and, where appropriate, actively enforce compliance with the bye laws and directions. It should be noted that an apparent contravention of such bye laws or directions may result in the prosecution of the offender

[Newport Harbour Byelaws](#)

### **3.5 General And Special Directions**

The Harbour Master duly appointed by a Harbour Authority has powers of special direction to regulate the time and manner of ships entry to, departure from and movement within the Harbour waters and related purposes. (Section 52 Harbour, Docks, Piers (Clauses) Act 1847. [The Harbours, Docks and Piers Clauses Act 1847](#). These powers are given for the purpose of giving specific directions to specific vessels for specific movements, unless the powers have to be extended for other purposes. Special directions are not for setting general rules but relate to specific vessels on particular occasions.

The powers of direction are exercisable by the Harbour Master, Deputy Harbour Master or any other person designated for the purpose in accordance with the Authority's statutory powers.

ABP will provide to NHC, on an annual basis, a list of ABP SW Marine Officers with delegated powers of direction.

#### **3.51 Issuing of Special Directions**

Should a situation occur, the Harbour Master, Deputy Harbour Master or any other person designated for the purpose in accordance with the Authority's statutory powers may issue a Special Direction .

The vessel(s) 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 distributed as follows, if not issued by them

- To HM
- To DHM

It is an offence not to comply with directions (Section 53 Harbour, Docks, Piers (Clauses) Act 1847 but the Master or Pilot of a vessel is not obliged to obey directions if he believes that compliance would endanger the vessel. It is the duty of a Harbour Master in exercising these powers to consider the interests of all shipping in the Harbour. Directions may include the use of tugs and other forms of assistance.

### **3.52 General Directions**

Under the [Marine Navigation Act 2013](#) NHC can apply for the power to make general directions in compliance with the code of practice, NHC will keep this power under review .

## **3.6 Executive Responsibilities and Terms Of Reference**

### **3.7 The SHA Board ( Duty Holder)**

The Board members are severally and collectively “the duty holder”. The PMSC requires the harbour authority to hold itself accountable for the discharge of its duties and powers to the standard laid down. Board members are collectively and individually responsible for the proper exercise of the authority’s legal duties. It is important to note that “*Board members may not abdicate accountability on the grounds that they do not have particular skills*”.

The main functions of the Harbour Authority may be generally classified as follows:-

- The provision and maintenance of Harbour facilities
- Navigational safety functions, including lighting and buoying the Harbour, the removal of wrecks and other obstructions also maintenance dredging

- Regulating the activities of other persons at the Harbour including, in particular, regulating the movement and berthing of ships in the Harbour by means of directions, Bye Laws, licensing dredging and the construction of works in the Harbour by other persons
- Carrying out Harbour operations including in particular, cargo handling activities
- The provision of a pilotage service. The general duties for the provision of pilotage services are contained in Section 2 of the Pilotage Act 1987
- Prevention of pollution and nature conservation.

### **3.8 The NHC Chairman**

The NHC Chairman is accountable to the Authority for the operational and financial control of the Authority. He advises the Authority on all matters related to its duties and powers, with appropriate advice from the Harbour Master and officers. He oversees the implementation of policies and decisions; has overall executive responsibility for the safety of operations and NHC staff; and oversees the recruitment and training of NHC staff.

The Chairman will oversee the implementation of the Harbour Authority's policies and decisions and will have overall executive responsibility for the safety of operations and staff.

### **3.9 The Designated Person**

#### **Monitoring Compliance (3.22 – 3.23)**

It is fundamental to the effectiveness of the Safety Management System that the Harbour Authority assigns the functions of a “designated person” to provide independent assurance to the “duty holder” that the safety

management system is working effectively, and to audit the authority's compliance with the PMSC.

The designated person has direct access to the highest level of authority and has a commitment to ensure compliance so that the Authority may confirm that compliance to the MCA on a 3 yearly cycle.

The role of the Designated Person is currently held by

- [William Heaps, Marico Marine Consultants](#)

CONTROLLED

### **3.10 The Harbour Master**

Section 51 of the Harbours, Docks and Piers Clauses Act (1847) empowers harbour authorities to appoint a harbour master. The Harbour Master is defined so as to include, in addition to the Harbour Master himself, his Deputy and any assistants.

For reasons of efficiency and practicality the functions of NHC's Harbour Master are undertaken, through contractual agreement, by Associated British Ports (South Wales). By entering into this agreement, the Commissioners have not delegated their powers under the 1890 Act (as amended) and remain the relevant harbour authority for their area of jurisdiction.

### **3.11 The Authorities Officers**

The Newport Harbour Authority will ensure that executive and operational responsibilities are assigned to properly trained people with delegations being clear, formal and dependent upon the needs and resources of the Authority.

The NHC have appointed:-

- A suitably qualified marine officer who is a board member;
- A clerk who acts as the central co-ordinator;
- A secretary who organises meetings, agendas and the recording of minutes.

### **3.12 DANGEROUS VESSELS AND DANGEROUS SUBSTANCES**

#### **3.13 M.S. DANGEROUS VESSELS ACT 1985**

##### [MS Dangerous Vessels Act 1985](#)

Under Section 1 of this Act, a Harbour Master can direct a vessel to leave the port, or remain outside the port, if in his opinion, the vessel or its contents might in any way pose a threat to the safety of persons or property. Specifically, if its presence in the dock might involve;

- Grave and immediate danger to safety of any vessel or property: or,
- Grave and immediate risk that the vessel may, by sinking or foundering, prevent or seriously prejudice use of the port by other vessels.

By virtue of Section 6 of the Dangerous Vessels Act, directions under section 1 cannot be given in relation to:

- Any vessel belonging to Her Majesty or employed in the service of the Crown for any purpose, including any such vessel in the possession of a salvor; or,
- Any vessel which is a pleasure boat of 24 metres or less in length.

The Secretary of State or his representative (SoSRep) can over-ride the Harbour Master's ruling on the vessel and require it to enter the port or move as he so instructs. The procedure for handling a vessel so described under this Act is laid out in the Operating Procedures for the Receipt of Vessel Casualties.

##### Operating Procedures for the Receipt of Vessel Casualties

- Contact should be made immediately with the Harbour Master or Deputy upon notification of the casualty.
- All decisions relating to a vessel handled under the Dangerous Vessels Act 1985 will fully involve the Harbour Master or Deputy.
- Although the Act does not apply to vessels stated in Section 6, of the Dangerous Vessels Act, the following procedures will also be followed for those vessels.
- Commence and maintain a log of all communications and actions.

