



# Port of Dover Marine Safety Code – Section 01

## Compliance Plan

Document Author: Tom Shearman

Contact Details – Telephone: 01304 240400 Ext. 4522

E-Mail: [tom.shearman@doverport.co.uk](mailto:tom.shearman@doverport.co.uk)

Document Owner / Approver: Steve Manser

Version No: 6 Version Date: 09<sup>st</sup> September 2021

Status: Published

**Index**

- 1. Introduction ..... 3
- 2. Method ..... 3
- 3. Port of Dover Marine Safety Code Policy Statement..... 3
- 4. The Safety Management System..... 5
  - 4.1 The Safety Management System Overview..... 5
  - 4.2 Measuring Performance..... 5
  - 4.3 Auditing and Reviewing Performance..... 6
  - 4.4 Monitoring Compliance..... 6
  - 4.5 Document Reviews..... 6
  - 4.6 Annual Reports..... 6
- 5. Dover Harbour Board Positions, Duties, Powers and Authorities..... 7
  - 5.1 Key Positions..... 7
    - a) The Duty Holder..... 7
    - b) Chief Executive Officer - (CEO)..... 7
    - c) Designated Person..... 7
    - d) Harbour Master..... 8
    - e) Deputy Harbour Master ..... 8
    - f) Marine Superintendent ..... 8
    - g) Technical Superintendent..... 8
    - h) Duty Harbour Master (DHM)..... 8
    - i) Vessel Traffic Service Officer (VTSO)..... 8
  - 5.2 Duties and Powers..... 9
    - a) Open Port Duty ..... 10
    - b) Civil Contingencies Duty - (Emergency Planning)..... 10
    - c) Services and Facilities..... 10
    - d) Dangerous Goods..... 10
    - e) Powers..... 11
    - f) Enforcement..... 11
- 6. General & Special Directions..... 12
  - 6.1 General Directions..... 12
  - 6.2 Special Directions..... 12
    - a) Incidents threatening Pollution and safety..... 13
    - b) Dangerous Vessels..... 13
- 7. Consultation between the Board and marine Stakeholders..... 13
  - 7.1 External..... 14

- 7.2 Internal ..... 14
- 8. Statutory Reporting Requirements..... 14
  - 8.1 Statutory Reporting Requirements - Procedure Flow Chart..... 15
- 9. Risk..... 15
  - 9.1 Risk Control..... 16
  - 9.2 Reviews..... 16
- 10. Competencies..... 16
  - 10.1 Pilotage Direction and Pilot Exemption Certificates (PECs)..... 17
- 11. Drink and Drugs..... 17
- 12. Conservancy..... 17
- 13. Aids to Navigation..... 17
  - 13.1 General Lighthouse Authority (GLA)..... 18
    - a) Local Lighthouse Authority (LLA)..... 18
    - b) LLA Duties..... 18
    - c) LLA Reporting..... 18
- 14. Passage Plans..... 18
  - 14.1 Collision Regulations..... 18
  - 14.2 Publication of Port Passage Guidance..... 19
  - 14.3 Passage Record Keeping..... 19
- 15. Charges..... 19
  - 15.1 Pilot Charges and Exemption..... 19

**Associated Documents**

- Navigation Risk Assessment
- Marine Safety Plan
- General Directions
- Pilotage Direction
- Pilotage Enforcement Policy

## **1. Introduction**

The Port Marine Safety Code's aim is to enhance safety for those who use or work in Ports, their ships, passengers and the maritime environment. The code applies to all harbour authorities in the UK that have statutory powers and duties and therefore it applies to the Port of Dover. The Code provides a measure by which Dover Harbour Board can be accountable for the legal powers and duties which it has to operate the Port of Dover, safely and to discharge its obligations effectively.

The Port of Dover Marine Safety Code applies to marine operations within the Port including Pilotage, Hydrographic and Survey requirements, Mooring, Towage, Vessel Traffic Services, Navigational Aids, Salvage and Workboats.

The responsibility for implementation and compliance with the Code rests with the Duty Holder. In terms of the Port of Dover, the Duty Holder is the Dover Harbour Board.

The operation of the Port of Dover's tugs, dredger and other port vessel units conform to the requirements of the ISM Code. Details of policies and procedures as they relate to this area of operation can be found within the Vessel Safety Management System (VSM).

## **2. Method**

The Port of Dover Marine Safety Code is published as an electronic paperless document. This Code is located within the Port of Dover's IFS system which is a controlled document management system. A Reference Copy will be made available to external parties and agencies at the discretion of the Company Secretary.

In addition a Port Marine Safety Plan for Marine Operations is produced and published. The Harbour Master and his direct reports identify marine hazards that present at the Port of Dover and highlight associated potential marine risks inherent in the activities undertaken within the Port. The risks are recorded within the Navigation Risk Assessment document.

## **3. Port of Dover Marine Safety Code Policy Statement**

It is the Dover Harbour Board's policy that in delivering marine operations and services, the protection of the health and safety of its employees, customers, users and contractors and the protection of the Port environment will be given the highest priority. Dover Harbour Board requires that all maritime statutory duties, applicable laws and regulations are met and that codes of practice and relevant guidelines are adhered to at all times. Regulations and best practice are defined in the governments Port Marine Safety Code, (the Code) and its accompanying Guide to Good Practice. The Port of Dover Compliance Plan defines how the Port meets the Code's requirements. The Port of Dover provides the Maritime & Coastguard Agency with a written statement of compliance, signed by the Chairman of the Dover Harbour Board, on a tri-annual basis.

