

FORTH PORTS LIMITED

(Port Marine Safety Code)

Safety Management System

POLICY DOCUMENT

Post Holder Responsible for maintaining the Port Marine Safety Code Safety Management System (PMSC SMS):

Marine Manager
Forth & Tay Navigation Service,
Grangemouth Port Office,
Grangemouth,
Stirlingshire FK3 8UE

Tel: 01324 49 8584

Fax: 01324 668481

Email: ftns@forthports.co.uk

The Duty Holder:

Forth Ports Limited
1 Prince of Wales Dock,
Leith EH6 7DX

Tel: 0131 555 8700

Fax: 0131 553 7462

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PMSC SMS POLICY DOCUMENT: DISTRIBUTION LIST

A controlled copy of this Policy Document is maintained on the internet via the following link <http://www.forthports.co.uk/#!/marine/pmssc/>

The Forth Ports Marine Manager will advise the following parties of any changes to the Policy Document by email.

1	Chief Harbour Master
2	Chief Executive Officer
3	Divisional Director Scottish Operation
4	Port Manager (Grangemouth)
5	Port Manager (Leith & Rosyth)
6	Port Manager (Dundee & Fife)
7	Senior Harbour Master
8	Harbour Master, Forth Inner
9	Designated Person
10	Manager Towage and Pilotage
11	Conservancy Manager
12	Chairman of Forth Pilots Association
13	Marine Manager, Dundee
14	Secretary of Dundee Pilots
15	Group Company Secretary
16	MCA Edinburgh Office
17	Ports Division
18	Ports and Harbours

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RECORD OF CHANGES

Ref	Item	Date	Initial
1	New Edition March 2013	March 2013	KJ
2	Update; Pg.5 – 1.1 Pilotage Direction No7, 1.2 Dundee GD added. Pg.6 – 1.4 FCBC & Stats Pg.11 – 3.5 Pg.14 – Harbour Patrols added Pg.19 – 4.18 Website update Pg.20 – 4.20 – Assistant changed to Deputy, 4.21 – Marine Manager & CHM added Pg.25 – 5.1 Pg.26 - 6.1 Marine Safety Alerts added Pg.28 – 6.6 – Harbour Patrols added Pg.29 - 7.3 Harbour Patrols added, Pg.32 - 9.3 Safety Alerts added Pg.34 Appendix A – Updated Statement on Navigational Safety Pg.36 Appendix B - H&S Policy Document Pg.38 Appendix D – Updated Policy on Enforcement	May 2014	AN
3	Update Pg 37 – Updated Marine Environmental & Sustainability Policy.	July 2015	AN
4	Job titles updated throughout Pg.6 - 1.4 Shipping statistics updated Pg.14 – 4.7 Merging of Marine Manager and Harbour Master responsibilities Pg.29 – 7.7 MRF email updated Pg.33 Appendix A – Updated Policy Statement on Navigational Safety Pg.35 Appendix B – Updated Forth Ports Health & Safety Policy Pg.36 Appendix C – Updated Marine Environment & Sustainability Policy Pg.37 Appendix D – Updated Policy Statement on Enforcement	June 2017	SC

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1. INTRODUCTION TO SAFETY MANAGEMENT SYSTEM

1.1 Forth Ports Limited.

Forth Ports Limited owns docks and ports in the Firth of Forth, and through its wholly-owned subsidiary Port of Dundee Limited, the Port of Dundee; and through its wholly-owned subsidiary Port of Tilbury London Limited, the Port of Tilbury. This Policy is applicable to the Forth Ports and the Port of Dundee.

Forth Ports Limited as a Statutory Harbour Authority is statutory successor to Forth Ports Authority constituted and incorporated by virtue of the Forth Ports Authority Order 1966-80 by virtue of the Forth Ports Authority Scheme 1992 Confirmation Order 1992. It is the statutory duty of the Authority to ensure the safety of navigation in the Forth. The company has therefore in exercise of the powers conferred by Part VI of the Forth Ports Authority Order 1969 and of all other powers them enabling, made Byelaws and issued General Directions for the safety of navigation.

Forth Ports Limited is a competent harbour authority (CHA) under the provisions of the Pilotage Act 1987. The Act confers upon a harbour authority the responsibility for pilotage. Pilotage is compulsory throughout the Forth for vessels of various categories in accordance with Pilotage Direction No.7.

1.2 Port of Dundee

Port of Dundee Limited as statutory successor to the Dundee Port Authority is a Statutory Harbour Authority, and to this end, the Dundee Port Authority (General) Byelaws 1984 & Port of Dundee General Directions apply. The Dundee Port is a competent harbour authority (CHA) under the provision of the Pilotage Act 1987. The Act confers upon a harbour authority the responsibility for pilotage. Pilotage is compulsory throughout the Tay for vessels of various categories in accordance with Pilotage Direction No. 3.

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1.3 Port Activities

Grangemouth: bulk oil and chemical; LPG; container, dry bulk, forest products, project cargoes; other bulk liquids.

Leith: dry bulk; project cargoes, offshore, passenger - cruise, naval.

Rosyth: ro-ro, offshore, project cargoes, forest products, passenger - cruise, naval

Burntisland: project cargoes.

Kirkcaldy: dry bulk; project cargoes.

Methil: dry bulk, forest products, project cargoes

Dundee: ro-ro, offshore, project cargoes, forest products, passenger, naval, bulk oil

Fishing: a number of small ports not operated by Forth Ports Limited provide facilities for vessels engaged in fishing.

Leisure: a number of small ports and facilities not operated by Forth Ports Limited provide accommodation for leisure vessels.

Construction: there is a naval construction facility at Rosyth operated by Port of Babcock Rosyth Ltd; there are dry docks at Leith and Grangemouth operated by ship repair companies and Construction of Queensferry Crossing (FCBC)

Naval operations: warships of the Royal Navy and other countries frequently visit Leith and Rosyth.

Historic vessels: RY Britannia (Leith), Discovery (Dundee), Unicorn (Dundee).

1.4 Statistics

Vessel movements: during 2016 there were 2519 vessel calls to the Forth and 260 vessel calls to the Tay.

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1.5 The PMSC SMS Policy Document

This document describes the Forth Ports Limited Port Marine Safety Code Safety Management System (PMSC SMS) for marine operations in the Forth and associated ports and the River Tay and the Port of Dundee.

For the avoidance of doubt this comprises the Forth Ports Harbour Area which extends from the eastern limits west of the Isle of May to the Kincardine Bridge but does not include the area within the jurisdiction of Port Babcock, Rosyth, and other small ports on the Forth that are Statutory Harbour Authorities; and the area comprising the River or Water of the Tay between the eastern and western limits.

It has been compiled in response to the Port Marine Safety Code and the Guide to Good Practice on Port Marine Operations.

The term “Forth Ports” is used in this manual to mean the Forth and Tay ports and their personnel, but excludes the Port of Tilbury i.e. Forth Ports Limited and Port of Dundee Limited.

Forth Ports’ personnel and others as listed below are responsible for ensuring that the principles set out in this SMS are complied with in all areas of the Forth Ports’ marine operations. It should be noted that the Forth Ports integrate long-term contractors into Forth Ports PMSC SMS by ensuring through the audit process that their respective safety management systems complement Forth Ports` SMS (e.g. towage companies, boatmen, etc.). These long-term contractors include:

1. Golden Lion Pilotage and Marine Services Company (Association of Forth Pilots),
2. Association of Dundee Pilots,
3. Towage Companies
4. Boatmen and line-handlers.

In addition terminal operators and other partner organisations regularly meet to share marine safety issues.

The current applicability of PMSC SMS is limited to:

1. Marine operations within the limits of the Forth Ports Harbour Area of jurisdiction;
2. Marine operations in Leith and Grangemouth Docks, Ports of Rosyth (excluding Port Babcock Rosyth), Burntisland, Methil, Kirkcaldy, Inverkeithing and Granton;
3. Marine operations on the River Tay waterways within the jurisdiction of the Port of Dundee Ltd.

