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Date: 27 February 2024

Dear Sir/Madam

You are invited to the following meeting:

Harbour Board
Council Chamber, Lower Hillhead, Lerwick
Wednesday 6 March 2024 at 10am

Apologies for absence should be notified to leisel.malcolmson@shetland.gov.uk or at the above number.

Yours faithfully

Executive Manager – Governance and Law

Chair: Robert Thomson
Vice-Chair: Duncan Anderson

AGENDA

- (a) Hold circular calling meeting as read.
- (b) Apologies for absence, if any.
- (c) Declarations of Interest – Members are asked to consider whether they have an interest to declare in relation to any item on the agenda for this meeting. Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest and include some information on the nature of the interest. Advice may be sought from Officers prior to the meeting taking place.
- (d) Confirm minutes of the previous meeting held on 22 November 2023. Enclosed.

ITEMS

1. Harbour Board Performance Report – Quarter 3 2023/24
PH-04
2. 2024/25 Budget and Charging Proposals – Harbour Board
F-06
3. Harbour Masters Report
PH-03
4. Harbour Byelaws Review
PH-02
5. Harbour Board Business Programme 2023/24 & 2024/25
PH-01



MINUTE

A&B - PUBLIC

Harbour Board
Council Chamber, Lower Hillhead, Lerwick
Wednesday 22 November 2023 at 10am

Present:

D Leask	S Leask
R McGregor	A Manson
D Sandison	R W Thomson

Apologies:

D Anderson	R Thomson
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In Attendance:

J Smith, Director of Infrastructure Services
P Fraser, Executive Manager - Finance
A Inkster, Executive Manager - Ferry and Airport Operations & Port Infrastructure
G Maitland, Executive Manager – Harbourmaster
C Christey, Team Leader – Port Engineering
B Clifton, Team Leader Deputy Harbourmaster
R Gordon, Team Leader – Deputy Harbourmaster
P Wishart, Solicitor
B Kerr, Communications Officer
M Robertson, Committee Assistant
L Malcolmson, Committee Officer

Chair

Mr R W Thomson, Chair of the Board, presided.

The Chair ruled that, in accordance with Section 43(2) of the Local Government in Scotland Act 2003, remote attendance and participation by Members during this meeting is permitted.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None.

Minutes

The minutes of the meeting held on 12 September 2023 were approved on the motion of Mr McGregor, seconded by Mr Sandison.

12/23 Harbour Board Performance Report - Quarter 2 2023/24

The Harbour Board considered a report by the Executive Manager - Ferry and Airport Operations & Port Infrastructure (PH-12-23-F) that presented updates on

activity and performance of the Infrastructure Directorate relating to the responsibilities of the Harbour Board for Quarter 2 of 2023/24.

The Executive Manager - Ferry and Airport Operations & Port Infrastructure introduced the report.

During questions reference was made to the following matters:

- Tanker Movements reduced – The Director of Infrastructure Services provided an overview of the current position, advising that East of Shetland production continued to decline and the Brent field would come to the end of its life next year. Although the Ninian field will continue for some years there is a decline in volumes. He advised that West of Shetland had a longer life but there was a rollover of maintenance that had been deferred due to Covid resulting in a longer shutdown during the summer for the Claire and Magnus fields. In the longer term there should be robust production and an evaluation from Clair field was ongoing in terms of their export route. He advised however that it was not possible to be precise on future tanker movements.
- Oil decommissioning – The Director of Infrastructure Services advised that the Council does provide support through the Lerwick Port Authority (LPA) in decommissioning works, picking up business through the LPA. The Board was advised that a seminar had been arranged to allow Enquest to expand on their planned work which in turn informs management of the workforce required by the Council. He advised that the LPA also update the Council from time to time and he would make contact to seek if that update could be done in the New Year.
- Harbour Account – the Director of Infrastructure Services confirmed that during budget setting it had been indicated there would be a shortfall in the Harbour Account.
- Tourist Cruise Ships – The Director of Infrastructure Services agreed that there is a potential business income stream, for the harbour account, from cruise ship visits but not at Sullom Voe. He said however that other ports within the authority are multipurpose and that their use, over time, does need to change. It was acknowledged that North Atlantic cruising is popular but there are limits to what scale of vessels can be accommodated but there is interest in Scalloway, Baltasound, Foula and Cullivoe. The Director of Infrastructure Services confirmed that the depths at Scalloway and Collafirth are good and there was a need to engage with the market to see what vessels might be brought in. He added that this was a valuable income stream but not necessarily a significant one.

During debate, the importance of the Harbour Account was reiterated and that any potential revenue opportunities should be explored. It was also stated that there needs to be investment put into harbour facilities for the future and it was important for the Board to plan budgets accordingly as opposed to the Harbour Account effectively bearing the risk of the overall Council budget. It was agreed that the Council should actively look to attract small scale cruise ships and that there are great opportunities to be had as long as they can be accommodated with shore side facilities.

Decision

The Harbour Board NOTED the updates on activity in Quarter 2 of 2023/24 and on plans and priorities for the rest of this year.