- All possible information on the vessel will be obtained, particularly that relating to the nature of the casualty, so a full assessment of the situation can be made.
- The Harbour Master will have due regard to all the circumstances and to the safety of any person or vessel.
- A full risk assessment will be carried out including a pollution potential assessment.
- The Harbour Master will liaise, where possible, with all interested parties in particular with the MCA and emergency services.
- The vessel will not be accepted for any of the factors stated in Section 1 of the Act if the Harbour Master considers it necessary.
- Media contact will only be via the Harbour Master or authorised NHC staff

### **3.14 DANGEROUS SUBSTANCES IN HARBOUR AREA REGULATIONS 1987**

#### [Dangerous Substances in Harbours Act 1987](#)

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.

All dangerous substances being transported or handled through the port will be handled in accordance with the Dangerous Substances in Harbour Area Regulations except that being stored under the COMAH Regulations.

The Regional Emergency Plan [Regional Emergency Plan](#) is maintained to effectively handle emergencies involving dangerous substances. There is also a National Emergency plan that would come into effect in the event of a major Incident that called for National resources and intervention

## [National pollution Contingency Plan](#)

Vessels carrying oil or gas are required to confirm the vessel has no defects by completing an EEC Tanker checklist (Section 2) form, [Tanker Checklist Regulations and example](#) prior to berthing.

The Harbour Master has the power to prohibit the entry into a port of any vessel carrying 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. The Harbour Master also has powers to regulate the movement of vessels carrying dangerous goods.

### **3.15 INTERNATIONAL MARITIME DANGEROUS GOODS** **CODE (IMDG)**

It is the role of the ABP Marine Lock Controllers at Cardiff LPS to inform the Harbour Master South Wales (or his nominated deputy) and in doing so, the Newport Harbour Authority of any vessel carrying Dangerous Goods of any classification. Dangerous Goods should form part of the vessel pre-notification received by the vessel prior to its arrival in port or prior to loading of Dangerous Goods arriving by road or rail.

### **3.16 Consolidated European Reporting System (CERS).**

Since 1 January 2008 the Consolidated European Reporting System (CERS) has been in force. Reports made through Agents on Line (AOL) are automatically routed to CERS.

ABP South Wales Dangerous Goods reporting procedure

#### **[Dangerous Goods](#)**

The M.S. (Dangerous Goods and Marine Pollutants) Regulations 1997

#### **[Marine pollutants act 1997](#)**

Defines the various categories of substances classified as dangerous and refers to International Maritime Dangerous Goods Code (IMDG) for individual definitions, classifications and shipping instructions. These Regulations apply if dangerous substances transit, or are handled, within the port area. The IMDG Code applies to the movement of dangerous goods in ships. Use must be made of the most up-to-date amendment of the IMDG Code.

### **3.17 M.S. (PREVENTION OF POLLUTION) REGULATIONS**

Under the Prevention of Oil Pollution Act [Prevention of oil pollution act 1971](#) The master of a vessel finding pollution has a duty to report the pollution to the Harbour Master if: -

- The pollution is discharged from the vessel into the waters of a port in the UK
- Pollution is found to be escaping or to have escaped from a vessel in such waters
- Pollution is found to be escaping into any such waters from a place on land



The Harbour Master has the power to: -

- Go on board and inspect the vessel or any part thereof, or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or mixture containing oil from a vessel into the waters of the port.
- Require the production of any oil record book to be carried or records kept.
- Copy any entry in such book or record and require the master to certify the copy as being a true copy of an entry.

If the Harbour Master has reason to believe a ship, which proposes to enter the port, does not comply with the requirements of the Prevention of Oil Pollution Act (1996) Regulations, he shall report the matter to the MCA who if satisfied that the vessel may present an unreasonable threat to the marine environment, may refuse entry of a ship to a UK port or detain the vessel.

The Regional Oil Spill Contingency Plan is maintained to effectively handle spills of oil. The plan is a regional one covering both NHC and ABP areas of jurisdiction. When updated and approved by the MCA in December 2018, a regional exercise regime was also approved as part of the plan. ABP rotate the location of the annual exercise

[Regional oil spill contingency plan](#)

### **3.171 ENVIRONMENTAL MONITORING / PERMITTING**

NHC have no Marine Craft at their disposal and all their marine Staff are contracted from ABP. There are no formal environmental monitoring patrols undertaken but Marine Staff are directed to report any possible or actual incidents during the course of their work.

NHC have issued a Notice To Masters of Vessels that agents pass promulgate to inbound vessels ( Birdport as an enclosed dock have ammended their own notices to include relevant NHC information.) The Notice advises of responsibility for. Permitting and reporting of Environmental issues,

The Notice to Masters details situations and scenarios that could cause environmental issues and require permissions from the Harbour Master

**NHC do not grant permits to third parties wishing to carry out licensable activities within the NHC are of jurisdiction. Requests for licences must be made to the appropriate agency.**

### **3.18 CASUALTY INVESTIGATION PROCEDURE**

When a vessel within the Newport Harbour port limits or on the approaches to the port has touched the ground, or has been in collision with, or in dangerous proximity to any other vessel, or any fixed or floating object; that vessel shall report the occurrence to the Harbour Master, giving all the circumstances leading up to the occurrence.

If the casualty or incident occurred in the waters approaching the port but outside the port limits, all such reports should also be passed to the Harbour Master. All incidents, as well as being reported as per relevant regulations will be entered on the MarNis risk assessment and accident database. The Harbour Master will initiate an investigation and follow any statutory reporting procedures.

Once the Harbour Master has completed his investigations he will convey his findings and recommendations to the Board of Commissioners and will liaise on their behalf with the MCA and/or MAIB if required to do so.

Under the provisions of the Railways and Transport Safety Act 2003, the Harbour Master has the power to detain a vessel, if he suspects that a mariner (master, pilot, seaman) has committed a drink or drugs related offence when on duty. The Harbour Master has issued a detailed procedure to all Port Marine Staff. The power of detention lapses after the police officer attending has decided whether to administer a preliminary test and has notified the harbour master of that decision.

### **3.19 EXPLOSIVES (CLASS 1)**

Explosives can be handled within the Queen Alexander Dock at certain berths licensed by the HSE, and at certain designated and licensed anchorages adjacent to the English and Welsh Buoy. As a result, Vessels carrying Class 1 Explosives are required to transit The Newport Harbour Authority area of jurisdiction All explosives are handled under the provisions of the explosive licence, the Dangerous Substances in Harbour Areas Regulations and the IMDG Code.

