

Shetland Islands Council

Small Ports Marine Safety Management System (2019)



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Shetland Islands Council

Small Ports - Marine Safety Management System

The Shetland Islands Council (SIC) 'Small Ports - Marine Safety Management System' provides the system by which Small Ports & Harbours complies with the requirements of The Port Marine Safety Code, referred to as 'the Code' within this document. The Code has been released by the Department of Transport (DfT) and is supplemented by the Code's Guide to Good Practice. This document has been prepared using the latest version of the Code published in November 2016, and the Guide to Good Practice, published in February 2018

The Small Ports Harbour Marine Safety Management System (MSMS) document is supported by a 'SIC MSMS', which describes how SIC's marine policies are designed and implemented across all SIC Ports and Harbours. SIC also publishes an 'SIC Marine Safety Policy' which provides a public statement of the Harbour Authority's policies and confirmation of the Code's adoption

Issue	Date	Prepared By	Checked By	Checked By	Revision Approved By Duty Holder
1.0	February 2014	P M Morgan Deputy Harbour Master	S Skinner – Port Safety Officer	C Reeves Harbour Master	Review copy
2.0	June 2015	S Skinner – Port Safety Officer	P M Morgan Acting Harbour Master	M Irvine Pilot	28 August 2015
3.0	December 2018	P Bryant - DHM	S Skinner – Port Safety Officer	G Maitland Harbour Master	27 May 2019
4.0	October 2018	S Skinner – Port Safety Officer	R Gordon Deputy Harbour Master	G Maitland Harbour Master	28 October 2019



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Glossary

ABPmer	ABP Marine Environmental Research Ltd
AIS	Automatic Identification System
ALARP	As Low As Responsibly Practicable
CEO	Chief Executive Officer
CHA	Competent Harbour Authority
Code	Port Marine Safety Code
DfT	Department for Transport
FSA	Formal Safety Assessment
GLA	General Lighthouse Authority
HRO	Harbour Revision Order
IHO	International Hydrographic Office
IMO	International Maritime Organization
ISO	International Standards Organization
ISPS	International Ship and Port Facility Security
KPI	Key Performance Indicators
LLA	Local Lighthouse Authority
LOA	Length Overall
LoLo	Lift-on, Lift-off
MAIB	Marine Accident Investigation Branch
MarNIS	Maritime Navigation and Information Services
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MSMS	Marine Safety Management System
NLB	Northern Lighthouse Board
NtM	Notice to Mariners
PANAR	Ports Aids to Navigation Availability Reporting
PEC	Pilot(age) Exemption Certificate
PMSC	Port Marine Safety Code
POLREP	Pollution Report
QMS	ISO 9001 – Quality Management System
RCO	Risk Control Option
RNLI	Royal National Lifeboat Institution
RoRo	Roll-on, Roll-off
SHA	Statutory Harbour Authority
SIC	Shetland Islands Council
SOSREP	Secretary of State's Representative for Maritime Salvage and Intervention
SOTEAG	Shetland Oil Terminal Environmental Advisory Group
SPO	Small Ports Officer
SVA	Small Ports Harbour Association
TWG	Technical Working Group
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VHF	Very High Frequency
VTS	Vessel Traffic Services
VTSO	Vessel Traffic Services Officer
ZCC	Zetland County Council



Cross Reference Table

PMSC - Section Name	PMSC – Subject Heading	PMSC Paragraph Reference	SIC Document Reference
1 Background	Harbour Authority		SIC MSMS & QMS
	Harbour authorities subject to the Code		SIC MSMS & QMS
	Functions to which the Code Applies		SIC MSMS & QMS
2 Accountability for Marine Safety	Accountability	1.0	SIC Marine SMS
	The Duty Holder	1.1 – 1.10	SIC Marine SMS
	The Designated Person	1.11-1.12	SIC Marine SMS & Page 16
	Chief Executive	1.13	SIC Marine SMS
	Harbour Master	1.14 – 1.15	SIC Marine SMS
	The Authorities Officers	1.16 – 1.17	SIC Marine SMS
3 Key Measures Needed for Compliance	Key Measures	2.0 -2.2	SIC Marine SMS & Page 16
	Review existing powers	2.3 - 2.6	SIC Marine SMS & Page 19
	Use formal risk assessment	2.7 – 2.11	SIC Marine SMS & Page 22
	Implement a marine safety management system	2.12 -2.17	SIC Marine SMS
	Competence standards	2.18	SIC Marine SMS
	Incident investigation	2.19 – 2.23	SIC Marine SMS & Page 22
	Statutory reporting requirement	2.24	SIC Marine SMS
	Monitoring performance and auditing	2.25	SIC Marine SMS
	Enforcement	2.12 -2.17	SIC Marine SMS
	Publication of plans and reports	2.26 – 2.28	SIC Marine SMS
	Consensus	2.29	SIC Marine SMS & Page 23
	Monitoring compliance	2.30 – 2.32	SIC Marine SMS
	4 General Duties and Powers	General duties and powers	3.0 – 3.2
Open port duty		3.3 – 3.4	Page 19
Conservancy duty		3.5	Page 21
Environmental duty		3.6 – 3.7	Page 21
Civil contingencies duty		3.8	Page 22
Harbour authority powers		3.9	SIC Marine SMS
Revising duties and powers		3.10 – 3.11	SIC Marine SMS
5 Specific Duties and Powers	Specific Duties and Powers	4.0, 4.1	Page 19
	Appointment of harbour master	4.2	SIC Marine SMS
	Bye-laws	4.3 – 4.5	Page 19
	Direction (special)	4.6 -4.7	Page 21
	Directions (general)	4.8 – 4.9	Page 21
	Incidents threatening pollution and safety		Page 21
	Dangerous vessels	4.10	Page 22
	Dangerous substances		Page 22
	Prevention of pollution		Page 21
	Vessel traffic monitoring reporting requirements		Page 21
	Drink and drugs		SIC Marine SMS
	Vessel traffic services		Page Error! Bookmark not defined.
	Authorisation of pilots	4.13-4.14	SIC Marine SMS
	Ship towage		Page 22
	Collecting dues	4.14-4.17	Page 23
	The General Lighthouse Authorities	4.21-4.24	SIC Marine SMS
	Local Lighthouse Authorities	4.21-4.24	SIC Marine SMS
Wrecks	4.25-4.32	SIC Marine SMS	

1. Small Ports & Harbour - Mission Statement

Small Ports & Harbours and SIC as Harbour Authority is committed to operating to the standard required in the Port Marine Safety Code and in accordance with the guidance provided in the Guide to Good Practice for Port Marine Operations.

In exercising its functions as Harbour Authority, the need for nature conservation and regard for other environmental considerations, including Habitats Directives requirements, will be recognised at all times.

Small Ports & Harbours and SIC as Harbour Authority fully meet its obligation to prevent damage to the marine environment through the activities of the Port. The Harbour Authority facilitates the safe use of the Harbour by legitimate stakeholders and recognises its duty of care against loss caused by the Authority's negligence.

Furthermore, the Harbour Authority strives to meet its responsibility for ensuring that sufficient resources are provided to enable the effective operation of policies, procedures and systems; recognising that proper discharge of the Authority's duties will otherwise be compromised.



2. Introduction to Small Ports & Harbours

The Port's Marine Safety Management System (MSMS) endeavours to reduce the risks arising from the day-to-day operations in the harbour and pilotage areas to a level 'as low as reasonably practicable' (ALARP). In accordance with the requirements of the Code, the Port has undertaken, in consultation with its stakeholders, a Formal Risk Assessment of the hazards in the port, assessed the associated risks, and introduced or verified control measures, to minimise those risks.

To ensure the control measures remain valid, it is essential that all the Port's stakeholders (including Marine staff, Pilots, Tug Masters, agents, fishing community etc) advise the Harbour Authority of 'potential marine hazards' that, in their opinion, could indicate a weakness in a particular control measure or risk assessment. This is an iterative process, and will only be effective if all stakeholders participate. The goal is to achieve an incident free harbour and pilotage area.

SIC, as Harbour Authority, has published a Marine Safety Policy confirming commitment to the Code. In addition, SIC provides a MSMS document setting out how policies are implemented across all SIC Ports and Harbours. Small Ports & Harbours acknowledges the contents of these documents in preparing this local MSMS and should be read in conjunction with the SIC MSMS.

This document sets out the local detail of how the policies are implemented in Small Ports & Harbours. The Small Ports - MSMS is closely linked with, and is dependent upon, a number of other policies, plans, procedures and documents. Wherever relevant, referenced documents have been cited.

2.1 Components of the Small Ports - Marine SMS

In addition to this local MSMS document, a range of SIC policies, directives, manuals and legislation form part of the Port's complete MSMS, and are available to SIC Marine Staff, and where relevant, externally to stakeholders. A description of each document is provided in the following sections and these are tabulated in Appendix A.

To aid comparison of the MSMS with the requirements of the PMSC, subject headings are identified with bracketed numbers to indicate the PMSC section(s) addressed by the subsequent text. For example, "Small Ports - Safety Management System Detail (3.1 – 3.2)" indicates that the text following the subject heading relates to the requirements detailed within section 3.1 to 3.2 of the PMSC.