13/23

Harbourmasters Report

The Harbour Board considered a report by the Executive Manager - Harbourmaster (PH-13-23-F) that presented information on the necessary management and operational mechanisms in place to fulfil the Board's function as duty holder.

The Executive Manager – Harbourmaster introduced the main terms of the report.

Officers responded to a number of questions, in the following terms:

- **Staffing Levels** –It was confirmed that there was currently one vacancy in Scalloway, otherwise the service was fully staffed.
- **Review of Port Marine Safety Code (PMSC)** – In regard to the English/Scottish Law matter, the Board was advised that Capt. Auld, Designated Person, was making enquiries with the British Port Association (BPA), and that the Harbourmaster had been approached and he expected feedback next week on the duty holder wording in Scots Law.
- **Training for Pilots for dangerous cargo related to the Space Port in Unst** - The Board was advised that should dangerous cargoes need to be brought in to Baltasound to support the Space Port in Unst, then additional training for Pilots may be required. The Board was advised that it is possible that some cargo will come into the port. The Harbourmaster explained that an Emergency Plan and Pollution Plan would have to be created and Officers would have to Risk Assess the operation, the type of vessels that may be used and whether pilotage is needed. He advised that consideration would be given to those issues in order to support the Space Port Operation.
- **Toft Linkspan** – The Harbourmaster explained the situation that led to the incident at that Toft Linkspan and confirmed all the circumstances would be considered by the investigation.

There being no further questions, or debate, the Board noted the report.

Decision

The Harbour Board RESOLVED to CONSIDER the content of this report in its role as Duty Holder, and NOTED that the necessary management and operational mechanisms are in place to fulfil that function.

14/23

Strategic Outline Case – Scalloway West Pier Developments

The Harbour Board considered a report by the Executive Manager Ferry & Airport Operations and Port Infrastructure (PH-14-23-F) that presented Members with an opportunity to comment on recent work carried out to establish options for the redevelopment of Scalloway Harbour.

The Executive Manager Ferry and Airport Operations & Port Infrastructure introduced the main terms of the report and advised that the Board would be kept updated on progress through the quarterly performance updates.

There followed a number of questions and Officers responded as follows:

- In terms of whether there is sufficient funds in the Harbour Account to progress the level of development reported, the Director of Infrastructure Services advised on the need to work on the financial and commercial aspects of the business case and to understand the costs associated with this project. He commented on the work needed to understand the impacts on the Council in terms of cost and the impact on the community in terms of construction. The Director of Infrastructure Services said that the strategic question as to whether money could be diverted in the short term for longer term investments also had to be considered. The Director of Infrastructure Services indicated the work required between Economic Development, Ports and Harbours and the industry sectors, bearing in mind the industry sectors may not exist yet. He added that there would be an opportunity for the financial case to identify where funding may come from.
- With regard to the timeline for the proposals in work plan 1 and work plan 3 it was questioned whether there was a methodology to take advantage of progressing the work on both work plans at the same time. The Board was advised that both work streams can happen at the same time by putting the detail on what is needed in the short term whilst also looking at longer term aspirations. The Executive Manager Ferry and Airport Operations & Port Infrastructure said that there was benefit of having shovel ready projects in place for when funding does become available. The Executive Manager Ferry and Airport Operations & Port Infrastructure advised that preliminary discussions would be undertaken at the Asset Investment Group and he would update the Board through the next quarterly performance update.
- Concern was expressed in regard to the reducing income and the need to understand the possible income that would be generated from a proposed option before settling on that. The Executive Manager Ferry and Airport Operations & Port Infrastructure explained that the Strategic Outline Case is the broad brush approach and that each option would need more detail including industry cost versus income and that would be undertaken as the next stage for each and every option.
- It was suggested that once on the Council's Asset Investment Plan, the Harbour Board Members would be conflicted in that the Harbour Account is seen as the Harbour Board's money rather than the Council's. Concern was expressed that the project would be put on the shelf when Members would want to see it progress. The Director of Infrastructure Services advised that the fundamental difference to projects funded by the Harbour Account is that they have to be commercially viable and income generating but Council projects cost money but are investments for the benefit of the wider community.
- Officers were asked to consider if the proposals did not go far enough and that to do options one and two together and for the dredging to be done at

the same time would mean that there is only one set of consents and although the fees and contingency figures would increase there was potential for spend to save. It was however suggested that if done separately the costs would also be higher and the new pier would be sterilised while the extension is added. This would avoid a situation where the Council discovers that the development is not big enough and it has to start all over again. It was suggested that thinking big was a good idea and this was the time to think big. The Executive Manager Ferry and Airport Operations & Port Infrastructure advised that for all the reasons set out there was a process to follow and the points raised would be a key feature of the next stage of the process.

