Lochboisdale Harbour

Marine Safety Management System

and Policies

February 2023

Lochboisdale Development Limited
Oifis Stòras
Daliburgh
South Uist
Western Isles
HS8 5SS

Document Production and Approval

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Commitment to Implement Marine Safety Management System

The following Directors, Officers and Employees of Lochboisdale Development Limited (LDL) have signed to confirm their commitment to implementing the Marine Safety Management System.

Name and Position	Signature	Date
Donnie Steele Duty Holder, Chairman and Elected Director LDL	D Steele	25/10/23
Mary Schmoller Duty Holder, Deputy Chair and Elected Director LDL	M Schmoller	25/10/23
Donald Cameron Duty Holder – Elected Director LDL	D Cameron	25/10/23
Iain Stephen Morrison Duty Holder, Elected Director LDL	I Morrison	25/10/23
Peter Steele Duty Holder and Co-Opted Director LDL	P Steele	25/10/23
Angus Campbell Duty Holder, Co-Opted Director LDL	A Campbell	25/10/23
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Darren Taylor Chief Executive LDL	D Taylor	25/10/23
Donald Currie Harbour Master LDL	D Currie	25/10/23
Gary MacDougall Port Operative LDL	G MacDougall	25/10/23

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The following Directors, Officers and Employees of Lochboisdale Development Limited (LDL) have signed to confirm their commitment to implementing the Marine Safety Management System.

Name and Position	Signature	Date
Donnie Steele Duty Holder, Chairman and Elected Director LDL	D Steele	23/4/24
Mary Schmoller Duty Holder, Deputy Chair and Elected Director LDL	Mary Schmoller	23/4/24
Donald Cameron Duty Holder – Elected Director LDL	D Cameron	23/4/24
Iain Stephen Morrison Duty Holder, Elected Director LDL	Iain Stephen Morrison	23/4/24
Peter Steele Duty Holder and Co-Opted Director LDL	Peter Steele	23rd 4 2024
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Donald Currie Harbour Master LDL		
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General Policy on Health and Safety

Applicability: Lochboisdale Development Limited (LDL) is the Statutory Harbour Authority for the Lochboisdale and Gasay Port with jurisdiction over the limits of the Port as defined at the Lochboisdale and Gasay Port Harbour Empowerment Order 2016. This general policy applies to those areas.

General Policy on Health and Safety: The Board of Directors of LDL will manage health and safety effectively by:

- putting the health and safety of the public, harbour users and employees first;
- ensuring that all LDL facilities provide a safe workplace or leisure environments;
- implementing a marine Safety Management System (SMS) in accordance with the Port Marine Safety Code (PMSC) and applicable legislation;
- implementing landside SMS in accordance with the Health & Safety at Work Act 1974 as amended and Safety in Docks Approved Code of Practice and other applicable legislation.

Roles and Responsibilities:

- Directors of LDL, both as individuals and collectively as the Board, are Duty Holders for the marine SMS;
- Chief Executive is responsible for implementing the general policy on health & safety;
- Harbour Master is responsible for day-to-day implementation of health and safety policy, the marine SMS and the landside SMS;
- Designated Person is responsible for undertaking independent reviews of the marine SMS and monitoring compliance with the Port Marine Safety Code, reporting findings directly to the Board of Directors;
- Mentor is an independent health and safety advisor for the landside SMS;
- Other Employees may be authorised to act on the Harbour Master's behalf in accord with written delegated powers signed by either the Chief Executive or Harbour Master;
- All Directors, Officers and Employees. are expected to:
  - take reasonable care and responsibility for the health and safety of themselves and others who may be affected by their acts or omissions at work;
  - co-operate with LDL to secure compliance with the marine and landside SMS;
  - put safety first and report risks, dangerous practices or accidents to their manager.

Detailed Arrangements: The marine and landside SMS are to:

- clearly define responsibilities and standards
- engender a proactive health and safety "no blame" culture
- require appropriate resources, training and other support
- facilitate communication, consultation and the sharing of information and good practice
- require hazard identification, risk assessment and implementation of risk controls
- require the monitoring, review and annual audit of SMS performance
- ensure that contractors, facility users and others know what is expected of them.

Review: This policy is to be reviewed at least annually

Approved by the Board of Directors

and signed on its behalf

Darren Taylor
Chief Executive
Lochboisdale Development Limited February 2023

1. Introduction to the Marine Safety Management System

1.1. Purpose

The purpose of the Marine Safety Management System (MSMS) is to ensure that Lochboisdale Development Limited (LDL), has an effective system in place to manage the safety of navigation and marine operations, using formal risk assessment to control the level of risk, either by eliminating risks or by ensuring that risks are kept As Low As Reasonably Practicable (ALARP). This complies with the Port Marine Safety Code (the PMSC), The Health and Safety at Work Act and other applicable legislation[1].

This document follows closely the structure of the PMS Code and specifies LDL's policies for complying with the code and other relevant legislation. It is aimed at port employees, port users, stakeholders and the general public, detailing the MSMS including:

- specifying how LDL will comply with the PMSC;
- the overall framework for the management and co-ordination of both marine and shore-based operations within the Port; and
- responsibilities for keeping this MSMS up-to-date and for ensuring that revisions are properly reviewed and approved.

1.2. Commitment Statement

Under the terms of the PMSC (Article 1.6), the responsibilities vested in the "duty holder" to comply with the PMSC and "*ensure safe marine operations*" are held collectively and individually by the SPA Board. (See 3.2.1 of this manual for detail).

LDL is also the owner of property outside the new Lochboisdale Harbour, notably the Lochboisdale Village Gateway including the old quayside adjacent to the Ferry Terminal overflow vehicle marshalling lane. LDL will apply this SMS to those other properties wherever appropriate.

1.3. Components

The MSMS comprises the following components:

- MSMS overview (this document);
- The Health and Safety Policy together with subordinate policies;
- The 3-yearly Safety Plan for implementation of the MSMS, together with the Rolling Action List;
- The Risk Register and Risk Assessment Record;
- Risk Control measures, including:
  - Local Regulations such as General Directions and Notices to Mariners

  - International Regulation such as the Collision Regulations and IMO SOLAS
  - passage plans
  - standard operating procedures
  - accident, incident and near miss investigations
  - emergency response plans
  - port security plan
  - port waste management plan
- Incident Management;
- Consultation with stakeholders and obtaining their constructive input to the MSMS;
- Performance and Compliance Monitoring;
- Management Reviews, Audits Reports;
- All relevant legislation including the HEO.

These components are reflected in the structure of the MSMS indicated in Annex D.

2. Management Organisation and Accountability

1.4. The LDL Board

LDL manage the new Lochboisdale Harbour and the Lochboisdale Village Gateway. The Board of LDL currently consists of 4 directors appointed by the sole shareholder, South Uist Estates, together with 3 directors co-opted by the Board.

1.2. Duty Holder (PMSC Articles 1.6 – 1.10)

Policy 2A Duty Holder: The directors of Lochboisdale Development Limited ("LDL"), are both individually and collectively the Duty Holders accountable for compliance with the PMS Code (to the extent that it is applicable) and for managing operations within the Port safely and efficiently. Duty Holders cannot assign or delegate their accountability for LDL's compliance with the PMS Code.

Policy 2B Role of the Duty Holder includes:

- responsibility for the development of policies, plans, systems and procedures pertinent to managing the safety of navigation;
- maintaining strategic oversight and direction of all aspects of the harbour operation, including the provision of guidance pertaining to marine safety;
- ensuring that assessments and reviews are undertaken as required by this Marine Safety Management System (reflecting applicable guidance in the PMS Code) to maintain and improve guidance pertaining to marine safety, and
- ensuring that the Company seeks and adopts appropriate powers for the effective enforcement of regulations and for setting dues at a level which adequately funds the discharge of all of their duties.

Policy 2C Duties of the Duty Holder: the Duty Holder on behalf of the LDL must:

- be aware of their existing powers and duties and policies regularly every three years, or as necessary such as following an incident and seek additional powers such as from the Scottish Government if Risk Assessment indicates that this would be the best means of meeting its safety or other obligations;
- comply with existing duties and exercise existing powers as appropriate;
- ensure all risks are formally assessed and kept ALARP in accordance with good practice;
- ensure operation of an effective Marine Safety Management System (MSMS) that has regard to consultation and uses formal risk assessment;

- use competent people (i.e. trained, qualified and experienced) in positions of responsibility for the provision of guidance pertaining to safe navigation;
- monitor, review and audit the MSMS on a regular basis – an independent Designated Person has a key role in providing assurance for the Duty Holder;
- publish a safety plan, three yearly showing how the standard in the Code will be met and to publish an annual report that assesses actual performance against the plan;
- comply with directions from the General Lighthouse Authority and supply information and returns as required;
- review its powers and seek additional powers if existing powers are not sufficient to meet deliver safe navigation;

Policy 2D Awareness of the Duty Holder: LDL will provide appropriate briefings and operational visits to enable LDL directors to acquire an appropriate insight and understanding of the Port's activities and MSMS and their associated obligations and responsibilities.

1.6. Designated Person

Policy 2E Appointment of the Designated Person: A Designated Person (PMSC 1.11 – 1.12) with H&S expertise and knowledge of the PMS Code and the companion Guide to Good Practice (GtoGP) is appointed.

Policy 2F Role of the Designated Person: The Designated Person shall:

- have direct access to the board of directors of LDL (the "Board") in the form of a meeting with the Board at intervals of not less than six months; this periodicity makes some allowance for seasonal variations in port operations;
- report his/her findings in relation to:
  - regular Independent Audits of health and safety performance and port operation procedures by LDL, and
  - independent evaluations of Performance Monitoring and Reviews by LDL Management (namely the Chief Executive, the Harbour Master and other employees designated by the Chief Executive as having a management role);

  including but not limited to:
  - Risk Assessment and the formulation of Risk Control proposals;
  - the effectiveness of the MSMS;
  - Near Misses and other Incidents;

- compliance with the PMS Code (to the extent that it is applicable);
- The Port Emergency Plan;
- The Port Security Plan.

1.7. LDL Chief Executive

Policy 2G (PMSC Article 1.13) Chief Executive's Accountability: is to the Board for the operational and financial control of LDL, including for the:

- recruitment, training and management of staff;
- exercise of executive responsibility for health and safety;
- implementation of Board policies and decisions.

Policy 2H Chief Executive's Role: also includes:

- advising the Board on all matters related to the duties and powers of the Duty Holder with appropriate supporting advice from the Harbour Master and other LDL officers;
- pro-actively promoting a positive health and safety culture throughout LDL.

1.8. Harbour Master (PMSC Article 1.14)

See also section 5.1.

Policy 2I Harbour Master Appointment: A competent and suitably qualified and experienced Harbour Master will be appointed (PMSC 1.14).

Policy 2J Harbour Master 's Accountability is to LDL for safety in the Lochboisdale and Gasay Port (LGP) and in the Lochboisdale Village Gateway.

Policy 2K Harbour Master 's Role, Responsibilities and Duties include:

- reporting to the Chief Executive ;
- normally attending meetings of the Board;
- discharging the duties of Harbour Master as set out in the job description and in the Harbour Empowerment Order;
- day-to-day responsibility for the safe operation of shore-based activities within the LGP and the Lochboisdale Village Gateway where these are not the responsibility of other Port users;
- managing the safety of navigation of all vessels navigating within the Port;

- acting as the Appointed Person in connection with the use or movement of hazardous substances within the Port;
- acting as the Port Facility Security Officer ("PFSO") as stated in the Port Facility Security Plan;
- having responsibility for the provision and maintenance of Aids to Navigation (AtoN) within the Port (including for monitoring the correct operation and reporting of any defects of an AtoN which is otherwise provided and maintained by either NLB or CMAL)
- consulting with CMAL, Calmac and other Port users in order to secure communication, co-operation and co-ordination conducive to safeguarding health and safety in the Port;
- authorising other LDL staff to perform defined duties of the Harbour Master where he/she is satisfied that person has the appropriate qualifications, training and experience and where the Harbour Master retains accountability for that person's actions;
- managing LDL staff within the Port.

1.9. Other LDL Officers

Policy 2L Appointment, Role of and Delegation to Other Officers: shall include:

- appointment of competent and suitably qualified and experienced people for assigned roles;
- reflect a proper separation between safety and commercial activities;
- appropriate training;
- clear, formal delegations that do not obscure the accountability of LDL and the Duty Holder.

Policy 2M Role and Responsibilities of LDL Head of Development (if appointed) include:

- reporting to the Chief Executive;
- having day-to-day responsibility for:
  - promoting the LDL Harbour to potential Port users;
  - managing tenancy contracts between LDL and users of Port premises;
  - managing contracts for further Port development;
  - managing maintenance of Lochboisdale Village Gateway facilities owned by LDL;
- obtaining appropriate approval before sanctioning any activity within the Port.