Contact is made with the ABP Safety Manager, ABP Port Explosives Security Officer and ABP Operations manager prior to handling a shipment of explosives to ensure that the explosives to be handled are within the quantities stipulated in the licence. Explosives are only handled at the licensed berths. All explosives are handled under the supervision of the appointed Port Explosives Security Officer.

The Harbour Master will keep a record for a period of 5 years of all explosives handled. Adequate access to berths will be ensured at all times for vessels handling explosives. The Harbour Master is informed and responsible for contacting all relevant agencies prior to all movements of Explosives that transit the Newport Harbour Authority area of jurisdiction.

### **3.20 WASTE MANAGEMENT PLANS**

M.S. (Port Waste Reception Facilities) Regulations 2003 [PWRS 2003](#) as amended 2009 [amended 2009](#) MARPOL 73/78 and the Environmental Protection Act 1990. [Environmental protection Act 1990](#) dictate that Berth Operators and Harbour Authorities (if they provide and administer berths where ships call) must provide a Port waste Management Plan and reception facilities.

The Newport Harbour Authority does not operate any berths wharfs or docks within their area of jurisdiction. It is therefore the responsibility of the individual berth operators to provide such facilities and management plans

### **3.21 ISPS**

#### **Background**

The ISPS Code applies to all vessels of greater than 500 GT engaged in international voyages. It is designed to detect security threats, implement security measures and establish contingency plans to be executed in the event of a security breach. ISPS declaration is a further part of the vessel pre-notification process handled by the MLCs and Marine Administrator. ABP South Wales have appointed and trained the Port Facility and Security Manager as PFSO and have trained and appointed Several deputies including the Harbour Master and Deputy Harbour Master South Wales

All vessels intending to use berthing facilities within the Newport Harbour Authority area of jurisdiction are required to submit an ISPS declaration at least 48 hours prior to their arrival in the port. 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 10 ports) 48 hours prior to arrival. These declarations may generally be submitted via AOL but in some circumstances they may be submitted by fax or email.

## **ISPS Procedure**

On receipt of each vessel's ISPS declaration via AOL the MLC or Marine Administrator will:

- Check notification to identify any potential security issues
- Check the vessel has declared having a valid International Ship Certificate
- Check the vessel's current Security Level
- Check the security level of the last ten ports of call
- Check that dates have been entered for the last 10 ports
- Check the vessel has notified of any special security arrangements having been taken by the ship during the last 10 ports of call
- Check the vessel has answered NO to witnessing any suspicious activity during the voyage

If the declaration indicates that the vessel or any port it visited has been at level 2 or 3, or answered yes to any of the questions, the MLC must check with the vessel's agent to confirm the information. If confirmed the MLC must notify the Port Facilities Security Officer (PFSO) or, in the PFSO's absence, the appropriate Deputy PFSO.

If a vessel should fail to submit an ISPS declaration the MLC should contact the vessel's agent. If this action should fail the MLC should contact the PFSO for guidance on whether the vessel may enter the Newport Harbour Authority area of Jurisdiction.

## **M.S.M.S 4 – CONSERVANCY AND HYDROGRAPY**

### **4.1 CONSERVANCY DUTIES**

The Newport Harbour Authority shall endeavour to conserve its harbour and approaches to ensure that it is reasonably fit for use as a harbour, taking reasonable care to ensure that it is in a fit condition for a vessel to resort to it.

Certain responsibilities are the statutory responsibility of ABP including the dredging and surveying of the channel from the Newport Dock to the West Usk. ABP have an MOU in place with their present dredging and survey contractor. NHC have formally adopted this MOU and its provisions in respect to the ongoing management of their conservancy duties.

The main navigation channel leading from the outer approaches to the Alexandra Dock was constructed by the original Dock owners under Section 4 of the Alexandra (Newport and South Wales) Docks and Railway Act of 1906. Maintenance dredging of the channel is the joint responsibility of the Dock owners (Associated British Ports) and The Newport Harbour Commissioners. The work is currently undertaken by ABP, with The Harbour Commissioners contributing towards the costs. In order to protect the rights of both parties, a “Joint Committee on Channel Dredging” (JCCD), was formed as a statutory body in 1916.

The Joint Committee on Channel Dredging comprises 3 representatives of Newport Harbour Commissioners together with 3 representatives of Associated British Ports. The Committee meets every three months to consider the results of monthly Hydrographic surveys, and so to determine the channel dredging programme.

Private berth and dock owners are responsible for their own maintenance dredging and should inform Newport Harbour Commissioners that all necessary authorisations are in place before commencement of operations.

Applications for capital dredging schemes to improve private berth facilities will be considered by The Newport Harbour Commissioners (as consultees). Such scheme proposals will normally be supported provided that:-

- i) there is no expectation that the works will adversely effect the regime of the river, having particular regard to the main navigation channel;
- ii) The resultant works will not compromise safe access;
- i) All necessary authorisations/licences are in place.

The Newport Harbour Commissioners will not contribute financially to such schemes.

## **4.2 HYDROGRAPHIC SURVEYS**

The Newport Harbour Authority will use all appropriate means to find, mark and monitor the best navigable channel for its port. The Appointed Harbour Master will promulgate, as appropriate, relevant Hydrographic information associated with the Port including information relating to navigational hazards.

Hydrographic surveys of the Newport Harbour and approaches are presently carried out by the Hydrographic section of ABP's UK Dredging division in a timely manner commensurate with the historical siltation trend. The results of these surveys are published in the form of charts and provided to the Harbour Master in order to monitor the depth within the ports and approaches. This information is also used in setting "allowances" to be applied to ACD tidal predictions for the various berths and to the SE Wales Pilot Station for the guidance of Pilots.

The Surveys are published in paper and PDF format and are available to all Contracted Port Marine Staff. All survey information is sent to the United Kingdom Hydrographic Offices under the bilateral agreement, where it is used in the compilation of British Admiralty Charts. Thus, surveys are available to anyone who possesses an up to date Admiralty Chart covering the port area. In addition, some information of a particularly urgent or temporary nature may be disseminated by means of local Notices to Mariners.