- Attention was drawn to the cost summary and the proposed figure for a worst case scenario. It was suggested that there be a sliding scale provided to ensure that quotes are not set that high or beyond, as a matter of course. The Executive Manager Ferry and Airport Operations & Port Infrastructure advised that the consultants use a benchmark for similar works and consider the inflationary increase, resources and manpower. He understood that there would be an element of optimism bias but he would ensure the points made are remembered.
- The Executive Manager Ferry and Airport Operations & Port Infrastructure advised on the next steps for considering the proposals and onward reporting through the Asset Investment Group for decisions by the relevant committees, with updates provided to the Harbour Board through the performance reports.

During debate, Members spoke in support of the approach taken and the comments in regard to thinking big in terms of carrying out options 1 and 3 at the same time, to ensure upfront costs are taken forward in a cost effective manner. It was acknowledged that the developments proposed would provide the fishing and aquaculture industry to grow and provide a means for bigger vessels and onshore infrastructure. It was also agreed that consideration be given to the sharing of estimated costs to ensure that a reasonable price is tendered.

The work done with Lerwick Port Authority in regard to the “land in Shetland campaign” was also acknowledged in terms of boosting the business case for increased facilities.

Decision

The Harbour Board RESOLVED to CONSIDER the content of this report in its role as Duty Holder, and NOTED that the necessary management and operational mechanisms are in place to fulfil that function.

15/23

Harbour Board Business Programme – 2023/2024

The Harbour Board considered a report by the Executive Manager - Ferry and Airport Operations & Port Infrastructure (PH-11-23-F) that provided an opportunity to consider the business planned for the Harbour Board during 2023/24.

The Executive Manager - Ferry and Airport Operations & Port Infrastructure introduced the report and advised that the business for the next meeting would include the Byelaws report and that the business programme for 2024/25 would include Scalloway and Sullom Voe Development Proposals within its quarterly performance report with a separate line for each port within the appendix.

There being no questions, or debate, the Board noted the report.

Decision

The Harbour Board:

- CONSIDERED the business planned for Harbour Board 2023/2024;
- ADVISED the Director of Infrastructure Services of any changes required and new items to be included on the Business Programme.

The meeting concluded at 11.05am.

Chair



Meeting(s):	Harbour Board	06 March 2024
Report Title:	Harbour Board Performance Report - Quarter 3 2023/24	
Reference Number:	PH-04-24F	
Author / Job Title:	Andrew Inkster – Executive Manager, Ferry and Airport Operations & Port Infrastructure.	

1.0 Decisions / Action required:

- 1.1 That the Harbour Board **NOTE** the updates on activity in Quarter 3 of 2023/24 and on plans and priorities for the rest of this year.

2.0 High Level Summary:

- 2.1 This report summarises the activity and performance of the Infrastructure Directorate relating to the responsibilities of the Harbour Board. It is intended to help the Harbour Board analyse performance against its key objectives and responsibilities and against Corporate Plan and Shetland Partnership Plan outcomes.
- 2.2 An overview of activity in support of “Our Ambition”, and performance information relevant to that, is set out in Appendices A and B.

3.0 Corporate Priorities and Joint Working:

- 3.1 Planning and Performance Management are key aspects of Best Value and features of the Council's Corporate Plan, “Our Ambition – 2021 – 2026”. Further information on “Our Ambition” is available in previous Performance Reports.

4.0 Key Issues:

Progress on Key Objectives and Outcomes

- 4.1 Significant cost pressures, labour shortages and supply issues continue to hamper some areas of service provision.
- 4.2 Information provided in previous Performance reports on core activities continues to be relevant.
- 4.3 Specific developments are described further in the accompanying Harbour Masters Report, also on this agenda and in Appendix A.

Risks and Service Challenges

4.4 Risks around retention of Ports existing energy business and opportunities for new energy transition business and energy related activity through the Council's Ports & Harbours. There are some 100 Council staff directly engaged in supporting current energy business and surpluses on the Harbour Account are a very significant part of the Council's Medium Term Financial Plan. Many more Shetland jobs, contracts and businesses also rely on the energy sector across the islands.

- **Corrective Action** - Active engagement with local, industry and government partners to promote the case for existing and new business for Shetland through the Clair Export Review process and Shetland Energy Hub/ORION projects.

4.5 Risks around labour shortages, as stated in 4.1 above continue to present significant challenges, particularly in the Ports Engineering Workshop, where staff numbers further reduced following the retirement of one member of staff at the end of January 2024.

- **Corrective Action** – Active discussions with engineering management staff are in place, and options to address this issue including the use of external contractors for what historically been considered in-house work are ongoing. Essential works and legislative requirements are currently being prioritised.