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1.6 The Port Marine Safety Code SMS and its Objectives

The PMSC SMS is a structured set of controls and procedures for managing safety in the marine operations, to ensure and to demonstrate that the Forth Ports objectives are met.

The objectives of the PMSC SMS are:

1. to provide the principles and structured guidance for managing marine operational risks within the Forth Ports' jurisdictional areas;
2. To provide an essential reference for staff in planning and implementing operational safety management, assisting them to carry-out critical activities in a manner which is as safe and protective of the environment as is reasonably practicable;
3. To demonstrate to stakeholders that process controls are in place to ensure that hazards and risks to safety and environment are systematically identified, assessed, and controlled and that recovery measures are put in place in case control is lost;
4. To define performance standards for managing marine safety, which are assessed and continually improved by a programme of performance monitoring, audit and review.
5. To operate within a quality management framework.

1.7 Structure of PMSC SMS

The Safety Management System is structured in ten sections:

Section 1: The SMS Policy Document – describes all elements of the management system

Section 2: SMS Manual – details the documentation and describes the safety critical activities that are involved in managing hazards in Forth Ports.

Section 3: System Procedures – the set of procedures which describe how the PMSC SMS itself conducts its business.

Section 4: Operational Procedures – the set of procedures which describe how a marine operation is conducted.

Section 5: Management Planner – the programme of objectives and targets for managing the PMSC SMS.

Section 6: Registers – lists of all documents that are part of the PMSC SMS including dates of issue and review.

Section 7: Forms – the forms which are required to be completed as part of a procedure or control.

Section 8: Records – completed forms and procedural records.

Section 9: Training – details of the training which is required to be completed by Forth Ports staff.

Section 10: Audits – internal and external checks on the operation of the PMSC SMS.

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1.8 Duty Holder, Custody and Maintenance of the PMSC SMS

The Duty Holder of the Port Marine Safety Code SMS is the Board of Forth Ports Limited. The Board places the following responsibility on the Chief Executive Officer (CEO):

1. To issue the Policy Statement on Navigational Safety under his signature;
2. To ensure leadership and demonstrate commitment to the safe navigation by overseeing the implementation of the policy;
3. To provide resources and organisation to put the Policy Statement on Navigation Safety into effect.

The custodian of the PMSC SMS is the Chief Harbour Master (CHM) who reports on safety matters directly to the Chief Executive Officer. The Chief Harbour Master's responsibilities are as follows:

1. Principal operational responsibility for safety of all marine matters;
2. To issue the SMS documents and any revisions.
3. Ensuring implementation by docks/ports, pilots, tugs and other service providers;
4. Advising CEO when deficiencies or potential improvements are identified;
5. Initiating periodic revision of the PMSC SMS when required;
6. Establishing that the marine safety management objectives are understood;
7. Reporting on performance of the PMSC SMS, audits and corrective actions to the CEO.

Independent assurance is also provided to the Duty Holder by the Designated Person, see Policy Document section 4.10.

1.9 Improvement and Revision Strategy

The PMSC SMS manual is to be updated when any major change occurs affecting the SMS. Implementation of these changes is undertaken by means of the Management Planner containing the following items which is a standing item at PMSC SMS meetings:

1. Register of Marine Safety Issues
2. Register of PMSC SMS Legislation and other requirements
3. PMSC SMS Management Tasking

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2.0 LEADERSHIP AND COMMITMENT

2.1 General

Forth Ports Limited is committed to safety as stated in the Policy Statement on Navigational Safety, which is required to be followed by all those involved in marine operations within the Rivers Forth and Tay.

The Management Team comprising the Chief Harbour Master, the Senior Harbour Master, Harbour Master Forth Inner, Marine Manager Dundee, Towage and Pilot Vessel Manager, and Conservancy Manager will demonstrate commitment to safety by providing the necessary resources to develop, operate and maintain an effective PMSC SMS. Marine operations will be conducted in line with this PMSC SMS. Management will display visible personal commitment, through motivation, by example and active participation in external and internal safety initiatives and by:

1. Creating a culture for acceptance of responsibility and motivation to improve safety performance;
2. Visiting vessels, locks, berths, pilot boats, etc. frequently, observing, discussing and correcting unsafe acts and conditions;
3. Questioning proposals to verify that safety factors have been properly evaluated;
4. Initiating corrective action to rectify identified defects and following up to completion.

2.2 Senior Management Meeting

The Senior Management Meeting is committed to developing the culture of marine safety across the organisation, which encourages:

1. Employees to believe in continuous improvement of marine safety performance through implementation of the PMSC SMS;
2. Participation and involvement in PMSC SMS by all employees and contractors;
3. Individuals to accept responsibility and accountability for marine safety performance;
4. The sharing of best practice.

Measures to achieve this culture include:

1. Promoting the PMSC SMS to influence employee and contractor attitudes and behaviours to improve marine safety performance;
2. Developing marine safety culture through leadership and commitment;
3. Promoting positive recognition and encouragement of individual and group adherence to the PMSC SMS.

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3.0 POLICIES AND STRATEGIC OBJECTIVES

3.1 Safety Policy

The Forth Ports' Policy Statement on Navigational Safety is detailed in *Appendix A*. The policy is issued to all marine staff and is readily available to contractors and third parties on the company's website.

Forth Ports has a company health & safety policy that is set out in *Appendix B* that relates to the company Health and Safety Management System. This is separate but complementary to the PMSC SMS and is displayed within all Forth Ports' premises.

3.2 Strategic Safety Objectives

Forth Ports Limited has the following strategic safety objectives:

1. To identify and assess hazards to be encountered during all Forth Ports' marine activities with respect to Likelihood and Severity (= Risk);
2. To eliminate the major risks wherever possible, and for risks that cannot be eliminated, control and recovery measures will be put in place to reduce the risks to a level that is demonstrated to be "As Low As Reasonably Practicable" (ALARP), which is in line with the safety legislation in the UK,

3.3 Regulations and Guidelines

Forth Ports are committed to carrying out their marine activities in full compliance with the Port Marine Safety Code, and other applicable related safety regulations.

3.4 Marine Environment & Sustainability Policy

The Forth Ports Marine Environment & Sustainability Policy is detailed in *Appendix C*. This Policy states that Forth Ports is committed to fulfilling environmental duties as required by relevant legislation including the Harbours Act 1964 and Habitats Directive under the Conservation (Natural Habitats &c) Regulations 1994.

3.5 Enforcement Policy

The Forth Ports Enforcement Policy is detailed in *Appendix D*. This Enforcement Policy sets out the general principles, which Forth Ports will follow when taking enforcement decisions.

This Policy applies to all enforcement action taken by Forth Ports. Enforcement in this context means any action taken to ensure compliance with legislation, byelaws or regulations. Forth Ports will take action to protect, conserve or enhance the environment and safety and prevent or punish breaches of legislation, byelaws or regulations.

The policy is readily available to all parties on the company's website.

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4.0 ORGANISATION, RESPONSIBILITIES, RESOURCES, STANDARDS AND DOCUMENTATION

4.1 Management Structure

The Chief Executive Officer (CEO) will provide the resources and the organisation to put the safety and marine environment policies into effect through the Chief Harbour Master.

The Chief Harbour Master has operational responsibility for all matters related to marine safety in Forth Ports Scottish Operation, and is responsible for implementing, reviewing, providing resources and complying with the marine policies.

The Chief Harbour Master has direct access to the Chief Executive Officer in order to discuss marine safety and environmental matters.

The Senior Harbour Master, Harbour Master Forth Inner, and marine Manager Dundee report on marine matters to the Chief Harbour Master and on all other matters to their respective port managers.