Port of Dover aims to minimise work-related injuries and illnesses by demanding high standards of working practices and providing a safe working environment. Any Health and Safety risks identified are addressed by the Board's Safety Management System. Port of Dover employees are involved in achieving these aims by reporting previously unidentified safety risks, regularly reviewing existing risks, maintaining safe working practices and monitoring and reviewing the effectiveness of improvements to the Marine Safety Management System.

All employees are required to be committed to achieving and maintaining Port of Dover's high standards of health & safety and environmental protection and receive training and support to enable them to meet these

standards. The Marine Operations Department Staff are directly involved in the maintenance and verification of the Board's Marine Safety Management Systems.

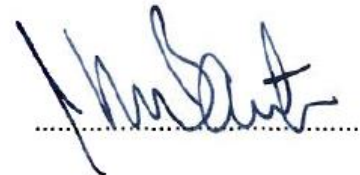
The Board seeks to identify, analyse and fulfil employee training requirements by regularly reviewing and consulting with staff in order to continuously improve their skills, particularly in relation to marine safety and environmental management.

All Port of Dover staff directly employed in delivering marine operations or services or indirectly providing support to marine operations or services must understand, implement and comply with this policy.

Signed:  
September 2021

Date: 10th

**Doug Bannister**  
Chief Executive  
For and on Behalf of the Dover Harbour Board



**Steven Manser**  
Head of Marine & Harbour Master



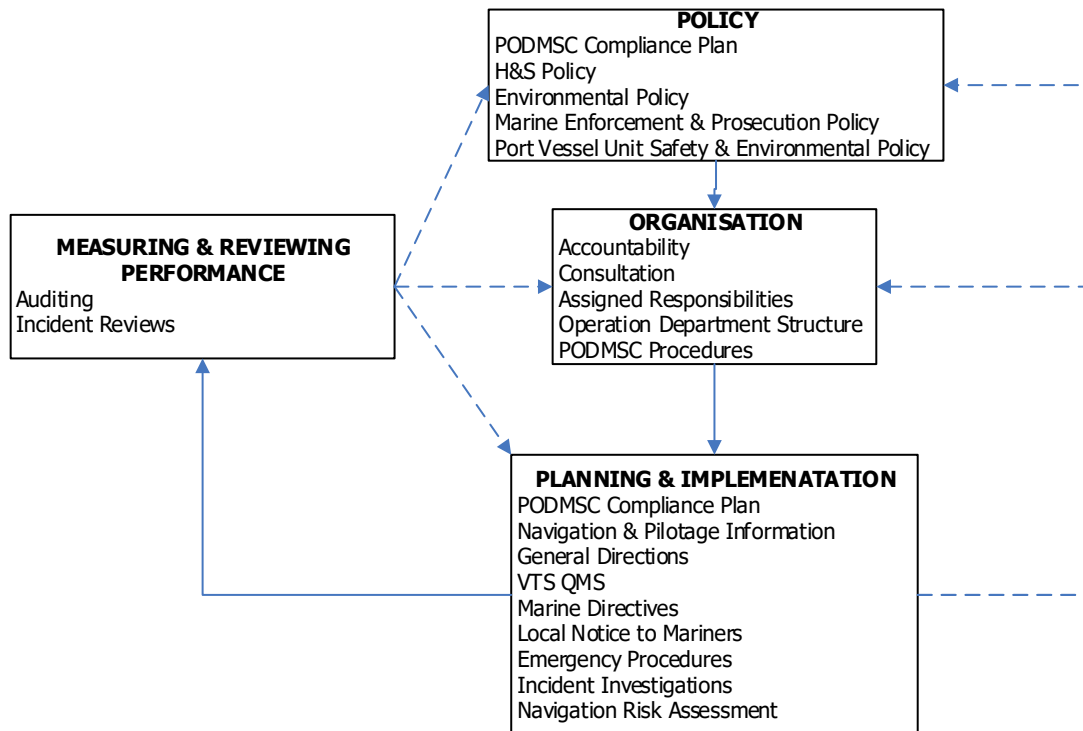
**David Foster**  
Designated Person  
Marine & Risk Consultants Ltd



## 4. The Safety Management System

The safety management system comprises the following elements - Policy, Organisation, Planning, Measuring Performance, Audit and Review. These elements are driven by statutory requirements and the risk assessment process and are described in the schematic in 4.1.

### 4.1 Safety Management System Overview



### 4.2 Measuring Performance

Any Safety Management system requires means of pro-active and reactive monitoring to ensure that the system is working well, or if incidents occur to discover why and action what needs to be undertaken to prevent recurrence. This will include reviews of existing risk assessments and procedures or drawing up new procedures where required.

Proactive measures employed are:

- Periodic audits both internal and external.
- Monitoring by Port Control, DHM/Pilots, Tug Masters, HPL crew, Survey crew and indeed any marine staff employed in an operational role.
- Annual survey of Ferry Masters & PEC holders.
- Establishing and monitoring a complaints procedure.

Reactive measures employed are:

- Investigation of accidents, occurrences, near misses and complaints.

- Monitoring MAIB reports for learning opportunities. All MAIB Reports are monitored by the General Manager, Marine Services & Harbour Master, any reports relevant to marine operations within the Port of Dover are distributed to all relevant marine personnel, MAIB Safety Digests are also distributed to all marine personnel who sign an acknowledgement sheet to confirm receipt. Completed acknowledgement sheets are filed in the General Manager, Marine Services & Harbour Master's office.