Financial Performance

4.6 Revenue

The projected revenue outturn position at Quarter 3 is a net surplus of £13.845m, which is a reduction of £4.715m on the approved budget. The main reasons for the surplus reduction is:

- Less tanker movements due to maintenance works both offshore and at Sullom Voe, reducing oil export levels, partly offset by larger tankers than budgeted (£4.6m);
- 2023/24 Pay Award costing more than budgeted (£250k); and
- No further salmon landings anticipated in Scalloway due to the Salmon Factory closure at Blacksness Pier (£480k);

Offset By:

- Underspending on marine fuel due to the average price to date of 60.51p per litre against budget of 85p per litre, £110k;
- Vacant posts and reduced hours across the services, currently 4.8fte, £260k; and
- Structural assessments for concrete repairs at Mid Yell and Hamnavoe awaiting contractor availability and fender repairs at Cullivoe and Out Skerries still going through the tendering process so it is likely that these repair works will slip into 2024/25 £225k

4.7 Capital

The projected outturn on capital projects at Quarter 3 is £431k, which is an underspend against budget of £527k. The variance relates to the following projects:

- Vehicle & Plant Replacement Programme - budget approval for purchase contract commitments but the receipt of the goods is not due until future years, resulting in slippage of £414k;
- Fender replacement - project completed under budget £78k; and
- Plant and Equipment Replacement rolling programme – no further spend anticipated £35k.

5.0 Exempt and/or confidential information:

5.1 None

6.0 Implications :

6.1 Service Users, Patients and Communities:	Effective performance management and continuous improvement are important duties for all statutory and voluntary sector partners in maintaining appropriate services for the public. The Directorate uses customer feedback and complaint analysis to drive service change and service improvement.																				
6.2 Human Resources and Organisational Development:	Any changes that have an impact on Council employees will be carried out in line with Council policies and procedures and include staff and trade union consultation as required.																				
6.3 Equality, Diversity and Human Rights:	The Directorate uses Equalities Impact Assessment (EIA) to ensure its services are supporting those most in need and not making inequalities worse. This report relates to performance monitoring and does not require an EIA.																				
6.4 Legal:	The Directorate delivers statutory services. Monitoring performance provides assurance that statutory requirements are met and the Council complies with its duties in delivering those services.																				
6.5 Finance:	<p>The 2023/24 projected outturn on the Harbour Account at Quarter 3 is an overall surplus on capital and revenue of £13.446m, which is an overall reduction of £4.185m against budget, as described in the following table:</p> <table><tr><th>Harbour Account</th><th>Revised Budget £000</th><th>Projected Outturn £000</th><th>Variance positive / (adverse) £000</th></tr><tr><td>Net Revenue Surplus</td><td>-18,560</td><td>-13,845</td><td>(4,715)</td></tr><tr><td>Capital Expenditure</td><td>959</td><td>431</td><td>527</td></tr><tr><td>In Year Capital Receipts</td><td>-30</td><td>-33</td><td>3</td></tr><tr><td>Overall Surplus on Capital and Revenue</td><td>-17,631</td><td>-13,446</td><td>(4,185)</td></tr></table>	Harbour Account	Revised Budget £000	Projected Outturn £000	Variance positive / (adverse) £000	Net Revenue Surplus	-18,560	-13,845	(4,715)	Capital Expenditure	959	431	527	In Year Capital Receipts	-30	-33	3	Overall Surplus on Capital and Revenue	-17,631	-13,446	(4,185)
Harbour Account	Revised Budget £000	Projected Outturn £000	Variance positive / (adverse) £000																		
Net Revenue Surplus	-18,560	-13,845	(4,715)																		
Capital Expenditure	959	431	527																		
In Year Capital Receipts	-30	-33	3																		
Overall Surplus on Capital and Revenue	-17,631	-13,446	(4,185)																		

6.6 Assets and Property:	A number of the actions in the Directorate Plan relate to maintenance and replacement of Infrastructure and Council assets to maintain delivery of services to the people of Shetland. Aging infrastructure, some skills shortages, commodity inflation and pressure on capacity in the private sector are creating challenges to maintain service delivery within budget.	
6.7 ICT and new technologies:	Remote monitoring of unmanned facilities and robust broadband availability across all harbours, terminals and piers will become an increasingly important aspect of Ports and Harbours services.	
6.8 Environmental:	The Directorate leads the delivery of the Council's Carbon Management Plan and delivers a programme of works to reduce energy usage across the Council's assets including Harbours.	
6.9 Risk Management:	<p>Embedding a culture of continuous improvement and customer focus are key aspects of the Council's improvement activity. Effective performance management is an important component of that which requires the production and consideration of these reports. Failure to deliver and embed this increases the risk of the Council working inefficiently, failing to focus on customer needs and being subject to negative external scrutiny.</p> <p>Risk management is a key component of the performance cycle and the Directorates key actions are priorities to manage the Directorate risks.</p> <p>It is recognised that the working arrangements for many staff have been significantly different during the pandemic and there is a risk that failing to recognise the impact on managers and staff and planning for longer term changes to may lead to poor performance and increased absence.</p>	
6.10 Policy and Delegated Authority:	<p>The Council's Constitution – Part C - Scheme of Administration and Delegations section two provides the Harbour Board:</p> <p>2.7.1 Strategic oversight and direction in all aspects of the operation of the Council's harbour undertaking in accordance with overall Council policy and the requirements of the Port Marine Safety Code;</p> <p>2.7.2 Act as Duty Holder required by the Port Marine Safety Code and ensure that the necessary management and operational mechanisms are in place to fulfil that function; and</p> <p>2.7.3 To consider all development proposals and changes of service level within the harbour undertaking, including dues and charges, and make appropriate recommendations to the Council.</p>	
6.11 Previously considered by:	None	

Contact Details:

Andrew Inkster, Executive Manager – Ferry and Airport Operations & Port Infrastructure.