2.2 Small Ports & Harbours Descriptions

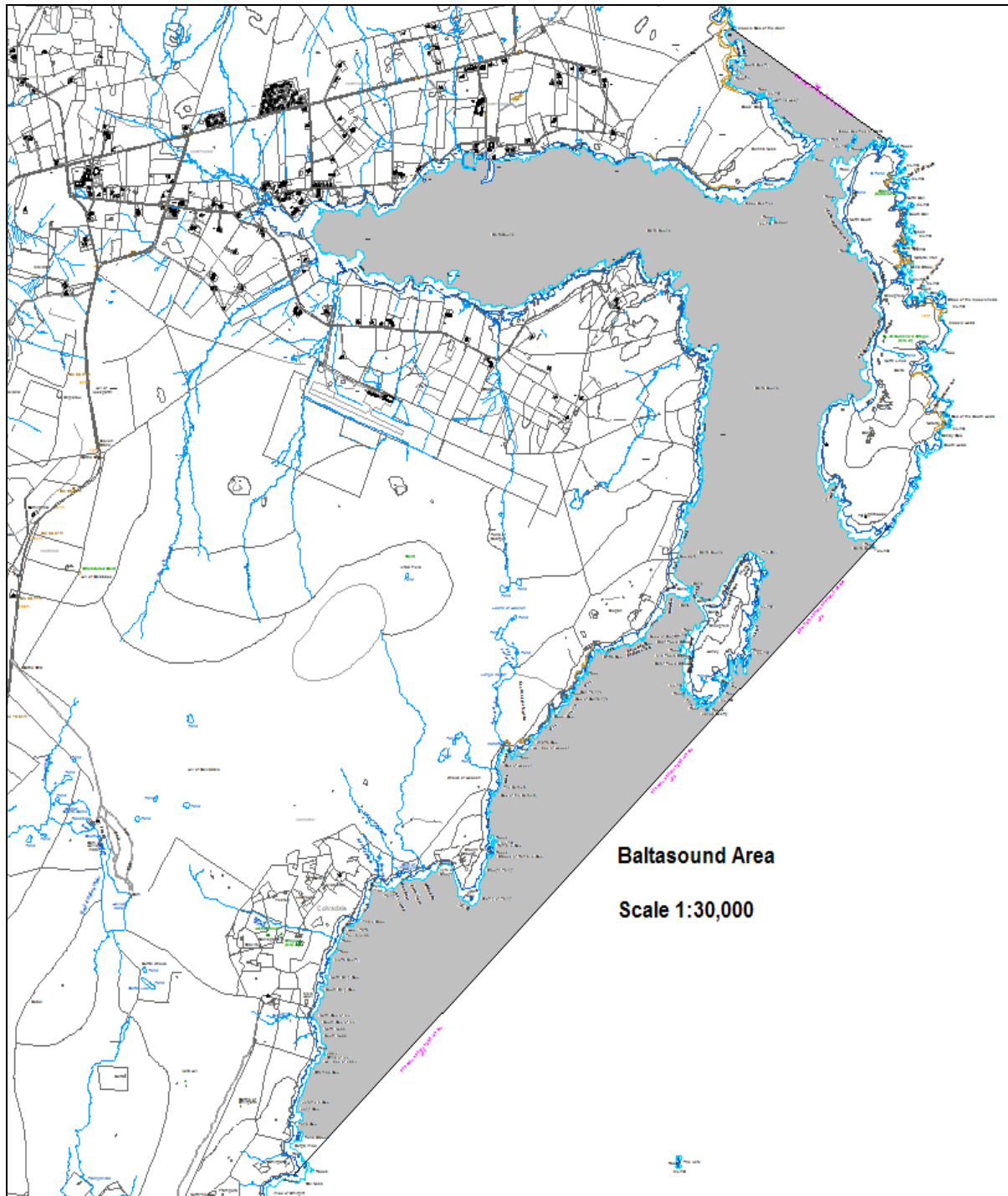
NOTE: References herein to "Low-Water" or "Low-Water Mark" means the lowest astronomical tide (L.A.T.) as shown on Admiralty Charts.



2.2.1 BALTASOUND AREA

The area bounded by a line commencing at low-water mark at Qui Ness, thence running in a generally north-easterly, westerly, easterly and northerly direction along the line of low water to the headland immediately on the north side of the Muckle Geo of the Keen; thence in a straight line in a south-easterly direction to the northernmost point on Balta Isle; thence along the line of low water on the east side of Balta Isle to the southernmost point on that isle; thence in a straight line in a south-westerly direction to the point of commencement.

Map 1. Baltasound Area



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2.2.2.SYMBISTER/NORTH VOE AREA

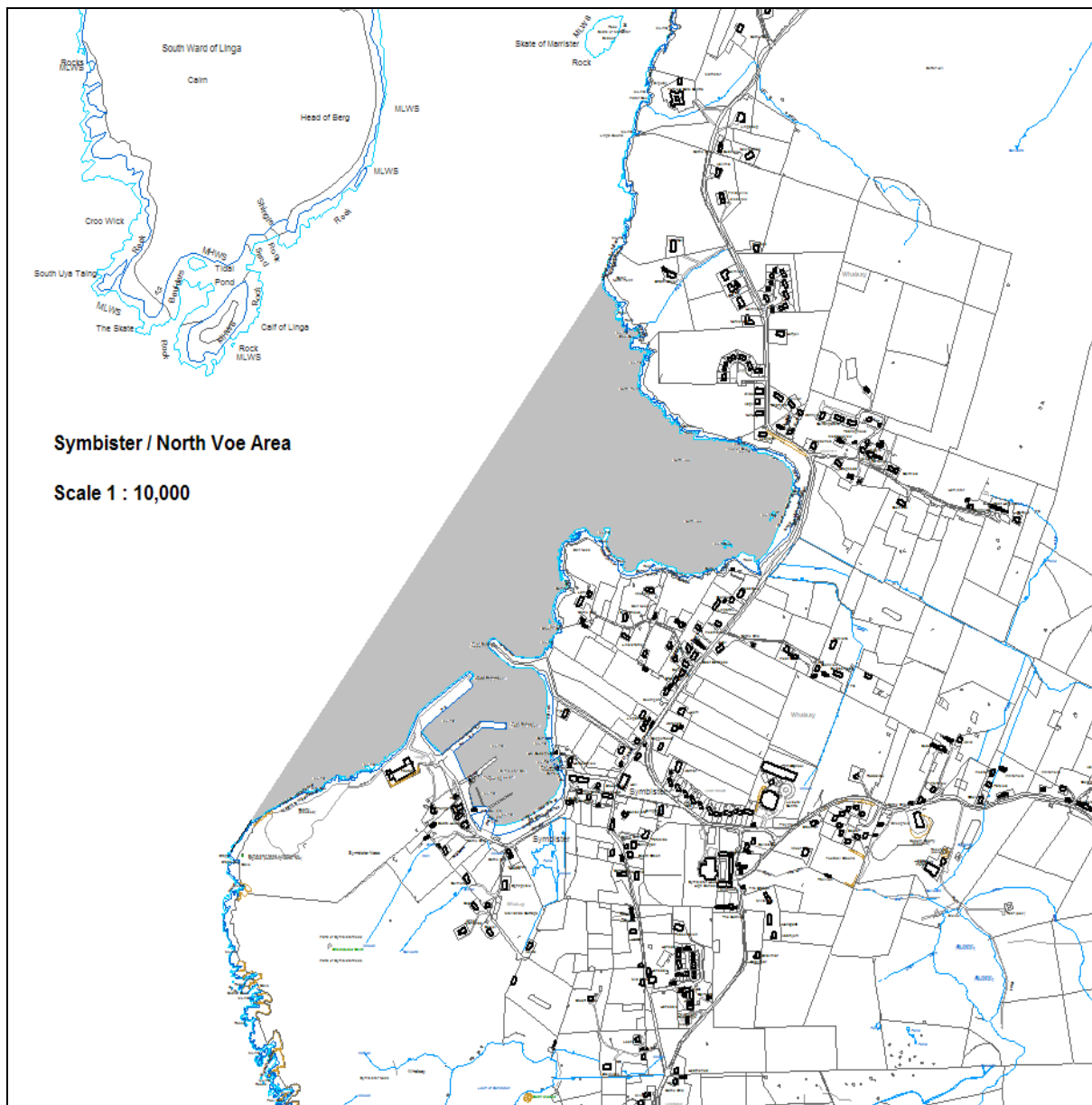
The area bounded as follows:

Commencing at low-water mark on the north-western extremity of Symbister Ness on the island of Whalsay (latitude 60 degrees 20' .500N, longitude 01 degree 02' .100W);

Thence in a generally north-easterly direction by the line of low water on the boundaries of Symbister Bay, Salt Ness and North Voe to Outer North Point (latitude 60 degrees 21 ' .100N, longitude 01 degree 01' .233W);

Thence in a generally south-westerly direction in a straight line to the point of commencement.

Map 2. Symbister/North Voe Area



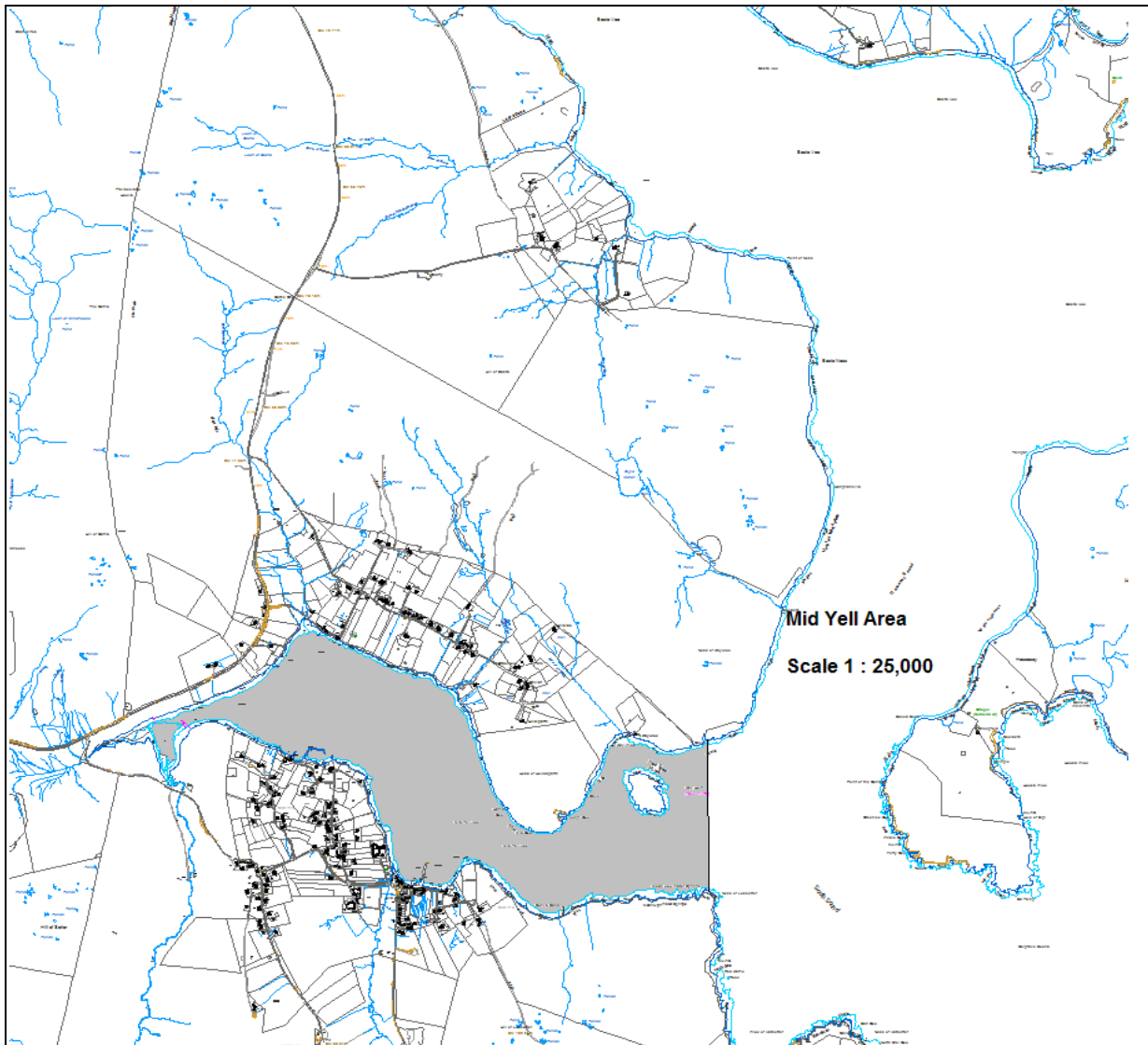
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2.2.3.MID YELL VOE AREA