1.10. Organisation Chart

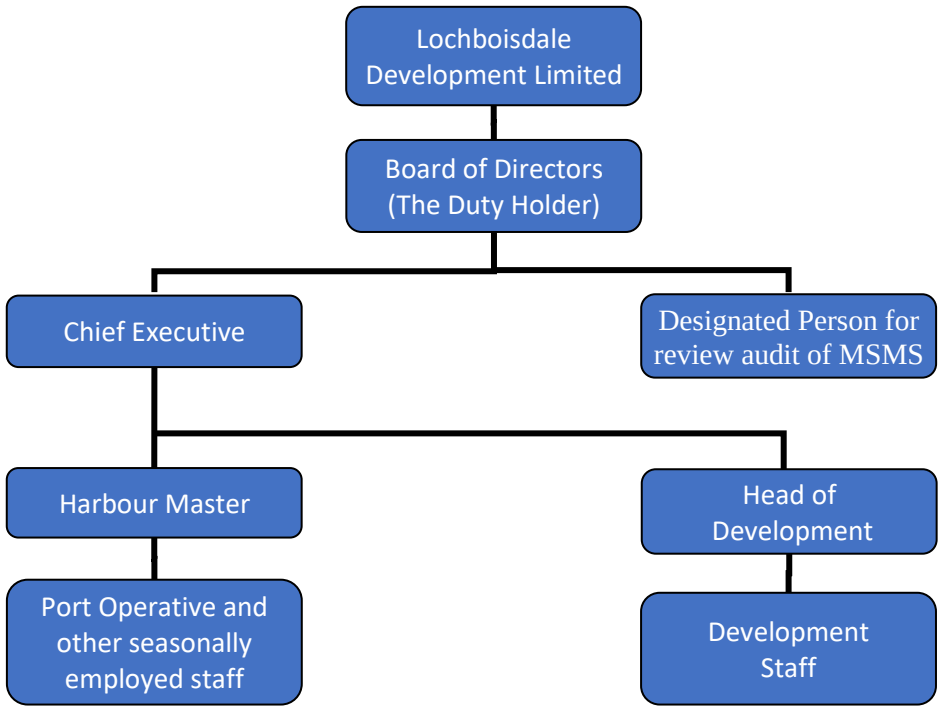


Figure 1: Organisation Chart

1.11. Appointments

See Table on Page 2 of this manual.

1.12. Responsibilities of Others whose actions could affect the LDL Harbour

Others having health, safety and environmental protection responsibilities that could impact on LDL Harbour include:

- LDL, CMAL and Calmac co-operating effectively to co-ordinate operations;
- NLB for an AtoN located within the Port: “Fl.G 3s” located south of Sgeir Rock;
- NLB for AtoN located within the Port: “Fl.WR.5s” on north-east point of Gasay;
- CMAL for “Fl.G 6s 3m 3M” located on the north shore of Loch Boisdale;
- CMAL for “2F.G (vert)” on Lochboisdale Ro-Ro Terminal Dolphin;
- CMAL for “DirWRG.4s” headmark at Lochboisdale Ferry Terminal;

- NLB "Fl.WR.5s 10m 7/4M" located on the northeast corner of Gasay;
- Contractors engaged by LDL, CMAL or CalMac to undertake:
  - hydrographic surveys;
  - specialist surveys such as those relating to wrecks and subsea obstructions;
  - provision and maintenance of AtoN;
  - any other works or operations that impact upon the safety of people and navigation.
- Port users including vessels, masters, crews, tenants of LDL occupying Port Premises and the general public – and including making constructive responses to LDL consultation initiatives;
- Scottish Water for potable water and wastewater services within the Port;
- SSE for electrical services within the Port;
- BT for telecommunication services within the Port;
- Comhairle nan Eilean Siar (CnES) for adopted road. LDL responsible for signs and street lighting within the Port;
- Other regulators and bodies such as SEPA, MCA and Crown Estates;

and, in each case, their relative employees, contractors and subcontractors working in the Port.

1.13. Key Measures to Secure Marine Safety

The PMSC requires the following key measures to be in place to secure marine safety; these are covered in detail in subsequent chapters to this manual:

- Review existing powers;
- Implement a Marine Safety Management System (MSMS);
- Use formal risk assessment;
- Set and maintain standards of competence;
- Incident reporting and investigation;
- Monitoring performance, auditing and compliance;
- Enforcement;
- Publication of plans and reports;
- Consultation with port users; strive to achieve a Consensus on managing safe navigation.

3. The Marine Safety Management System

(PMSC Article 2.1) The LGP Marine Safety Management System (SMS) Manual describes the policies, structure, responsibilities, risk management, enforcement and monitoring regimes necessary to comply with the Port Marine Safety Code – it says '*how*' the conduct of navigation will be managed. The following documents are part of the overall SMS, but they are 'standalone' documents that support the Navigational SMS and are held separately:

- Standard Operating procedures;
- Risk Assessments;
- Port Emergency Plan;
- Port Security Plan;
- Lochboisdale Oil Spill Contingency Plan;
- Contractors Health and Safety Standards for working at Lochboisdale Harbour;
- Miscellaneous other documents such as Notices to Mariners and Hydrographic Surveys.

3.1 Structure of the SMS: See Annexes D and E.

3.2 Review Existing Powers

Policy 3A Review Existing Powers: LDL will review its existing powers and policies on a regular basis, at least every three years, and seek additional powers such as from the Scottish Government if Risk Assessment indicates that this would be the best means of meeting its safety or other obligations.

3.3 Rolling SMS Action List

The Rolling Action List is an important management tool that lists all outstanding actions, sets deadlines for completion of the actions and reports on progress made with those actions. It is referenced to the last full PMSC audit and includes all the points raised at the PMSC audit report and any subsequent issues that arise through risk assessment, incident investigation or in the normal course of port operations. Its main utility to port management is as a monitor in that at any time it gives a snapshot of the current state of compliance with the PMSC. The Harbour Master is responsible for maintaining the Rolling SMS Action List; for planning and progressing current SMS development, implementation and improvement Actions. This will be updated and reviewed by the Harbour Master in consultation with the Chief Executive at least monthly. The Rolling Action List will be submitted for information at board meetings, generally quarterly. Further details of the Rolling SMS Action List are presented in Annex 3.

3.4 Consultation

Policy 3D Consultation: LDL will consult with, and build a consensus about safe navigation (PMSC Article 2.29) amongst, Port users and relevant parties, including CMAL and CalMac, who are likely to be involved in or affected by the Safety Management System and safety in the LDL Harbour.

Further proposals regarding consultation are presented in Annex G.

3.5 Competence Standards

Policy 3E Competence Standards: LDL will assess the fitness and competence of all persons appointed to positions with responsibility for Harbour management and will continue to ensure that those people are competent, hold appropriate qualifications and are adequately trained.

Policy Implementation, accordingly, will require LDL to:

- identify the skills and competencies needed for particular tasks (using appropriate professional advice);
- conduct appropriate assessments of the competence, qualifications, experience and training requirements of LDL employees involved in the MSMS;
- provide safety inductions (both for the Harbour Master and by the Harbour Master to others);
- provide further suitable training (externally sourced or in-house) to all LDL employees;
- operate a performance appraisal system for LDL employees which also updates records about competency, qualifications and training;
- formally authorise people to undertake specific tasks, such as where required by legislation or by the Harbour Master (for instance to comply with lifting operations regulations or local permit to work operations) and recording also why they are deemed competent to undertake those tasks.

Policy 3F Written Warnings to LGP Employees and Non-Compliance Records: The Harbour Master is expressly required to issue warnings and non-compliance notices to employees and others who do not comply with applicable health and safety rules and regulations. Verbal warnings and notices are acceptable for the first occurrence of a situation that is not deemed serious but should be recorded. Any serious situations, or repetition of non-serious situations, must always be the subject of written warnings and non-compliance records.

4. Management of Marine Risk

4.1 Formal Risk Assessment

Policy 4A Risk Assessment: LDL will make formal risk assessment and effective risk control the basis of all marine activities, procedures and regulations applied to or required of port users. Additionally, LDL will.

- Reduce risks to a level that is as low as is reasonably practicable. In practice, the Navigational SMS should aim to get well below ALARP in order to yield some contingency;
- Consult port users during formal risk assessment;
- Using formal risk assessment to identify the requirement for aids to navigation;
- Applying formal risk assessment to all harbour works;
- Maintain current Risk Assessment records that identified hazards, the causes of hazards, the level of risk, the Duty Holder's tolerability of risk and Risk Control measures;
- Record a required review date for each Risk Assessment, established by the lead reviewer or the Harbour Master (not more than one year after the previous assessment and reflected in the Rolling SMS Action List (referred to in section 3.3 above).
- Risks are to be ranked, to highlight the greatest risks to the Duty Holder and Executive.

4.2 Formal Risk Assessment - Meaning

PMSC Articles 2.7 – 2.11 requires ports to 'use formal risk assessment' but what is this, what does it mean? At its simplest, risk is a product of the consequences (or impact) of an untoward event and the likelihood (or frequency) of that untoward event happening. The Health & Safety Executive defines it thus: '… risk is the likelihood that a person may be harmed or suffers adverse health effects if exposed to a hazard. …' A port would also be concerned about adverse impacts on property, reputation and finances as well as people and so we must look at the risk presented by various hazards to people, property, reputation and finances within Stornoway Harbour. We must also set a limit above which the risk is 'unacceptable' (or 'intolerable') and below which, risk is 'acceptable' (or 'tolerable') and this limit is generally called 'As Low As Reasonably Practicable' or ALARP. Evidently, whether a particular risk is at ALARP will be decided by a person's judgement, in our case the judgement of the CEO, or Harbourmaster. If the risk is deemed to be above ALARP then we must introduce 'risk control measures' to bring the risk to or below ALARP. For example, if we consider grounding to be the risk presented by the rocks (which are the hazard) then buoyage, headmarks, charting etc are all risk control measures that taken together bring the risk of grounding to below ALARP. Although this entire

process is heavily dependent on judgement, it is generally a subjective process and to try to bring more science to the process we use formal risk assessment.

4.3 Principles of Marine Risk Assessment within LDL

All marine operation must be subjected to formal Risk Assessment as follows:

- Following an accident, incident or near-miss;
- Before any new marine operations begin;
- If any aspect of any marine operation changes;
- In support of specific marine operations and tasks that may be undertaken from time to time;
- If a review is deemed necessary in the judgement of the CEO or Harbourmaster;
- Only those trained in risk assessment techniques and those with adequate competence and experience should conduct assessments;
- The Harbourmaster will plan risk assessments as required;
- All Risks should be listed in ranked order with the most hazardous at the top;
- Risk assessments will be reviewed regularly at a period commensurate with the degree of risk but at least every year.

4.4 Responsibilities for Marine Risk Assessment

- LDL is responsible for ensuring that it discharges its safety responsibilities under the Port Marine Safety Code by carrying out operational risk assessments on all service activities.
- The Harbourmaster is responsible for ensuring that a risk assessment is carried out when necessary to identify potential hazards in all marine service operations and to update the Risk Assessment register.
- The port is responsible for ensuring that any marine work performed by all its sub-contractors and any third parties is covered by a valid risk assessment. This does not mean that the port must actually conduct the risk assessment on behalf of a sub-contractor or third party but it must ensure that the sub-contractor or third party has conducted an effective and current risk assessment. This is achieved in practice by risk assessments for sub-contracted and third-party work being reviewed by the Harbourmaster.
- Everyone is responsible for assisting with risk assessments as required and for reporting potential hazards to their immediate Supervisor.

4.5 Method Statement for conducting Formal Marine Risk Assessment at LGP

Risk is the product of the **consequence** and the **likelihood** of an untoward event. The International Maritime Organisation (IMO) Guidelines define a hazard as "*something with the potential to cause harm, loss or injury*", the realisation of which results in an incident or accident. The potential likelihood for a hazard to occur is combined with an estimated or known consequence of outcome; the combination is the '**risk**'. Risk is therefore a measure of the likelihood and consequence of a particular hazard occurring.

Table 1: Definitions

Risk	A measure of the likelihood (or frequency) and consequence (or impact) of a hazard occurring.
Hazard	An occurrence that can create an unsafe situation.
Inherent Risk	A measure of risk with existing risk controls in place but before additional risk controls are added
Residual	a measure of risk with existing risk controls and additional risk controls in place that were not in place at the time of the original assessment.