Andrew.inkster@shetland.gov.uk

Appendices:

Appendix A – Harbour Board Performance Report – Actions and PI's

Appendix B – Harbour Board – Service Performance Indicators

Background Documents:

- Our Ambition 2021-2026
- Council Medium Term Financial Strategy

Appendix A - Harbour Board - Actions



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OUR AMBITION

1.05 Sustaining current jobs and creating new ones

"Meeting user needs and promoting further economic activity around our coastline"

3 Provide support to businesses and entrepreneurs

We will **provide support to businesses and entrepreneurs** that will help sustain jobs in core sectors of Shetland's economy and create new ones.

Code & Title	Description	Dates		Progress	Progress Statement
HB05 Disposal of Redundant Assets 23/24	Investigate options to dispose or redundant fixed marine assets	Planned Start	01-Apr-2023		This project for 23/24 is now complete and discussions for the disposal of redundant assets in 24/25 will continue.
		Actual Start	01-Apr-2023	<div>100%</div>	
		Original Due Date	31-Mar-2024	Expected success	
		Due Date	31-Mar-2024		
		Completed Date	16-Feb-2024	Complete	
Lead					
Ferry, Airport & Port Engineering					
Andrew Inkster					

Code & Title	Description	Dates		Progress	Progress Statement
HB07 Civil Engineering Consultancy Contract - Sullom Voe Marine Infrastructure.	Procure marine civil engineering consultancy services for the maintenance and development of infrastructure within Sullom Voe Harbour	Planned Start	13-Oct-2022		Formal award letter has now been sent and the contract is in place.
		Actual Start	13-Oct-2022	<div>100%</div>	
		Original Due Date	28-Feb-2023	Expected success	
		Due Date	30-Nov-2023		
		Completed Date	01-Dec-2023	Likely to meet target	
Lead					
Ferry, Airport & Port Engineering					
Andrew Inkster					

Code & Title	Description	Dates		Progress	Progress Statement
HB09 SVT Jetty Maintenance Contract 2023	Annual Maintenance campaign for Jetty structures on Sullom VØe Terminal. Contract is timed to take advantage of weather conditions between Spring and late Autumn each year.	Planned Start	01-Apr-2023		Works now complete for 2023. Planning and preparation for 2024 workscope continues
		Actual Start	09-May-2023	<div><div>100%</div></div>	
		Original Due Date	31-Oct-2023	Expected success	
		Due Date	30-Nov-2023		
		Completed Date	01-Dec-2023	Likely to meet target	
Lead					
Ferry, Airport & Port Engineering					
Andrew Inkster					

Code & Title	Description	Dates		Progress	Progress Statement
HB10 Nav Aids Replacement 23/24	Annual replacement and upgrade of Council owned Aids to Navigation.	Planned Start	01-Apr-2023		Works for 23/24 are now complete and planning for 24/25 campaign is in progress.
		Actual Start	10-May-2023	<div><div>100%</div></div>	
		Original Due Date	31-Mar-2024	Expected success	
		Due Date	31-Mar-2024		
		Completed Date	16-Feb-2024	Complete	
Lead					
Ferry, Airport & Port Engineering					
Andrew Inkster					

4 Scalloway Fish Market, Toft Pier and Cullivoe Harbour Infrastructure

Our **significant investments in new infrastructure** at Scalloway Fish Market, Toft Pier and addressing the constraints affecting Cullivoe Harbour, will provide essential onshore facilities for fishing and aquaculture, meeting user needs and promoting further economic activity around our coastline.

Code & Title	Description	Dates		Progress	Progress Statement
HB13 Scalloway Harbour Development Options	Develop Scalloway Harbour, particularly in the West Quay area.	Planned Start	01-Oct-2021		Report approved by Harbour Board and Consultants now investigating options which will be refined as part of the OBC process
		Actual Start	16-Feb-2022	<div><div>45%</div></div>	
		Original Due Date	31-Mar-2025	Expected success	
		Due Date	31-Mar-2025		
		Completed Date		Likely to meet target	
Lead					
Ferry, Airport & Port Engineering					
Andrew Inkster					

1.10 Transport

We will engage in the development of a new Shetland Transport Strategy that sets a clear strategic and policy framework in response to the drivers for change.

4 Support delivery of an affordable and sustainable system of public transport

We will **continue to support delivery of an affordable and sustainable system of public transport services to meet the needs of Shetland**. We will support the development of alternative solutions such as active travel and mobility as a service that encourage positive travel choices. These will evolve with the availability of alternative fuels and technologies and will complement other transport modes to form part of an integrated transport network. The network will support our community outcomes of achieving climate change targets, reducing inequality, improving public health and enabling access to essential goods and services, employment, education and health care, as well as other opportunities to ensure inclusive economic growth and healthy communities.