### 4.3 Auditing and Reviewing Performance

The safety management system is subject to a systematic review of how well it functions based on information from monitoring and independent audits. This is to ensure that continuous improvement is made in the development of policies, procedural systems and risk control.

Performance is assessed by reference to internal indicators and external comparison with other similar organisations for good practice.

The Designated Person will ensure that the safety management system is audited at least once a year, this audit will be undertaken by the Designated Person or the Deputy Designated Person. Audit results are reported formally to the Harbour Master and then presented by the Designated Person to the Duty Holder (The Board) in January of each year.

Any non-compliances, actions or observations arising from the audit process must be addressed to the satisfaction of the Designated Person, who will then confirm the completed actions to the Board.

Any performance indicators and/or trends will be kept under review by the General Manager, Marine Services & Harbour Master.

### 4.4 Monitoring Compliance

Once every three years Dover Harbour Board is required to confirm in writing, to the MCA, that the Board is complying with the Code.

This will be done by the Chairman once verification of compliance has been confirmed by the Designated Person. This verification is achieved through the audit process.

The statement of compliance was last made in March 2021.

### 4.5 Document Reviews

- The Port of Dover MSC Compliance Plan and Port of Dover MSC Procedures are controlled documents that will be reviewed every year and after a reported incident by the Marine Operations Department, they will also be subject to a formal review every 3 years.
- The Marine Safety Plan will be reviewed and published every 3 years. The Hydrographic survey plan will be assessed annually to address any changes needed.
- General Directions will be reviewed during each calendar year or following a marine incident.

### 4.6 Annual Reports

The Port of Dover MSC will be reviewed by the Marine Operations Department annually and after any recorded incident to ensure the validity and effectiveness of the information it contains. The general safety performance of marine safety to which this code applies and results of the annual review will be included in the Dover Harbour Board Corporate Social Responsibility Report. This document is made available to the public and discussed at an Annual Consultative Meeting to which members of the Port Community and the public are invited.

## **5. Dover Harbour Board Positions, Duties, Powers and Authorities**

Duties and powers relating to the safety of Marine Operations of the Port of Dover have been entrusted to the Dover Harbour Board, both individually and collectively, and it retains a strategic oversight and direction of all aspects of the Harbour operation. The Board has powers to appoint a Harbour Master and to authorise Pilots and may properly entrust the operation of the Harbour to such professional people, but it cannot assign or delegate its accountability for compliance with the Code.

### **5.1 Key Positions**

#### **a) The Duty Holder**

Dover Harbour Board will:

- Take reasonable care, so long as the Harbour is open for the public use, that all who may choose to navigate in it may do so without danger to their lives or property.
- Conserve and promote the safe use of the Harbour; and prevent loss or injury caused by the authority's negligence.
- Have regard to efficiency, economy and safety of operation as respects the services and facilities provided.
- Take such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the Harbour.

In addition, Dover Harbour Board will ensure that enough resources are available to discharge their marine safety obligations and set the level of dues accordingly. Where required the necessary Consents or Authorisations will be obtained before carrying out works in the Harbour.

#### **b) Chief Executive Officer – (CEO)**

The Chief Executive is accountable for the operational and financial control of the Port of Dover.

He advises the Board on all matters related to its duties and powers, with appropriate advice from the Harbour Master and other Officers.

He will:

- Oversee the implementation of its policies and decisions.
- Have overall executive responsibility for the safety of marine operations and staff.

#### **c) Designated Person**

Dover Harbour Board has appointed David Foster of Marine & Risk Consultants Ltd as "Designated Person".

Contact Details:

Designated Person: -

David Foster

Tel: +44 7711 640075

Email: [david.foster@marico.co.uk](mailto:david.foster@marico.co.uk)

Marine & Risk Consultants Ltd

Marico House

Bramshaw

Lyndhurst

Hampshire

SO43 7JB

The Designated Person is required under the code to provide independent assurance directly to the Duty Holder that the marine safety management system is working effectively. The Designated Person's main responsibility is to determine through assessment and audit, the effectiveness of the



Port of Dover Marine Safety Management System in ensuring compliance with the Code. The Designated Person must therefore have a thorough knowledge and understanding of the requirements of the PMSC (and supporting Guide to Good Practice and associated Port/Marine legislation).

**d) The Harbour Master**

The Harbour Master has day to day responsibility for safety of navigation and the safe operation of associated marine activities in the Harbour and its approaches. The post holder must be suitably qualified and experienced for the role.

Specifically the Harbour Master:

- Has powers of direction to regulate the time and manner of ships entry to, departure from and movement within Harbour waters.
- Ensures the co-ordination and regulation of all vessels within the Harbour and its approaches in particular in relation to General Directions and Bye-laws.
- In relation to the Port Authorities conservancy duties the Harbour Master has overall responsibility for the provision and maintenance of aids to navigation.
- The Harbour Master may delegate his powers for the purposes of complying with the Code and in this regard the delegated Officers are the Duty Harbour Masters, Deputy Harbour Master, VTS Officers and Harbour Patrol Launch Coxswains.

**e) Deputy Harbour Master**

The Deputy Harbour Master, is an authorised Pilot and also responsible for the management of Marine and VTS Operations. Is competent by virtue of qualifications and experience and is charged with carrying out the role and duties of the Harbour Master when required.

**f) Marine Superintendent**

The Marine Superintendent is responsible for ensuring marine service outputs are planned, reviewed and delivered safely and reports to the Harbour Master. He also has the role of Designated Person Ashore for the Port Vessel Unit.