4.5.1 Likelihood and Consequence

An experienced practitioner in any discipline will easily imagine or forecast the potential **consequences** of an untoward event, but the **likelihoo**d of a hazard occurring is sometimes difficult to assess. Quantitative methods such as incident records may be used to inform the likelihood of a particular hazard occurring, which help to determine likelihood rates. Nonetheless, these are not necessarily suitable for assessing the likelihood of a hazard with a new development with no past history; in any event, because a hazard was not recorded in accident records, does not mean it has not happened, or that it is unlikely to occur. Other methods of determining likelihood include data analysis, stakeholder consultation, personal experience, professional judgement, simulation and trials. Tables 2 and 3 below specify, for each hazard the criteria used in Lochboisdale and Gasay Port (LGP) to determine likelihood and consequence and eventually the risk presented by that hazard.

Table 2: Guidance to Determining Likelihood of an Event Occurring

1	Most Unlikely	Very unusual - not common or frequent – once every 100 years
2	Unlikely	Hasn't happened yet but could – once every 10 years
3	Possible	Could happen - Uncertain – might or might not happen? – once per year
4	Likely	Could easily happen – once per month
5	Almost Certain	Frequent - More than likely / in all likelihood – once per week

Table 3: Category of Consequences

	Consequence	**People: Injuries/Fatalities**	**Damage**	**Environment**	**Financial cost to LDL**	**Media impact**
1	**Insignificant**	**Nil**	**Nil**	**Nil**	**Negligible**	**No adverse impact**
2	**Minor**	**First aid only**	**>£5,000**	**Within Tier 1 response**	**Some costs**	**Adverse local media impact**

3	Moderate	Medical treatment necessary - single serious injury	£5,000 - £100,000	Within Tier 2 response	High	Adverse regional media impact
4	Major	Multiple severe injuries - hospitalised + single fatality	£100,000 - £2 million	Impact at Tier 3		Adverse national media impact
5	Catastrophic	Multiple fatalities - many severe injuries	Total loss of vessel / other catastrophic damage >£2 million	National level resources needed over prolonged period	Massive	Adverse international media impact

4.5.2 The Risk Matrix

		Consequences				
		Insignificant (1) No injuries No damage No environmental impact Negligible financial cost No adverse media impact	Minor (2) First aid treatment necessary Some damage <£5,000 Environmental impact within Tier 1 response Some financial costs Adverse local media impact	Moderate (3) Medical treatment necessary - single serious injury Significant damage £5,000 - £100,000 Environmental impact within Tier 2 response High financial costs Adverse regional media impact	Major (4) Multiple severe injuries + single fatality - hospitalised Severe damage £100,000 - £2 million Large finacial costs Environmental impact at Tier 3 Adverse national media impact	Catastrophic (5) Multiple fatalities - many injuries Total loss of vessel or other catastrophic damage >£2 million Massive financial costs Environmental impact requires national level resources for prolonged period Adverse international media impact
Likelihood or Frequency	Almost Certain (5) Frequent *Once per week*	Moderate (5)	High (10)	High (15)	Catastrophic (20)	Catastrophic (25)
	Likely (4) Could easily happen *Once per month*	Moderate (4)	Moderate (8)	High (12)	Catastrophic (16)	Catastrophic (20)
	Possible (3) Could happen *Once per year*	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (12)
	Unlikely (2) Hasn't happened yet, but could *Once every 10 years*	Low (2)	Moderate (4)	Moderate (6)	Moderate (8)	High (10)
	Most unlikely (1) Conceivable extreme circumstances only *Once every 100 years*	Low (1)	Low (2)	Low (3)	Moderate (4)	Moderate (5)

Figure 1: The Risk Matrix approved for use in Lochboisdale & Gasay Port

From Tables 2 and 3 above, which combine in the risk matrix shown at Fig 1, the combination of consequence and frequency of occurrence of a hazard give a risk score for a hazard, enabling hazards to be ranked. This enables the Port, including the Harbour Board (Which is the 'Duty Holder') to have a good appreciation of the degree of risk that exists in the port. Essentially, the risks are categorised as follows:

- Acceptable - **below** the thick black line on Fig 1;

- As Low As Reasonably Practicable (ALARP) - depicted by the thick black line on Fig 1; and

- Intolerable - **above** the thick black line on Fig 1.

4.5.3 Risk Assessment Methodology

The Harbour Board have approved the risk matrix at Fig 1, and in particular, understand where the ALARP line is drawn, which effectively means that the Harbour Board have set their risk tolerance at that level. The LGP risk assessment methodology requires that navigation hazards be identified and assessed in relation to hazard likelihood and hazard consequence to generate a hazard risk score:

Navigation Risk = likelihood of hazard occurrence × consequence of hazard occurrence

Direct application of the matrix at Fig 2 where each hazard is given a likelihood and frequency will give a figure for risk of somewhere between 1 and 25; it will always be a whole number. Where there are many hazards to assess there are likely to be several hazards with the same or almost the same scores. In a port it is desirable to rank the hazards and risks so that it is clear where the greatest hazards lie, to enable the most hazardous risks to be prioritised and the proper resource allocated and those which can wait. Furthermore, ranking the hazards in this fashion enables the Harbour Board easily to see where the risks lie in their port. Clearly, if several hazards have the same or similar scores then hazard ranking is not straightforward and the process requires a qualitative judgement to rank a number of hazards with the same score, rather than making a quantitative or objective calculation. To introduce more objectivity the concept of '**most likely**' and '**worst credible**' can be useful.

- **Worst Credible** – the highest consequence accident that is considered to be credible or reasonably believable.
- **Most Likely** – The consequences that in the opinion of experienced practitioners are considered to be the most likely outcome.

For example, in the case of a collision between two vessels, the **most likely** outcome is that the correct emergency action was taken that failed to avert the collision but did:

- Ready the ship for collision by shutting down bulkheads and watertight doors; and
- Take all way off the ship;
- Prepare the crew and send them to their emergency stations;

Actions above resulted in a glancing impact that did not rupture the hull and caused only minor injuries to the crew through shock, there was a minor leak of bunker fuel within Tier 1 limits and the only the local media would be likely to interested.

The **worst credible** outcome is that the proper emergency action was not taken, so the ship was not ready for impact which resulted in the hull being ruptured, a major loss of bunkers fuel, multiple severe injuries and even many fatalities, with a total loss of the vessel and international media attention.

In Lochboisdale, to introduce more objectivity and separate hazard scores, risk assessment for each hazard looks at the '**most likely**' and the '**worst credible**' outcomes in terms of people (fatalities/injuries), damage, impact on the environment, financial impact on the port and media impact and then averages these scores, as is shown at the Navigational Risk Assessment spreadsheet. The likelihood or frequency of the most likely and worst credible outcome is assessed; in each case the frequency is multiplied with the assessment at each of the consequence categories and then averaged. The average of the worst credible and most likely outcomes is then further averaged to give the overall risk score; it will quickly be seen that this method gives more variation between each risk score than the very simple method first described above. To the purist or the mathematician, there are flaws to this methodology, but it has less flaws than many others and is a reasonable compromise that enables hazards to be ranked more objectively in severity order.

4.5.4 Inherent and Residual Risk

The baseline port-wide risk assessment for Lochboisdale and Gasay Port is a very important document on which all future risk assessment work and risk assessment reviews are based. In the future it may become necessary to add some new infrastructure or start a new operation or significantly change an existing operation or structure, which may impact on the baseline port-wide risk assessment and raise the question of whether the change introduces new, additional hazards and risks that did not exist in the baseline risk assessment. In turn these new, additional changes may need new, additional risk control measures to be implemented. To separate the old from the new, the assessment of navigation risk is made for the following two risk scenarios:

- **Inherent** Assessment of Navigation Risk – an assessment of hazard risk with the project/scheme/development/operation in place including existing risk control or mitigation measures (e.g. and assessment of those hazards,, risks and risk control measures already in place at the baseline risk assessment and managed by LGP)

- **Residual** Assessment of Navigation Risk – an assessment of hazard risk with the project/scheme/development/operation in place including existing risk control or mitigation measures, and **additional** project/scheme/development/operation risk control or mitigation measures.

This process enables a judgement to be made about whether and why new risk controls are necessary and how effective they might be.

4.6 The Risk Assessment Process

LDL will use the International Maritime Organisation (IMO) approach to formal risk assessment, as it is the industry standard, it is a five step process as shown at Figure 2 below.

Figure 2: 5-Step Risk Assessment Process

4.6.1 Step 1: Hazard identification – Data gathering and familiarisation

Before step 1 of Figure 2 above, we must review the existing management structure, risk control measures, policies, procedures, regulations and operational functions to be clear about our starting point. This is because assessed risks are considered in relation to risk control measures already in place, additionally new risk control measures may be necessary to bring the risks to or below ALARP. Once this completed, we now move to Step 1 as shown at Figure 3 above and identify the hazards within the port, typically collision, grounding, contact and foundering, but there may be others.

4.6.2 Step 2: Risk Assessment

As described in detail above at para 3.6.3, each hazard is considered under two scenarios, namely:

- The 'most likely' scenario, what is the most likely likelihood and the most likely impact
- The 'worst credible' scenario, in other words, invasion by Martians would be incredible whereas multiple fatalities is a credible worst-case outcome from a severe collision.

Within each of the above two scenarios, we must now consider the likelihood and potential consequence of a particular hazard occurrence and any associated potential causes. As the risk is a product of likelihood and consequence, this step will use its best judgement to quantify (or put a number to) both likelihood and consequence for the most likely and worst credible scenarios.

4.6.3 Step 3: Risk control measures

Experience, knowledge and expert judgement are necessary to decide what risk control, measures are likely to be effective in reducing the risk from a particular hazard. Typical risk control measures will include buoyage, regulations such as General Directions and charting. Note that effective risk control may not always be obvious, for example if we are considering a grounding risk then charting and buoyage will be obvious risk controls. But we should also consider situations that might lead to grounding, for example, manoeuvring a vessel following a man overboard could take the vessel off its planned track and put it aground. So, in this case measures to reduce the likelihood of a man overboard might also be necessary

4.6.4 Step 4: Cost-benefit assessment

Cost-benefit is a useful term that permits the process to account for both the cost and the benefit (or effectiveness) of a risk control measure. This step will always present a challenge to avoid crossing the line between cost, expediency and safety. Again, fine judgement is needed and stepping between step 3 and step 4 is an iterative process that may need repeating several times to find measures that are both effective in bringing a risk to or below ALARP and are affordable.

4.6.5 Step 5: Recommendations for decision-making

Once again judgement is used to decide whether the risk justifies the expenditure and resource implications for a particular risk control measure. The person or group conducting the risk assessment (Harbour Master, Stakeholder or a third party) should present its recommendations in a prioritised list, perhaps prioritised by effectiveness, or cost-benefit and then make its decision after due consideration of all the factors, including making sure that any decisions reached will be fair to all the port stakeholders.

Hazards are then ranked according to their numerically scored risk level. The principle aim of the ongoing hazard review process is actively to manage the risk control measures.

5. Marine Casualties and Marine Incidents

5.1 Policy

Policy 5A Incident Investigation: LDL will:

- Encourage the prompt and thorough recording and reporting within LDL of Incidents including Near Misses;
- Undertake rigorous investigation of Incidents focussing primarily on identifying the cause[2] in order to learn any lessons and ascertain whether or not any LDL regulations were breached;
- prompt appropriate new or updated Risk Assessments and Risk Mitigation or Control proposals;
- plan the implementation of Risk Mitigation or Control proposals reflected by appropriate Actions on the Rolling SMS Action List;
- maintain an Incident Record with records of Incident Reports, findings and Actions.

Reference: MGN 564 Accident Reporting and Investigation

In even the most efficient and best run ports accidents will occur from time to time; the key objective under the policy for managing the safety of navigation is to investigate all navigational accidents and near misses:

- primarily to determine the cause in order to reduce the incidence and severity and inform the risk assessment processes; and
- secondly to establish whether or not an offence has been committed.

MGN 564, published in September 2017 made formal the definitions of accidents, incidents and near-misses, it also defined accident severity categories, which for convenience are repeated here; the Harbourmaster should be totally familiar with this Guidance Note.

NB: (See Figure 8.) In LGP, the 'marine casualty' category is split into 'Serious' and 'Very Serious' in order to enable an appropriate response to a casualty or incident, commensurate with the port's ability to:

- Respond to and investigate casualties and incidents; and
- Enforce the Port regulations.

[2] A secondary focus is the determination of whether an offence has been committed and whether enforcement action is appropriate. This will be a matter for LDL only where it relates to contravention of a regulation that LDL has a duty to enforce but possibly in liaison with the police, MCA, HSE or other authorities.

5.2 Definitions MGN 564

- **Marine Casualty.** An event or sequence of events that occurred directly in connection with the operation of a ship and resulted in:
    - The death of, or serious injury to, a person.
    - The loss of a person from a ship.
    - The loss, presumed loss or abandonment of a ship.
    - Material damage to a ship;
    - The ship being unfit to proceed or requires flag state approval or a condition of class before it may proceed.
    - At sea, a breakdown of the ship, requiring towage.
    - The stranding or disabling of a ship, or the involvement of a ship in a collision.
    - Material damage to marine infrastructure external of a ship, that could seriously endanger the safety of the ship, another ship or any individual.
    - Pollution, caused by damage to a ship or ships.