UK Dredging who are the present maintenance dredging contractors, under the joint dredging agreement, in accordance with the planned dredging schedules, also carry out pre and post dredge surveys and publish datum / tidal information

All surveys are carried out in accordance with the guidelines published in the International Hydrographic Organisation Special Publication No.44: Standards for Hydrographic Surveys. [IHO Special Publication 44](#)

Calibration is by means of regular checks alongside known co-ordinated positions within the port. Vertical measurement is achieved by single beam, dual frequency echo sounder which achieves a depth accuracy of +/- 0.1m.

Position control is provided by Differential GPS and the accuracy achieved from the system exceeds the 2m requirement of the IHO recommendations.

## NAABSA Status

NHC have no responsibility for the conservancy of private facilities within their area of jurisdiction. However NHC do have a duty to ensure that responsibilities are defined and that reasonable procedures are in place that reflect the conclusions of formal risk assessment.

NHC survey the channel upstream of Newport Dock and accessible berths within a timescale that is appropriate to the known siltation regime. The survey information both discharges elements of conservancy duty and informs both assessment and the procedures that follow- parameters for berthing and pilotage procedures on the river.

Facilities that are operated as defined NAABSA berths are the responsibility of the operators to meet the requirements of the conditions that NAABSA status may impose. It is incumbent upon operators to provide to NHC relevant information that they themselves reference in order to clarify that NAABSA status. This information may be in the form of independent / or third party NAABSA reports or other suitably agreed method such as periodic pictures. Once the form and timing of the above information is agreed by NHC, it is incumbent upon operators to provide it to NHC or their appointed representatives in a timely manner.

### **4.3 NAVIGATIONAL INFORMATION**

As the Statutory Harbour Authority, NHC is responsible for ensuring that mariners are provided with the necessary information to ensure the safe passage of a vessel throughout the port. Any changes in the available depth of water or any other navigationally 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) provided by Newport Pierhead and Cardiff Marine Control to all vessels in the port area, repeated as required. In the case of a very serious event, the Harbour Master 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.

Local Notice to Mariners 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 navigationally 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.



#### **4.4 NAVIGATIONAL AIDS**

Many devices are used to assist navigation within the ports, including navigational marks, lights and buoys. The General Lighthouse Authority (GLA), Trinity House, has prepared guidance notes for the provision and maintenance of navigational aids for local lighthouse authorities, [Guide for P&M of navigational aids](#) i.e. Harbour Authorities.

All navigational aids used within the port meet the criteria laid down by the GLA. The establishment of a light or mark or any alteration to existing lights or mark, may only be done with the approval of the GLA and all approved alterations should be notified to the UKHO.

A revised inspection regime (PANAR) requires the Local Lighthouse Authority (LLA) to submit returns to the GLA. Every port is responsible for the maintenance of the navigation aids within the port limits and details of defects/repairs are co-ordinated through the Harbour Master who acts as the LLA for NHC as the Statutory Harbour Authority.

NHC have Contracted out the maintenance of floating lights and marks under their management. The current Contractor is Trinity House

The procedure for fault reporting of fixed and floating aids to navigation is incorporated with the Cardiff LPS Procedures and held as a controlled document on the ABP SW SharePoint site

#### **4.5 DREDGING**

Dredging within the port area can be divided into capital dredging or maintenance dredging.

Capital dredging is usually associated with the deepening or creations of berths and channels to greater than previous depths. Maintenance dredging is the removal of siltation which has gathered in an area to return a channel, dock or berth to its previous depth whether the original depth was natural or achieved by previous capital dredging.

Harbour Master controls maintenance dredging in close liaison with the Joint Dredging committee and the UKD general and operations Managers. Maintenance dredging is carried out at agreed periodic intervals. Hydrographic Surveys are carried out before and after dredging operations and during if deemed required.

#### **4.6 REMOVAL OF WRECKS**

Where there is a wreck in, or near the approaches to the Harbour which is likely to become an obstruction or danger to navigation, the Harbour Master will take possession of, remove or destroy it. It will be lit and buoyed until it is raised, removed or destroyed. Due regard will be made to the duty to the environment in the exercise of this and all other duties and powers.

A risk assessment will be undertaken of any wreck in, or near the approaches to the Harbour with the aim of reducing the risk of danger to navigation to as low as reasonably practicable.

In the event of a vessel becoming a wreck in or near the approaches to port limits, the process of removing the wreck is laid down in Section 252 of the Merchant Shipping Act 1995. [Merchant Shipping act 1995](#) In event of a wreck on the approaches to the harbour, full consultation will be made with the Harbour Master. The UK Hydrographical Office will be informed of wrecks within port limits. If the wreck is not to be removed it will be adequately surveyed with the results sufficiently promulgated.

## **4.7 ANCHORAGES**

There are several anchorage areas in the South Wales Pilotage Districts. All Anchorages are detailed on Admiralty Charts and publications.

CONTROLLED

## **M.S.M.S.5 – EMERGENCY PROCEDURES**

### **NOTE**

Under the Harbour Master functions Contract. ABP are contracted to Initiate and manage the responses to pollution and other emergencies within the Newport Harbour Authority area of Jurisdiction.

### **5.1 INCIDENTS**

An incident occurring within the Harbour Authority area of Jurisdiction will be graded depending on the nature of the incident, the possible effects on life, the environment, the port operations and the level of response required by the Harbour Authorities, the emergency services and others.

When a Marine incident occurs the Harbour Master should be informed immediately. As per the flow chart and alert procedure that forms part of the Cardiff LPS procedures

#### **5.1.1 MINOR INCIDENTS**

Minor incidents are those that can be handled within the every day resources of the Contracted ABP Services. Although the emergency services or other organisations may be notified or required to assist, such assistance will be routine.

#### **5.1.2 MAJOR INCIDENTS**

A major incident may be defined as being beyond the normal day to day capacity of the authority and the emergency services and require the special and extensive mobilisation of these and other resources. Examples of major incidents may include:-

- Death or serious injury to any number of people
- Extensive damage or contamination to the environment
- Extensive damage to vessels, installations, berth facilities, river structures and quayside equipment
- Serious disruption to the operation of the Port

## **5.2 INCIDENT PROCEDURES**

### INITIAL ASSESSMENT, RESPONSE AND ALARM

Whenever an incident occurs within the Newport Harbour Authority area of jurisdiction, a full initial assessment will be carried out where possible and the response will be tailored to that incident. If necessary the appropriate plan will be activated. All incidents should be reported to the Lock controller at Newport Pierhead if on tide who will contact Cardiff LPS or to Cardiff LPS directly who will alert the appropriate management or engineering /operations staff.