**g) Technical Superintendent**

The Technical Superintendent is responsible for engineering services to the Port Vessel Unit and reports to the Marine Superintendent. He also has the role of Deputy Designated Person Ashore for the Port Vessel Unit.

**h) Duty Harbour Master (DHM)**

The DHM is normally an authorised Pilot and is a 24/7 shift working position in the Port. The DHM is competent by virtue of qualifications and experience and is charged with carrying out the role and duties of the Harbour Master, including emergency response, on a day to day basis.

**i) Vessel Traffic Services Officer (VTSO)**

The VTSO has delegated powers to regulate the time and manner of ships entry to, departure from and movement within the harbour on a 24/7 basis. All VTSO's are appropriately qualified to V103 standards.

Within the IMO and IALA Vessel Traffic Services definition 'Dover Port Control' has been designated as a Traffic Organisation Service. (Ref: MGN' 401).

The function of Dover Port Control acting for the Competent Harbour Authority (CHA) on behalf of the Harbour Master is regulatory; that is, to monitor and regulate the traffic which has a right to be there. Within the limits of the Harbour Master's jurisdiction, which extends to one nautical mile from the seaward limits of the Harbour, the primary function of Port Control is to maintain the safety of navigation and protection of the environment. Port Control has the authority to give

directions and guidance to ensure the safe and efficient operation and navigation within the Harbour.

It is not for Port Control to keep a vessel out of the Harbour (subject only to one or two exceptions), nor is it Port Control's function to instruct a Master how to manoeuvre his vessel. The Port of Dover operates a Vessel Traffic Services (VTS) station (Port Control), offering a "Traffic Organisation", VTS service, and ALL traffic movements are managed. In this way the safety of all Port users is maintained.

In all circumstances, directions given by Port Control must be based on a sound working knowledge of the Port coupled with any information received in respect of a particular vessel. Information and if necessary warnings about the movement of other vessels and/or the geography of the Port which potentially affect the safe manoeuvring of any vessel must be conveyed to the Master of the vessel concerned without delay. Such information/warning may require a change to an agreed manoeuvre and in such circumstances this should be clearly agreed between the Master and Port Control. This does not undermine the clear responsibility of the ships Master for the safe manoeuvre of his vessel who must, whilst following the directions of an Officer of the Board, continue to navigate and handle the vessel in accordance with good seamanship.

The VTS Quality Management System is appended to the PoDMSC and can be found within the IFS Marine SMS.

The Consolidated European Reporting Scheme (CERS) is mandatory in all UK ports. The system has been created to capture data on vessel movements, dangerous cargoes, vessel safety, security information and the disposal of waste information within UK territorial waters. CERS then reports to a wider EU-wide system called SafeSeaNet and the European Commission.

VTSOs have a working knowledge of the CERS database located at <https://cers.mcga.gov.uk>.

It will be the responsibility of the Port Agent to ensure that a CERS report has been compiled 24hrs before a vessel's arrival. VTSOs shall monitor compliance with this. If a CERS report has not been compiled the VTSO should advise the DHM. Where a vessel has no Port Agent it will be the responsibility of the VTSO to compile a CERS report.

## **5.2 Duties and Powers**

Dover Harbour Board's duties and powers are mainly set out in various statutes and byelaws, copies of which can be found in the Dover Harbour Board booklet entitled "Harbour Byelaws" available from the Company Secretary. The Harbour Byelaws were issued in 1953, re-printed in 1983 and can be viewed using the link – [Harbour Bye Laws](#)

The power for Dover Harbour Board to make bye-laws and directions is derived from a range of legislation, both general and local. The main sources are:-

- Harbour, Docks, Piers Clauses Act 1847
- Dover Harbour Consolidation Act 1954.
- Dover Harbour Act 1963
- Dover Harbour Revision Order 2006
- Pilotage Act 1987
- Merchant Shipping Act 1995.

The Board has specific duties and powers which are relevant to Port safety including the following:-

- Powers to direct vessels are available and are used to support safe navigation.

- Dangerous vessels and dangerous substances (including pollution) are effectively managed.
- A Pilotage service is provided in the interests of safety of navigation.
- As the local lighthouse authority Dover Harbour Board has the duty and power to provide and properly maintain aids to navigation and thereby effectively manage any dangers to navigation presented by known hazards such as wrecks or obstructions.

**a) Open Port Duty:**

Under Clause 33 of the Harbour, Docks and Piers Clauses Act 1847, Port of Dover is subject to what is called the "Open Port Duty". This means that the Harbour must be open to anyone "for the shipping and unshipping of goods and the embarking and landing of passengers", on payment of the rates and other conditions set by the Board.

The Corporate Development Division will determine appropriate Tariffs which, once approved by the Board, will be published by the Corporate Development & Operational Businesses Department in the annual Port of Dover Tariff Booklet and the Marina Guide.

Conditions set by the board, for use of the Port can be found:-

- In the relevant Tariff Booklets and Guide referred to above.
- In the [Access & Use - Port of Dover](#) found on the Port of Dover website.
- In the [Event Planning](#) information found on the Port of Dover website
- In the General Terms of Business found on the Port of Dover website and referenced in the Tariff Booklets and Marina Guide.

**b) Civil Contingencies Duty - (Emergency Planning)**

Comprehensive Emergency Plans are published by Port of Dover, kept on their own site within SharePoint and are easily accessed from the front page of the Intranet.

Port of Dover emergency exercises, (PoDEX), are co-ordinated by the Port Resilience Co-ordinator and carried out each year, at least one of which is marine related. In addition exercises are also carried out as required for compliance with the ISM Code.