The tidal waters of Mid Yell Voe, the seaward boundary whereof is a straight line due north (true) from low-water mark on the north-eastern extremity of Ness of Lussetter on the island of Yell (latitude 60 degrees 35' .867N, longitude 01 degree 01' .717W) to low-water mark on the southern shoreline of Ness of Kaywick (Latitude 60 degrees 36' .333N, longitude 01 degree 01' .717W)

Map 3. Mid Yell Area



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2.2.4.CULLIVOE AREA

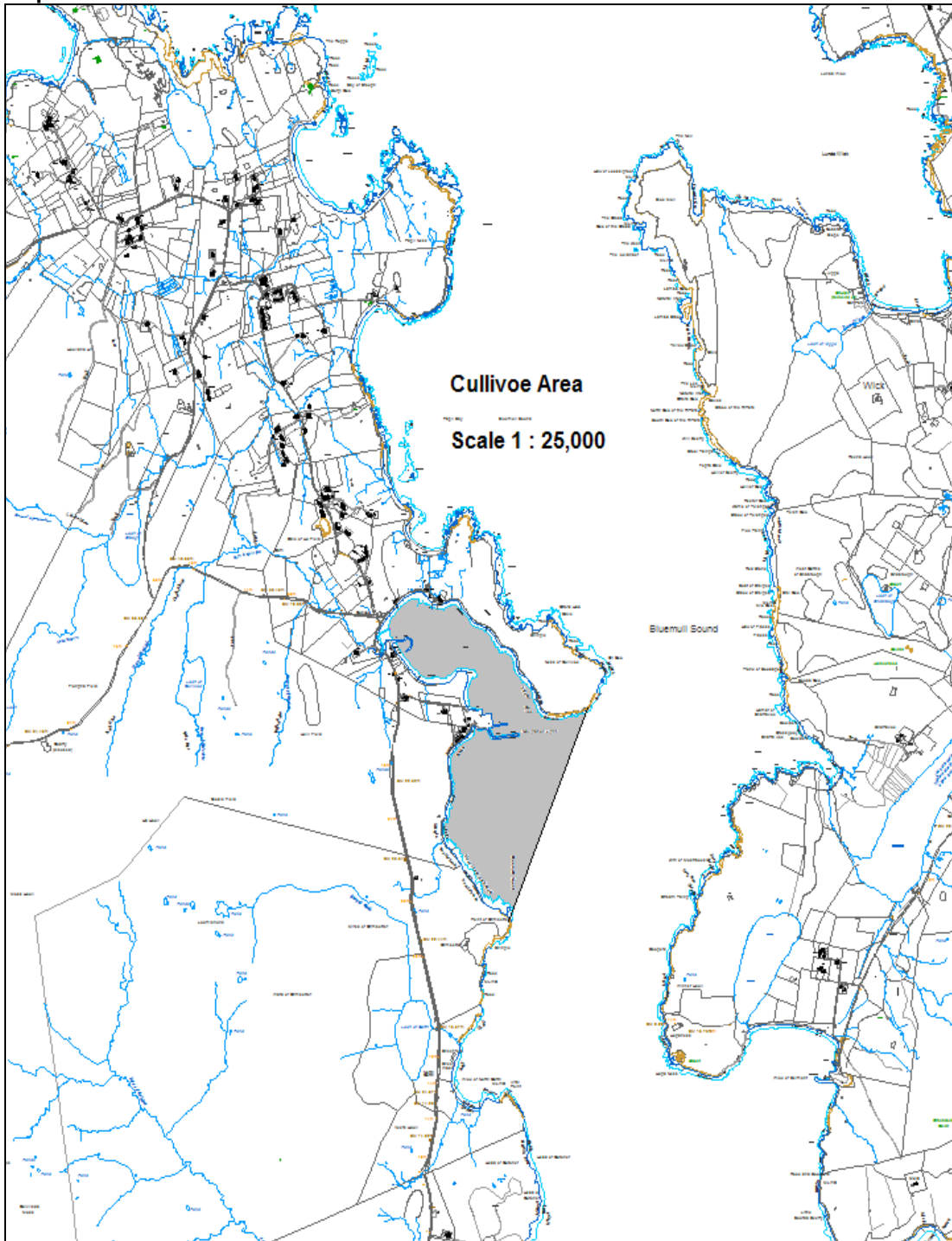
The area bounded as follows:

Commencing at low-water mark on the eastern extremity of the point of Grimsetter on the island of Yell (latitude 60 degree 41' .433N, longitude 00 degrees 59' .617W):

Thence in a generally northeasterly direction in a straight line to low-water mark on the southeastern extremity of the Ness of Cullivoe (latitude 60 degrees 41' .950N, longitude 00 degrees 59' .183W);

Thence in a generally northwesterly and then southeasterly direction by the line of low water to the point of commencement.

Map 4. Cullivoe Area



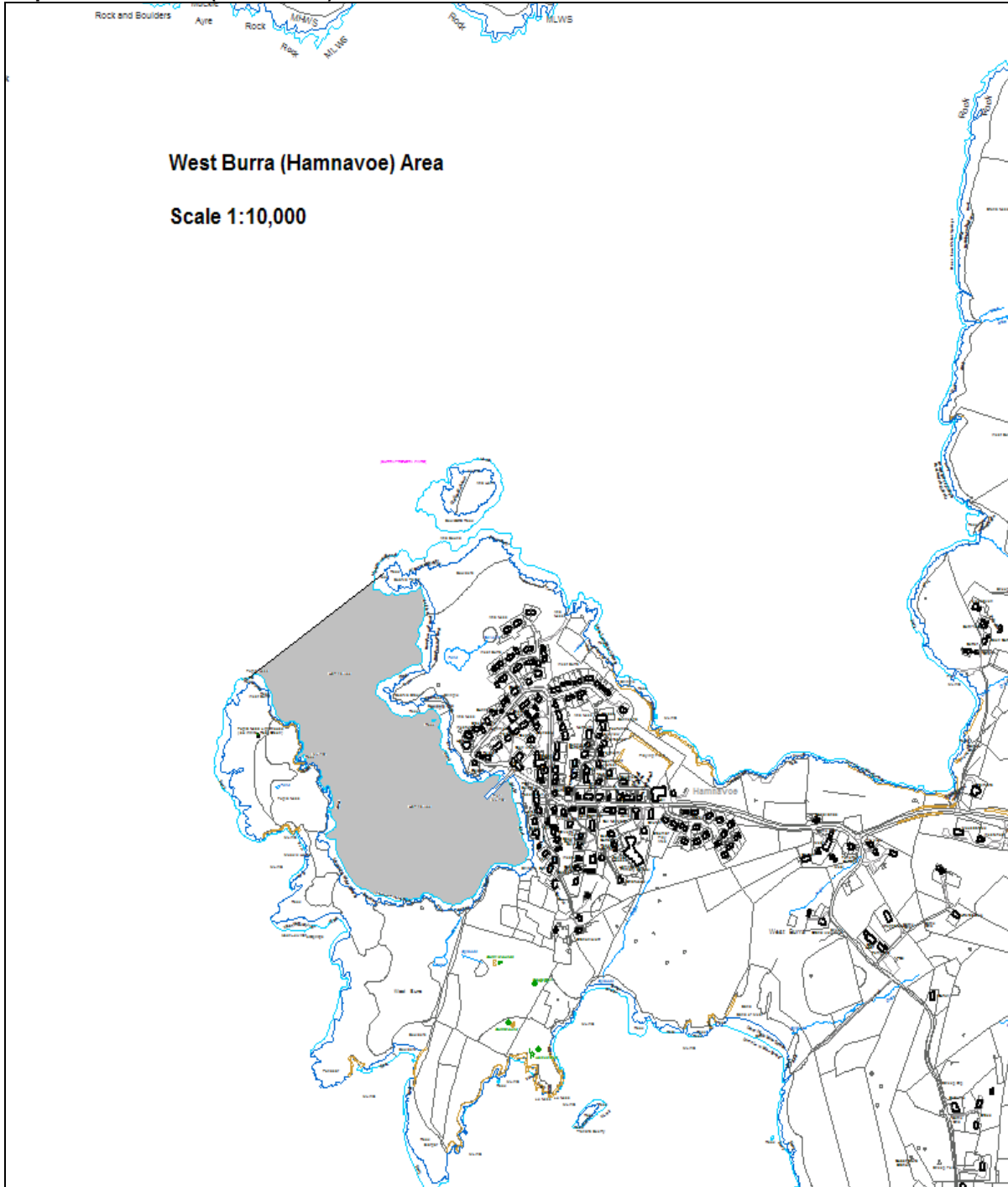
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2.2.5.WEST BURRA (HAMNA VOE) AREA

The tidal waters of Hamna Voe, the seaward boundary whereof is a straight line in a generally east-north-easterly direction from low-water mark on the northern extremity of Fugla Ness on the island of West Burra (latitude 60 degrees 06' .467N, longitude 01 degree 20' .717W) to low-water mark on the south-western tip of Scarva Taing (latitude 60 degrees 06' .567N, longitude 01 degree 20' .400W).