Forth Ports' interaction with the Port Marine Safety Code diagram is shown in *Appendix E*.

4.2 General

It is the responsibility of each individual to follow and enforce safety procedures, to stop any activity that he or she may consider to be a marine risk. All individuals will report unsafe conditions to the Marine Management Team, and any activities which have been stopped for safety reasons.

4.3 Duty Holder

The Forth Ports Board as the Duty Holder are collectively and individually responsible for the Port Marine Safety Code and they cannot assign or delegate their accountability for compliance with the Code on the grounds they do not have particular skills.

The PMSC SMS is a standing agenda item on Board meetings.

4.4 Chief Executive Officer (CEO)

The main safety responsibilities of the CEO are to:

1. Ensure that the Chief Harbour Master implements the PMSC SMS and that regular assessments of its performance are made;

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2. Embody the commitment of Forth Ports to its Navigational Safety Policy and goals, using his leadership role and suitable public occasions to reinforce his message both internally and externally to Forth Ports

4.5 Chief Harbour Master

The Chief Harbour Master (CHM) manages and is responsible for safety of navigation, pilotage, operation of towage, pilot boats, pollution prevention and response function. The CHM has the following safety responsibilities:

1. Control marine operations related safety issues;
2. Ensure Formal Risk Assessment is in place and carry out risk assessments as necessary;
3. Represent Forth Ports on safety matters in dealings with external bodies;
4. Provide assurance that risks have been identified and assessed, and that effective risk control measures are in place;
5. Set performance targets for the Marine Division;
6. Ensure the communication of necessary information throughout the organisation;
7. Ensure the competence of marine staff;
8. Monitor the safety performance in operations;
9. Review the performance of the PMSC SMS to ensure its continuing suitability and effectiveness;
10. Report regularly to the CEO on the effectiveness of the PMSC SMS and planned improvements
11. Chair the Statutory Safety Committee (Marine Division) which is part of the Company Health and Safety SMS.

4.6 Port Managers (Leith, Grangemouth, Fife Ports and Dundee)

Port Managers manage all non-marine aspects of port operations, and have the following responsibilities:

1. Provide resources and finance for implementation of the PMSC SMS in their respective dock/port;
2. Ensure efficient and safe interface between on one side, shore based operations and stevedores, and on the other side, the marine operations and vessels.

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4.7 Harbour Master and Marine Manager (Senior, Forth Inner, and Marine Manager Dundee)

The Harbour Master and Marine Manager manages navigation within the port limits, ensures safe functioning of port marine facilities (berths, docks, navigational equipment, etc.) conducts spot checks on vessels, enforces port regulations, etc. They have the following safety related responsibilities:

1. Developing and high levels of marine safety awareness amongst the staff and contractors, through encouraging workforce involvement and training, ensures safety induction training of new or transferred staff;
2. Setting marine safety targets and cascading these to all staff for their accountabilities in the PMSC SMS;
3. Co-ordination and monitoring of the implementation of the PMSC SMS;
4. Advises on marine operations related safety issues within their port;
5. Provides assurance that risks have been identified and assessed, and that effective risk control measures are in place;
6. Participates in the PMSC Management Committee;
7. Chairs/attends the Port Marine Safety Code Local Liaison Committee (with port users) and promote co-operation between FTNS, Quayside Personnel, Pilots, Tug Masters, Boatmen, Pilot Vessel Crews and Port Users;
8. Ensures the communication of necessary information throughout the port;
9. Ensures the competence of marine department personnel;
10. Monitors safety performance in the port;
11. Initiate corrective action within the area of responsibility;
12. Disseminates lessons learned from incidents or events;
13. Reviews the PMSC SMS effectiveness in their port, improving where necessary and setting new targets.
14. Conduct patrols of harbour authority waters, including those non-commercial areas of operation.
15. Direct reporting to the Chief Harbour Master on marine safety matters;
16. Monitoring adherence to the PMSC SMS.
17. Record keeping
18. Initiate meetings as necessary to organise the working of the PMSC SMS.
19. To arrange the audit schedule of the PMSC SMS.
20. To draft new and revised PMSC SMS system standards and procedures.
21. Under instructions of the Chief Harbour Master draft new and revised operational safety standards and procedures and document them in the PMSC SMS.
22. Assist in the interpretation of new safety regulations following PMSC SMS procedures;
23. Collect performance data;
24. Act as custodian of hazard identification and risk assessment techniques;
25. Carry out risk assessment as necessary or as instructed by the Chief Harbour Master;

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- 26. Monitor Incidents and report to Port Marine Safety Code Local Liaison Committees and Pilotage Management Committee.
- 27. Maintain Marine Report Form Register and reports

4.8 Pilots

The Pilots are responsible for the safety of pilotage and compliance with the PMSC SMS. The Pilots have the following safety responsibilities:

- 1. Advising on pilotage safety issues;
- 2. Raising the pilotage safety issues on the Pilotage Management Committee;
- 3. Setting performance targets for pilotage;
- 4. Monitoring safety performance during pilotage;
- 5. Reviewing the PMSC SMS to ensure its suitability and effectiveness regarding pilotage.

4.9 Designated Person

The key responsibility of the Designated Person (DP) is to audit the Forth Ports’ compliance with the Port Marine Safety Code (see Section 10), and provide independent assurance to the Duty Holder that the SMS is working effectively.

The DP is a qualified marine professional appointed by Duty Holder.

The DP does not have any management function in Forth Ports.

The DP has direct access to the Duty Holder (Board of Forth Ports).

The DP makes an annual presentation of the audit report to the Duty Holder (Board of Forth Ports)

The DP receives the minutes of all PMSC meetings.

The DP has

- 1. Relevant first-hand experience of the marine environment and how ports operate.
- 2. Appropriate knowledge of shipping, shipboard operations, and port operations.
- 3. Understanding of the design, implementation, monitoring, auditing and reporting of Safety Management Systems.
- 4. Understanding of assessment techniques for examining, questioning, evaluating and reporting.

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4.10 Resources

Implementation of the PMSC SMS is the Marine Division responsibility. Financial resources will be supplied from Forth Ports to enable implementation to take place.

The Chief Harbour Master will enforce safety and contractual issues with the Forth Pilots and initiate corrective action if required.

The Marine Management Team will check and enforce contractual issues with their respective contractors.

Forth Ports can provide in-house resources through the various departments (e.g. Health and Safety Department and Legal Department).

4.11 Competence Assurance

The competence of employees is an essential element in the management of risk. The components of competence are the knowledge and the motivation of the employee. Competence can be influenced by recruitment, training, assignment, assessment and review.

The Chief Harbour Master is responsible for ensuring the required level of competence of Harbour Masters, Marine Manager Dundee, Pilots and PEC Holders is maintained. Pilot and PEC Holder Examination, Authorisation and Re-Validation are part of the competence assurance.

Harbour Masters are responsible for ensuring the required level of competence of their staff is maintained and for setting the assessment standards for their competence.

The following issues form part of the competence assurance process:

Previous Training Experience	Any training prior to joining Forth Ports General marine experience, qualifications, similar job in a previous port or length of time in the present job.
Knowledge	Knowledge of the Forth Ports PMSC SMS is a requirement for all marine staff.
Assessment	Assessment of individual's performance against defined criteria.
Motivation	The Harbour Master is required to carry out an annual appraisal for each subordinate in a supervisory role. The Deputy Harbour Master carries out an appraisal on all Assistant Harbour Masters and VTS Officers. A specific issue will be the individual's concern for safety.

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4.12 Recruitment

New staff are given a Forth Ports general induction, which is controlled, by the Training and H&S Departments. Inductions range between one and five days depending on the employee's role. The training department holds records. The Forth Ports induction covers all relevant safety procedures. Safety responsibilities are identified for all supervisors and managers.