**c) Services and Facilities**

Under Section 40 of the Harbours Act 1964, Dover Harbour Board has the power to set Terms and Conditions for the use of services and facilities provided by them for users in the Port. These Terms and Conditions can be found as described under a) Open Port Duty above.

**d) Dangerous Goods**

All Dangerous Goods shipped through the Port of Dover are subject to, and must conform to The Dangerous Goods in Harbour Areas Regulations 2016 (DGHAR). Guidance regarding all aspects of the handling of Dangerous Goods within the Port of Dover can be found by following the link below.

[HSE.WI.0034 - Dangerous Goods](#)

The Board has additional powers through local legislation to further control the movement of such goods.

**e) Powers**

Bye-laws will be approved by the Board and are subject to formal approval by the Department for Transport.

General Directions shall be approved by the Board via the Company Secretary and presentation by the General Manager, Marine Services & Harbour Master, and are applicable to all Port users following a consultation process set out by the Department for Transport as defined in section 6.1.

Powers of General Direction have been identified and are exercised.

Special Directions shall be given by the Harbour Master or his delegated representative. See section 6.2.

Directions under the Dangerous Vessels Act shall be given by the Harbour Master or his delegated Officers.

The use of all these powers is governed by the Board's formal risk assessment which supports the safety management system. The use of these powers is based on a proper assessment of the safety of the Harbour, the hazards that present and the number, type and activities of vessels using it. These powers are reviewed by the Company Secretary periodically, if any action is found to be necessary the Company Secretary will be advised and appropriate action confirmed.

Where major risks are highlighted by the risk assessment process, the Harbour Master will notify the Designated Person, who will then be fully involved in the process to determine what further action needs to be taken.

Where as a result of the formal risk assessment it is found that legal powers are insufficient to control the safety of navigation, the Harbour Master will notify the Company Secretary and the Head of Legal & Risk who will take appropriate steps to gain the necessary powers, if feasible.

Should the need be identified to amend Dover Harbour Board's existing statutory powers, then a Harbour Revision Order (HRO) would be raised. Examples of when a HRO may be required could include:-

- Improving, maintaining or managing the Harbour (including Harbour reorganisation schemes);
- Marking or lighting the Harbour, raising wrecks or otherwise making navigation safer;
- Regulating the activities of other individuals and groups in connection with the Harbour and the marine/shoreside interface;
- Setting the limits within which the authority is to have jurisdiction (eg, to extend compulsory pilotage beyond the current Harbour limits).

It is to be noted, in this connection, that the Master or Pilot of a vessel is not obliged to obey directions if he believes that compliance would endanger the vessel.

Local Notices to Mariners are used to inform marine users and marine staff of any changes to important operational navigation information relevant to the Port of Dover.

Where appropriate Marine Directives are incorporated into PoDMSC procedures/VTS Quality Management System at the next annual review.

### **f) Enforcement**

Any infringement of a Direction or Bye-law is to be reported to the General Manager, Marine Services & Harbour Master. If however the transgression is of a minor or inconsequential nature, Port Control have a delegated authority to deal with any occurrences as considered appropriate. In practice this may entail verbal advice to the transgressor on the correct procedure or a request for the DHM to speak directly to the person in question. Assistance is available from the Port of Dover Police, who have the ability to provide a waterborne presence through use of their Police Patrol Launch.

More serious transgressions will be investigated and dealt with directly by the General Manager, Marine Services & Harbour Master who will, if appropriate, notify the Company Secretary when it is considered that the offence warrants a prosecution.

Dover Harbour Board has in place a Marine Enforcement & Prosecution Policy

## 6. General & Special Directions

### 6.1 General Directions

Dover Harbour Board has the power to make General Directions. This power is derived from a range of legislation, both general and local. (See Section 5.2)

Port Users have a specific right to be consulted where they are made subject to General Directions. The introduction of General Directions must therefore follow the process of:

- Draft versions of the General Directions (GD's) drawn up.
- Passed to Company Secretary by Harbour Master.
- Put out to Consultation with Port users.
- As part of consultation process, GD's will be published in a local newspaper.
- GD's put into force.

### 6.2 Special Directions

Special Directions may also be referred to as "Directions".  
Dangerous Vessel directions are also classed as Special Directions.

The Harbour Master has powers of Direction to regulate the time and manner of ship's entry to, departure from and movement within the Harbour waters. These powers are for the purpose of giving specific directions to specific vessels for specific movements. Special Directions are not for setting general rules but relate to specific vessels - or in an emergency, to a class of vessels - on particular occasions.

The Harbour Master's powers of Direction are also exercisable by those who carry his delegated authority, i.e. The Duty Harbour Masters/Pilots (DHMs), Deputy Harbour Master, VTS Officers and Harbour Patrol Launch Coxswains.

It is an offence not to comply with Special Directions but the Master, or Pilot, of a vessel is not obliged to obey the Special Direction if he believes that compliance would endanger the vessel.

It is the duty of the Harbour Master in exercising these powers to consider the interests of all shipping in the Harbour.

**It is to be noted that when the Duty Harbour Master is on board a vessel in his capacity as a Pilot, he is acting as a "servant of the ship" and whilst so doing he cannot exercise the delegated Harbour Master's powers of Direction. Once he has been released from his duties as Pilot, only then does he revert to his role as Duty Harbour Master and regains the delegated powers of the Harbour Master.**

Special Directions may include the use of tugs and other forms of assistance.

Special Directions may or may not be given in writing, though if not given in writing they will be confirmed in writing as soon as is reasonably practicable.