- **Very serious marine casualty.** An event or sequence of events that has resulted in any of the following and has occurred directly by or in connection with the operation of a ship:
    - i) the total loss of a ship;
    - ii) loss of life;
    - iii) severe pollution.

- **Serious marine casualty**. An event or sequence of events that has resulted in any of the following and has occurred directly by or in connection with the operation of a ship but does not qualify as a very serious marine casualty, that involves:

    - (i) fire;
    - (ii) explosion;
    - (iii) collision;
    - (iv) grounding;
    - (v) contact;
    - (vi) heavy weather damage, or
    - (vii) ice damage, or a suspected hull defect.

resulting in any of the following:

- a) the immobilisation of the main engines;
- b) extensive accommodation damage;
- c) severe structural damage including penetration of the hull under water rendering the ship unfit to process;
- d) pollution, or
- e) a breakdown that necessitates towage or shore assistance.

- **Marine incident.** An event or sequence of events which occurred directly in connection with the operation of a ship, that do not meet the criteria to be classified as a marine casualty but that endangered, or if not corrected would endanger the safety of a ship, its occupants or any other person or the environment. 'Near misses' are marine incidents.

  Examples of marine incidents include:

  - Close quarters situations where urgent action was required to avoid collision.
  - Any event that had potential to cause serious injury.
  - A fire that did not result in material damage.
  - An unintended temporary grounding on soft mud, where there was no risk of stranding or material damage.
  - A person overboard who was recovered without serious injury.
  - Snagging of fishing gear resulting in a dangerous heel.

From the definitions above, some careful thought will show that most of the 'events' that we see in Lochboisdale will be classified as marine incidents.

5.3 Statutory Reporting Requirements

Policy 5B Statutory Reporting Requirements: LDL shall report:

- any Vessel-related Accident which meets MAIB criteria to the MAIB chief inspector
- any other work-related Accident which meets RIDDOR criteria to the HSE

and to any other appropriate authorities by the quickest means available.

5.4 Marine Accident Reporting and Investigation

LGP has a 'no blame' culture environment to encourage all marine accidents to be reported. LGP General Direction 11 requires that a master reports immediately (Or at least as soon as practicable) to the Harbourmaster should his/her vessel be involved in an accident or incident using the dedicated Lochboisdale Development Ltd Incident Report Form, which may be downloaded from the Lochboisdale Harbour website[3] or obtained from the Harbourmaster. Port users are encouraged to report incidents because understanding the incident causes should reduce likelihood of recurrence.

The Harbourmaster is responsible for the investigation of marine accidents and incidents in accordance with the Navigational Incident Investigation Procedure shown at the LGP Procedures Manual. Accidents will be investigated from both the:

- Marine safety perspective: establish the cause/circumstance of the accident, and from the
- Regulatory sense to ascertain whether there was a breach of regulations).

[3] On the website this form is under the tab for Harbour Users and then under the sub-heading 'Health & Safety'.

All incident reports will be acknowledged on receipt by the Harbourmaster, the subsequent investigation of reported accidents and incidents will take two forms:

- Marine Incident investigations should be completed within 1 week of the incident; the investigation report will then be reviewed by the Harbourmaster to agree the findings and establish what lessons may be drawn. Thereafter, any lessons, recommendations and actions arising from the report will be entered onto the Rolling SMS Action Plan and communicated to all parties involved.

- Serious/Very Serious Marine Casualty investigations will invariably be more complex and so should be completed within 4 weeks, thereafter the process is the same as for marine incidents.

NB: Most accidents and incidents should be reported to the MAIB, although in nearly all cases, accidents or incidents involving vessels less than 8 metres do not need to be reported unless, for example serious injuries or fatalities have occurred. To be certain about whether or not a report is to be submitted to the MAIB it is necessary to consult MGN 564.

It is not unusual for several organisations simultaneously, to be conducting investigations into a particular marine accident such as the MAIB, MCA and occasionally the police. In any event, if the MAIB are investigating, they will expect the Port to continue its own investigation and will also wish to see the report.

An analysis and report of accident and incident data should be produced when the Harbourmaster makes his periodic reports to the Harbour Board to show trends in numbers of incidents, causes and to monitor the investigation timescales given above.

5.5 Near miss

Note the specific inclusion of Near Misses into the definition of marine incident at para 5.2 above. Near Misses must be reported and ample evidence exists to show that organisations with a safety culture that treats near-miss reports seriously are more likely to prevent a recurrence, that potentially leads to a much more serious incident. Examples of the type of situation that could be considered as a near-miss include:

- Situations where a vessel needs to take unconventional avoiding action.
- A vessel passing another so close as to create a risk of collision or interaction.
- A vessel passing so close to shoal water as to create a risk of grounding.
- A vessel passing so close to a structure as to create a risk of contact.
- A mechanical failure such as steering gear failure that could have led to collision, grounding or contact.

5.6 SMS Action

The Harbourmaster's investigation report, together with the relevant risk assessments will be formally reviewed and drawing on the lessons identified from the accident or incident, any necessary changes will be made. On completion of this review, the findings and recommendations from the investigation report should be recorded and any actions arising are to be added to the Rolling Action Plan to ensure that they are addressed. Individual recommendations could be directed specifically at the vessels involved (or their masters and crew), LGP, vessel owners/operators or other port users – for example: a recommendation could find that a vessel operator should review its Safety Management System or implement a particular risk control measure such as improved fendering. Recommendations that could be aimed internally for LGP to address could include:

- The initiation of a Navigational Risk Assessment Working Group to assess a particular hazard and identify additional risk control measures.
- Recommendation to NMC to review the relevant hazard in the Port Wide Hazard Database.
- The issue of a Safety Bulletin; these might be issued in advance of an investigation report, particularly if a safety issue is apparent immediately after an accident
- Promulgation of identified lessons (see para 5.6 below)

5.7 Promulgation of Lessons Identified

Summaries of accident investigations for serious and very serious marine casualties, including periodic SMS reports, trend analyses and accident statistics may be placed on the LGP website. Where investigations produce lessons for a particular industry, company or user group, the lessons are shared through regular liaison, Harbour User Groups or similar.

5.8 LGP Marine Accident Record

The LGP marine accident record holds the details of all reported marine accidents and any other occurrences pertinent to maintaining navigational safety. The Harbourmaster is responsible for the day-to-day administration of both the Hazard Management and accident records and in order to maintain coherence between the hazard assessment and actual experience, he shall:

- Maintain, administer and interpret the Hazard Management record to support effective port marine operations;
- Maintain, administer and interpret the navigational accident record to support the effective recording, availability and archiving of marine accident information;
- Report on Hazard Management and navigational accident information as necessary and in an effective and appropriate format, so that the overall navigational safety performance of the port may readily be reviewed and assessed.

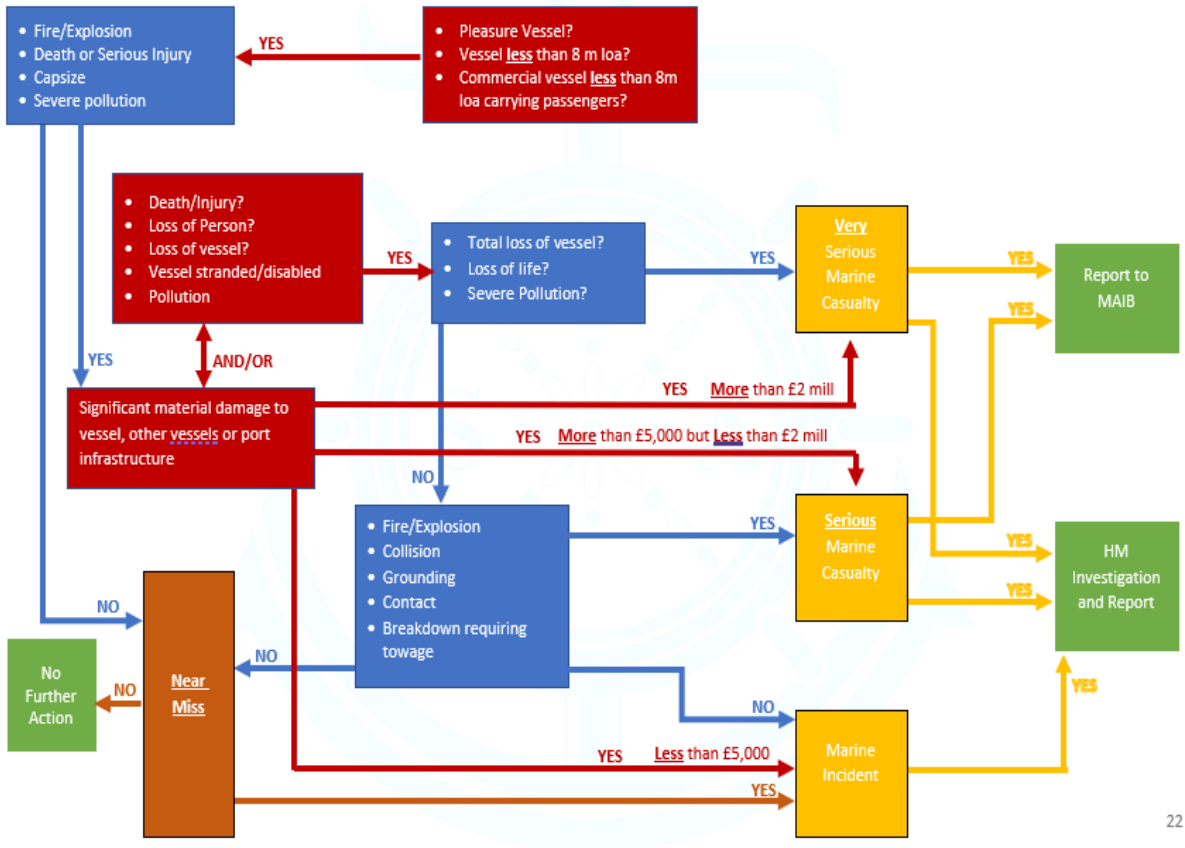
- Where necessary, ensure that the relevant risk assessments are referenced within the record for each accident.

5.9 Accident reports from external agencies

5.9.1 MAIB Safety Digest. The Harbourmaster should review each issue of the MAIB Safety Digest, (published online and in hardcopy) to find any reported accidents that could impact upon the LGP SMS. These will then be reviewed, and the Harbourmaster will decide what action, if any to take and how to promulgate any lessons to be learned. All marine staff should make themselves familiar with these digests.

5.9.2 MAIB Accident Reports and other international reports. In addition, the Harbourmaster assesses all published MAIB Incident Investigation Reports, as well as other international reports relevant to the Navigational SMS.

Figure 3: Summary of MGN 564 Accidents and Incidents



6. Enforcement

Any enforcement action is taken forward in accordance with the Enforcement Policy (At para 6.1 below). In order to maintain the formality of enforcement and to prevent it from becoming unnecessarily punitive or bureaucratic there are several levels of increasing seriousness that may be undergone before taking any miscreants before a court. If one of the measures that follow, including the educational measure is given, its use is to be recorded showing the vessel, date, name of the master, the offence and any other pertinent data such as wind, weather and tide. The various levels of enforcement are summarised below:

6.1 Policy

- Maintain through regular reviews, an effective regulatory framework which is integrated with relevant national legislation and includes local regulation resulting from risk assessment, or as otherwise made necessary;
- Ensure that LGP and other relevant regulations and associated guidance are widely promulgated;
- Develop and maintain effective enforcement procedures, which comply with relevant national legal requirements and guidelines;
- Develop and maintain effective investigation procedures for use in the event of a navigational incident, which support LGP's enforcement procedures, but also meet the requirements of the Marine Safety Management System in respect of identifying and promulgating any "lessons identified";
- Ensure that all staff involved in an incident investigation, or who are required to follow LGP's enforcement procedures, receive effective and relevant training;
- Maintain vigilance and an effective spot check regime, to monitor compliance with, and detect breaches of, relevant national and LGP regulations;
- Respond to breaches of regulation, where justified by the evidence and other circumstances, by the use of formal warnings and legal prosecution. The options are;
    - Education
    - Informal Verbal Warning
    - Written Formal Warning
    - Formal Reprimand
    - Prosecution proceedings

NB: The LGP Harbour Board expect that in almost all cases, breaches of regulations will arise through ignorance or carelessness rather than malice or intent and that education will be the most effective way of preventing recurrence.

- Manage the progress of enforcement activities, including incident investigations and prosecutions, and the maintenance of appropriate records.

Nothing in this Policy shall subvert existing Harbour Byelaws, regulations or terms and conditions.