Map 5. West Burra (Hamnavoe) Area



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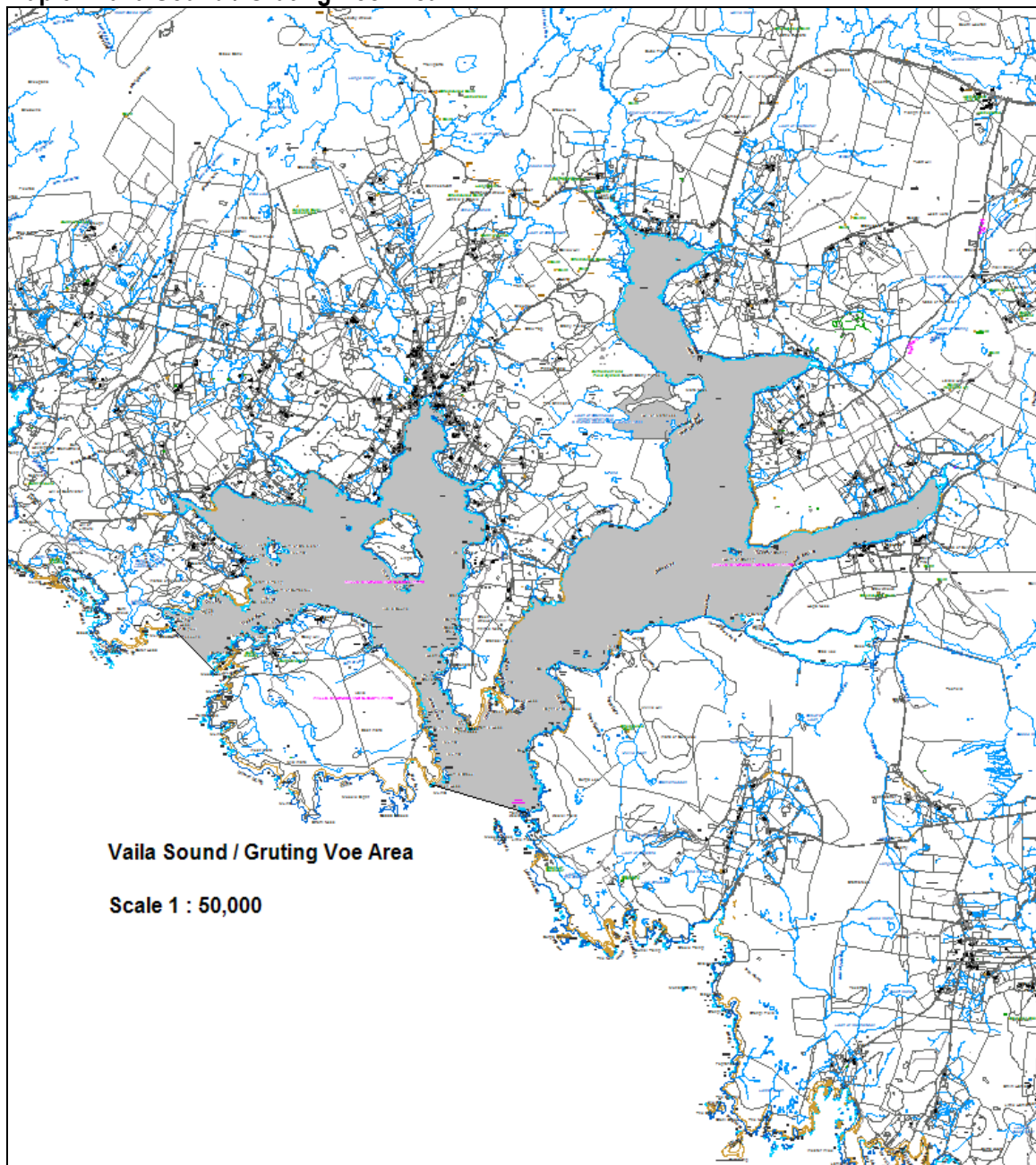


2.2.6.VAILA SOUND/GRUTING VOE AREA

The tidal waters of Vaila Sound (including Lera Voe, Wester Sound, Easter Sound) and Gruting Voe (including the Voes of Olas, Sell, Scutta and Browland), the seaward boundaries whereof are:

- (a) on the south-west, a straight line in a generally south-easterly direction between low-water mark on the eastern extremity of the Head of Gilgow in the district of Walls on Mainland (latitude 60 degrees 12' .517N, longitude 01 degree 36' .583W) and low-water mark on the south-western extremity of Muclabery on the island of Vaila (latitude 60 degrees 12' .267N, longitude 01 degree 36' .200W);
- (b) on the south, a straight line in a generally east by south direction between low-water mark on the southern tip of Green Head on the island of Vaila (latitude 60 degrees 11' .667N, longitude 01 degree 33' .800W) and low-water mark on the northern extremity of Taing of Keolkifield in the district of Sandsting on Mainland (latitude 60 degrees 11' .533N, longitude 01 degree 32' .683W).

Map 6. Vaila Sound / Gruting Voe Area





2.2.7.OUT SKERRIES (WEST VOE) AREA

The area bounded as follows:

Commencing at low-water mark on the south-western tip of The Hogg on the island of Housay (latitude 60 degrees 25' .467N, longitude 00 degrees 46' .883W);

Thence in a straight line due south (true) to low-water mark on Queyin Ness (latitude 60 degrees 25' .380N, longitude 00 degrees 46' .883W);

Thence in a generally northeasterly and southwesterly direction by the line of low-water to the point of commencement.

2.2.8.OUT SKERRIES (SOUTH AND NORTH-EAST MOUTH) AREA

The area bounded as follows:

Commencing at low-water mark on the south-western tip of The Calf on the island of Grunay (latitude 60 degrees 25' .117N, longitude 00 degrees 44' .900W);

Thence in a generally northerly direction following the line of low water on the western shoreline of The Calf of Grunay;

Thence in a generally north-easterly direction by the line of low water to low-water mark on the north-west tip of the Head of Grunay (latitude 60 degrees 25' .551N, longitude 00 degrees 44' .100W);

Thence in a generally west by north direction in a straight line to low-water mark on the tip of Head of Bloshin on the island of Bruray (latitude 60 degrees 25' .635 N, longitude 00 degrees 44' .300W);

Thence in a generally west-south-westerly direction following the line of low water on the southern shoreline of Bruray to low-water mark on the eastern side of Skerries Bridge connecting the islands of Bruray and Housay (latitude 60 degrees 25' .467W, longitude 00 degrees 45' .334W);

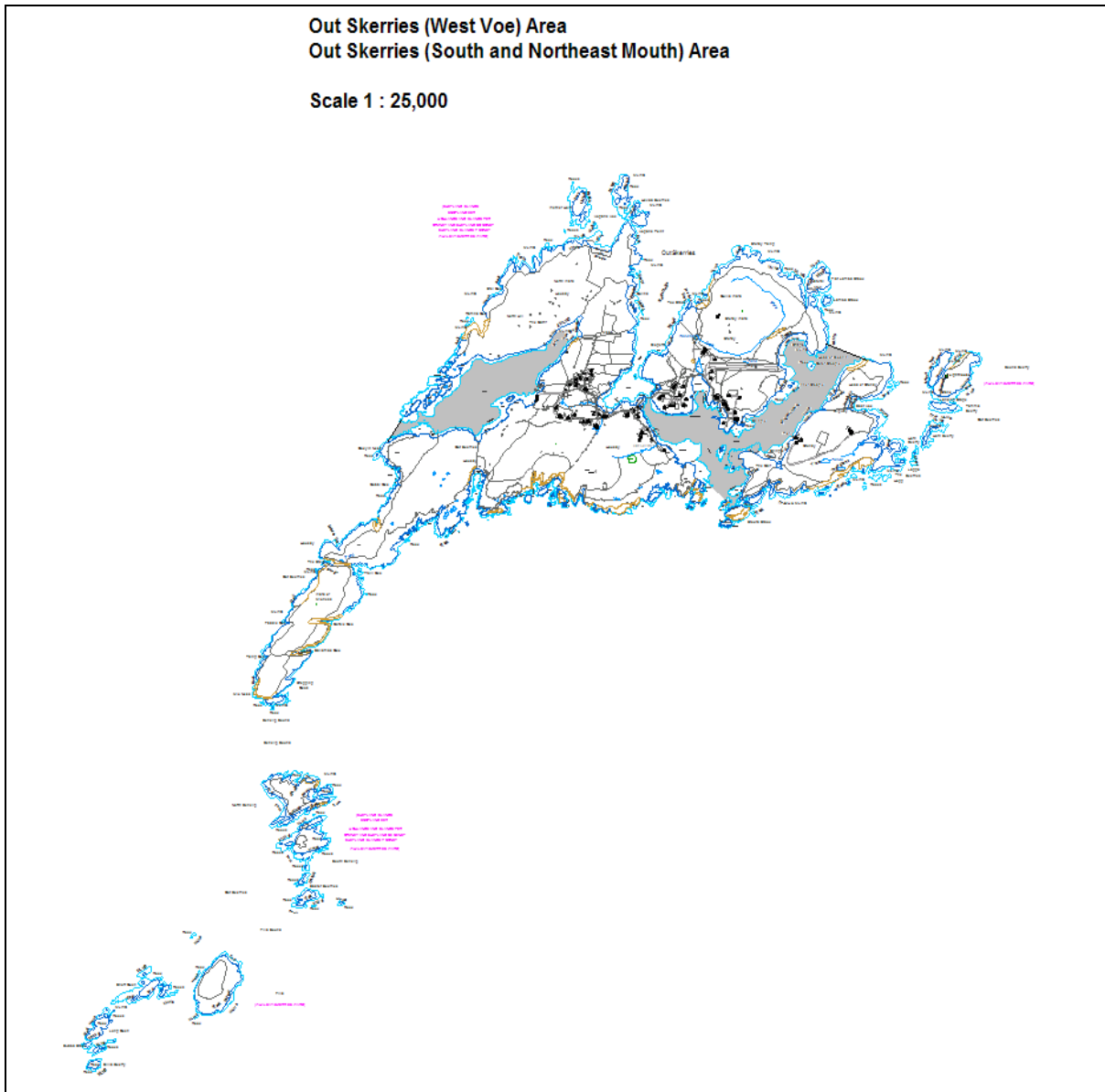
Thence in a westerly direction in a straight line to low-water mark on the island of Housay on the western side of Skerries Bridge (latitude 60 degrees 25' .450N, longitude 00 degrees 45' .400W);

Thence in a generally south-easterly direction by the line to low water to low-water mark on the north-east tip of Bessi Holm (latitude 60 degrees 25' .267N, longitude 00 degrees 45' .100W); Thence in a generally south-easterly direction in a straight line to the point of commencement.