Code & Title	Description	Dates		Progress	Progress Statement
HB18 SV Towage Docking Schedule 2024	Annual Docking arrangements for Sullom Voe Tugs. Ferry, Airport & Port Engineering; Harbour Master Andrew Inkster; Greg Maitland	Planned Start	01-Jan-2024		Planned docking dates for 2024 are as follows: Tystie DD: Monday 03-06-2024 to Friday 14-06-2024
		Actual Start	19-Feb-2024	<div><div>10%</div></div>	
Lead		Original Due Date	31-Dec-2024	Expected success	Dunter DD: Monday 24-06-2024 to Friday 05-07-2024
		Due Date	31-Dec-2024		
		Completed Date		Likely to meet target	
Code & Title	Description	Dates		Progress	Progress Statement
HB19 SV Tug Jetty - Berthing Options Study	Investigate options for renewal of safe berthing arrangements for SV Towage fleet at Sella Ness	Planned Start	01-Oct-2023		Report presented to HB in late 2023 was approved, and civil engineering consultants are now refining options as part of next stage of business case process
		Actual Start	19-Feb-2024	<div><div>10%</div></div>	
Lead		Original Due Date	31-Mar-2025	Expected success	
Ferry, Airport & Port Engineering		Due Date	31-Mar-2025		
Andrew Inkster		Completed Date		Likely to meet target	
Code & Title	Description	Dates		Progress	Progress Statement
HB20 Navigation Aids 24/25	Annual maintenance and renewal of aids to navigation throughout Shetland	Planned Start	01-Apr-2024		Planning currently underway to determine prioritisation of Navigation Aid renewal for 24/25 financial year
		Actual Start		<div><div>0%</div></div>	
Lead		Original Due Date	31-Mar-2025	Expected success	
Ferry, Airport & Port Engineering		Due Date	31-Mar-2025		
Andrew Inkster		Completed Date			
Code & Title	Description	Dates		Progress	Progress Statement
HB21 Scalloway Wave Screen Repairs	Repairs to wave screens on West Pier, Scalloway Harbour.	Planned Start	01-Feb-2024		Wave Screens damaged during gales in November 2022 and temporary restraints installed Spring 2023. Permanent repair solution then worked up by civil engineering consultants, and procurement process commenced in September 2023. Works were awarded to contractor on 6 February and it is anticipated that works will be largely complete by the 31 March 2024.
		Actual Start	19-Feb-2024	<div><div>30%</div></div>	
Lead		Original Due Date	31-May-2024	Expected success	
Ferry, Airport & Port Engineering		Due Date	31-May-2024		
Andrew Inkster		Completed Date		Likely to meet target	

Appendix B - Harbour Board - Service Performance Indicators



These are Service Level indicators and include statutory and/or compulsory indicators where these apply

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Code & Short Name	Previous Years		Quarters					Past Performance and Future Improvement Statements
	2021/22	2022/23	Q4 2022/23	Q1 2023/24	Q2 2023/24	Q3 2023/24	Q3 2023/24	
	Value	Value	Value	Value	Value	Value	Target	
PH-01 SVT Crude Oil Export Tonnage	6,258,022	5,188,016	1,467,550	1,653,897	929,631	1,299,456	1,650,000	Crude Oil Export Tonnage has continued below medium term target levels due to lower than anticipated production volumes offshore and through SVT.
PH-02 SVT Crude Export Tankers	79	65	17	19	10	14	18	Crude Oil Export Tankers have continued close to anticipated short term levels.
PH-03 Scalloway Market Fish Boxes	148,225	156,660	44,071	41,970	48,161	39,739	36,000	Landings though Scalloway and Cullivoe continue to exceed target and show strong growth from previous years.
PH-04 Scalloway Market Fish Tonnage	6,670	7,051	1,984	1,888	2,166	1,789	1,500	Landings though Scalloway and Cullivoe continue to exceed target and show strong growth from previous years.



Meeting(s):	Harbour Board Policy & Resources Committee Shetland Islands Council	6 March 2024 20 March 2024 27 March 2024
Report Title:	2024/25 Budget and Charging Proposals – Harbour Board	
Reference Number:	F-06-24-F	
Author / Job Title:	Paul Fraser, Executive Manager - Finance	

1.0 Decisions / Action required:

That the Harbour Board:

- 1.1 **RECOMMEND** to Policy and Resources Committee and Council that it approves the budget included in this report and set out in detail in the Budget Proposals by Activity (Appendix 1) and Schedule of Charges (Appendix 2) to be included in the overall Shetland Islands Council Budget Book.

2.0 High Level Summary:

- 2.1 The purpose of this report is to enable the Harbour Board to consider the controllable budgets for the services within the Board's remit.
- 2.2 The proposed 2024/25 budgets for Ports & Harbours Operations results in a surplus of £9.7m, and a surplus of £1.5m from the Shetland Gas Plant
- 2.3 Appendix 1 shows the 2024/25 budgets by activity. Appendix 2 details the proposed schedule of charges which have been incorporated into the proposed budgets.