4.13 Training

All statutory training will be undertaken as required. Any other company or identified training will be undertaken by or with the support of either the Training and/or the H&S Department. The training department holds all training records.

4.14 Contractor Management

Long-term contractors operating within the PMSC SMS are the Golden Lion Pilotage and Marine Services Company and the Association of Dundee Pilots. These contractors are integrated into the Forth Ports organisation, with functional responsibilities for safety activities. There is no difference in the PMSC SMS between these contractors and the Forth Ports marine staff.

4.15 Long-term Contractors

Other long-term contractors operating in compliance with the PMSC SMS are licensed towage operators and the licensed boatmen's companies. These contractors have their own safety management system and are subject to auditing and licensing by Forth Ports Limited.

4.16 Commissioning New Contractors:

1. Selection of contractors, including specific assessment of their safety policy, practices and performance and the adequacy of their SMS, commensurate with the risk associated with the services to be provided;
2. Forth Ports H&S procedure 07:14 Control of Contractors.
3. Compliance of their respective safety management systems with the Forth Ports PMSC SMS;
4. Effective communication of the agreed safety objectives and performance criteria;
5. Definition of methods for monitoring and assessing contractor performance against agreed safety objectives and performance criteria;
6. Interface between contractor's and Forth Ports' emergency plans;

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4.17 Communication of Safety Issues

Forth Ports ensures that all employees and contractors are aware of:

1. The importance of compliance with the safety policy and objectives, and their individual roles and responsibilities in achieving it;
2. The hazards and risks of marine operations, and the controls and recovery measures that have been established;
3. Potential consequences of departure from agreed procedures, i.e. from breaching established controls and recovery measures;
4. The mechanisms for suggesting improvement in the procedures.

Communication flows utilised by the Forth Ports are as follows:

1. Minutes of meetings;
2. Marine Report Forms
3. PMSC Annual Performance Review & Marine Continuous Improvement Plan
4. Company Intranet
5. Company Website

In order to effectively manage marine safety and the operation of the PMSC SMS, the following committees have been established, as shown in Section 4.25 and are also described in subsequent sections.

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4.18 Senior Management Meeting

The Chief Executive Officer chairs this committee, which meets monthly. The responsibility of this committee is to develop policy, to monitor the overall marine safety performance and co-ordinate action for continuous improvement in line with Forth Ports policy.

4.21 PMSC SMS Management Review

The Chief Harbour Master chairs a monthly meeting with the Marine Management Team to review progress in the PMSC SMS as follows:

1. Register of Marine Safety Issues
2. Register of PMSC SMS Legislation and other requirements
3. PMSC SMS Management Tasks
4. Analyse Marine reports and statistics;
5. Consider issues of a repetitive nature from the Local PMSC Liaison Committees;
6. Discuss items with a policy aspect.

The Marine Management Team comprises Senior Harbour Master, Harbour Master Forth Inner, Marine Manager Dundee, Manager Towage and Pilot Vessels, and Conservancy Manager.

4.21 Pilotage Management Committees

The main objective of this committee is to discuss Marine Safety issues and other relevant port/Pilotage operational and safety issues.

The Chief Harbour Master chairs the Forth Committee. Other members are the Senior Harbour Master, the Chairman and two Forth Pilots.

The Marine Manager Dundee chairs the Dundee Committee, and members are Dundee Pilots and Chief Harbour Master.

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4.22 Port/Terminal Liaison Committee (At least every 4 months)

The Chief Harbour Master and Senior Harbour Master attend Hound Point and Braefoot Bay Terminal Committees, while respective Harbour Masters chair committees for their ports. Representatives for pilotage, towage, shipping agents, boatmen services and the Principal Port Users (for ports), or the Oil Company (for Terminals) form these committees. The main objective of these committees is to discuss marine safety issues.

4.23 Leisure Community Annual Meeting

Representatives of the leisure community are invited to attend an annual meeting at FTNS to facilitate discussion on matters pertaining to the Forth & Tay. In addition to this, such representatives are also invited to attend the PMSC Liaison Meetings, and are included in distribution lists for information promulgation and consultation such as Notices to Mariners. Members of the Marine Management Team give a number of presentations to leisure community organisations throughout the year, which are conducted at FTNS and/or at Club Houses upon request. See FP PMSC R04 Register of Stakeholder Communication.

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4.24 Statutory Safety Committee – Marine Division (Bi-Monthly)

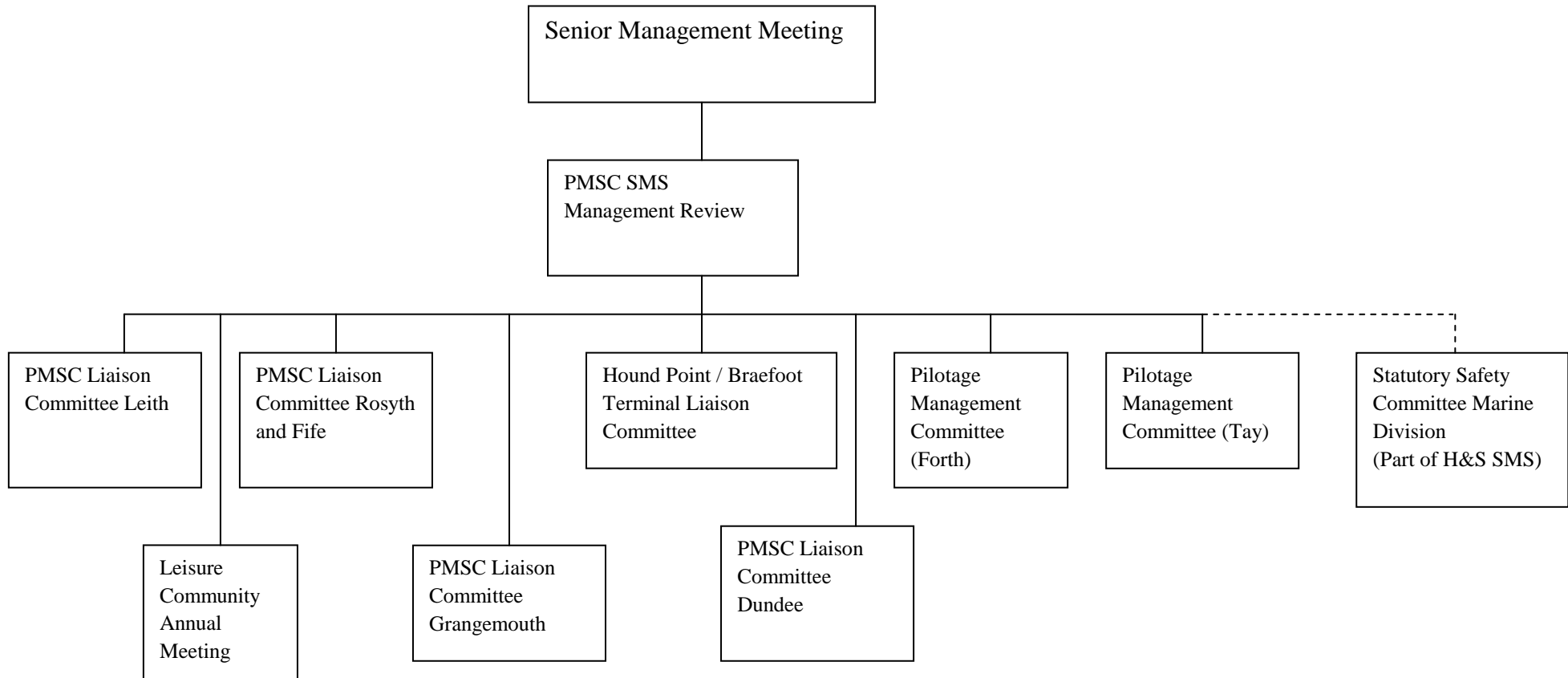
The Chief Harbour Master chairs this committee which is part of Forth Ports H&S Safety Management System. The membership of the committee includes the Senior Harbour Master, Manager Towage and Pilot vessels and the safety representatives from the tugs, pilot vessels and FTNS. In addition a member of Forth Ports H&S Department and the Occupational Health practitioner will attend.