Primary response functions include:

- Notification/Alerting
- Situation Assessment
- Strategy Development
- Incident Management
- Response Strategy
- Equipment Deployment
- Communication Support
- Logistics Support
- Public Affairs/Media
- Safety/Security
- Legal Support
- Vessel Casualty

During all incidents, all persons concerned should maintain a log of all communications and actions.

### **5.3 PORT EMERGENCY**

NHC have devolved responsibility for emergency response to ABP South Wales via a formal contact of services. ABP 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.

[National pollution Contingency Plan](#)

### **5.4 OIL POLLUTION**

Within the Newport Harbour Authority area of jurisdiction, in accordance with statutory requirements to prepare for and respond effectively to any incident of oil pollution, Oil Spill Contingency Plans, written in accordance with the requirements of the M.S. (Oil Pollution Preparedness, Response and Co-operation Convention Regulations 1998) have been prepared and approved by the Marine Coastguard Agency (M.C.A.) The NHC plan has been harmonised with the interfacing ABP Regional plan so as to aid an effective and timely response to an oil spill .

[National pollution Contingency Plan](#)

The plan details the structured response and notification procedures required in the event of an oil pollution incident. Pollution incidents are tiered as follows:-

- **Tier 1** - Spills of less than 1.5MT, which can be dealt with using the resources retained on site. The Harbour Master Keeps an oil spill response trailer at Barry to Cover SE Wales There is also an oil boom that is kept in Cardiff
- **Tier 2** - Spills over 1.5MT, which require mobilisation of additional resources and Tier 2 oil spill contractors.
- **Tier 3** - Spills which require mobilisation of national resources

The plans have been written to interface with the UK National Contingency Plan [National pollution Contingency Plan](#)

#### **5.41 OTHER EMERGENCY AND REFERENCE PLANS**

- Gwent Emergency Plan.
- Gwent Emergency Planning – Control of Major Accidents and Hazards (COMAH).
- MCGA/Gwent Police – Usk Estuary Co-ordination Commitment.

#### **5.5 EMERGENCY RESPONSE CENTRE**

In the Event of an Oil spill Emergency a response centre would be set up at a The Newport Pierhead Emergency control room. It will be manned for all Tier 3 incidents and at the discretion of the command team leader for Tier 2 incidents.

#### **5.6 INCIDENT / ACCIDENT INVESTIGATION PROCEDURES**

**[Incident Investigation \(3.14 – 3.15\)](#)**

**[Statutory Reporting \(3.16\)](#)**

Investigations of accidents and incidents have two essential purposes:

- To determine the cause of the accident or incident, with a view to preventing a recurrence of that accident or incident; and
- To determine if an offence has been committed: if so, there may be the need on the part of the Newport Harbour Authority to initiate criminal proceedings in their own right or through the agency of another authority such as the Health and Safety Executive (HSE) or the MCA

All minor marine incidents will be investigated at the discretion of the Harbour Master .All major marine incidents will be investigated.

Any marine incident that involves the waters adjacent to the port limits, or involves a licensed pilot or PEC holder will be investigated. Investigations for Major Marine incidents and Accidents may not necessarily be carried out under authority of the Harbour Master. The investigation may be part of a criminal investigation and the primacy for the investigation will remain with the lead agency, namely: - Police, HSE, MCA or MAIB

**The following definitions have been adopted by the Guide To Good Practice In Port Marine Operations**

**“Accident”** means any occurrence on board a ship or involving a ship whereby -

- there is loss of life or major injury to any person on board, or any person is lost or falls overboard from, the ship or one of its ship's boats;
- a ship-
  - causes any loss of life, major injury or material damage;
  - is lost or presumed to be lost;
  - is abandoned;
  - is materially damaged by fire, explosion, weather or other cause;
  - grounds;
  - is in collision;
  - is disabled; or
  - causes significant harm to the environment.
- any of the following occur -
  - a collapse or bursting of any pressure vessel, pipeline or valve;
  - a collapse or failure of any lifting equipment, access equipment, hatch-cover, staging or boatswain's chair or any associated load-bearing parts;
  - a collapse of cargo, unintended movement of cargo or ballast sufficient to cause a list, or loss of cargo overboard;
  - a snagging of fishing gear which results in the vessel heeling to a dangerous angle;



- a contact by a person with loose asbestos fibre except when full protective clothing is worn; or
- an escape of any harmful substance or agent,

if the occurrence, taking into account its circumstances, might have been liable to cause serious injury or to cause damage to the health of any person.

CONTROLLED

**“Incident”** means an uncontrolled or unplanned event, or sequence of events, that results in damage, or threat, to the safety of personnel, the vessel, the environment or property

**“Major injury”** means -

- any fracture, other than to a finger, thumb or toe;
- any loss of a limb or part of a limb;
- dislocation of the shoulder, hip, knee or spine;
- loss of sight, whether temporary or permanent;
- penetrating injury to the eye; or
- any other injury –
  - leading to hypothermia or to unconsciousness, or
  - requiring resuscitation, or
  - requiring admittance to a hospital or other medical facility as an inpatient for more than 24 hours.

**“Serious injury”** means any injury, other than a major injury, to a person employed or carried in a ship which occurs on board or during access which results in incapacity for more than three consecutive days excluding the day of the accident or as a result of which the person concerned is put ashore and the ship sails without that person, unless the incapacity is known or advised to be of three consecutive days or less, excluding the day of the accident.<sup>6</sup>

**“Hazardous incident”** means any event, other than an accident, associated with the operation of a ship which involves circumstances indicating that an accident nearly occurred.

## **INCIDENTS INVOLVING DEATH OR CRIME**

When someone dies in a work-related incident, a number of different organisations will require to work together to ensure that the incident is investigated and that the reasons for the death are understood. The police will investigate any incident in the event of death - both in relation to any possible offence (possible homicide - murder or manslaughter) and on behalf of the coroner.

A police investigation may also be necessary to see if other criminal offences have been committed and to consider whether a prosecution should be brought.

Different organisations have different but important roles in this process and good co-ordination is vital to ensure that the investigation is as smooth and as

seamless as possible. Close liaison with the police, therefore, is essential in such incidents.

The legal framework for incident investigation is effectively summarised in the Memorandum of Understanding (MOU) between the MCA, the MAIB and the HSE for health and safety enforcement activities at the water margin and offshore:

[MOU between MAIB MCA and HSE](#)

[2012 reporting regulations](#)

Provided that the primacy for a given investigation is with the South Wales Marine Department Incidents will be investigated to find out the facts of what happened and so identify the causes of their occurrence and determine the actions that must be taken to prevent recurrence. They should not be investigated to apportion blame and need to be fact finding and not fault finding. Incidents are rarely simple and almost never result from a single cause. They are normally events resulting from a combination of actions, omissions, errors, failures, changes and oversights.