6.2. Education

Educational enforcement of LGP's regulations either verbally or in writing. Educational enforcement is used where a minor breach against a LGP regulation has occurred, which did not lead to a dangerous situation and where the offender is unaware that they were in breach of a LGP regulation. Although it may be written, it usually takes the form of an informal discussion with Harbourmaster and may be given at the time of the offence (where it is probably most effective) or else conducted anywhere that is convenient. It is expected that this will be the most commonly used form of censure.

6.3 Informal Warning

An informal warning is given verbally by the Harbourmaster where a breach of LGP regulations has occurred that has caused or may cause a near miss or dangerous occurrence and where a formal warning is deemed excessive. This too may be given at the time of the offence and if so, it should be made clear to the offender that he/she has been given an informal warning.

6.4 Formal Warning

A written formal warning is given for a clear breach of the LGP's regulations, such as speeding, wilful non-compliance with general directions and/or International Regulations for Preventing Collisions at Sea 1972, which has led or may have led to a near miss or dangerous occurrence or accident and the Harbourmaster deems a Formal Warning to be appropriate. This should always take place at the Harbourmaster's office unless there are good extenuating circumstances that make it better conducted elsewhere. A Formal Warning is held on record for 3 years.

6.5 Formal Reprimand

A formal reprimand is given when there is a serious breach of the LGP regulations, which has led to a dangerous occurrence or incident and the Harbourmaster deems formal reprimand to be the appropriate level of enforcement. It should invariably be delivered in the Harbourmaster's office to give the proper formal setting for delivering such censure and it will be held on record for 5 years.

6.6 Prosecution

Follows any action by an individual that has resulted in a serious offence being committed against LGP regulations; and where the Harbourmaster, supported by legal advice, has recommended to the CEO that a prosecution should be initiated. A record of prosecutions is maintained within the Safety Management System as well as the log of individual enforcement measures logged within the SPA's Navigational Incident Record. Prosecutions are also published online on the LGP website.

7. Monitoring Performance and Auditing

7.1 Policy

Policy 7A Monitoring Performance: The Harbour Master will:

- monitor safety performance regularly (typically weekly) and reactively, in response to an Incident against both performance indicators and benchmarking indicators;
- review Harbour operations performance with the CEO and jointly identify measures that can be implemented to progressively improve safety performance;
- present a monthly report about performance to the Board.

7.2 Performance Indicators: The following performance indicators are measured:

- Number of marine safety or pollution Accidents (including Near Misses) per 100 Vessel movements entering or leaving the Port;
- Number of written warnings issued by the LDL Harbour Master;
- Availability of Aids to Navigation provided and maintained by LDL including the advisory marine traffic lights in the LDL Harbour;
- Number of Ferry movements delayed by LDL[4];
- Number of valid complaints about delays caused by the marine traffic red lights not being turned off in time;
- Percentage of planned Risk Assessment Updates and Risk Control Updates completed on time;
- Number of serious recorded breaches of policies or procedures.

These may be refined and supplemented by the Harbour Master in agreement with the Chief Executive with the aim of meeting PMS Code requirements for performance monitoring and enforcement.

7.3 Benchmarking Indicators

LDL propose to seek agreement with a number of other Scottish west coast ports about representative benchmarking indicators of good practice that are appropriate and would be compliant with the PMS Code. The Harbour Master will progress this in agreement with the Chief Executive, initially as a lower priority aspect of the SMS, but with the aim of commencing benchmarking in 2024.

[4] Where there is a dispute about whether a key indicator has been triggered (e.g. where CalMac maintain there has been a delay to the Ferry but the Harbour Master does not agree), then performance statistics for both outcomes are to be calculated.

Policy 7B Regular Board Meeting Agenda: As part of the commitment to make health and safety LDL's first priority, the agenda for all regular meetings of the Board will have "Safety Management System Review" as the first non-procedural item of business.

Policy 7C Monthly Management Reviews of the MSMS will be planned, conducted and reported by the Harbour Master to the Board. The scope and focus of these reviews will be agreed with the Chief Executive with the aim of:

- facilitating key safety initiatives;
- encouraging planned regular Risk Assessment Updates or Risk Control Updates;
- encouraging new Risk Assessments or Risk Controls such as for a new harbour activity or type/frequency of Vessel using the Port;
- responding appropriately to a Near Miss or other Incident;
- providing, over the course of the year, supporting information for the Annual Management Review of the MSMS.

Policy 7D Scheduling of Annual Management Reviews and Independent Audits: These will be scheduled by the Chief Executive and agreed with the Board so that:

- an Independent Audit of the MSMS occurs at least annually
- there is generally six months (and never more than nine months) between one or other of these audits or management reviews being reported to the Board
- otherwise, timings may be adjusted from a strict annual cycle in order to co-ordinate conveniently with key safety initiatives and statutory or PMS Code reporting milestones.

Policy 7E Annual Management Reviews of the MSMS will be planned, conducted and reported by the Harbour Master to the Board. The scope and objectives will be to:

- confirm whether LDL is in compliance with the PMS Code
- confirm whether policies are being implemented
- monitor the overall effectiveness of the MSMS, including against the Safety Plan, the Rolling SMS Action Plan, Performance Measures and Benchmarking Indicators
- confirm whether the presently defined MSMS is understood and being actioned by those involved, particularly as regards Risk Assessment
- review what can be learnt from Near Misses and other Incidents, both within the Port and from elsewhere (such as from MAIB safety digests and incident reports)
- provide a stimulus and recommendations to guide further improvement.

Policy 7F Special Management Review: There may be a need for Special Management Reviews that do not fit the Monthly and Annual cycle above such as in response to:

- planned regular Risk Assessment Updates or Risk Control Updates
- new Risk Assessments or Risk Controls such as for a new harbour activity or type/frequency of Vessel using the Port
- a Near Miss or other Incident.

Policy 7G Formal Independent Audits of the MSMS: These will be conducted by the Designated Person at intervals agreed with the Board of Directors (not less than once every 6 months). The Designated Person will:

- propose the scope/objectives for each Independent Audit with regard to PMSC requirements;
- secure the approval of the Board of Directors to that scope/objectives;
- agree the details of mobilising any specialist assistance that might be needed with the Chair of the Board of Directors in consultation with the Chief Executive;
- discuss interim findings with the Chief Executive and the Harbour Master as appropriate;
- present the Independent Audit Report in person to the Board.

7.4 Publication of Safety Plans and Reports

Policy 7H Production and Publication of Safety Plans and Reports: LDL published its first Safety Plan in 2016 for the period 2016-19. Subsequent Safety Plans are to be published before the expiry of the preceding Plan period and cover a period of up to three years. They will also be accompanied by a Report Assessing Performance against the previous Safety Plan. The Harbour Master, working in agreement with the Chief Executive, is to draft these documents and secure the Board's approval to them before publication or circulation. Approved Safety Plans and Reports are to be published on the LDL website. Copies are also to be issued for information to CMAL, CalMac, regular users of the Port and others as appropriate (such as prospective funders).

7.5 Monitoring Compliance

Policy 3Q Monitoring Compliance: LDL as a statutory harbour authority has the obligation to comply with the PMS Code and is required to certify compliance to the MCA. The first such certificate was given on 30th January 2018.

8. General Duties and Powers

8.1 Open Port Duty

LDL will maintain its open port duty in line with its Harbour Empowerment Order (HEO) and the PMS Code. In summary, this means that the harbour and pier will 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 LDL and by legislation.

8.2 Conservancy Duty

Policy 8A Conservancy Duty LDL will conserve its harbour in line with its HEO and the PMS Code. In summary, this means that it will conserve the harbour fit for use as a port and exercise a duty of reasonable care to see that the harbour is in fit condition for a vessel to utilise safely. The Harbour Master is responsible to ensure that harbour users are provided with adequate information about the conditions in the harbour covering the following specific requirements: -

- To place and maintain navigational marks in the optimum positions which are suitable for all conditions.
- To keep a 'vigilant watch' for any changes in the sea-bed affecting the channel or channels and move or renew navigational marks as appropriate.
- To provide regular returns and other information about the authorities' local aids to navigation as the Northern lighthouse board may require.

Policy 8B Hydrographic Policy

- Undertake hydrographic surveys as necessary to manage safe and efficient navigation within Harbour limits and find and mark the best channels for navigation;
- Establish a programme of hydrographic surveys to a scale of at least 1:12 500 or better within the statutory harbour limits of Lochboisdale and Gasay Port from the landward limit to the seaward limit and bounded by the Mean High Water line;
- Provide Port users with up-to-date, timely and accurate hydrographic information;
- Provide continuous, timely and accurate tidal data;
- Maintain a close liaison with, and when necessary, provide relevant data to, the United Kingdom Hydrographic Office;

Nothing in this Policy shall subvert existing Harbour Byelaws, General Directions or terms and conditions.

LDL shall co-operate with CMAL and CalMac to:

- share hydrographic information about the Port
- agree how frequently and to what detail the Fairway and adjacent areas should be surveyed
- establish a clear policy for how frequently and to what detail all parts of the SHA area should be surveyed.

8.3 Environmental Duty

Policy 8C Environmental Duty: LDL acknowledges that it has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations, in particular with regard to the requirements of the Habitats Directive. Measures to prevent pollution by fishermen or by leisure sailors will be set out in detailed Plans and Standard Operating Procedures.

8.4 Civil Contingencies

Policy 8D Civil Contingencies: LDL will ensure that appropriate emergency plans are prepared in conjunction with other relevant authorities and bodies, notably CMAL, CalMac, CnES, DTp, MCA and other emergency services, and that such plans are periodically exercised.

8.5 Statutory Harbour Authority Powers

LDL has statutory harbour authority powers to make use of services and facilities provided by them at the port, subject to terms and conditions set by LDL in accordance with the HEO. LDL will keep the adequacy of its powers and the extent of its jurisdiction under review.

8.6 Byelaws made by the Harbour Operator

LDL has the power to create local byelaws in accordance with procedures set out in the HEO, subject to approval by Transport for Scotland. Such Byelaws will be only created in consultation with users and for the purpose of enabling business to be conducted safely and efficiently reflecting the local circumstances. LDL proposes to review the need for Byelaws following the introduction of General Directions (see 5.3 below).

8.7 Collecting Payment for Services

Policy 8D Collecting Payment for Services: LDL will ensure that adequate resources are provided to its officers to enable them to operate its policies, plans and payment collection systems effectively, recognising that proper discharge of the Company's duties would otherwise be compromised.

9. Specific Duties and Powers

9.1 Appointment of Harbour Master

LDL will appoint a Harbour Master. The Harbour Master is accountable to the LDL Board for managing the safety of navigation and other operations in the harbour. The Harbour Master will make himself familiar with the extent of his legal powers, including those set out in general and local legislation, byelaws and general directions.

9.2 Special Directions

The Harbour Master appointed by LDL has the powers of direction under the HEO to regulate the time and manner of vessel entry to, departure from and movement within the port. Special Directions are given where there is an unforeseen safety issue that is outside normal circumstances and is not already addressed by a byelaw, general direction or other regulation. This power enables the Harbourmaster to respond independently and promptly to short-notice or unforeseen situations requiring swift action. A Special Direction may only be given to a ***specific vessel***, for a ***specific purpos***e at (or for) a ***specific time***. To quote Harbour Empowerment) Order 2016 a Special Direction *'… may be given in any manner considered by the harbourmaster to be appropriate …'*. When time and circumstance allow, the fact that a Special Direction was given must be logged, stating who issued the direction, to which vessel, for what purpose and at what time; ideally it should also be signed by the vessel master, but this is not essential.