The purposes of a Health and Safety Committee are to:

1. Provide a forum through which all aspects of health and safety can be addressed and ensure that Forth Ports Health and Safety Policies are adhered to.
2. Provide written minutes for members of the Health and Safety Committee, which can then be displayed to provide information for all employees at operational level. The broad objectives of the Health and Safety Committee are to provide a bi-monthly forum through which questions of health and safety can be discussed; and local health and safety policies and procedures can be monitored.
3. To advise and assist Port Managers and the Chief Harbour Master in the discharge of their health and safety responsibilities, considering, and where necessary taking appropriate action on:
 - a. Reports from safety representatives, trade union representatives and employees.
 - b. Reports on any untoward incidents carrying a risk to health and safety.
 - c. Other reports generated by the Health and Safety Department.
4. To refer any general safety issues for consideration by the Health and Safety Department.
5. To consider any other issues concerning the health and safety of staff members while carrying out their work.
6. To bring to employees attention any matters of safety.
7. To provide information on accident causes and prevention
8. To actively promote a work environment with positive effects on psychological and physical health.
9. Minutes for meetings must be produced by the designated Safety Committee Chairman and posted on notice boards with a copy being sent to H & S Department, Carron House, within one calendar week of the meeting.
10. It should be noted that Dockgate staff from Grangemouth and Leith attend their respective port Statutory Safety Committees.

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4.25 PMSC SMS Committee Structure



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4.26 External Communication

Forth Ports’ policy is to publicly report on Forth Ports’ safety performance and to promote communications external to Forth Ports on safety issues. This includes:

1. Attending public hearings on plans for each new phase of development, if required, as part of the regulatory permit application process;
2. The Annual Report which is a public document and is publicly discussed;
3. Participating, through the UK Major Ports Group and UK Harbour Master Association, in discussions with DfT on safety issues affecting the industry in general.

4.27 Documentation and Control

Forth Ports document control procedure is one of the PMSC SMS “System Procedures” in SMS Section 3. This procedure describes the system for issuing and revising procedures, forms, drawings, standards and other documentation relating to the PMSC SMS.

All system documentation is controlled. A Register of Document Issue is held and maintained by the Secretary to Chief Harbour Master. The Register provides information regarding its reference, location, issue level, holder and authorisation (see also SMS Section 6).

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5.0 RISK ASSESSMENT

5.1 Purpose

A risk assessment in the context of the PMSC SMS is a systematic examination which considers whether risks in Forth Ports marine operations e.g. to people, environment, business (reputation) and property (port and shipping) have been reduced to `As Low As Reasonably Practicable`.

This enables Forth Ports to assess whether enough precautions have been taken to prevent harm and / or loss. The aim is to make sure that there is no injury, loss, damage or harm to the environment. Accidents and ill health can ruin lives, and affect Forth Ports business too if output is lost, machinery is damaged, insurance costs increase, or litigation is raised.

The important things that must be decided are whether a risk is significant, and whether it can be eliminated, or if not, reduced to an acceptable level that is `As Low As Reasonably Practicable`.

5.2 Procedure

Forth Ports Risk Assessment Procedure is one of the PMSC SMS “System Procedures” in SMS Section 3. This procedure describes the methodology for conducting and reviewing PMSC Risk Assessments.

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6.0 PLANNING AND PROCEDURES

6.1 Introduction

Forth Ports promulgate guidance, information and procedures for achieving safety objectives and performance criteria. They are registered, reviewed and updated as specified in the PMSC SMS and include:

1. Forth and Tay Port Information and Marine Guidelines;
2. Continual Improvement Plan;
3. Emergency Forth, Emergency Tay and Port Emergency Plans;
4. Clearwater Forth and Port Oil Pollution Preparedness, Response and Co-Operation (OPRC) Plans;
5. Port of Dundee Oil Pollution Preparedness, Response and Co-Operation (OPRC) Plan;
6. Operational Procedures (See Section SMS 4).
7. Notices to Mariners

6.2 Emergency Plans

Forth Ports has the Forth Estuary Contingency Plan (Emergency Forth), for the response to shipping related emergencies, including those at Hound Point and Braefoot Bay Marine Terminals. This plan is developed for the response to general marine incidents and (to comply with the Dangerous Substances in Harbour Area Regulations 1987) to manage dangerous substances in the Forth Estuary and associated harbour areas. There is also the Tay Emergency Plan developed along the similar lines for the River Tay waterways.

The plans cover:

1. Alarm and call out procedures;
2. Roles and responsibilities of relevant organisations and authorities;
3. Systems and procedures for command and control of accidents;
4. Procedures for communication;
5. Available resources and the arrangements for the third party resources;

In the Firth of Forth and Tay the associated generic port emergency plan is as follows:

- Port Emergency Plan

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6.3 Clearwater Forth and Ports OPRC Plans

Forth Ports' Oil Spill Contingency Plan, Clearwater Forth, and the Port of Dundee OPRC Plan follow the guidelines for OPRC plans from the Maritime and Coastguard Agency. The associated dock/port OPRC plans are as follows:

1. Leith OSCP
2. Forth Ports Limited / Ineos Grangemouth Joint Pollution Contingency Plan

6.4 Procedures and Work Instructions

Health & Safety procedures are developed (under the Company H&S SMS) for all safety critical activities for which the absence of written procedures could result in infringement of the safety policy, or breaches of legislative requirements or performance criteria.

Procedures and work instructions will indicate the relevant hazards, events and potential consequences, responsible person, and performance standards and criteria.

Marine Operational Procedures are developed and implemented where the Activity Specifications require additional guidance and control (see PMSC SMS Manual).

6.5 Management of Change

Forth Ports maintain effective processes for managing temporary and permanent changes in employees, processes and procedures, which fully assess safety implications.

These are set out in H&S SMS procedure "Safety Validation of Change Management 7.86". Forth Ports will identify and assess the implications of changes, which may be safety critical and reflect those in the Safety Management System.

Forth Ports management of change process addresses the following:

1. The nature of changes and their consequences;
2. The documentation which includes the reasons for change;
3. An analysis of safety and environmental implications;
4. Risk analysis and identification of risk reduction/mitigation measures;
5. Communication and training requirements;
6. Time limitations;
7. The Authority approving the changes.
8. Organisational changes;
9. Changes to equipment or operating procedures;
10. Changes or modifications to docks/ports;
11. Major new contracts.

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6.6 PMSC SMS System Planning Procedures

Marine safety issues associated with the activities and services provided by Forth Ports Marine Department i.e. Forth and Tay Navigation Service (FTNS), Pilotage in the Forth, Conservancy and Towage, are identified and summarised within the Register of Marine Safety Issues. These issues are assessed for significance and management programmes implemented accordingly to drive continual improvement.

Marine safety issues are identified by the Marine Management Team as a result of internal audits, harbour patrols, feedback, risk assessments, internal review processes and publications by competent organisations such as MAIB and UKHMA, with the register of Marine Issues periodically reviewed and updated.

6.7 Legal and other requirements

Related to marine safety Marine Issues, applicable marine legislation and other requirements to which Forth Ports Marine Department subscribes are identified and summarised within the Register of Marine Legislation FP PMSC R02. It is the responsibility of the Marine Management Team to ensure updates are received and the register maintained. On occasion, external expertise is called upon to review applicable legislation, best practice and legal compliance. Changes are communicated and reviewed at specifically scheduled monthly meetings.