A copy of any Special Direction issued by a Harbour Master's delegated Officer is to be passed to the Harbour Master for retention.

### **a) Incidents Threatening Pollution & Safety**

In the event of an incident or accident on a vessel within the Port of Dover, which has resulted in a pollution incident or given rise to the risk of pollution by a hazardous substance or a risk to safety, the Harbour Master may be obliged to follow directions issued by the Secretary of State's Representative (SOSREP).

The Directions may require the Harbour Master to take, or refrain from taking, such actions as may be specified. Among other things, the Direction may require that the vessel is moved or not moved, to or from a specified area, locality or place, that any oil or cargo should or should not be discharged, or that specific salvage measures should be taken. The Secretary of State also has wide powers to take action or authorise others to do so where it is considered that issuing directions would not be sufficient.

**The Harbour Master must try to comply with the Direction in a manner which avoids risk to human life.**

### **b) Dangerous Vessels**

Under the Dangerous Vessels Act 1985, the Harbour Master may give Directions prohibiting the entry into, or requiring the removal from, the Harbour of any vessel if, in his opinion, the condition of that vessel, or the nature or condition of anything that it contains, is such that its presence in the Harbour might involve a grave and imminent danger to the safety of persons or property or risk that the vessel may, by sinking or foundering in the Harbour, prevent or seriously prejudice the use of the Harbour by other vessels. He must have regard to all the circumstances and to the safety of any person or vessel.

Such Directions may be over-riden by SOSREP who may issue contrary Directions to the Harbour Master.

## **7. Consultation Between the Board and Marine Stakeholders**

The Board as the Duty Holder is consulted regularly on Port of Dover MSC compliance issues. The Board receives a bi-monthly report from the Designated Person in relation to PMSC issues, the Harbour Master also attends the Board to present any sections relating to PMSC compliance. Additionally, the Board receives an annual formal report on the health of the Port of Dover MSC, this will be delivered by the Designated Person.

The Designated Person is in constant liaison with the Harbour Master and his delegated Officers and has direct access to the Board and will keep the Board informed at all times on matters pertaining to compliance with the Code. The Board in the person of the Chairman will be required to formally sign a letter of compliance to the MCA every 3 years.

Consultation with marine stakeholders is maintained by means of the following forums/mechanisms:

### **7.1 External:**

- Annual PEC Holders Conference
- Annual Leisure Zone Users Meeting
- Corporate Social Responsibility Report
- Marina Berth Holders Representatives Meeting
- Joint Marine Consultative Committee (JMCC)
- Port of Dover Website

## **7.2 Internal:**

- DPA/Tug Master Meetings (6 monthly)
- Vessel Safety Management Review Meetings (Quarterly)
- Safety of Navigation Review Group (6 monthly)
- DHM/Pilot Meetings (Quarterly when required, but at least 3 per year)

## **8. Statutory Reporting Requirements**

Dover Harbour Board is subject to the following Statutory reporting requirements in the event of a marine based accident or pollution incident within the Port of Dover:-

Accident - Any accident which meets the criteria established by the MAIB to be reported to the Chief Inspector by completing and forwarding an MAIB Accident Report Form by quickest means available, eg e-mail to: [maib@dft.gsi.gov.uk](mailto:maib@dft.gsi.gov.uk) or fax to: 023 8023 2527.

See [Marine Accident Investigation: Report an accident](#) for the appropriate form format. Guidance on statutory accident reporting is given below.

Pollution Incident - Any incident involving pollution of Harbour waters, eg Oil spill, is to be reported to the MCA by the DHM using a POLREP Form. Guidelines on reporting procedures and completion/forwarding of the form can be found in the Marine Pollution Response Plan.

The 2005 Regulations have been replaced by the MS (Accident Reporting and Investigation) Regs 2012 which came into force on 31<sup>st</sup> July 2012. Statutory reporting requirements have been extended to include additional types of accident which were not previously covered. Details of these can be found by following the link: [The Merchant Shipping \(Accident Reporting and Investigation\) Regulations 2012](#).

Guidance on reporting under these regulations is given in [MGN 564](#) which includes definitions of reportable accidents in the attached Annexes.

Further guidance is available in the PMSC Guide to Good Practice Chapter 13.

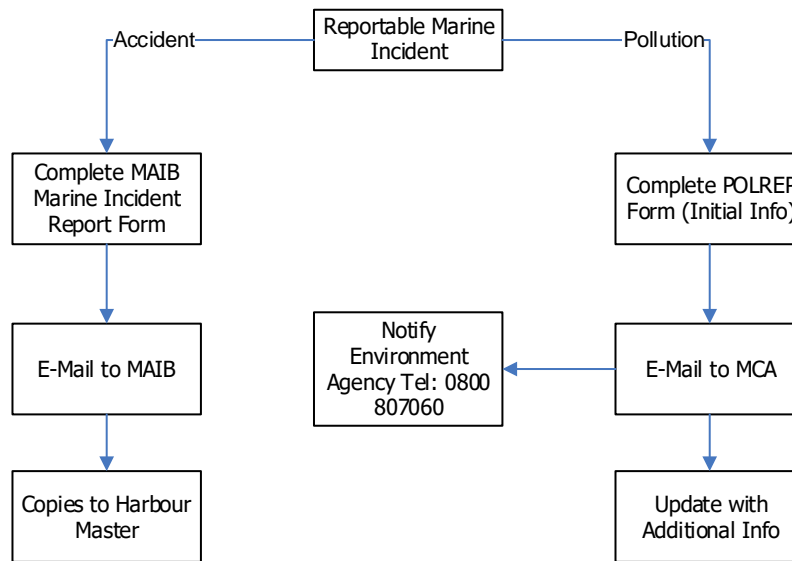
- The DHM will ensure that an MAIB Report Form is completed and forwarded.
- Copies of the completed form (and any additional related reports) will be forwarded to the Harbour Master (Completed forms to remain confidential).
- The Harbour Master will oversee all subsequent MAIB correspondence.