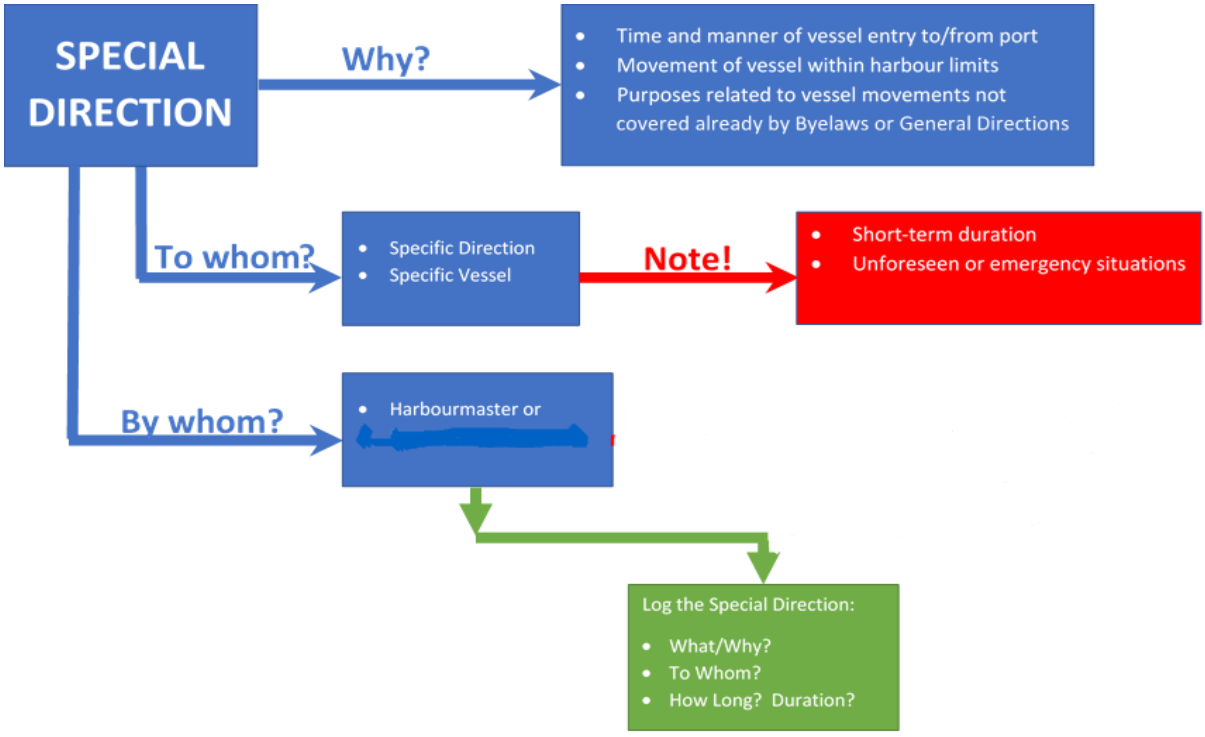


Figure 4: Procedure for Issuing a Special Direction

9.3 General Directions

The HEO for Lochboisdale and Gasay harbour empowers LDL as the harbour authority to issue General Directions to regulate the movement and berthing of vessels. The power is exercisable by LDL as the harbour authority and the Harbour master will enforce the General Directions, and continue to regulate the movement of vessels. General directions will only be made after consultation with users in accordance with the procedure set out in the HEO. The drafting of General Directions is underway at March 2019 with the objective of coming into force as soon as reasonably practicable.

Amongst detailed General Directions there should be provision for:

- early consultation with, and approval sought from, the Harbour Master whenever plans for works to be undertaken in the Port such as dredging, laying moorings or constructing infrastructure are being prepared, particularly as such works may require a notice to mariners to warn harbour users
- prohibiting mooring except where authorised by the Harbour Master.

9.4 Directions and Passage Plans

Policy 9A Directions and Passage Plans: LDL will, to the extent that it is reasonably able, provide appropriate guidance to the masters of small vessels regarding the use of appropriately detailed passage plans for arrivals to and departures from Lochboisdale Harbour, particularly to avoid conflicts with the CalMac ferry and other constrained vessels using the Fairway.

LDL will also endeavour to disseminate key learning points such as from MAIB reports on the Lochboisdale Harbour noticeboard and other media.

9.5 Incidents Threatening Pollution and Safety

Policy 9B Incidents Threatening Pollution and Safety: LDL and its Harbour Master shall, and shall ensure as far as reasonably practicable that its employees, contractors and subcontractors shall:

- co-operate with directions from the Secretary of State Representative (SOSREP)
- report any material deficiency on a visiting ship to the Harbour Master who will decide whether it warrants reporting to the Chief Executive, the Duty Holders and/or an authority such as the MCA.

9.6 Dangerous Vessels

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 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 circumstances and to safety of any person or vessel.

9.7 Dangerous Substances

Policy 9C Dangerous Substances: LDL will ensure, so far as it is reasonably able, that all reporting requirements for Dangerous Substances are complied with, and that the Harbour Master takes reasonable steps when necessary to prevent any risk to health and safety within the LDL Harbour.

9.8 Prevention of Pollution

Policy 9D Prevention of Pollution: LDL will ensure that an oil spill contingency plan is created, kept under review and used to deal with any oil spill and report and clear any pollution incident. The plan will set out arrangements for co-operation with other Western Isles agencies with access to oil spill containment equipment and the like.

9.9 Vessel Traffic Monitoring Reporting Requirements

In accordance with the Merchant Shipping (vessel traffic monitoring and reporting requirements) Regulations 2004 (SI 2004 No 2110), any vessel over 300 gross tonnage which is not covered by the list of exemptions as in the regulations will be required to notify the Harbour Master with the information as per the requirements in the regulations. The Harbour Master will pass this information on to the MCA by the quickest means possible.

9.10 Drink and Drugs

Policy 9E Drink and Drugs: LDL will develop suitable guidance and provide training for LDL officers in relation to reporting suspected drink or drug offences at Lochboisdale Harbour.

9.11 Vessel Traffic Services

There is no VTS established in Lochboisdale harbour.

9.12 Pilotage, Pilotage Directions, Pilot Exemption & Certification

There is no pilotage service or requirements in Lochboisdale Harbour.

9.13 Marine Services

In support of marine operations within the port, LGP operates its own boat lift, a tractor to tow the boat lift and a RIB. LGP must ensure that its activities, services and resources are safe to use and enable a safe environment in which LGP employees may work and that no hazard is presented to the general public. Specific detail on the safety requirements for these services is already contained in

publications like the HSE Safety in Dock Approved Code of Practice and Marine Guidance Note 280 governing the coding necessary for small vessels and it is not intended to repeat that detail here. Nevertheless, it is essential that each of these resources is formally risk assessed in the context of the operations and activities undertaken in LGP and that each operation is governed by a written and approved Standard Operational Procedure.

9.14 Vessel Towage

There is no current requirement for ship towage. The Harbour Master will issue specific instructions pertaining to any vessel that may require towage in the future when planning any abnormal vessel operations within the harbour. Special consideration should be taken when planning large vessel anchorage in the area South of Gasay as large vessels depending on the propulsion capability may require a tug on the stern to control the swing radius on the mooring.

9.15 Craft (or Dumb Barge) Towage

There may be occasions when it is necessary for a vessel to tow a pontoon, dumb barge or similar object or combination within the Statutory Harbour Area (SHA) in support of infrastructure projects or for other purposes. These towage operations are considered to be abnormal, and each operation will be subjected to detailed formal risk assessment before such towage operation is permitted to enter the SHA. Any port users requiring to tow a pontoon, dumb barge or similar object or combination within the SHA must contact the Harbourmaster at least 7 days in advance of the operation and provide details of the tow methodology and configuration, a detailed risk assessment and appropriate vessel and personnel documentation. This requirement will also apply to any vessel which in the opinion of the Harbourmaster is restricted or hampered in any way from its normal mode of operation so that a potential hazard is presented to the safety of navigation within the SHA.

9.16 The General Lighthouse Authorities

Policy 9F GLA Inspections and Directions: LDL will comply with any directions from NLB concerning LDL Aids to Navigation.

9.17 Local Lighthouse Authority Duties

LDL has, with NLB's sanction, installed certain Aids to Navigation and will undertake maintenance and performance reporting in accordance with the NLB sanction. LDL also accept the need for consultation and co-ordination with others who already provide and maintain certain Aids to Navigation within the Port, namely CMAL[5] and NLB[6].

[5] See Annex B: NLB AtoN: "Fl.G 3s" located south of Sgeir Rock

[6] See Annex B: CMAL AtoN: "Fl.G 6s 3m 3M" located on the north shore of Loch Boisdale
CMAL AtoN: "Fl.WR.5s 10m 7/4M" located on the northeast corner of Gasay

9.18 Wrecks

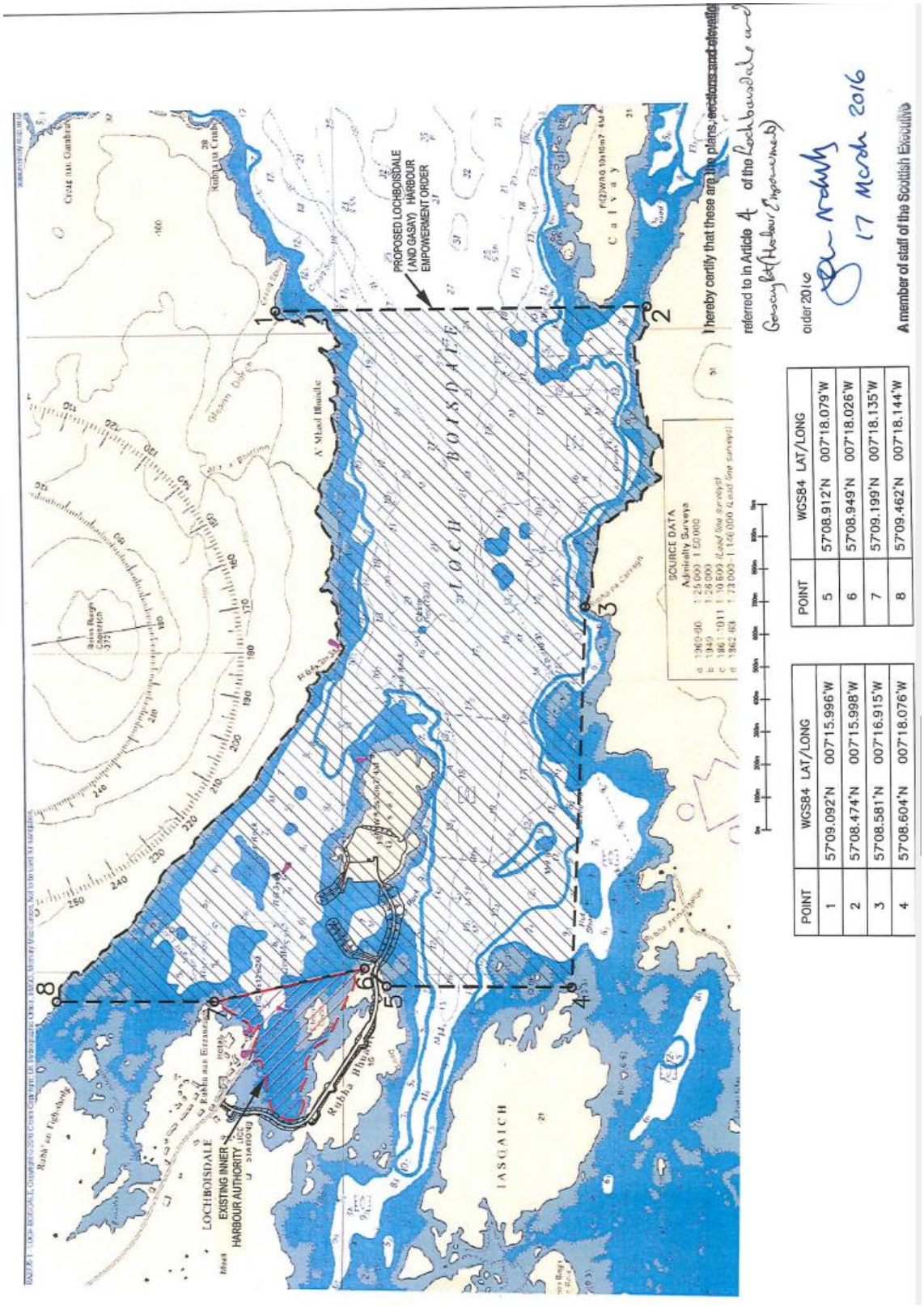
The Harbour Master will notify the harbour authority of any new or discovered wrecks within or near the harbour, the harbour limits or near the harbour approaches. The harbour authority will exercise their wreck marking and removal powers where in their opinion, a wreck is- or is likely to become – an obstruction or danger to navigation.

9.19. Infrastructure Works within the Statutory Harbour Area and Harbour Estate

On occasion, perhaps as part of a Harbour Revision Order, or to enable a new operation to function it will be necessary to conduct works on infrastructure within the Statutory Harbour Area or Harbour Estate, to "… *improving, maintaining or managing the harbour; marking or lighting the harbour, raising wrecks or otherwise making navigation safer*[7] …" then before such works are undertaken permission to conduct said works is to be obtained from the Harbour Master. Before this permission may be granted, in addition to any other requirements a detailed timeline, method statement and formal risk assessment must be submitted to the Harbour Master at least 28 days before it is intended that the works should start. In advance of all this process, it is highly likely that a meeting with the Harbour Master, well in advanced to discuss what is to be done and how it is to be done will save time and effort. In exceptional or unforeseen circumstances, the 28-day notice requirement may be waived by LGP, but once again, in such circumstances a meeting with LGP and its Harbour Master at the earliest possible opportunity is strongly advised.