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7 MONITORING THE PMSC SMS

7.1 Safety Critical Activities and Tasks

The safety critical activities and tasks are those activities in the marine operation process that have been identified by the risk assessment process as vital to ensure safety of people, assets and the environment in the Forth and related docks and ports.

Each safety critical activity has a number of safety critical tasks, which must be carried out for safe navigation and dock/port operations which are shown in the Activity Specification Sheets (see SMS Section 4).

7.2 Performance Monitoring

1. A combination of proactive and reactive performance indicators will be used to provide an indication of overall safety performance.
2. Safety performance will be an agenda item for the Safety Committee.

7.3 Proactive Performance Indicators

1. Progress of Marine Continuous Improvement Plan;
2. Audit results (internal and external),
3. Reporting of near misses and general recommendations (Marine Reports),
4. Audits undertaken by Marine Managers,
5. Vessel audits by Harbour Masters,
6. Pre-Arrival checks by VTS Operators,
7. Periodic and annual review of Risk Assessments,
8. Meeting minutes (PMSC LLC, PMC),
9. Participation in safety committees,
10. Training plan,
11. Harbour Master Patrols

7.4 Reactive Performance Indicators

1. Forth Ports Marine Reports
2. FTNS Monitoring of VHF, Radar, Telephone and CCTV (all are recorded)
3. Port Passage Plan,
4. Damage and defect reporting,
5. POLREPS,
6. Waste management,
7. Breaches of byelaws, General Directions or other regulations,
8. Unplanned maintenance costs,
9. Downtime or locks, berths, navigational aids, traffic lights, etc.,

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7.5 Performance Reporting

- Forth Ports ensures safety performance is regularly reported, emerging trends analysed and improvements initiated in particular through the PMSC Local Liaison Committees.
- Performance is reported on internally and externally against combined safety and environmental targets.
- Marine reports are used as one of the prime inputs into management review of the PMSC SMS.

7.6 Corrective Action

The Chief Harbour Master has the responsibility and authority for initiating investigation and corrective action in the event of non-compliance relating to the SMS, its operation or its results. PMSC Non-compliance may be identified by the audit programme, through communication with marine staff, or from investigation of incidents.

7.7 Incident Investigation

Forth Ports has a marine reporting, investigation and analysis system. All marine reports are submitted to marine.reports@forthports.co.uk. The Marine Report Form captures incidents, near misses, occurrences and general recommendations. Forth Ports Marine Investigation Procedure is one of the PMSC SMS 'System Procedures' in SMS section 3.

Every incident or near miss is analysed, the direct and root causes identified and discussed at the relevant forum e.g. Local Liaison Committee.

The Chief Harbour Master may require a formal investigation depending on the nature of the incident. A report will be compiled to capture the investigation findings, conclusion and any corrective actions.

The MCA is contacted in the event that there is a deficiency which may prejudice the safe navigation of the vessel, or which may pose a threat of harm to the marine environment as per The Merchant Shipping (Port State Control) Regulations 2011.

Reports will be forwarded to the MAIB in compliance with the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012.

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8 AUDITING THE PMSC SMS

8.1 Auditing Process

Audits are conducted to ensure compliance with the PMSC SMS. Audit provides key test as to whether the functional requirements of the SMS have been met in practice.

Forth Ports will conduct audits on a regular basis, and will establish that:

1. Appropriate management arrangements are in place;
2. Adequate risk controls are in place and complied to;
3. Operational procedures as laid down in PMSC SMS are being adhered to.

8.2 Audit Programme

Forth Ports has a planned audit programme; the level of risk and past safety performance determines audit frequencies.

Forth Ports has also contracted a Marine Consultant to act as an external independent auditor and ‘Designated Person’.

8.3 Audit Procedure

Forth Ports Internal Audit Procedure is one of the PMSC SMS “Systems Procedures” in SMS Section 3. This procedure describes the system for conducting, reviewing and promulgating internal audits.

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9 MANAGEMENT REVIEW

9.1 General

Management reviews focus not only on compliance but also on the overall PMSC SMS effectiveness and continued suitability for purpose. Regular reviews include:

1. The Marine Continual Improvement Plan;
2. The SMS Policy Document and Manual, effectiveness of the SMS and key lessons learnt from safety audits.
3. The monthly PMSC SMS Management Review Meeting.

Additional reviews are required if there are:

1. Organisational changes;
2. Changes in the marine activities, new trade, new technology, new vessels, etc.;
3. Major modifications of docks/ports and waterways;
4. Incident or Audit follow-up actions that require review.
5. Changes in applicable legislation.

9.2 Review of Repeated Incidents

Forth Ports has a system in place to highlight repeated incidents and then to investigate the reasons for recurrence. The following practice has been adopted:

1. Where the review of incident reveals a pattern of repeated incidents of the same type, further in depth investigations are carried out to ascertain the reasons why previous corrective actions have been ineffective;
2. The Chief Harbour Master leads this investigation and instigates more detailed risk assessment if necessary.
3. The Chief Harbour Master also raises concerns with the MCA.

9.3 Improvement Strategy

Forth Ports have the following improvement strategy:

1. Improvement programme is based on key performance indicators;
2. Review of audit and incident reports to establish patterns of performance or system weaknesses that need improvement;
3. Review of the elements of the PMSC SMS in a structured fashion;
4. Communications of the lessons learnt to relevant personnel to enable them to put actions in place to achieve safety performance improvements.
5. Issue Marine Safety Alerts as required.

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- APPENDIX** A Policy Statement on Navigational Safety
- B Forth Ports Health & Safety Policy
- C Marine Environment & Sustainability Policy
- D Policy Statement on Enforcement
- E Diagram of Forth Ports Interaction with PMSC SMS

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APPENDIX A

FORTH PORTS LIMITED

COMMITMENT TO THE PORT MARINE SAFETY CODE & POLICY STATEMENT ON NAVIGATIONAL SAFETY

About Forth Ports Limited

Forth Ports Limited (“Forth Ports”) operates nine ports – Dundee on the Tay Estuary, Tilbury on the Thames and seven on the Forth Estuary – Leith, Grangemouth, Granton, Methil, Burntisland, Rosyth and Kirkcaldy.

Within and around the Forth and Tay estuaries, Forth Ports manages and operates an area of 280 square miles of navigable waters, including two specialised marine terminals for oil and gas export, provides other marine services, such as towage and conservancies and is involved in property, letting and development.

Forth Ports provides a comprehensive range of facilities in order to ensure the safe movements of shipping. These include a vessel traffic system (VTS), pilotage and navigational aids such as lighthouses, shore marks and buoys. Playing an integral role is the Grangemouth-based Forth & Tay Navigation Service (“FTNS”) which, manned by qualified Assistant Harbour Masters and VTS Operators, provides VHF radio and radar coverage of the area 24 hours a day.

With approximately 23 million tonnes of cargo transiting the Firth of Forth and Firth of Tay every year, of which 19 million tonnes is oil related and 1.6 million tonnes is liquefied gas, safety and environment protection is of paramount importance to Forth Ports.

Navigational

Forth Ports aim to ensure a safe and speedy passage of all commercial and naval shipping from sea to port and back to sea again.

Forth Ports Limited is fully committed to fulfilling the requirements of the Port Marine Safety Code. Part of this commitment requires Forth Ports Limited to publicise a policy statement for Navigational Safety which incorporates not just the basic principles for Navigational Safety but also includes policy on Vessel Traffic Service (VTS) and Conservancy for the areas of jurisdiction. To this end, it is Board policy that Forth Ports Limited shall:

- Maintain an effective navigational Safety Management System (SMS) based on a formalised risk assessment process. Risks will be judged against objective criteria to ensure they are kept “as low as reasonably practicable” (ALARP). The SMS will be kept under a continuous review.
- Review regularly the effectiveness of, and if necessary seek amendments to, its legal powers, Byelaws and Directions in respect of navigational safety.
- As required by the Pilotage Act 1987, provide the required level of pilotage service.