To ensure an effective incident investigation the investigation process should:

-

- record key information
- obtain the basic facts and establish the circumstances of what happened
- identify and investigate both the immediate and underlying causes
- analyse the findings
- determine the action needed to prevent a recurrence and make recommendations
- require a check that the recommended actions have been acted upon
- re-appraise the existing risk assessments and systems of work
- review the control standards and the success in meeting them
- satisfy the legal reporting and recording duties
- obtain details, which might be needed if the incident becomes subject to an insurance claim or legal action

The investigation should look beyond the actual situation to see whether it could have been worse.

The MarNis tool will be used for recording post incident reviews and will be used as a method of sharing and promulgating reviews.

## **M.S.M.S. 6 Pilotage And Passage Planning**

### **6.1 Pilotage Management**

The Newport Harbour Commissioners are the Competent Harbour Authority (CHA) for the port and harbour of Newport pursuant to the Pilotage Act 1987. A guide to their powers and duties (in respect of pilotage) is contained in the Port Marine Safety Code (PMSC).

In an agreement dated 9th December 1998, the Newport Harbour Commissioners arranged for all of their functions relating to pilotage, other than their duty under section 2(1) of the 1987 Act, to be exercised on their behalf by Associated British Ports.

Newport Harbour Commissioners retain their responsibilities as set out in Section 2(1) of the Pilotage Act 1987.

The Newport Competent Harbour Authority will keep under consideration – whether any and if so what pilotage services need to be provided to secure the safety of ships navigating in or in the approaches to its harbours; and whether in the interests of safety, pilotage should be compulsory for ships navigating in any part of that Harbour or its approaches and, if so, for which ships and in which circumstances and what pilotage services need to be provided for those ships.

Particular account will be made should the use of the Harbour change in such a way as to affect the requirements of the service provided.

Having considered the above the Newport Competent Harbour Authority will ensure that the appropriate level of pilotage service is provided.

Under the Terms of the 1998 agreement, management of the Pilotage Service within the Newport C.H.A. area is under the control of the Harbour Master.

### **6.2 Authorisation of Pilots**

The ABP South Wales Competent Harbour Authority will determine the qualifications for the authorisation of its pilots in respect of age, physical fitness, time of service, local knowledge, skill, character and otherwise. As per industry best practice described in the Port Marine Safety Code The Pilotage Manager will ensure that proper arrangements are in place for assessing pilot competence and keeping their fitness under review and details of these

arrangements are made available to applicants. In line with Port Marine Safety Code

ABP South Wales CHA is committed to exercising his clear role in the authorisation and discipline of pilots and on the issuing of exemption certificates.

The South Wales Competent Harbour Authority will ensure that suitably detailed contractual arrangements are in place either directly with its authorised pilots or through a contract of service, as appropriate.

The ABP South Wales Competent Harbour Authority 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. The training standards are appropriate to the National Occupational standards for Marine Pilots that were developed and reviewed in parallel with the Port Marine Safety Code.

[National Occupational Standards for Marine Pilots](#)

### **6.3 PILOTAGE DIRECTIONS**

The Harbour Master will ensure that Pilotage directions define the circumstances in which pilotage is to be compulsory, how and to which vessels they apply and in what circumstances.

In providing a pilotage service ABP South Wales will consider the possibility that the Master of a vessel may ask for a pilot even when not required to take one by pilotage directions. The ABP South Wales Competent Harbour Authority will seek to make allowances for such requests and refer to them when reviewing whether in any such circumstances pilotage should become compulsory.

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.

Pilotage directions for ships to be navigated within the South Wales Pilotage Area can be found here [Pilotage Directions](#)

## **6.4 Pilotage Exemption Certificates**

The Harbour Master will ensure the provision of appropriate formal procedures for assessing the suitability of PEC applicants. The standards and procedures adopted by the South Wales Competent Harbour Authority are published and available to applicants and will be in line with Port Marine Safety Code guidance. ABP South Wales CHA has set a level of competency for PEC's that is similar but no more stringent than for authorisation of Pilots.

The Harbour Master will issue pilotage exemption certificates to appropriately qualified deck officers Only.

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

The Harbour Master will make arrangements with PEC holders and their employers, setting out agreed conditions on which PEC's are issued to ensure the use of PEC's is in accordance with the terms on which they are issued.

The Harbour Master will endeavour to satisfy himself that would-be exemption certificate holders are properly trained on the conduct of the vessel or vessels to which a certificate applies.

## **6.5 Passage Planning**

The Harbour Master will utilise and promote the use of appropriately detailed passage plans within the South Wales and Newport Harbour CHA areas of jurisdiction.

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

It is also the responsibility of each vessel entering the Newport Harbour to Passage plan from "berth to berth" this berth to berth passage plan may be modified after consultation between the Pilot and Master of the vessel but any modification does not take away the responsibility of the Master of the vessel from continuing to monitor the passage plan while the Pilot is on board.

Certain vessels under 85m are pilotage exempt in South Wales Ports and the River Usk

The Harbour Master will provide, in the most appropriate format, up to date passage guidance applicable to its ports and harbours. It will include but not be limited to the following:

## **Allowances**

Allowances for SE Wales are set by the Harbourmaster based on Hydrographic data and reviewed on a regular basis. South West Wales allowances are included in the acceptance criteria below

## **Acceptance Tables**

The Harbourmaster publishes acceptance information for all the berths on the River Usk and South Wales Ports. Agents, Owners and Masters can seek guidance on vessel acceptance from the LPS office in Cardiff that is Manned 24 / 7 /365

The Pilotage Manager will ensure, where applicable, that arrangements are in place for pilots to be allocated to vessels with sufficient time and information available to prepare a pilot passage plan.

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 Harbour Master has issued the passage plan/ Pilot Voucher booklets in duplicate. Pilots return a copy to the Marine Administration manager for archiving in the event that they may be needed for incident investigation purposes.

The allocation of Pilots is carried out by LPS staff in Cardiff for SE Wales Ports and the River Usk

Pilot orders in SE Wales are sent out at specific times (twice a day) South Wales Marine Staff send a spreadsheet to all South Wales Agents on an annual basis detailing the orders time for each day of the year.