Map 7. Out Skerries (West Voe) Area

Out Skerries (South and Northeast Mouth) Area



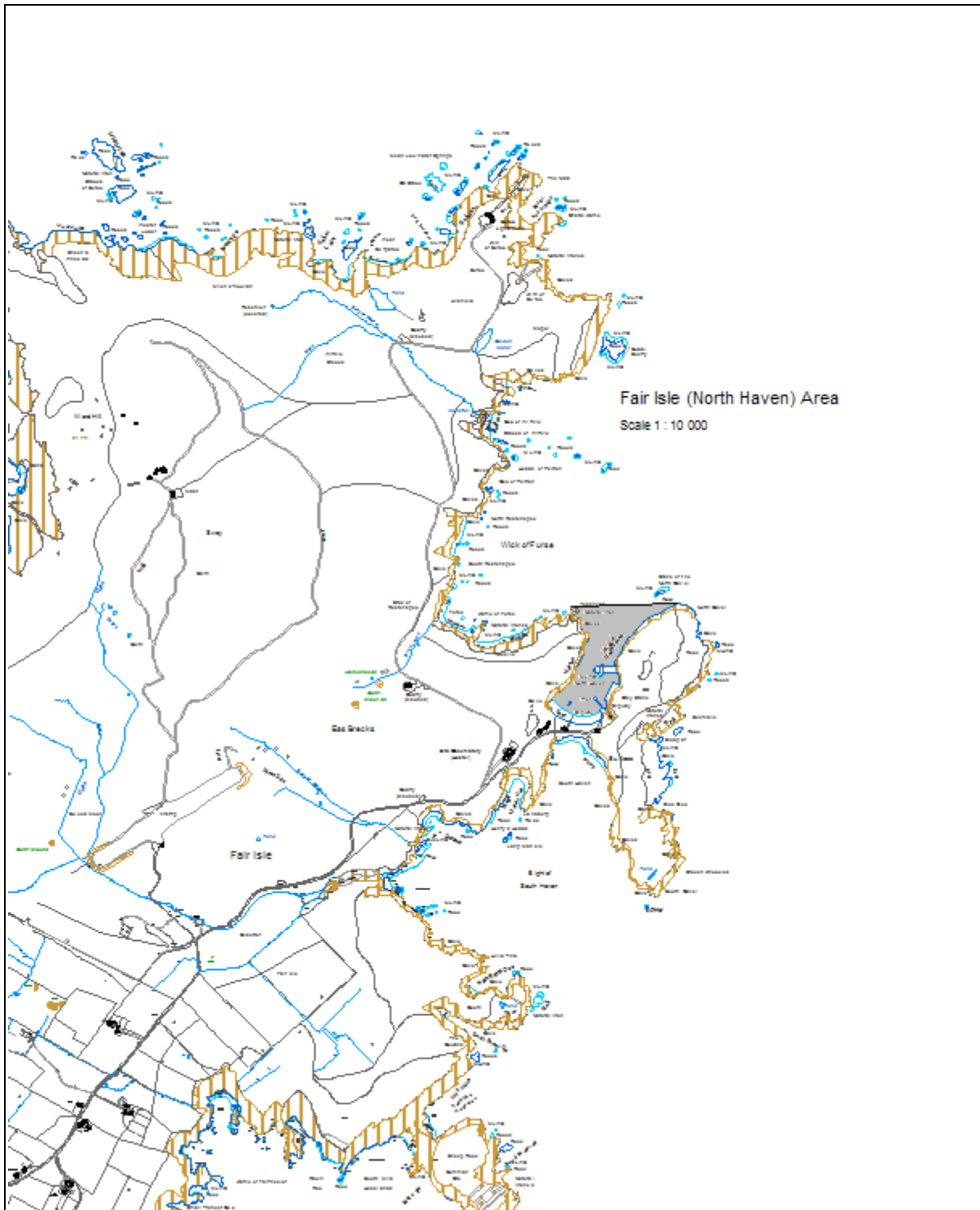
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2.2.9. NORTH HAVEN, FAIR ISLE

The tidal waters of North Haven, Fair Isle, the seaward boundary whereof is a straight line in an easterly direction from high water mark on the most northerly point on Yessness (latitude 59 32'28.8053", longitude 01 36'12.6627") to high water mark on the most northerly point on the western side of North Gavel (latitude 59 32'28.9051", longitude 01 35'52.4146").

Map 8. North haven, Fair Isle



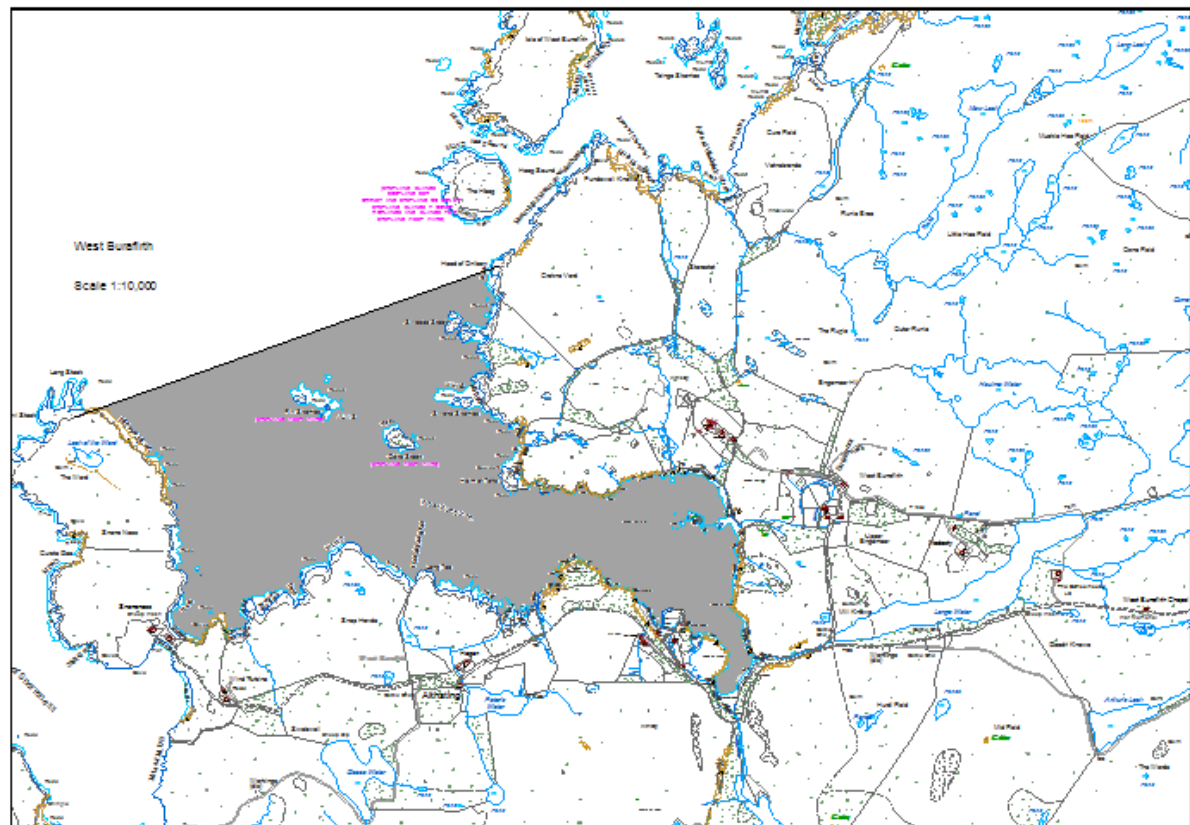
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2.2.10. WEST BURRAFIRTH AREA

The tidal waters of West Burrafirth inlet on St. Magnus Bay, the seaward boundary whereof is a straight line in a north-easterly direction from low water mark on the most northerly point on Snarra Ness (latitude 60°18'07"N, longitude 01°34'27"W) to low water mark on the most northerly point on the Head of Onibery (latitude 60°18'23"N, longitude 1°32'54"W).".

Map 9. West Burrafirth Area

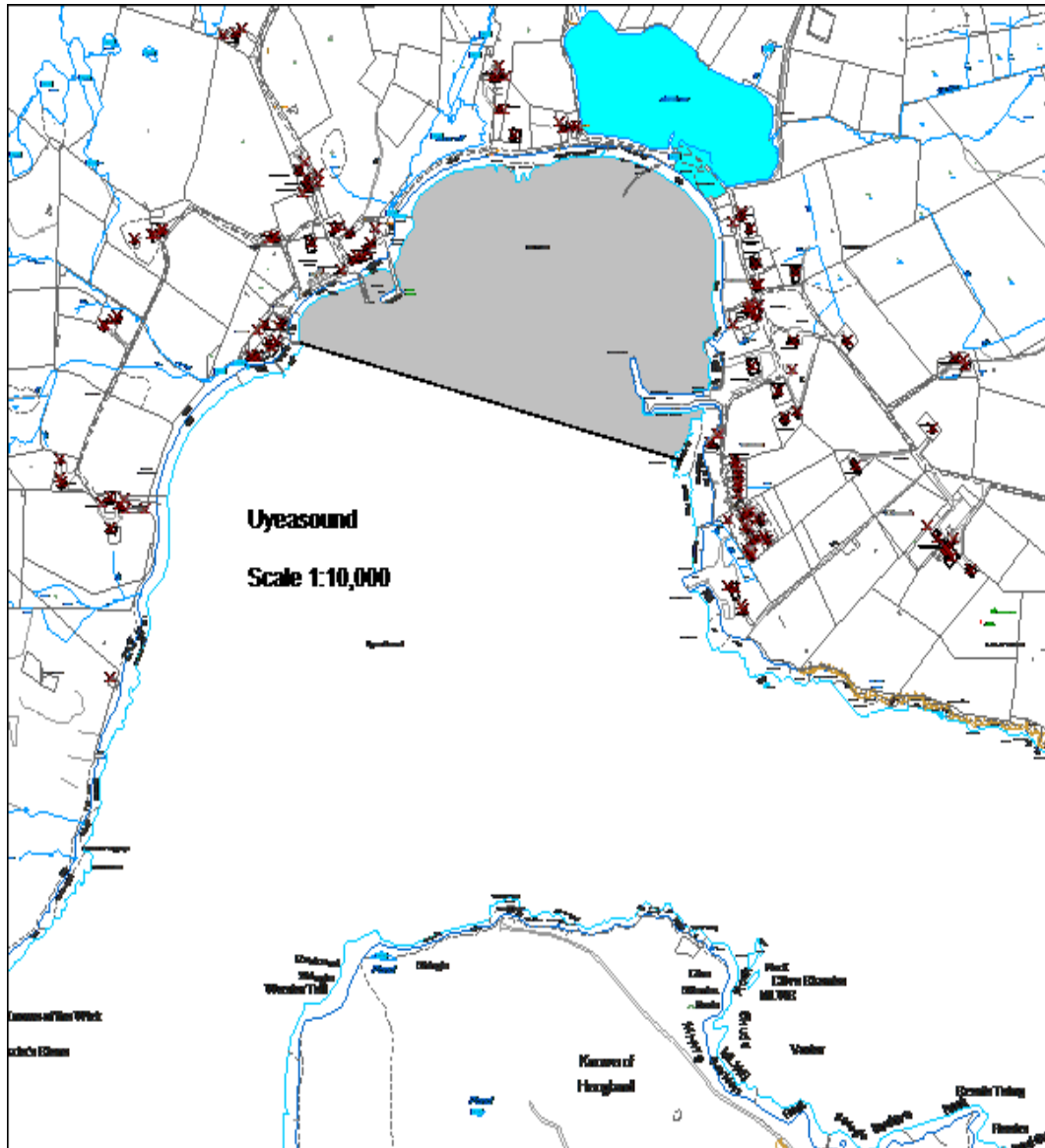


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2.2.11. UYEASOUND, UNST AREA

Much of the Tidal waters of Uyea Sound as is bounded seawards by an imaginary straight line drawn in an easterly direction from a point at latitude $60^{\circ}41.25'N$, longitude $00^{\circ}55.16'W$ to a point at latitude $60^{\circ}41.14'N$, longitude $00^{\circ}54.38'W$ and the reference to co-ordinates are references to WGS 84 (ETRS89) datum.