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- Consult with port and river users and other relevant stakeholders on navigational safety issues and proposed changes to procedures, guidelines, Byelaws and Directions.
- Within port limits monitor and manage vessel traffic through the provision of a 24 hour Vessel Traffic Service (VTS), monitoring designated VHF channels, Automatic Identification System (AIS), radar transmissions, Meteorological and Hydrographic stations and CCTV on a continuous basis.
- Regularly review the performance of the VTS system and seek improvements through technical enhancement, development and training of staff together with effective management.
- Maintain standards for training and certification of VTS personnel in line with IALA recommendation V-103.
- Record all relevant radar, VHF, CCTV and telephone communications to aid incident investigation and enforcement.
- Through appropriate systems maintain comprehensive and detailed records of all commercial vessel movements within the ports and rivers.
- Promulgated effectively navigational, tidal, hydrographic and other relevant information to all port and river users, where appropriate such information will be provided on a commercial basis.
- Prepare, publish and regularly exercise emergency response plans to ensure effective management of any marine related incident within its area of jurisdiction.
- Conduct appropriate hydrographic surveys to ensure safe and efficient navigation within the areas of jurisdiction.
- Ensure that accurate hydrographic data is promulgated and made available to the UK Hydrographic Office.
- Ensure that personnel conducting hydrographic surveys are appropriately trained, qualified. Undertake maintenance dredging as appropriate to ensure safe and efficient navigation within the areas of jurisdiction.
- Provide the necessary aids to navigation within port limits, to include navigation buoys, beacons and lighthouses. Such aids to be maintained and operated in accordance with the requirements of the Northern Lighthouse Board.
- Conduct regular audits of all marine navigational operations to ensure the continued effectiveness of such operations.



CG Hammond
Chief Executive Officer
Forth Ports Limited



A. McPherson
Chief Harbour Master
Forth Ports Limited

05th June 2017

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APPENDIX B



HEALTH AND SAFETY MANAGEMENT SYSTEM

HEALTH AND SAFETY POLICY STATEMENT

In Forth Ports Limited, we believe that a person's health, safety and welfare is paramount. Protecting the health, safety and welfare of our employees and everyone who may be affected by our activities is fundamental to the success of our business. Caring about the health, safety and welfare of each other is a core value of the company. Because of this, we see health and safety as integral to the services we provide. Doing any job safely is an essential part of doing that job professionally and serving our customers efficiently.

This Policy demonstrates the Company's commitment to Health and Safety, and is the responsibility of our Executive Board. It is periodically reviewed to ensure suitability, adequacy and effectiveness. It is delivered through compliance with the Company Health & Safety Management System, which is accredited to the OHSAS 18001 Occupational Health and Safety Management Standard.

All employees have a duty to comply with this Policy, its organisation and arrangements. Everyone must accept their individual responsibilities to ensure work is carried out safely, with no detriment to any other. We promote a positive health and safety culture within our business and engage with both employees and our supply chain to drive continual improvement.

Arrangements for delivery of the Policy are fully defined within the Company Health & Safety Management System. In summary, compliance with this Policy through effective implementation of the Health & Safety Management System is an integral and core part of both management and employee defined responsibilities.

Our Key commitments are to:

- Provide a sufficient, competent resource to ensure that all reasonably practicable measures, designed to prevent incidents, injury and long term illness are implemented;
- Communicate policy and consult with employees to develop positive attitudes and promote appropriate behaviours;
- Produce and communicate annual objectives and action plans to drive continual improvement in Health & Safety;
- Conduct regular reviews of the Health & Safety Management System to ensure that business, legal and customer requirements are met or are exceeded;
- Provide appropriate guidance, support and training for all employees; and,
- Appoint qualified H&S professionals to provide competent support and advice.

The Policy is consistent with our corporate policies and is available to the public and all interested parties.

Charles Hammond Chief Executive Officer 

Stuart Wallace Chief Operating Officer 

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APPENDIX C



Forth Ports Limited – Scotland Marine Environment and Sustainability Policy

As part of Forth Ports Limited the Marine Department is committed to fulfilling its' environmental duties as required by the Harbours Act 1964 and other relevant legislation. Ports are required by Government policy to adopt an appropriate balance between conservation of the environment and enabling sustainable economic growth.

Forth Ports Marine Department provide Navigation and Conservancy in the Firths of Forth and Tay and Pilotage and Towage services in the Firth of Forth. To fulfil its' commitment to continual environmental improvement Forth Ports Marine Department aim to set, implement and regularly review the following objectives:-

- Ensure that all of our activities at least match legal & other requirements and where possible exceed these requirements.
- Undertake and regulate marine movements in such a way as to safeguard water users, the marine and adjacent land environment and local communities.
- Regularly exercise contingency plans (whether pollution prevention or emergency plans) and where appropriate implement any lessons learnt from these exercises.
- Where required, undertake appropriate assessments under the Habitats Directive for new projects.
- Where appropriate, consult with relevant statutory authorities, regulators and stakeholders, where there are areas of common interest.
- Maintain membership of the Forth Estuary Forum and Tay Estuary Forum and take an active role in the management of these organisations and the initiatives they develop.
- Ensure that all waste is disposed of responsibly, or where practical recycled or re-used
- Communicate this Environmental Policy to all staff and provide guidance and appropriate training where necessary.
- Review this Policy at regular intervals.

Alan McPherson
Chief Harbour Master

5 April 2017

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APPENDIX D – POLICY STATEMENT ON ENFORCEMENT

1 About Forth Ports Limited

Forth Ports Limited ("Forth Ports") operates eight ports - Dundee on the Tay Estuary, Tilbury on the Thames and six on the Forth Estuary - Leith, Grangemouth, Granton, Methil, Burntisland, and Rosyth.

Within and around the Forth and Tay Estuaries, Forth Ports manages and operates an area of 280 square miles of navigable waters, including two specialised marine terminals for oil and gas export, provides other marine services, such as towage and conservancies, and is involved in property, letting and development.

Forth Ports provides a comprehensive range of facilities in order to ensure the safe movements of shipping. These include a vessel traffic system (VTS), pilotage and navigational aids such as lighthouses, shore marks and buoys. Playing an integral role is the Grangemouth-based Forth & Tay Navigation Service ("FTNS") which, manned by qualified Assistant Harbour Masters and VTS Operators, provides VHF radio and radar coverage of the area 24 hours a day.

The FTNS/Forth Ports duties also include enforcement of the Forth Byelaws and General Directions for Navigation and the Byelaws for the Port of Dundee. Forth Ports aim to ensure a safe and speedy passage of all commercial and naval shipping from sea to port and back to sea again.

With approximately 40 million tonnes of cargo transiting the Firth of Forth and Firth of Tay every year, of which 31 million tonnes is oil related and 3.4 million tonnes is liquefied gas, safety and environmental protection is of paramount importance to Forth Ports.

Two plans are exercised annually to deal with any incidents on the Firth of Forth – 'Emergency Forth' designed to deal with shipping related incidents and 'Clearwater Forth' which is a co-ordinated response to waterborne oil pollution incidents. Liaison and safety committees meet regularly, attended by representatives of all interested parties, and procedures are under constant review.

This Enforcement Policy sets out the general principles, which Forth Ports will follow when taking enforcement decisions.

2 Aims of the Enforcement Policy

The aims of this Enforcement Policy are:

1. to ensure compliance with legislation, byelaws or regulations that may affect the proper operation of Forth Port's functions
2. to ensure that a consistent approach to enforcement is adopted throughout Forth Ports;
3. to achieve consistent treatment of offenders;
4. to promote understanding of Forth Ports' attitude to enforcement issues.