The following Guide to Passage Planning and Navigation in the ABP SE Wales and NHC SHA & CHA areas of jurisdiction has been raised

[Guide to Passage Planning and Services](#)

## **6.6 Pilot Boarding and Landing Arrangements**

ABP South Wales CHA run 3 Coded and certificated Pilot Vessels in Compliance with all relevant legislation, Codes and Company policies. All boarding and landing is undertaken in compliance with relevant legislation and codes

The Pilotage Manager implemented a Safety management system for the South Wales Pilot Cutters based on the principles of the International Safety Management Code (vessels)

CONTROLLED



## **6.7 Management of Navigation**

The Newport Harbour Commissioners' statutory powers are subject to "open port duty" (refer PMSC 1.2.2.) as follows :- "Upon payment of the rates made payable by the local legislation for that port, and subject to the other provisions thereof, the harbour, dock, or pier shall be open to all persons for the shipping and unshipping of goods, and the embarking and landing of passengers".

The Commissioners regard the "safe management of navigation" as being of paramount importance.

The Commissioners, in determining a level of safety management appropriate to the harbour, have considered many factors including:-

- traffic density;
- traffic patterns, routeing, intersections, and anchorages;
- port and river regimes, depths of water, sand and mud banks, bars, shoaling patterns, meteorological conditions, tides and currents;
- hazardous and pollutant cargo trades;
- recreational craft.

These points have been addressed in the Formal Risk Assessment for the Port and Harbour of Newport. And are subject to continual risk assessment and review procedure.

Following those risk assessments, the Commissioners ensure that reasonable procedures are formulated, consulted and agreed by relevant stakeholders and are in place. Covering but not limited to the following

Mooring and berthing  
Towage  
Vessel movements  
Constraints peculiar to specific facilities.

The Commissioners, through contractual agreement, have arranged for traffic management, communications, and the monitoring of all vessel movements to be undertaken by Newport and Cardiff Local Port Services (Cardiff LPS), operated by Associated British Ports (South Wales). The Harbour Master has access to the facilities of this service the details of which are documented in the PMSMS

The Harbour Master manages commercial and leisure navigation in the South Wales and NHC SHA areas of jurisdiction through the provision of :

- Local Port Services based at Cardiff (24 hours)

- Local Port Services based at the pierhead Newport ( tidal)
- Pilotage directions
- [Notices to Mariners](#)  
[Pilotage Directions](#)
- [Byelaws](#)
- [Safety of Navigation information for small craft](#)
- Promulgation of pertinent information to UKHO in a timely manner so as to be included in nautical publications such as
  - ALRS
  - Pilotage books
  - Navtex Warnings
  - Weekly notices to Mariners

The South Wales Ports website [ABP South Wales](#) has a wealth of information pertinent to the management of Navigation in the ABP South Wales and The Newport Harbour SHA areas of Jurisdiction, in addition to this, NHC have their own Website [Newport Harbour Commissioners](#).

Details of Cardiff LPS follow in the next section. In addition to Cardiff LPS, the Newport Harbour SHA area of Jurisdiction is covered by Newport local port services (LPS) based at the pier head Newport Docks. Newport LPS keep a listening watch on the designated VHF Channel during the tidal working hours of the Newport Docks. Full details of the Newport LPS are available in the ALRS (Admiralty List of Radio Signals)

In accordance with the contract to provide HM functions, Newport LPS will monitor and record VHF communications on the nominated working channel for the port. In addition, Newport LPS will proactively, and in response to requests, provide relevant navigational information to commercial vessels on route to and from the port.

Cardiff LPS, in accordance with their coordination role, will provide coordination information for vessels using Newport Harbour berths via their nominated agents or directly via telephone, email fax or nominated VHF channel.

It should be noted that Cardiff and Newport LPS are **NOT** VTS traffic management services and have no duty or authority to direct marine traffic or provide a remote pilotage service in the context of the normal running of the port.

As representatives of the Harbour Master, Cardiff and Newport LPS have the power to invoke the Harbour Masters “special directions” in the context of emergencies or for particular occasions

## **6.8 Cardiff LPS**

- 1st of July 2010 saw the introduction of Cardiff LPS. Based in Cardiff QA House, Cardiff LPS, as well as providing local port services for the port of Cardiff became a coordination service for the Marine activities in the South Wales Ports and the River Usk with the following aims;
- To discharge ABP's and (via the contract to provide Harbour Master functions) Newport Harbour Authorities responsibilities for navigational safety.

To comply with National and International laws and conventions and with the provisions of the relevant Acts, Orders and subordinate legislation

- To co-ordinate and facilitate the supply of pilots to vessels In SE Wales
- To provide pilots with the necessary information to allow a passage plan to be formulated for the vessel to which they are assigned
- To act as a first point of contact and inform the relevant managers as per the Regional Port Emergency Plan and the Regional Oil Spill Contingency Plan in the event of an incident within the jurisdiction of Associated British Ports or Newport Harbour Commissioners which may or may not require the involvement of other organisations, services or authorities.
- To disseminate appropriate information to relevant managers and departmental heads in relation to situations and incidents that may not necessarily come under the title of 'emergency' but are deemed noteworthy.

- To perform a co-ordination role between pilots, rope men, agents, tug services and pilot cutters in the SE Wales area in order to help facilitate the docking and undocking of vessels and associated services.
- To act as the ABP's and (via the contract to provide Harbour Master functions) Newport Harbour Authorities, central point of contact outside normal office hours for all incoming marine inquiries or information, and for the provision of essential advice, co-ordination and information to the shipping and port community.
- To provide a Port Information service which will meet the demands of port users for relevant port related information in a timely and accurate manner.

A detailed operational Manual covering the procedures and operations performed by Cardiff LPS has been raised. A copy has been supplied to NHC

CONTROLLED

## **M.S.M.S.7 Port towage Operations**

Newport Harbour Authority, review both the provision of towage and towage guidelines in conjunction with The Harbour Master in a timely manner. Where relevant, Pilots, Agents and towage providers are consulted as part of the review process.

### **South Wales and River Usk Towage Guidelines**

Newport Harbour Authority Support ABP South Wales in recognising that the towage guidelines are not definitive and Support ABP South Wales procedures 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  
Safety Management Systems

South Wales Towage providers keep the Harbour Master updated as to the configurations and capabilities of the tugs available for towage operations in the Newport Harbour .