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2.2.12 HOUSA VOE, PAPA STOUR AREA

The tidal waters of Housa Voe, Papa Stour, the seaward boundary whereof is a straight line in a northerly direction from a point at latitude 60°19.73'N, longitude 01°39.89'W to a point at latitude 60°19.95'N, longitude 01°39.94'W.

2.2.13 HAMARS NESS, FETLAR AREA

The area bounded by a line commencing at the low water mark at the north end of Hamars Ness, 60°37.88'N, 00°56.18'W, thence in a generally east-north-easterly direction to the low water mark on The Fludir, 60°38.03'N, 00°54.97'W, thence in a generally south-easterly direction to the low water mark on Stongir Holm, 60°37.87'N, 00°54.68'W, thence in a generally southerly direction to the low water mark at the north end of Urie Ness, 60°37.82'N, 00°54.63'W".

2.2.14 COUNCIL OWNED SMALL PIERS

In addition to those noted above the SIC also owns and operates pier facilities in the following areas but is not identified as the Statutory Harbour Authority under the ZCC Act:

- Toogs (West Burra);
- Easterdale (West Burra);
- Billister;

2.2.15 FERRY PIERS & TERMINALS

The SIC also owns, operates and maintains 16 Ferry Terminals & Piers inside and outside the Statutory Harbour Authority areas of jurisdiction:

- | | |
|-------------------------------|----------------|
| 1. Belmont (Ro/Ro) - | Unst |
| 2. Harmars Ness (Ro/Ro) - | Fetlar |
| 3. Gutcher (Ro/Ro) - | Yell |
| 4. Ulsta (Ro/Ro) - | Yell |
| 5. Toft (Ro/Ro) - | North Mainland |
| 6. Vidlin (Ro/Ro) - | North Mainland |
| 7. Out Skerries (Ro/Ro) - | Out Skerries |
| 8. Symbister (Ro/Ro) - | Whalsay |
| 9. Laxo (Ro/Ro) - | North Mainland |
| 10. Lerwick (Ro/Ro) - | East Mainland |
| 11. Bressay (Ro/Ro) - | Bressay |
| 12. Grutness - | South Mainland |
| 13. Foula - | Foula |
| 14. Walls - | West Mainland |
| 15. Housa Voe (Ro/Ro) - | Papa Stour |
| 16. West Burrafirth (Ro/Ro) - | West Mainland |



2.3 Small Ports & Harbours Act and Amendments

SIC is the Harbour Authority for the Small Ports & Harbours as identified through the ZCC Act 1974 (as amended) and subsequent Acts, Orders and Statutory Instruments which have amended the original Act. The ZCC Act references other established Acts of Parliament which provide overarching legislation, including the 'Harbours Docks and Piers (Clauses) Act 1847' and the 'Harbours Act 1964'. Subsequently, the 'Pilotage Act 1987', and the 'Docks Regulations 1988' also provide key duties and powers to Harbour Authorities. The Acts shown in Table 2 are of key importance in relation to the SIC's duties and powers as Harbour Authority in respect of Small Ports Harbour.

Table 1. Small Ports Harbour Related Harbour Acts

Act Year	Act Name	Description of Powers
1961	Zetland County Council (Symbister Harbour) Order Confirmation. 1961	Established the Symbister Harbour Area, and provision regarding Harbour Authority duties and powers.
1974	Zetland County Council Act (ZCC)	Established the Sullom Voe and Baltasound Harbour Areas, and provision regarding Harbour Authority duties and powers. This is the establishing (Special) Act creating the Statutory Harbour Authority area.
1985	Shetland Islands Council Order Confirmation Act 1985	Provisional Order to extend the provisions of the Zetland County Council Act 1974 to certain areas in the Shetland Islands Area; to repeal enactments relating to piers and harbours in the said Area; and for other purposes.
1987	Shetland Islands Council (Small Harbours & Piers) Byelaws 1987	Established limits of jurisdiction for all parts of the harbours set forth in the schedule
1992	The Shetland Islands Council (North Haven, Fair isle) Harbour Revision Order 1992	Established the North Haven, Fair isle Harbour Area, and provision regarding Harbour Authority duties and powers.
1994	The Shetland Islands Council Harbour Revision Order (HRO)	Repeal (removal) of Clause 68 from the ZCC Act which stipulated the formation of a 'Harbour Advisory Committee'.
1995	The Shetland Islands Council (West Burrafirth) Harbour Revision Order 1995	Established the West Burrafirth Harbour Area, and provision regarding Harbour Authority duties and powers.
2003	The Shetland Islands Council (Papa Stour and Fetlar) Harbour Revision Order 2003	Established the Papa Stour and Fetlar Harbour Area, and provision regarding Harbour Authority duties and powers.
2007	The Shetland Islands Council (Uyea Sound) Harbour Revision Order 2007	Established the Uyea Sound Harbour Area, and provision regarding Harbour Authority duties and powers.



3. Small Ports - Marine Safety Management System Detail (3.1 – 3.2)

SIC is the Statutory Harbour Authority for the Small Ports & Harbours and its approaches as identified through the ZCC 1974 Acts (as amended). SIC is also the Local Lighthouse Authority within the meaning of the Merchant Shipping Act 1995, and by virtue of the Pilotage Act 1987, is the CHA responsible for the provision of pilotage services. In all three capacities it is governed by Acts of Parliament, and answerable to Parliament should it exceed its powers or fail in its duty. It is subject (as a Statutory Authority), to the full range of review procedures. The Harbour Authority has developed policies and plans in accordance with the standards set out in the Code. The policies and plans are based upon a full assessment of the hazards that have to be managed to ensure the safety of the port. Small Ports Harbour has adopted all the policies published by SIC in the Marine Safety Policy Document (which should be read in conjunction with this document).

This section describes the Marine Safety Management System (MSMS) for Small Ports & Harbours, and considers the marine safety policies, plans and arrangements specific to the Port and its approaches. Throughout this MSMS document the subject headings are identified with bracketed numbers to indicate the Code section addressed by the subsequent text, this provides an auditable cross-reference to the Code. For example, 'General Management Policy (3.3-3.4)' indicates that the text following the subject heading relates to the requirements detailed within Section 3.3-3.4 of the Code.

3.10 General Management Policy (3.3-3.4)

The Harbour Authority will support the commercial activities of Small Ports & Harbours through the safe and efficient provision of pilotage and conservancy services and the regulation of shipping within harbour limits. The policy of the Harbour Board (the Duty Holder) and the SIC, as the Harbour Authority, in adherence to the Code is to:

- 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 efficiently, economy and safety of operation as respects the services and facilities provided; and
- Take such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the harbour.

SIC undertake to ensure that enough resources are available to discharge their marine safety obligations and set the level of [port] dues accordingly.

3.10.1 Designated Person (1.11 – 1.12)

SIC has appointed a 'Designated Person' to provide independent assurance directly to the Duty Holder that the MSMS, for which the Duty Holder is responsible, is working effectively. The Designated Person has direct access to the Harbour Board, and is responsible for determining, through assessment and audit, the effectiveness of the MSMS system and compliance with the Code. The Duty Holder has appointed a Designated Person for Small Ports Harbour. The inter-relationship between the SIC Duty Holder, Designated Person and Port/Marine staff within SIC is shown in Figure 2

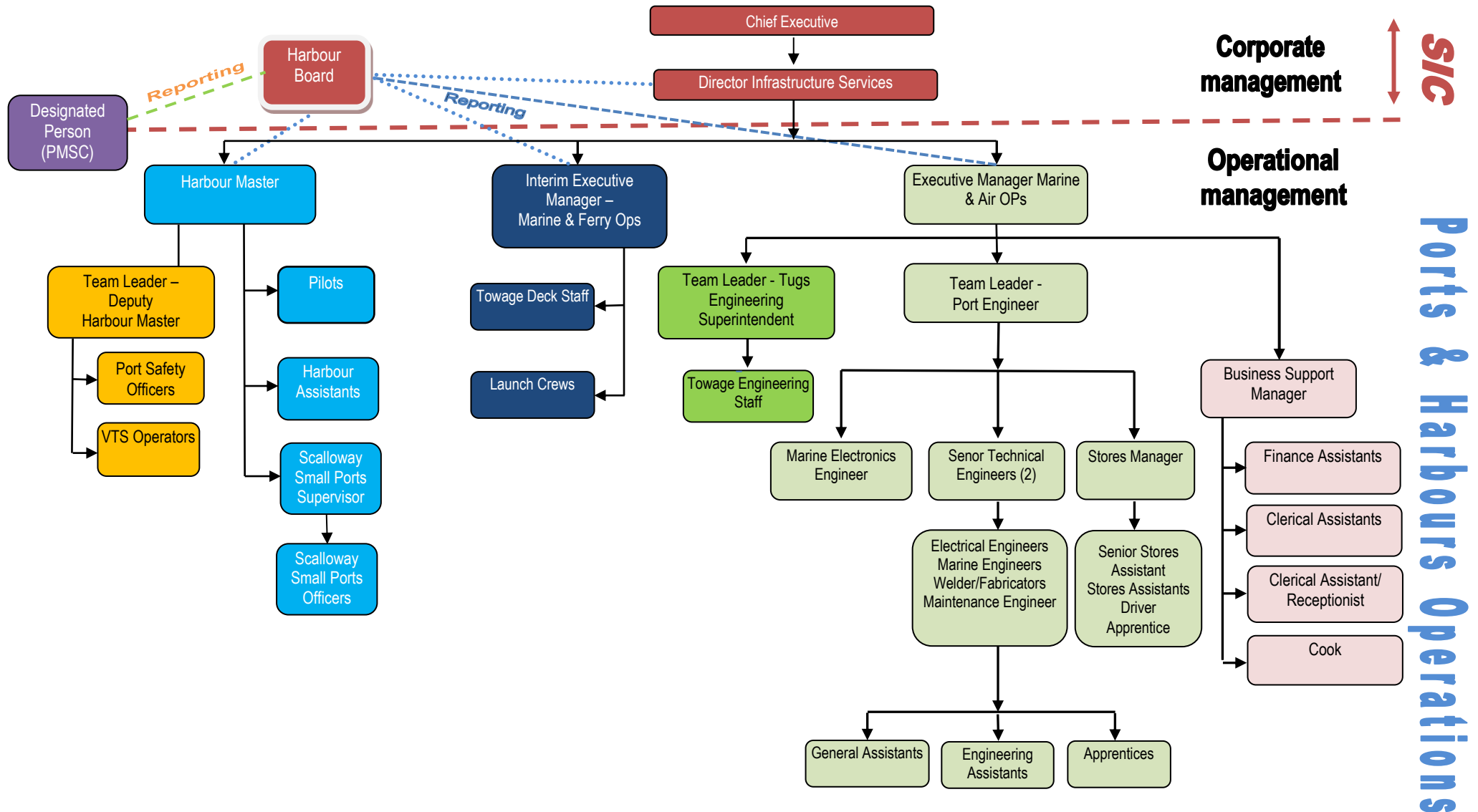


The Designated Person's contact information is:

- Captain Trevor Auld
- Email contact: shetland@abpmer.co.uk
- Phone number: 023 8071 1840 (request a member of the 'Shetland' team)



Figure 2. SIC Duty Holder and Designated Person Structure





3.11 Statutory Duties (3.0-3.2, 4.0-4.1)

The SIC Small Ports and Harbour has statutory duties of both a general and specific nature in respect of:

- (a) The observation of Section 33 of the Harbours, Docks and Piers Clauses Act 1847 in respect of maintaining Open Port Duty;
- (b) Regulating the activities of other persons using its Ports and Harbours, in particular, regulating the movement and berthing of vessels by means of directions and Bye-laws;
- (c) The conservancy of the SHA areas including marking navigation channels, the removal of wrecks and other obstructions and maintenance dredging of navigational channels;
- (d) The provision and maintenance of harbour facilities, including; quays, wharves, piers, etc;
- (e) 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;
- (f) The prevention of pollution and the nature conservation its Ports and Harbours and adjacent coastline;
- (g) Ensuring as far as reasonably practicable, the safety at work of its employees and other persons who may be affected by its activity; and
- (h) Local measures for compliance with the Code detailed within this Marine SMS.

3.12 Existing Powers, Duties and Responsibilities (3.10-3.11)

The Code requires Harbour Authorities to review their powers to ensure they discharge their duties correctly, and do not exceed their powers. SIC, as Harbour Authority, has reviewed its powers and duties, and these are detailed within the SIC MSMS in Section 3.1 and subsequent sub-section. The following headings are addressed in the SIC MSMS and apply directly to Small Ports & Harbours:

- Statutory Harbour Authority Powers [Section 4.1] (3.3 – 3.4);
- Review of Harbour Authority Powers [Section 3.1] (2.3 – 2.6);
- Appointment of Harbour Master and Existing Powers [Section 2.1.5] (1.1 – 1.15);
- Competent Harbour Authority Powers [Section 4.6] (3.10 – 3.11);
- Detention of Vessels [Section 5.13] ;
- Local Lighthouse Authority Responsibilities [Section 5.11] (4.21 – 4.24); and
- Powers to Remove Wrecks [Section 5.12] (4.25).

3.12.1 Small Ports & Harbours Bye-Laws 1987 (4.3-4.5)

A Harbour Authority has a number of powers designed to regulate areas of marine activity, some of these powers will be supported through Bye-laws. The ZCC Act 1974 (as amended) provides Bye-law powers in Sections 44, 45 and 46.

Section 44 'General Bye-laws.' states that:

- (1) *The Council may from time to time by byelaws make provision for any matter falling within their duties under section 5 (General duties) of this Act and in particular, but without prejudice to the generality of the foregoing, for any of the following purposes:*
 - (a) *for securing the conservation and improvement of any harbour area as a navigable waterway and for promoting the ease and convenience of navigation;*
 - (b) *for the regulation of vessels in a harbour area and their entry into and departure from the area and, without prejudice to the generality of the foregoing, for prescribing rules for navigation and the lights and signals to be exhibited or made by or for the benefit of vessels navigating in a harbour area;*



- (c) *for regulating the use and for preventing the misuse of services and facilities provided by the Council at port premises;*
 - (d) *for promoting the safety of persons and vessels at port premises;*
 - (e) *for regulating the conduct of persons using a harbour area or its banks or shores whether for business, recreation, training or any other purpose;*
 - (f) *for the prevention of nuisances in or beside a harbour area.*
- (2) *Different byelaws may be made under this section in relation to different classes of vessels.*
- (3) *Byelaws made under this section may provide for imposing upon persons offending against them fines not exceeding two hundred pounds and a daily fine of fifty pounds.*

Section 45 'Bye-laws as to dangerous goods' states:

- (1) *The Council may make byelaws as to the loading and discharging by vessels within a harbour area of dangerous goods and generally as to the precautions to be observed with respect to vessels carrying dangerous goods while in a harbour area and such byelaws may in particular provide:*
 - (a) *for regulating places at which vessels are to load and discharge dangerous goods and the time and mode of, and the precautions to be taken on, such loading and discharging;*
 - (b) *for regulating the places at which vessels carrying dangerous goods are to be moored.*
- (2) *If a person is charged with an offence against a byelaw in force under this section it shall be a defence for him to prove that the offence was not caused or facilitated by any act or neglect on his part, or on the part of any person engaged or employed by him and, if the person so charged is the owner or master of a vessel, that all reasonable steps were taken by the master to prevent the commission of the offence.*
- (3) *Byelaws made under subsection (1) of this section may provide for imposing on persons offending against them fines not exceeding one hundred pounds.*
- (4) *This section does not apply to dangerous goods to which byelaws made by the Council under the Explosives Act 1875 or the Petroleum (Consolidation) Act 1928 for the time being apply.*

No Bye-laws made by SIC, as Harbour Authority, shall come into force until confirmed by the Secretary of State. Section 46 'Confirming authority for Bye-laws' states:

For byelaws made by the Council under this Part of this Act the confirming authority for the purposes of section 301 of the Local Government (Scotland) Act 1947 shall be the Secretary of State.

The current SIC 'Small Harbours & Piers Byelaws 1987 are divided into various parts, namely:

- Part 1 Preliminary;
- Part 2 Navigation;
- Part 3 Berthing and Mooring;
- Part 4 Good and Road Traffic;
- Part 5 General; and
- Part 6 Schedule of Harbour Areas.



3.12.2 Direction (Special Directions) (4.6-4.7)

The Harbour Master is empowered to give Special Directions under Section 52 of the Harbours, Docks and Pier Clauses Act 1847 and Section 39 'Special directions to vessels' of the ZCC Act 1974 (as amended). The SIC Marine SMS provides more detail in Section 5.3.

The power to give Special Direction is also exercised by the Harbour Master's appointed deputies, the Deputy Harbour Master and the Team Leader Port and Marine Operations. Special Directions may be passed from the Harbour Master via VTS at Sullom Voe to vessels within the Harbour Authority areas of jurisdiction.

3.12.3 Direction (General Directions) (4.8-4.9)

SIC, as Harbour Authority, may issue General Directions under Section 38 of the ZCC Act 1974 (as amended). The SIC MSMS provides more detail in Section 5.4. The issuing of General Directions is subject to prior consultation with Harbour users. Small Ports Harbour General Directions identify that requirement for carriage of VHF/RT Equipment, in-bound and out-bound requirements, and navigational requirements are met. The General Directions identify 50 Gross Registered tonnes as a threshold for compliance with in-bound, out-bound and navigation within the Harbour Area.

3.12.4 Conservancy Duties (4.3 - 4.4)

SIC outsources hydrographic survey services as required; which, in addition to the dredging programme and maintenance for aids to navigation are overseen by the Port Engineer and detailed in Section 4.2 of the SIC MSMS document. Also see Appendix A which refers to relevant plans for survey and dredging.

Small scale surveys including depth checks at berths are routinely carried out by SIC personnel and equipment. Any changes to charted depths noted are advised to the UK Hydrographic Office for amendment and to mariners by Notices to Mariners.

3.12.5 Environmental Duties (3.8)

The SIC Marine Safety Policy document sets out acknowledges SIC's duty to exercise its functions as a Harbour Authority with due regard to nature conservation and environmental best practice. This statement takes into account SIC's duties in relation to National, European and International requirements as a statutory undertaker, including the requirements of the Nature Conservation (Scotland) Act 2004 which places the duty on every public body and office holder in Scotland to further the conservation of biodiversity. These measures, as applied by SIC across all its Ports and Harbours, are detailed within Section 4.3 and 4.4 of the SIC Marine SMS document.

To enforce and monitor SIC's policy on Environmental Duties, Small Ports & Harbours uses a range of measures which include vigilance of Marine Staff who are trained to report pollution within the Harbour. Any pollution or other events likely to affect the port environment are reported as necessary, and the Harbour Authority will take action according to its responsibilities as described in the following plan:

- Shetland Islands Council - Marine Pollution Contingency Plan

The Ports and Harbour website (<http://www.shetland.gov.uk/ports/contingencyplans>) contains contact information, and provides details of how to contact the Harbour Authority for routine and emergency matters. Reportable oil spills, following the Shetland Islands Council - Marine Pollution Contingency Plan, are reported using the POLREP form and sent to the MCA. If necessary, advice on environmental issues is also available from the Shetland Oil Terminal Environmental Advisory Group (SOTEAG). Small Ports & Harbours also recognises the requirement to give sanctuary to vessels, under the direction of the Secretary of State's Representative for Maritime Salvage and Intervention (SOSREP), where there is a risk to safety or pollution



by hazardous substances. This power is exercised by the Secretary of State, through the office of SOSREP. The Secretary of State also has wide powers to take action, or authorise others to take action, where it is considered that issuing directions alone would be insufficient.

3.12.6 Civil Contingencies, Dangerous Vessels and Substances (3.9, 4.10)

SIC, as Harbour Authority, addresses Civil Contingencies as a centralised function, and has prepared contingency plans as laid out in the SIC have prepared a "Major Emergency Plan", with Appendix E-9 and 10 'Action List' detailing the expected response by the Team Leader - Harbour Master and His Deputy under the Civil Contingencies Act (as amended). See Section 4.5 and 5.6 of the SIC MSMS for detail on Harbour Master's powers for Dangerous Vessels and Substances.