For the purposes of this procedure, accidents on-board ships in Port, with the exception of those involving stevedores or workers ashore, are covered by the Regulations and should be reported. Incidents involving shore-based workers will be reported to the Health and Safety Executive by the Head of SHEQ.

Marine Incident Reports are all recorded on [DICES - Marine](#).



**8.1 Statutory Reporting Requirements – Procedure flow chart.**



**9. Risk**

Risk Assessment is a formal process upon which all necessary controls should be based. It is a documented structured and systematic process that:-

- identifies a hazard and analyses the risks associated with the hazard.
- assesses the risks found against appropriate standards of acceptability.
- assesses the cost benefit of reduction measures where appropriate (in compliance with the ALARP (As Low As Reasonably Practicable) principle).
- is undertaken by qualified staff that have the appropriate skills and experience to do so.

A list of identified hazards and associated risks has been drawn up and assessed taking into account any relevant legislation which is regarded as the minimum standard and appropriate control measures detailed and put in place. Details as per the Navigation Risk Assessment (NRA) Document.

The Board is committed to reducing the risks identified by the Risk Assessment process in accordance with the ALARP principle.

Risks are scored against the available controls for adequacy. Where the controls are not adequate, further action, responsibility and priority is then produced. Where any marine risk cannot be controlled adequately, it must be notified to the General Manager, Marine Services & Harbour Master and the Company Secretary who may seek legal advice where necessary and forward the result to the Board for their opinion. Where controls have an effect on other organisations they must be informed and consulted.

Specific Risk Assessments related to the operation of Port of Dover Port Vessel Units and the provision of Marine Services are undertaken and maintained under the ISM Code and can be found in the VSM System - Annex 3 - Risk Assessments.

Specific Risk Assessments relating to particular Port operating limitations, commercial vessels, works in Harbour etc. can be found in MOM Annex 3 – Marine Risk Assessments. Guidance on producing and reviewing a Specific Risk Assessment can be found in Work Instruction [IGV.WI.0010](#).

**9.1 Risk Control**

The following hierarchy of controls are applied:



- i. Elimination of the risk – by avoiding a hazardous procedure, or by replacing the dangerous by the non-dangerous.
- ii. Combat the risk – by evaluating those which cannot be avoided, taking physically protective design measures to prevent risk as regards to the design of the workplaces, choice of work equipment and choice of working methods.
- iii. Minimise risk – by developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment, by giving collective protective measures priority over individual protective measures and giving appropriate instructions to employees.

Where controls are required they must then be made available to any person that may be affected or required to operate them by appropriate means i.e. Harbour Master's Directions, Instructions, Manuals or Procedures.

Should additional powers be required in order to ensure the safety of navigation within the Port of Dover, such available powers are detailed in Section 5.2.

## **9.2 Reviews**

All Departmental Marine Risk Assessments are reviewed annually by the Harbour Master/Duty Harbour Masters.

Prior to the introduction of a new marine operation, or any modification of an existing operation within the Port, a full assessment within the context of the safety management system shall be undertaken before implementation.

In the event of any works being planned within the Port of Dover which may affect the safety of navigation, the Marine Operations department will be consulted by the Technical & Engineering Services Division so that risk assessments can be carried out and required actions/controls put in place and relevant notices distributed as appropriate.

## **10. Competencies**

The Board assesses the level of competency required by the General Manager, Marine Services & Harbour Master. The General Manager, Marine Services & Harbour Master assesses the level of competence required by other staff in relevant positions and of Pilotage Exemption Certificate holders. Where applicable the General Manager, Marine Services & Harbour Master shall ensure that statutory qualifications and medical standards are fully complied with, e.g. STCW95 requirements.

Minimum qualifications for Authorised Pilots, the training process and the different Pilot Classes which apply in the Port of Dover are detailed in PoDMSC 07 - Pilotage.

### **10.1 Pilotage Direction and Pilot Exemption Certificates (PECs)**

The general requirements for Pilotage Exemption Certificates for the Port of Dover are contained within the current Pilotage Direction.

## **11. Drink & Drugs**

Port of Dover has a [Drugs and Alcohol Policy](#) relating to it's employees.

If the Harbour Master suspects that a mariner (Master, Pilot, Seaman) has committed a drink or drugs related offence when on duty, within the Harbour limits, then he has the power to detain that vessel. This power can be exercised only if the Harbour Master summons a Police Officer before, or immediately after the vessel is detained.

This power of detention lapses after the Police Officer has decided whether to administer a preliminary test and has notified the Harbour Master of that decision.

## **12. Conservancy**

A standard agreement has been signed between the UKHO and the Board officially confirming the requirements for the supply of hydrographic information. A copy of this agreement (dated 26/09/2008) is held on file in the DHM's office. (Original copy is held by the Company Secretary)

Information on Conservancy can be found in PoDMSC Section 05 - Conservancy.