3.0 Corporate Priorities and Joint Working:

- 3.1 The Council is legally required to make arrangements for the proper administration of its financial affairs which includes the setting of balanced budgets and having due regard for its ongoing financial sustainability. The principle of financial sustainability is enshrined in 'Our Ambition 2021-26':
- "We will develop a Medium-Term Financial Plan to help us become more financially sustainable and resilient, safeguarding public funds while achieving value for money. This will ensure we are well placed to respond to the significant funding uncertainties and pressures we face and to target our money to where it can make the most difference. We will continue with disciplined financial monitoring, working towards a smaller base budget from 2022 onwards"*
- 3.2 The Medium-Term Financial Plan 2023-2028 sets out the guiding principles under which the Council will develop its budgets. Annual revenue budgets summarise how the Council plans to deploy its resources at service level to

facilitate day-to-day service delivery, but also the delivery of priorities set out in 'Our Ambition 2021-26'. Achieving the priorities set out in 'Our Ambition 2021-26' will be key to achieving long-term sustainability for Shetland.

4.0 Key Issues:

4.1 The budget has been prepared taking account of the following:

- 3% pay award included in service budgets;
- vacant posts have been removed from service budgets to be funded from surplus on successful recruitment as required throughout the year; and
- income charges increased by 4.9% unless otherwise justified.

The Director of Infrastructure has developed the budget proposals, as shown in the table below:

Ports & Harbours Operations	2023/24 Revised Budget £000	2024/25 Proposed Budget £000	Change (Increase)/ Decrease £000
Ports Management	860	902	(42)
Sullom Voe	(17,881)	(11,473)	(6,408)
Scalloway	18	619	(601)
Other Piers	43	34	9
Capital Financing Requirement	582	218	364
Net Operational Contribution	(16,378)	(9,700)	(6,678)
Shetland Gas Plant	(1,600)	(1,500)	(100)
Total Contribution to Reserve Fund	(17,978)	(11,200)	(6,778)

4.2 Growth and/or Income Reduction

List of Growth and/or Income Reduction Items (over £50k)	Harbour Board £000	Recurring Growth/ Income Reduction £000	One-off Growth £000
Prior year pay award higher than budget plus additional 3% for 2024-25, increased employer's NI and inflation on pensioner payments	517	517	
Scheduled tug dry docking in 2024/25, including hire of substitute tug	999		999
Reduction from Jetty Maintenance Contract income to the Council resulting in an increase in the cost of the Ports Engineering.	194	194	
Reduction in shipping income from less tanker movements within the Port of Sullom Voe	6,689	6,689	
Reduction in income from salmon landings mainly due to the closure of the salmon factory at Blacksness	718	718	

Less rental income from Shetland Gas Plant due to the decline in gas throughput	100	100	
Various other items under £50k	129	129	
Total Growth and/or Income Reduction	9,346	8,347	999

4.3 Savings and/or New Income Generation

List of Savings and/or New Income Generation (over £50k)	Harbour Board £000	Recurring Savings/ New Income £000	One-off Savings / New Income £000
Income charge increase 4.9%	(1,540)	(1,540)	
Reduced capital financing requirement in line with the revised AIP 24-29	(364)	(364)	
Additional income from high interest rates on revenue balances	(138)	(138)	
Actuarial pension decrease in contribution requirement	(102)	(102)	
Marine fuel price reduction from 85p to 74p per litre	(51)	(51)	
Revised maintenance plan for 2024/25 costing less than 2023/24	(132)		(132)
The removal of vacant posts which will be funded from harbour surplus when they are filled	(241)	(241)	
Total Savings and/or New Income Generation	(2,568)	(2,436)	(132)

4.4 Appendix 1 sets out the 2024/25 budget by activity. For comparison purposes the 2023/24 revised budget has also been included, and the change in full-time equivalent staff numbers. The reduction in full-time equivalent numbers include 4.92 vacant posts for which budget will be re-instated on recruitment.

4.5 The proposed charges included in the budget proposals are attached as Appendix 2 and will be included in the overall Shetland Islands Council Budget Book.

5.0 Exempt and/or confidential information:

5.1 None

6.0 Implications :

6.1 Service Users, Patients and Communities:

Meetings were held with representatives of the harbour users for both Sullom Voe Terminal and Other Piers & Harbours to get their views on the proposed level of harbour charges.