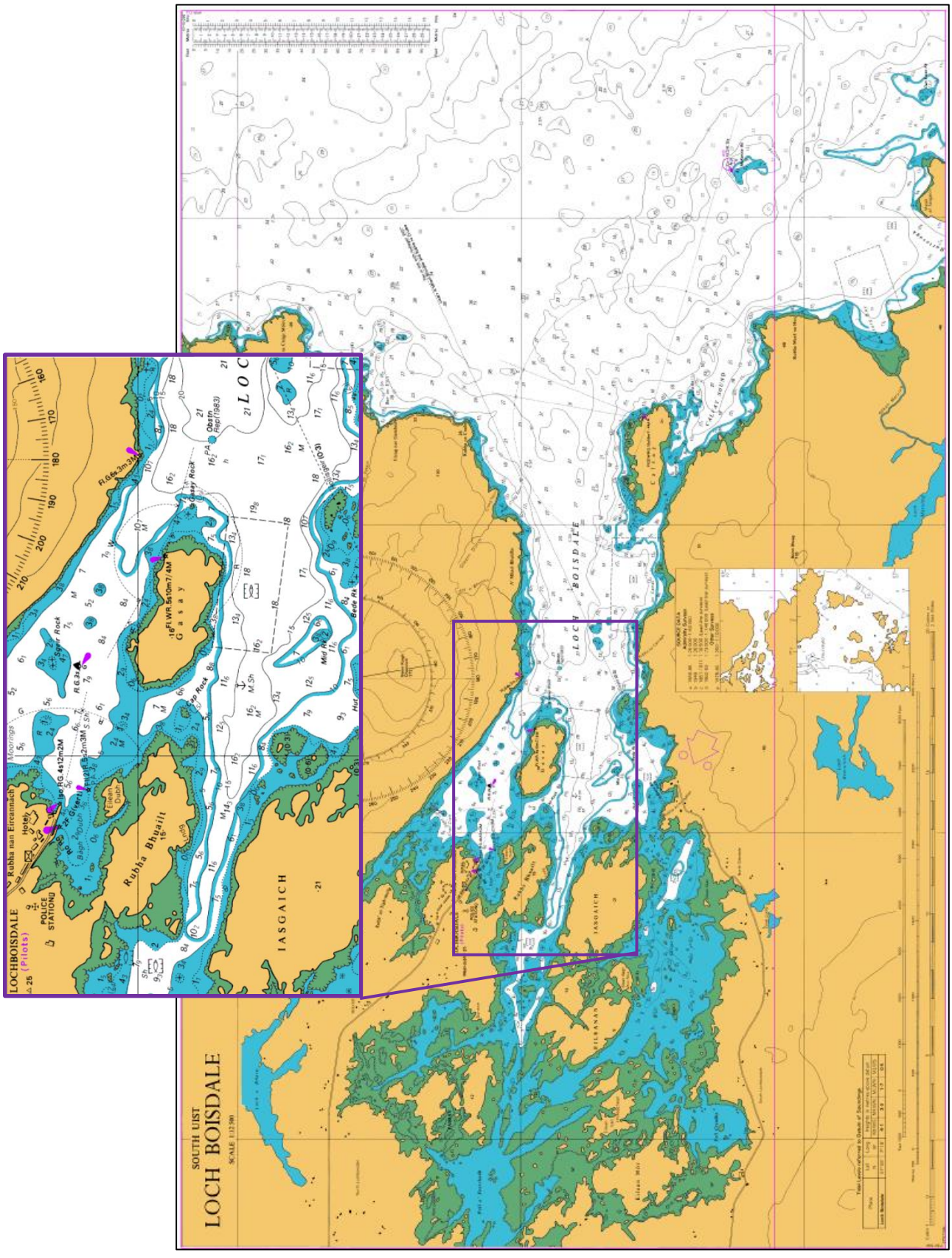
[7] Port Marine Safety Code Article 3.12

Annex A Port Map showing Harbour Authority Areas[8]



[8] The black pecked line delineates the harbour authority area set out in the Harbour Empowerment Order

Annex B Loch Boisdale Chart Extract



Annex C Structure of the Safety Management System

LEVEL 1
SMS
Policies & Overview

10 PORT MARINE SAFETY CODE

11 GUIDE TO GOOD PRACTICE IN PORT MARINE OPERATIONS

12 LDL SMS POLICIES & OVERVIEW

- **1. Introduction**
- **2. Management Organisation & Accountability**
- **3. Key Measures**
- **4. General Duties and Powers**
- **5. Specific Duties and Powers**

*The labels "static" and "dynamic" are relative terms. Here, static means documents change infrequently. LEVEL 2 and 3 reference numbers are referred to as "SMS Folders".

Static Documents*

20 LB Port Legislation
200 Phase 1 Harbour Consents etc
201 Harbour Empowerment Order
202 HEO Incorporated Terms
203 Byelaws
204 General Directions
205 Special Directions
206 Annual Schedule of Dues etc

21 LB Navigation Info
211 Navigation Charts
212 Sailing Directions
213 Notices to Mariners
214 Port Info for Mariners

22 Lochboisdale H&S Data
220 Phase1 Infrastructure H&S File
221 Phase 1 Development
222 Phase 1 Infrastructure
226 HS&EP Notices (not NtoM)

23 Emergency Response
231 Oil Spill Contingency Plan
232 Emergency Exercises

24 Port Security Plan
240 Int Ship & Port Security Code
241 Port Facility Security Plan
247 Security Clearances
248 W of Scot. Port Security Ctte

25 Std Operating Procedures
250 Info for Port Users
251 Port Waste Management Plan
252 Permits to Work
253 Marine SOPs
254 Shore SOPs

26 ...

27 General Notices etc
271 MCA Notices etc
272 MAIB Safety Digests etc

28 General Guidance

29 General Legislation

LEVEL 3

Dynamic Documents*

30 Safety Plan
301 Safety Plans - Published
302 Safety Plans - Drafts

31 Implementation of Safety Plan
311 SMS Rolling Action List

32 Risk Assessment
331 Risk Data Management
332 Risk Assessment Reports
333 Risk Controls

33 ...

34 Incident Management
341 Incident Data Management
342 Incident Reports
347 RIDDOR Reports to HSE
348 Reports to MAIB

35 ...

36 ...

37 ...

38 Compliance Monitoring
381 Performance Indicators
382 Benchmarking Indicators
383 Non-Conformance Reports

39 Review & Audit
391 Monthly Management Reports
392 Special Management Reports
393 Annual Management Reports
394 Designated Person Audits
395 Other Audits
396 LDL Annual Reports
397 Performance v Safety Plan
398 Certificates to MCA

Annex D SMS Folders (PRELIMINARY)

Annex E Terms and Abbreviations

ALARP	As Low As Reasonably Practicable
AtoN	Aid to Navigation
Board	The board of directors of LDL
Calmac	Calmac Ferries Ltd and its successors as operators of the lifeline ferry service operating to/from Lochboisdale
CDM	Construction (Design and Management) Regulations
CMAL	Caledonian Maritime Assets Ltd, of Municipal Buildings, Fore Street, Port Glasgow PA14 5EQ
CnES	Comhairle nan Eilean Siar of Council Offices, Sandwick Road, Stornoway
COMAH	Control of Major Accident Hazards
COSHH	Control of Substances Hazardous to Health
DSE	Display Screen Equipment
DSHAR	Dangerous Substances in Harbour Area Regulations 1987
DTp	Department of Transport
Fairway	The narrow navigable channel north of Gasay (see Figure 2) used by the Ferry and other Vessels to approach or depart the Ferry Terminal
Ferry	The ferry between Lochboisdale and the Scottish mainland
Ferry Terminal	Lochboisdale ferry terminal
GtoGP	Guide to Good Practice in Port Marine Operations
H&S	Health and Safety
HEO	The Lochboisdale and Gasay Port (Harbour Empowerment Order)
HIRA	Hazard Identification and Risk Assessment
HS&EP	Health, Safety and Environmental Protection
HSE	Health & Safety Executive
IALA	International Association of Lighthouse Authorities
IMO	International Maritime Organisation
LDL	Lochboisdale Development Limited of Oifis Storas, Daliburgh, South Uist, HS8 5SS
LDL-HM	Harbour Master for the Port
LDL Harbour	The new harbour between Rubha Bhuailt and Gasay which lies within the Port and is identified on the plan in figure 1

LPS	Local Port Service – an alternative to VTS,
MAIB	Marine Accident Investigation Branch
Marine Services	refers to the provision of commercial or other services within the Port such as pilot boats, work boats, harbour launches, barges, floating cranes, fenders and mooring gangs etc
MCA	Maritime and Coastguard Agency,
MIRG	Maritime Incident Response Group, co-ordinated by MCA
MRCC	Maritime Rescue Co-ordination Centre, MCA
MSMS	Marine Safety Management System
NCP	National Contingency Plan for marine pollution from shipping and offshore installations
NLB	Northern Lighthouse Board - the GLA for Scotland and the Isle of Man
NtoM	Notice to Mariners
OPRC	Oil Pollution Preparedness, Response and Co-operation
PEC	Pilotage Exemption Certificate
PFSO	Port Facility Security Officer
PFSP	Port Facility Security Plan
PMS Code	Port Marine Safety Code
Port	The Lochboisdale and Gasay Port area for which LDL is the statutory harbour authority (as defined in the HEO for the area indicated on Figure 1).
PPE	Personal Protective Equipment
PWN	Port Waste Notification
RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
SI	Statutory Instrument
SHA	Statutory Harbour Area (also termed the Port)
SMS	Safety Management System
SOP	Standard Operating Procedure
SOPEP	Shipboard Oil Pollution Emergency Plan
SOSREP	Secretary of State's Representative
UKHO	United Kingdom Hydrographic Office
VTS	Vessel Traffic Services

Annex F Rolling SMS Action List

LDL will maintain a Rolling SMS Action List for planning and progress chasing current SMS development, implementation and improvement Actions. This will be updated and reviewed by the Harbour Master in consultation with the LDL Chief Executive at least monthly.

It is anticipated that the Rolling SMS Action List will record, for each Action:

- Date Action First Identified
- Action Reference
- Action Description
- Who is Responsible for Action
- Planned Completion Date
- Status (e.g. Live, Closed, Dormant)
- Remarks

but the format may be changed as considered appropriate by the Harbour Master and agreed by the Chief Executive.

Actions will be prompted by Risk Assessments, by the policies and other commitments made in this and other SMS documents, and may also typically relate to:

- the detailed implementation of proposals in the Safety Plan, including that relate to the SMS
- Hazard Identification and Risk Assessment ("HIRA") including HIRA Updates
- reducing risks ALARP through Risk Controls including Risk Control Updates
- ensuring conformance with applicable Port and maritime legislation, LDL policies, SMS and Standard Operating Procedures
- reviewing data from audits, reviews, inspections, Incidents and making changes or taking improvement action as may be appropriate
- implementing employee competence training and SMS awareness programmes.

Annex G Consultation, Co-operation and Co-ordination

Health and safety communication should include open discussion of:

- policy goals and objectives
- hazard identification and risk management
- the priority to be given to health and safety
- successes and failures
- systems for cascading information both down and up organisation hierarchies.

Consultation, communication, co-operation and co-ordination are fundamental both for effective risk assessment and for effective implementation of the SMS. Three forums for consultation are currently contemplated:

G4.1 Harbour Authority/Ferry Operator Co-ordination Meetings involving the LDL Harbour Master and managers nominated by the CMAL Harbour Master and the Calmac Harbours Manager.

G4.2 Harbour User Group Meetings convened by CMAL/Calmac to which LDL is invited.

G4.3 Other Consultation Meetings

This SMS advocates consultation as a means of ensuring effective communication, co-operation and co-ordination.

G4.1 Harbour Authority/Ferry Operator Co-ordination Meetings

Risk assessments by both CMAL and LDL have identified that effective communication and co-ordination between LDL, CMAL and Calmac are fundamental to both safe operation of the Port and the delivery of dependable lifeline ferry services.

The ferry needs to navigate the Fairway unimpeded by any other vessel when approaching or departing the Ferry Terminal and transiting the Port. Marine traffic lights have been installed in the new LDL Harbour. This was with the objective of indicating that small vessels should not depart at a time when the ferry or other similarly constrained vessels would be using the Fairway.

G4.2 Harbour User Group Meetings

CMAL have already taken the initiative of establishing a Harbour User Group to consult with users and other harbour stakeholders formally at least every six months about both operational matters generally and health and safety in particular in respect of the Ferry Terminal. This SMS proposes that there should be a single Harbour User Group covering both the new LDL Harbour and the Ferry Terminal where the attendees would be:

- LDL harbour master – Chair
- LDL chief executive and chairperson – to be invited to attend but will not always do so
- Calmac
- local fishermen
- local commercial users
- local leisure craft users
- other harbour stakeholders.

G4.3 Other Consultation Meetings

LDL is committed to consultation with others on an as necessary and appropriate basis to ensure that LDL is aware of any concerns held by Port users and able to disseminate its determination and approach to health and safety management.