## **13. Aids to Navigation**

Under the Merchant Shipping Act 1995 Local Lighthouse Authorities (LLAs) have a duty to seek prior consent to the establishment, alteration, removal etc., of any lighthouses, buoys or beacons. The Harbour Docks and Piers Clauses Act 1847 applies to third party aids within the jurisdiction of the Harbour Board and to the establishment of temporary aids to navigation. The consent of Trinity House must be sought before any changes to Aids to Navigation (AtoN) are made. Standard forms of "Request for Sanction/Consent" are located on the Trinity House website.

Hazards to Navigation are identified through the Navigation Risk Assessment process in order to determine the position and type of Aid to Navigation required ensuring safety of navigation within the Port of Dover. (For clarity of understanding, the Port of Dover has no "Navigable Channel" as defined in the Guide to Good Practice. The established passage routing across the Outer Harbour is by means of a "Fairway" which is clearly understood by Port users and is not formally marked).

The Harbour Board has a duty to raise, remove, destroy and mark wrecks which lie in, or in or near any approach to any Harbour or tidal water under its control.

In fulfilling these requirements Marine Operations operates in conjunction with Technical & Engineering Services who provide the maintenance necessary for the upkeep of the AtoN.

All AtoN are maintained in accordance with the available criteria laid down by the General Lighthouse Authorities and are subject to periodic review. Trinity House Lighthouse Service provides assistance and guidance on the provision and maintenance of all AtoN.

The Operations Department report to Trinity House using the Port Aids to Navigation 'ATON REPORTING ONLINE' system.

The monitoring of day to day operational effectiveness and the initial response to any AtoN casualty is co-ordinated by Port Control.

### **13.1 General Lighthouse Authority (GLA)**

The GLA for England is Trinity House Lighthouse Service and, as such, is responsible for the superintendence and management of all lighthouses, buoys or beacons within England, therefore including the Port of Dover.

Trinity House has a duty to inspect all lighthouses, buoys, beacons and other navigational aids belonging to, or under the management of the Local Lighthouse Authority. They may also give Directions concerning the provision and positioning of aids to navigation.

**a) Local Lighthouse Authority (LLA)**

Dover Harbour Board is the Local Lighthouse Authority (LLA) for the Port of Dover and therefore has the power and responsibility to carry out and maintain the marking and lighting of any part of the Harbour within the authority's area.

**b) LLA Duties**

Dover Harbour Board, as the LLA, will not, without the GLA's consent, erect, remove or vary the character of any lighthouse, buoy or beacon. All approved alterations will be notified to the UKHO.

Dover Harbour Board will give the GLA all information concerning the lighthouses, buoys and beacons under their management as the GLA may require.

**c) LLA Reporting**

All Aids to Navigation (A to Ns) maintained by Dover Harbour Board must be maintained in accordance with the availability criteria laid down by the GLA and will be subject to periodical review.

The characteristics of these Aids to Navigation comply with the International Association of Lighthouse Authorities (IALA) Guidelines and Recommendations.

Information is supplied to the GLA through the Ports Aids to Navigation 'ATON REPORTING ONLINE' system. AtoN administration is overseen by the Deputy Harbour Master.

## **14. Passage Plans**

Port passage guidance 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. Any significant deviation from the passage plan should be agreed and recorded.

The General Directions require the use of plans and the advance preparation of appropriate passage plans by visiting ship's Masters, including Masters and ship's Officers exercising Pilotage Exemption Certificates.

### **14.1 Collision Regulations**

There are no special rules which modify or exclude the application of any part of the International regulations for Preventing Collisions at Sea. Port Control shall monitor all vessel movements and actions within the Port limits.

### **14.2 Publication of Port Passage Guidance**

Scheduled ferries utilise passage plans recognised and approved by the Port Operations Department.

Passage plans and guidance for all commercial vessels are published by the Port Operations Department and are available via ship's agent or direct from the department upon request. This guidance is contained in the General Directions.

Passage guidance for leisure users is available from nautical publications, updated as necessary by the Deputy Harbour Master. Information is also available on request direct from the Marina Office and from the Port of Dover website where you can view [Marina Facilities, Navigation & Berthing](#).

Any variations to these passage plans or passage guidance will be notified to Port users by VHF radio from Port Control.

Authorised Pilots, when piloting commercial vessels, will utilise a Passage Plan Chartlet (MOM Section 07 – Pilotage Plan) when carrying out the Master/Pilot exchange immediately on boarding any such vessel, prior to commencing the act of pilotage.

### **14.3 Passage Record Keeping**

The VTS records are backed up automatically dependant on the particular system in use. Radar and audio information is backed up for approximately 90 days. After this period the systems will automatically write over the oldest historical information.

PIMS information is backed up indefinitely. In the event of an incident the VTS records shall be downloaded onto portable disc and stored accordingly.

A Port passage plan should be used to discuss the planned passage between the Master and the Pilot. Both should sign the plan to confirm that the planned manoeuvre has been agreed. Completed Passage Plans are retained by the Pilot and held on file in the DHM's office. In the event of an incident the plan should be retained by the Pilot and submitted with the Pilotage Incident Report Form.

## **15. Charges**

Dover Harbour Board has powers to collect dues from Port users to provide resources to pay for the discharge of their statutory functions.

The level of dues are formally approved and determined by the Board.

The applicable charges are reviewed annually and are available in the annual tariff books published by the Board. The tariff books cover Commercial, Ferry and Marina activities.

### **15.1 Pilot Charges and Exemption**

Dover Harbour Board makes charges in respect of any vessel subject to its Pilotage Direction which can be found in the Commercial and Ferry tariff booklets. Such charges apply to vessels with an authorised Pilot aboard or to vessels under the conduct of a Pilotage Exemption Certificate (PEC) holder.