3.13 Formal Risk Assessment (2.7-2.11)

Small Ports & Harbours formally assesses risks and carries out reviews as described in the SIC MSMS. Responsibility for the maintenance of up-to-date risk assessments is the responsibility of the Deputy Harbour Master, as a delegated function of the Harbour Master, who ensures that all necessary competent staff and stakeholders are involved at all stages of assessment and review.

3.14 Incident Investigation (2.19-2.23)

Following an incident involving a collision, grounding, close-quarter (potential incident) or any other reportable incident within the Small Ports Harbour area, an Incident/Accident Form (Appendix B contained within the Small Ports Procedures Manual) is raised and submitted together with any supporting evidence to the Harbour Master. The process followed by the Harbour Master for accident and incident investigation is described in the SIC Marine SMS Section 3.5 and following sub-sections. Where relevant, links will be made with risk assessments to ensure the process of incident investigation is reflective. In the event of an incident which could call into question the capability of a pilot under Section 3(5) of the Pilotage Act 1987, the Harbour Master will, on a formal basis, investigate the circumstances, collect reports, statements and other evidence, and report the facts with a recommendation to the Harbour Authority.

Accidents and incidents are now required to be reported to the MAIB. Additionally where appropriate Harbour Authorities must, so far as is reasonably practical, ensure that the circumstances of every accident are examined. The findings of such an examination, stating the measures taken or proposed to prevent a recurrence, must be provided to the Chief Inspector as soon as is practicable, irrespective of any investigation that may be conducted by the MAIB.

3.15 Towage

Tug assistance is not deemed necessary for the size and type of vessel which berth at the Small Ports & Harbours and therefore no harbour tugs are based at Small Ports & Harbours. Where tug assistance is requested by the vessel's master, or deemed prudent by the Harbour Master (or appointed Deputy) such request should be routed to VTS in Sullom Voe where arrangements for tug attendance will be made. The Harbour Master, in the instance of controlling marine risk, may direct a vessel to take towage through powers of Special Direction.



3.16 Collection of Dues (4.17-4.20)

SIC have the power through the Harbours Act 1964 to collect dues from users of the Harbour. The collection of dues forms an important aspect of safety management, by providing the necessary resources to discharge Harbour Authority duties in respect of the Code. SIC's power to levy and collect dues also extends to any vessel using pilotage services through the Pilotage Act 1987. SIC's power to levy dues and pilotage charges are subject to the statutory right of objection to the relevant Scottish Minister.

3.17 Fishing and Recreational Navigation

Good management, use of appropriate powers and stakeholder consultation are all needed to strike a balance between the recreational and commercial use of the port. Recreational navigation in the Small Ports Harbour is an important aspect of harbour activities. The predominant traffic is small day-fishing boats, with recreational yachting, power boating and small craft (kayaks) in the summer months. The Small Harbours and Piers Bye-laws provide the main formal statutory mechanism for managing recreational navigation.

Potential conflicts between commercial, fishing and recreational users have been identified through the risk assessment process, and control measures are in place to minimise conflicts. These include regular consultation with user groups and a number of formal marine traffic controls:

- Buoys and lights mark the principal channels;
- Small Ports and Harbours onsite harbour staff; and
- Website information for Port and Harbour users.

Recreational event organisers are requested to consult with the Harbour Master at the earliest opportunity, where formal approval will generally only be given in the light of a proper risk assessment to be conducted by the event organiser. Before approving the event the Harbour Master satisfies himself that any risk to navigation or other port users has been effectively mitigated and reduced to levels which are ALARP. Any requirement for additional Harbour Authority resources (for example, additional navigational marks, escort craft, marine event officers, etc) are normally made available at the expense of the event organiser. Having conducted a risk assessment and following any advice or requirement of the Harbour Master, the event organiser is required to promulgate clear details of the event, including where appropriate:

- Names and contact details of event organisers and officials;
- Timetable and programme of events;
- Arrangements for controlling the event, including any special communication;
- Any navigational constraints being imposed, such as restricted areas, or partial port closures;
- Emergency arrangements;
- Media arrangements; and
- Appropriate insurance.

In order that the co-operation of recreational users is best assured, the Harbour Authority regularly consults with them through liaison meetings and participation in working groups and committees. Details of established consultation groups are provided in Section 3.11 'Consensus'..

3.18 Consensus (2.29)

The Harbour Master carries out a range of consultation on behalf of Small Ports Harbour. This consultation includes port operatives, port users and stakeholders. Figure 3 provides a schematic layout of the involvement of the Technical Working Group (TWG) and liaison groups; that include both SIC internal meetings and public facing consultation with stakeholders. All meetings are minuted and recorded.

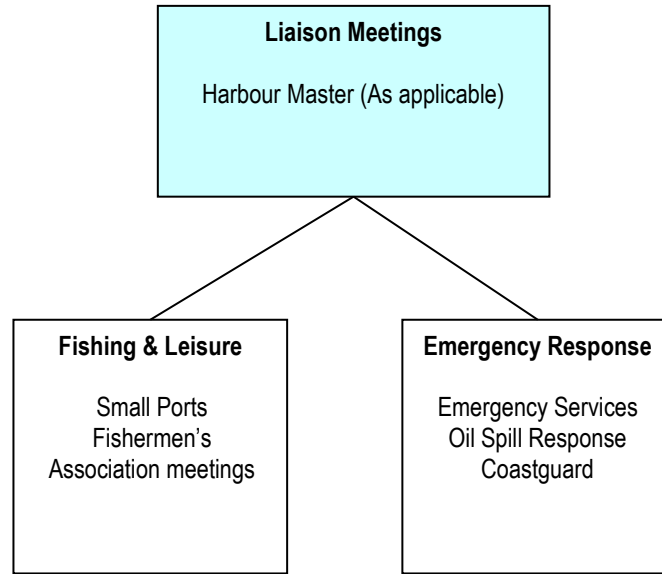


Figure 1. Small Ports MSMS - Committee, Meetings and Liaison Groups



4 References

- Department for Transport. Port Marine Safety Code. Department for Transport, November 2016
- Department for Transport "A Guide To Good Practice On Port Marine Operations - Prepared In Conjunction With The Port Marine Safety Code", February 2018.
- Her Majesty's Government, 1847. 'Harbours, Docks and Piers Clauses Act 1847'.
- Her Majesty's Government, 1964. 'Harbours Act 1964'.
- Her Majesty's Government, 1974. 'Zetland County Council Act' (ZCC) Act 1974 (as amended) http://www.legislation.gov.uk/ukla/1974/8/pdfs/ukla_19740008_en.pdf.
- Her Majesty's Government, 1985. 'Dangerous Vessels Act 1985'.
- Her Majesty's Government, 1987. 'Pilotage Act 1987'.
- Her Majesty's Government, 2016. 'Dangerous Goods in Harbour Areas Regulations 2016'.
- Her Majesty's Government, 1995. 'Merchant Shipping Act 1995'.
- Her Majesty's Government 2012. 'The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012'. http://www.legislation.gov.uk/uksi/2012/1743/pdfs/uksi_20121743_en.pdf.
- International Maritime Organization (IMO), 2002. 'Guidelines For Formal Safety Assessment (FSA)'. International Maritime Organization, 2002.
- International Maritime Organization (IMO), 2008. 'Adoption Of The Code Of The International Standards And Recommended Practices For A Safety Investigation Into A Marine Casualty Or Marine Incident (Casualty Investigation Code)'. May 2008 Resolution MSC.255(84).
- International Hydrographic Office (IHO), 2008. Standards for Hydrographic Surveys (SP44), February 2008.
- Maritime and Coastguard Agency (MCA), 2009. Navigation: Vessel Traffic Services (VTS) and Local Port Services (LPS) in the United Kingdom. Marine Guidance Note - MGN 401 (M+F). Maritime and Coastguard Agency, September 2009.
- Zetland County Council (Symbister Harbour) Order Confirmation 1961.
- Shetland Islands Council (SIC), 1987. (Small Harbours & Piers) Byelaws 1987.
- The Shetland Islands Council (North Haven, Fair Isle) Harbour Revision Order 1992.
- The Shetland Islands Council Harbour Revision Order 1994.
- The Shetland Islands Council (West Burrafirth) Harbour Revision Order 1995.
- Shetland Islands Council (SIC), 2001. 'General Directions and Pilotage Directions'. Small Ports Harbour Area.
- The Shetland Islands Council (Papa Stour and Fetlar) Harbour Revision Order 2003.
- The Shetland Islands Council (Uyea Sound) Harbour Revision Order 2007.



Appendix A. Small Ports - Marine Safety Management System Document Reference List

Safety Management System Documents	Latest Edition
Shetland Islands Council (SIC) Documents, Plans and Procedures	
▪ SIC Quality Policy	Issue 4 Ver 0 October 2019
▪ SIC Marine Safety Policy	Issue 4 Ver 0 October 2019
▪ SIC Marine Safety Management System	Issue 4 Ver 0 October 2019
▪ SIC Staff Training Matrices	Constantly updated
▪ SIC – Health and Safety Policy (shore based)	December 2006
▪ SIC – Procedures Manual	December 2018 Constantly updated
Emergency Plans	
▪ Shetland Islands Council – Emergency and Resilience Plan	Under Review
▪ Shetland Islands Council – Marine Pollution Contingency Plan	Issue 4, April 2015
Small Ports & Harbours Documents	
▪ Small Ports & Harbours – Harbour Procedures Manual (SIC staff only)	December 2018 Constantly updated
▪ Small Ports & Harbours – General Directions and Pilotage Directions	22 August 2007
▪ Small Ports & Harbours – Waste Management Plan	under review (Sept 2013)
▪ Small Ports & Harbours – Navigational Risk Assessments (MarNIS database)	Ongoing
▪ Small Ports & Harbours – Accident/Incident Database (Port Information System database)	Ongoing
Legal / External Documents	
▪ Zetland County Council Act 1974 (as amended)	1980
▪ Shetland Island Council (Small Harbours and Piers)	31 July 1987 (Under review)
▪ Port Marine Safety Code	November 2016
▪ A Guide To Good Practice On Port Marine Operations Prepared In Conjunction With The Port Marine Safety Code	February 2018
Additional Published Information Includes:	
The latest versions of these documents, or any relevant current information is available on http://www.shetland.gov.uk/ports/Small Ports/	
▪ Local Notice To Mariners ^{Note 1}	Ongoing and as required
Note 1 - Latest information available on Small Ports Harbour Website: http://www.shetland.gov.uk/ports/notices.asp	