This Policy applies to all enforcement action taken by Forth Ports. Enforcement in this context means any action taken to ensure compliance with legislation, byelaws or regulations. Forth Ports will take action to

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protect, conserve or enhance the environment and safety and prevent or punish breaches of legislation, byelaws or regulations. Enforcement action can include:

1. discussions;
2. meetings;
3. warning letters;
4. Reporting a case to the Procurator Fiscal for prosecution.

3 Principles of Enforcement

Forth Ports' Enforcement Policy reflects the 'principles of good regulation', which are also employed by the Government when enforcing regulation.

3.1 Proportionality

Forth Ports will ensure that any enforcement action taken is proportional to the risks posed by the breach of legislation, byelaws or regulation and the seriousness of the offence. As far as the law allows, Forth Ports will take into account the circumstances of the case and the attitude of the offender when considering action.

3.2 Consistency

Forth Ports will be fair, equitable and consistent in its enforcement. Forth Ports will promote a similar approach to enforcement in similar circumstances to achieve similar ends throughout the organisation and will develop and maintain effective liaison with other enforcing authorities. Forth Ports will treat all people equally.

3.3 Openness

Forth Ports will provide clear information and advice on the rules it applies and make it widely available. Forth Port will be open about how it sets about its work, and will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

3.4 Targeting

Forth Ports' efforts in relation to enforcement will be concentrated on those activities, which cause the greatest environmental damage, pose the greatest threats to the environment and safety or undermine regulatory regimes, which have been created to protect and improve the environment and safety and prevent harm to human health. Action is focused on those who break the law or those directly responsible for serious environmental and safety damage or risk.

4 Prosecution

The objective of enforcement is to ensure that preventative or remedial steps are taken to protect the environment and the safety and to prevent or minimise, and make harmless, releases that can cause pollution/deter, prevent or minimise future breaches of legislation/byelaws/regulations. Prosecution of offences under relevant legislation is one of the ways of achieving that objective.

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Forth Ports, as a specialist reporting agency, can report cases to the Procurator Fiscal. Cases will be reported where justified in order to punish offenders, to avoid recurrence and to encourage general compliance.

Where the circumstances warrant, a case may be reported to the Procurator Fiscal without prior warning or recourse to alternative methods of enforcement.

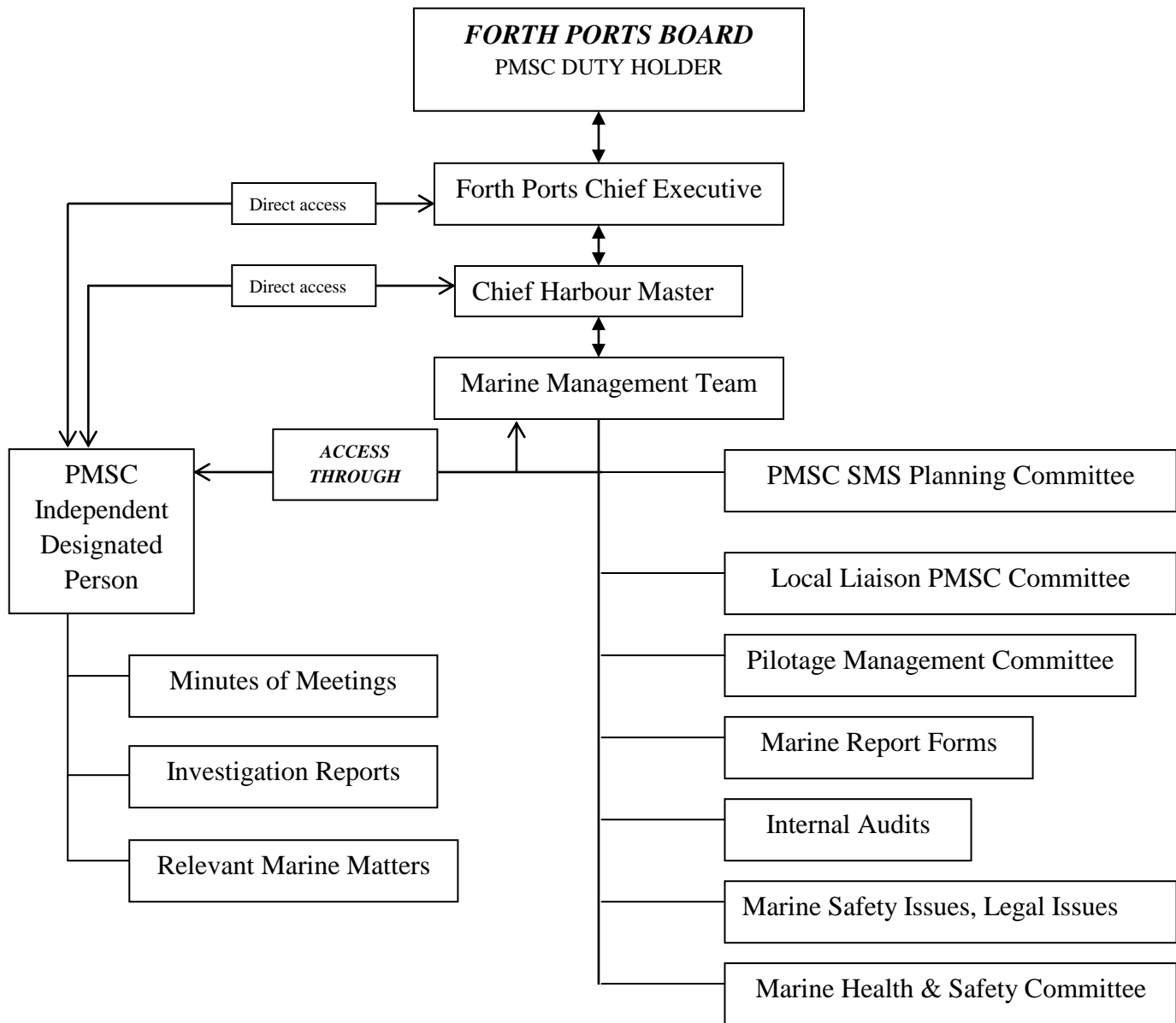
Companies, as well as individuals within a company, such as directors or senior managers, may be reported for prosecution. Individuals may be reported where it can be shown that the offence was committed with their express or implied consent, or was due to their negligence.

5 **Overarching Principles**

1. Forth Ports will not ignore any knowingly criminal or negligent act by any person or company which damages or threatens the environment or which flouts the law.
2. Persistent breach of legislation/byelaws/regulations will not be tolerated. Required action may be phased in over a reasonable but binding timescale depending upon its importance to the environment and regard to safety and the attitude of the offender.
3. Whatever the timescale and urgency of enforcement action, it will be fair, reasonable and open.
4. Where practical, the person or company against whom action is proposed will be informed of the action. Notwithstanding any remedial action taken, no relief from criminal proceedings will be offered as an inducement or reward.
5. All enforcement action taken will be recorded and put on file. Records of meetings will be kept. Actions will be recorded. Warning letters will be clear, simple, unambiguous and signed by the appropriate person.
6. If a final warning is given it will be that and the failure to comply with the final warning that will be followed by enforcement action.
7. The full facts will be gathered and there will be no unnecessary delay.
8. Appropriate action will be taken against those who intentionally obstruct any person in the exercise of their duties under this Policy or any other legislation/byelaw/regulation.

FORTH PORTS LIMITED Port Marine Safety Code	Document ID FP PMSC Policy 01_04	Authorised By DHM	Original Date March 2013
SMS Policy Document	Date Revised June 2017	Revised By MO	Review Due June 2020

APPENDIX E – DIAGRAM OF FORTH PORTS INTERACTION WITH PMSC SMS



FORTH PORTS LIMITED	Document ID	Authorised By	Original Date
Port Marine Safety Code	FP PMSC Policy 01_04	DHM	March 2013
SMS Policy Document	Date Revised	Revised By	Review Due
	June 2017	MO	June 2020