The Harbour Master has made arrangements with South Wales towage providers for reciprocal training of tug crews and pilots as detailed in the Pilot “Career Development and Training Plan” 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

### **7.1 Unusual tows**

Port Marine Safety Code Guide to Good Practice now requires Harbour Authorities to give special consideration to tows involving dead-ships or unusual objects and towage events of a non-routine nature.

ABP have issued a N2M to reflect this guidance and have issued an unusual tows 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.

The Harbour Master will ensure that any such unusual or dead tow proposed on the River Usk will be assessed in line with the procedures in place at ABP South Wales

## **M.S.M.S. 8 MARINE SERVICES**

### **8.1 Work Boats**

Work Boats used within the port must comply with the M.S. (Small Work Boats) Regulations 1998, if applicable. Craft not subject to those regulations must be properly maintained, equipped and manned by competent personnel. This procedure equally applies to privately owned craft as well as those operated by the Harbour Authorities.

#### **8.11 Moorings**

NHC administer no moorings in their area of Jurisdiction, Administration of the leisure craft moorings at Julian's Pill is undertaken by the Usk mouth Sailing Club who are a member of the advisory Body and a Consultee.

There are some fishing boat moorings situated to North of Powderhouse Point that are subject to an historic arrangement that is administered by ABP who's land the mooring users cross to access their moorings.

### **8.2 Immobilisation Of Engines**

Permission to immobilise a vessel's engines must always be sought, in Writing, from the Harbour Master via the duty Lock Controller at Newport Pierhead or, when off tide, Cardiff LPS , by the ship's agent or by the Master. Such permission will generally be granted subject to whatever provisions are considered necessary. This permission will not be required for vessels berthed inside the enclosed dock of Birdport.

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.

### **8.3 Diving Permissions**

No Diving operations are to take place within the Newport Harbour SHA area of jurisdiction without the permission of the Harbour Master.

A port Diving Plan has been raised by ABP (under the contract to provide Harbour Masters services) and is available online [Diving - ABP South Wales](#)

## **M.S.M.S.9 Port Marine Staff Training**

### **Competence Standards (3.13)**

The Port Marine safety code and Guide To Good Practice discusses the need for harbour authorities to

- Ensure that everyone, who has responsibilities or is involved with the safety of navigation, is qualified and competent to do the job.

Authorities must ensure their

- Staff meet the nationally agreed standards of competence, or alternatively be able to
- Show that their local competency standards are fully equivalent.

All Newport Harbour Authority Operational Port Marine Staff are ABP employees who's services are provided under the 1998 Pilotage services agreement and the 2010 Harbour Master functions contract.

The ABP Statutory Harbour Authority have issued a Port Marine Training Policy and a suggested training matrix to be adopted by individual ports after approval by the Marine advisor

ABP South Wales in compliance with this policy have raised a Port Marine Training Matrix for South Wales Marine Staff and had it approved by the ABP Marine Advisor.

The South Wales Personnel Manager in Consultation with the Harbour Master and Pilotage Manager ensure that the required training is provided.

## **M.S.M.S.10 Consultation**

### **Consultation (3.12)**

Newport Statutory Harbour Authority ensures Consultation with port users and stakeholders through regular minuted meetings of the Advisory Body. The Advisory Body constitution and remit is fully documented in the [Strategy and Policy Document](#)

ABP as providers of Harbour Master Functions to the NHC, attend and / or initiate the following meetings that have a relevance to NHC Port Marine Policies and Strategies

<b><u>Meeting Title</u></b>	<b><u>Frequency</u></b>	<b><u>Location</u></b>	<b><u>Duration</u></b>	<b><u>Attendees from ABP SW</u></b>	<b><u>Purpose</u></b>
Newport/ Swansea Operations Meeting	Twice Weekly	Newport	30 Minutes	HM DPM MM OPS RSO	To discuss operational issues in Newport and Swansea



Bristol Channel District Meeting	Quarterly	Cardiff QA	2 Hours	HM/DHM/MCA/Bristol DHM/RYA	Local Marine Issues/Incidents
Bristol Channel VTS Users Group Meeting	Quarterly	Rotates	2 Hours	HM / DHM	To discuss VTS issues in the Bristol Channel
3G	As Required	Cardiff	2 Hours	DHM/Pilots/Towage Providers	To discuss Pilotage issues, may include representative from Towage Providers
South Wales Port Welfare Committee Meeting	Quarterly	Rotates	2 Hours	HM / DHM	Port Welfare Issues
Port Users Group Meeting	Quarterly	Newport	1 Hour	DPM/HM/DHM/Safety Manager	Port Issues, Welfare & Safety
Cardiff Bay Advisory Committee Meeting	2 Monthly	Cardiff	2 Hours	HM/DHM/ Estates Manager	Various Bristol Channel/ Cardiff Bay issues

CONTROLLED

Amendment No.	Date	Amendment	Amended By
1	18-01-13	3.5.1 Issuing special directions	R Lewis
2	18-01-13	8.11 moorings	R Lewis
18	<del>18-02-18</del>	3.371 and <del>Revised wording (Chief Executive)</del>	R Lewis
4	18-01-13	5.8 Detailed devolution of civil	R Lewis
19	11-12-18	3.5 <del>Added wording to ABE via delegate authority</del>	R Lewis
20	<del>13-02-18</del>	3.9 Updated hyperlink	R Lewis
21	<del>11-12-18</del>	3.17 Explanation of regional OSCP	R Lewis
6	13-03-13	Added list of NHC held copies and exercising regime of legislation	R Lewis
22	<del>11-12-18</del>	4.1 Revised wording MOU and Changed terminology (protection PMSMS to MSMs)	R Lewis
7	20-05-13		R Lewis
23	<del>11-12-18</del>	4.4 Clarified that notification is an Added references to Marine LPS process Navigation Act 2013	R Lewis
8	20-05-13		R Lewis
9	20-05-13	3.52 Added reference to new power of general direction	R lewis
10	20-05-13	5.6 Added reference and link to 2012 incident reporting regulations	R lewis
11	20-05-13	6.3 Added hyperlink to Pilotage directions	R .Lewis
12	20-05-13	6.4 Removed reference to “Master and first Mate” and replaced with “Deck Officer”	R.Lewis
13	21-05-13	3.171 Added clear wording regarding permitting of licensable activity	R Lewis
14	16-06-14	7.1 Added section about assessment of unusual tows	R Lewis
15	01-11-17	3.52 Revised general direction wording	R Lewis
16	11-12-18	Changed date on front cover	R Lewis
17	11-12-18	2.2 Updated review of risk assessment	R Lewis

CONTROLLED