LDL will always consult when:

- formulating plans for further development of the LDL Harbour
- making substantive changes to this SMS or to SOPs that will impact on others.

LDL will aim to encourage inputs from both management and operatives when reviewing performance, developing and testing procedures and solving problems either via informal discussions or formal investigative processes.

Annex H General Legislation

This Annex provide a brief summary of key General Legislation (as distinct from Local Legislation) identified here as being pertinent to Health, Safety and Environmental Protection ("HS&EP") in the Port. Summaries are presented under the following Topic Headings:

- **Control of Work** – Confined Spaces, Construction, Display Screen Equipment, Diving, Hazardous Substances, Manual Handling, Noise, Vibration
- **Fire Precautions**
- **Insurance**
- **First Aid**
- **Machinery and Equipment** – Generally, Electricity, Lifting
- **Management of Health and Safety** – Generally, Consultation with Employees, Personal Protective Equipment, Reporting of Incidents, Signage, Visitors, Work Environment
- **Marine Operations** – Generally, Dangerous Substances, Navigational Exclusion, Pollution and Waste, Port Security, Reporting of Incidents, Small Workboats, Wrecks.

TOPIC HEADING Legislation	Standards & Requirements	Regulator	LDL Actions
CONTROL OF WORK – CONFINED SPACES			
Confined Spaces Regulations 1997 (SI 1997/1713)	Employer duties when planning work in confined spaces	HSE	Risk assessments to identify confined spaces as a hazard with need for risk controls
CONTROL OF WORK – CONSTRUCTION			
Construction (Design & Management Regulations) 2007 (SI 2007/320)	Risk management and safe systems of construction	HSE	Discharge client or other applicable duties when undertaking construction within the Port
CONTROL OF WORK – DISPLAY SCREEN EQUIPMENT			
Health and Safety (Display Screen Equipment) Regulations 1992 (SI 1992/2792)	Working with DSE	HSE	Risk assessment of DSE work stations and implement appropriate risk controls
CONTROL OF WORK – DIVING			

TOPIC HEADING Legislation	Standards & Requirements	Regulator	LDL Actions
Diving at Work Regulations 1997 (SI 1997/2776)	Responsibilities and controls for commercial diving activities	HSE	Discharge client or other applicable duties including: - appoint competent diving contractor - ensure site is safe - identify known hazards such as underwater obstructions and contaminated water - support diving supervisor and contractor in event of emergency
CONTROL OF WORK – HAZARDOUS SUBSTANCES			
Control of Asbestos Regulations 2006 (SI 2006/2739)	Duty to manage asbestos in non-domestic premises	HSE	Identify and manage asbestos in any LDL buildings
Control of Substances Hazardous to Health Regulations ("COSHH") 2002 (SI 2002/2677)	Requires employers to assess risks from hazard-ous substances and take appropriate precautions	HSE	Risk assessments which identify hazards posed by such substances (including biological ones)
Control of Lead at Work Regulations 2002 (SI 2002/2676)	Employer responsibilities for work which could expose workers to lead	HSE	Risk assessments which identify work with lead as a hazard
Ionising Radiation Regulations 1999 (SI 1999/3232)	Responsibilities and control of ionising radiation in the workplace	HSE	Risk assessments which identify any activities involving ionising radiation, such as Non-Destructive Testing, as a hazard
CONTROL OF WORK – MANUAL HANDLING			
Manual Handling Operations Regulations 1992 (SI 1992/2793)	Risk assessments for moving objects by hand or bodily force	HSE	Conduct task-based risk assessments with a focus on manual handling when applicable
CONTROL OF WORK – NOISE			
Noise at Work Regulations 2005 (SI 2005/2739)	Employers to protect employees from damage to hearing	HSE	Conduct risk assessments where noise is an identified hazard
CONTROL OF WORK – VIBRATION			
Control of Vibration at Work Regulations 2005 (SI 2005/1093)	Employer duty to manage the use of vibrating equipment	HSE	Conduct risk assessments where vibration is an identified hazard
FIRE PRECAUTIONS			

TOPIC HEADING Legislation	Standards & Requirements	Regulator	LDL Actions
Fire Precautions (Workplace Regulations) 1997 (SI 1997/1840 plus see amending SI 1999/1877)	Employer duties for fire risk assessment, fire detection, fire fighting, escape, training and information	CnES	Discharge and record employer duties
The Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541)	Fire safety management plans replace the requirement for Fire Certification	CnES	Discharge duties for fire safety management plans
INSURANCE			
Employers Liability (Compulsory Insurance) Act 1968	Insurance against liability for damages arising from negligent failure to provide safe and healthy premises	HSE	Take out adequate insurance
FIRST AID			
Health & Safety (First Aid) Regulations 1981 (SI 1981/917)	Provision of adequate equipment, facilities and personnel to give first aid to employees	HSE	Discharge duties for providing first aid at the harbour.
MACHINERY & EQUIPMENT			
Provision and Use of Work Equipment Regulations 1998 (SI 1998/2306)	Workplace machinery and equipment must be safe	HSE	Procurement, installation, testing, inspection, training etc focussed on safety
Employers Liability (Defective Equipment) Act 1969	Employer responsibility for consequences of defects in machines, tools or appliances made available for use by employees	HSE	Procurement, installation, testing, inspection, training etc focussed on safety
MACHINERY & EQUIPMENT – ELECTRICITY			
Electricity at Work Regulations 1989 (SI 1989/635)	Person in control of electrical systems to ensure they ae safe to use and maintained in a safe condition	HSE	Proper maintenance, repair and renewal
MACHINERY & EQUIPMENT – LIFTING			
Lifting Operations and Lifting Equipment Regulations 1998 (SI 1998/2306)	Use of lifting equipment	HSE	Risk assessments to identify lifting operations and defective lifting equipment as a hazard Crane certification

TOPIC HEADING Legislation	Standards & Requirements	Regulator	LDL Actions
MANAGEMENT OF HEALTH AND SAFETY			
The Health and Safety at Work etc Act 1974	Management of heath and safety	HSE	Implement Safety Management System to meet the requirements of the Act
Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)	Employers to: ▪ do risk assessments ▪ implement risk controls ▪ appoint competent people ▪ provide training and information ▪ manage risks to the young, elderly and pregnant mothers ▪ manage risks due to alcohol, drug or substance misuse by harbour users	HSE	Implement Safety Management System to meet the requirements of the Regulations
Working Time Regulations 1998 (SI 1998/1833)	Rights and protections for employees (including young workers) with regard to working hours, rest on holidays	HSE	Shift planning, call out arrangements, maximum hours for part time staff, staff signing on and off
MANAGEMENT OF HEALTH AND SAFETY – CONSULTATION WITH EMPLOYEES			
Safety Representatives and Safety Committees Regulations 1977 (SI 1977/500)	Employer duties to consult with employees and their trade unions	HSE	Employee consultation arrangements including with employee trades union or other representative bodies
Health and Safety (Consultation with Employees) Regulations 1996 (SI 1996/1513)	Employer duties to consult with employees on H&S where there is no recognised trade union representation	HSE	Employee consultation arrangements
MANAGEMENT OF HEALTH AND SAFETY – PERSONAL PROTECTIVE EQUIPMENT			
Personal Protective Equipment at Work Regulations 1992 (SI 1992/2966)	Employer to provide appropriate PPE to employers	HSE	Risk assessments to consider appropriate PPE as a risk control
MANAGEMENT OF HEALTH AND SAFETY – REPORTING OF INCIDENTS			

TOPIC HEADING Legislation	Standards & Requirements	Regulator	LDL Actions
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations ("RIDDOR"), 1995 (SI 1995/3163)	Employers to notify HSE of certain occupational injuries, diseases and dangerous occurrences	HSE	Proper reporting of incidents by staff
MANAGEMENT OF HEALTH AND SAFETY – SIGNAGE			
Health and Safety (Safety Signs and Signals) Regulations 1996 (SI 1996/341)	Employer duty to provide standardised safety signs where appropriate	HSE	Signage of key hazards (e.g. electricity, fire-fighting, escape routes etc)
MANAGEMENT OF HEALTH AND SAFETY – VISITORS			
Occupiers Liability Act 1957	Occupier has duty of care to ensure visitors will be reasonably safe when in premises they are invited or permitted to attend	HSE	Discharge duty of care to visitors
Occupiers Liability Act 1984	Defines occupier's duty to unlawful visitors	HSE	Reasonable measures to prevent visitors accessing unauthorised areas
MANAGEMENT OF HEALTH AND SAFETY – WORK ENVIRONMENT			
Workplace (Health, Safety and Welfare) Regulations 1992 (SI 1992/3004)	Employer duty to provide a safe place of work and welfare facilities		
MARINE OPERATIONS			
Merchant Shipping & Fishing Vessels (H&S at Work) Regs 1997 (SI 1997/2962)	Employer duties for H&S – analogous to Manage-ment of H&S at Work Regs	MCA	Ensure vessels contracted to LDL meet regulatory requirements
Merchant Shipping & Fishing Vessels (H&S at Work) (Employment of Young Persons) Regs 1998 (SI 1998/2411)	Employer duties with respect to young employees under the age of 18	MCA	Ensure vessels contracted to LDL meet regulatory requirements
Merchant Shipping & Fishing Vessels (Manual Handling Operations) Regulations 1998 (SI 1998/2857)	Employer duties re Manual Handling - analogous to the Manual Handling Operations Regulations	MCA	Ensure vessels contracted to LDL meet regulatory requirements
MARINE OPERATIONS - DANGEROUS SUBSTANCES			

TOPIC HEADING Legislation	Standards & Requirements	Regulator	LDL Actions
Dangerous Substances in Harbour Area Regulations ("DSHAR") 1987 (SI 1987/37)	Definition of dangerous substances, requirements for entry into port and for emergency planning	HSE	LDL to risk assess and control the transit through the Port of vessels carrying hazardous substances
MARINE OPERATIONS - NAVIGATIONAL EXCLUSION			
Coast Protection Act 1949	Provides for protection of the coast of Great Britain against erosion and encroachment by the sea and for the marking and/or removal of work detrimental to navigation. (Note: At present, no legislation excluding vessels from wave/tidal energy sites)		Opportunity for LDL to consider a requirement for safety zones?
MARINE OPERATIONS - POLLUTION AND WASTE			
The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regs 2003 (SI 2003/1809)	Requirements for appropriate management of port waste	MCA	Implement Waste Management Plan
The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 (SI 2008/3257)	Sewage and garbage disposal at sea	MCA	Review need for waste management and pollution prevention provisions in the General Directions to Vessels
The Merchant Shipping Regulations (Prevention of Air Pollution from Ships) Regulations 2008 (SI 2008/2924)	Prevention of air pollution from Ships	MCA	Review need for air pollution prevention provisions in the General Directions to Vessels

TOPIC HEADING Legislation	Standards & Requirements	Regulator	LDL Actions
Merchant Shipping (Oil Pollution Preparedness Response and Co-operation Convention) Regulations 1998 (SI 1998/1056) See also: ▪ Convention on Oil Pollution Preparedness Response Co-operation ("OPRC") 1990 ▪ Merchant Shipping (Reporting of Pollution Incidents) Regulations 1987 ▪ Pollution Prevention and Control Act 1999 ▪ MCA Marine Guidance 231	Duty to immediately report observed oil spills. Many vessels must have Shipboard Oil Pollution Emergency Plans ("SOPEP")		Implement an Oil Spill Contingency Plan compatible with the National Contingency Plan for Marine Pollution from Shipping and Offshore Installations ("NCP") Ensure visiting vessels have SOPEP where appropriate
MARINE OPERATIONS - PORT SECURITY			
Port Security Regulations 2009 (SI 2009/2048)	Port Facility Security Plan in order to accept intern-ational vessels over 500GT	DTp	Prepare Port Facility Security Plan ("PFSP")
MARINE OPERATIONS - REPORTING OF INCIDENTS			
Merchant Shipping (Accident Reporting and Investigation) Regulations 2005 (SI 2005/881)	Ship operators (including a harbour authority in the case of vessels engaged on authority business) to report and investigate accidents	MCA/ HSE plus MAIB	Proper reporting of incidents
MARINE OPERATIONS - SMALL WORKBOATS			
Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998 (SI 1998/1609) See also: ▪ The Safety of Small Workboats and Pilot Boats ▪ The Workboat Code 2014	Requirements for equipment and safety gear etc or alternate compliance with Statutory Codes of Practice	MCA	Ensure: ▪ any boats owned by LDL comply with the Statutory Codes of Practice ▪ vessels contracted to LDL meet regulatory requirements
MARINE OPERATIONS - WRECKS			
Merchant Shipping Act 1995 (Especially section 252)	Authority of a harbour authority to mark or remove wrecks	HSE	SOP for periodic surveys of wrecks