	<p>The general view was that charges were comparatively high in relation to other Ports and early dialogue with all users would be beneficial for future year decision-making.</p> <p>No changes to services are proposed in this report.</p>
6.2 Human Resources and Organisational Development:	<p>All budget proposals with staffing implications will be actioned in line with relevant Council policies and with HR advice.</p> <p>The detailed budget proposals presented to this Board represent a reduction of 5.13 fte in the Council's headcount compared to 2023/24.</p> <p>The approval of the overall Budget Book will establish budgetary provision for additional posts, on a fixed term or permanent basis, and therefore gives authority to proceed with recruitment and appointment to roles that have been expressly identified as essential during this budgeting cycle.</p> <p>Should services identify any further staffing requirements during the course of the year, approval will be required from the relevant committee and Policy and Resources prior to the commencement of any recruitment activity.</p>
6.3 Equality, Diversity and Human Rights:	<p>No changes to services are proposed in this report.</p>
6.4 Legal:	<p>Under Section 95 of the Local Government (Scotland) Act 1973, there is a requirement for each local authority to make arrangements for the proper administration of their financial affairs and to secure that the proper officer of the authority has responsibility for the administration of those affairs. That officer in Shetland Islands Council is the Executive Manager – Finance who is responsible for the presentation of budget proposals as part of appropriate financial management arrangements.</p>
6.5 Finance:	<p>The budget proposals for 2024/25 result in a net surplus on harbour activity of £9.7m and income from the Shetland Gas Plant of £1.5m.</p> <p>Up to £241k will be added to service budgets on successful recruitment of the vacant posts. This will reduce the surplus on harbour activity.</p>
6.6 Assets and Property:	<p>None arising from this report.</p>

6.7 ICT and new technologies:	None arising from this report.	
6.8 Environmental:	None arising from this report.	
6.9 Risk Management:	<p>There are numerous risks involved in planning the delivery of services for the future and the awareness of these risks is critical to successful budgeting, as assumptions are required.</p> <p>These budgeted assumptions can be affected by many internal and external factors, such as supply and demand, which may have a detrimental financial impact.</p> <p>The main budget risks for services reporting to this Board are:</p> <ul style="list-style-type: none"> • any reduction in tanker movements at Sullom Voe; • increasing maintenance requirements on ageing port infrastructure; • rising inflationary pressures; and • volatility of gas price affecting throughput income from the Shetland Gas Plant; <p>These risks are mitigated by using a realistic approach and the most up-to-date information when setting the budget.</p> <p>The availability of usable reserves ensure that the Council is prepared for other significant unforeseen events.</p>	
6.10 Policy and Delegated Authority:	<p>The Harbour Board has delegated authority to consider all development proposals and changes of service level within the harbour undertaking, including dues and charges, and make appropriate recommendation to Policy and Resources Committee and the Council. Approval of the revenue budget requires a decision of Council, in terms of Section 2.1.3 of the Council's Scheme of Administration and Delegations.</p>	
6.11 Previously considered by:	n/a	n/a

Contact Details:

Brenda Robb, Management Accountant, brenda.rob主@shetland.gov.uk, 15 February 2024

Appendices:

Appendix 1 - 2024/25 Budget Proposals by Activity – Harbour Board

Appendix 2 - 2024/25 Schedule of Charges – Harbour Board

Harbour Board
2024/25 Budget Proposals by Activity

F-06-24 - Appendix 1

Service	Activity	How this Service helps us to achieve Our Ambitions	2023/24 Revised Budget FTEs	2024/25 Proposed Budget FTEs	Change (Increase)/ Decrease FTEs	2023/24 Revised Budget £	2024/25 Proposed Budget £	Change (Increase)/ Decrease £	Proposed Changes to Service Level
Ports & Harbours Operations	Port of Sullom Voe	We will provide support to businesses and entrepreneurs that will help sustain jobs in core sectors of Shetland's economy and create new ones. We will progress the Shetland Energy Hub concept through the ORION – Clean Energy Project, helping to sustain employment at Sullom Voe Terminal and the Port of Sullom Voe, as well as ensuring Shetland is positioned to be able to benefit from the transition to alternative energy sources.	105.94	101.81	4.13	(17,021,309)	(10,571,773)	(6,449,536)	No Material Change
Ports & Harbours Operations	Port of Scalloway	We will provide support to businesses and entrepreneurs that will help sustain jobs in core sectors of Shetland's economy and create new ones. Our significant investment in new infrastructure at Scalloway Fish Market will provide essential onshore facilities for fishing and aquaculture, meeting user needs and promoting further economic activity around our coastline.	5.16	4.16	1.00	18,429	619,408	(600,979)	No Material Change
Ports & Harbours Operations	Other Piers	We will provide support to businesses and entrepreneurs that will help sustain jobs in core sectors of Shetland's economy and create new ones. Our significant investment in new infrastructure at Toft Pier and addressing the constraints affecting Cullivoe Harbour, will provide essential onshore facilities for fishing and aquaculture, meeting user needs and promoting further economic activity around our coastline.	1.00	1.00	0.00	43,075	33,920	9,155	No Material Change
Ports & Harbours Operations	Capital Funding from Revenue Income	We will continue to maintain existing assets to ensure quality, safe service provision.	0.00	0.00	0.00	581,850	218,100	363,750	No Material Change
Ports & Harbours Operations Totals			112.10	106.97	5.13	(16,377,955)	(9,700,345)	(6,677,610)	
Shetland Gas Plant Rental Income		We will provide support to businesses and entrepreneurs that will help sustain jobs in core sectors of Shetland's economy and create new ones.	0.00	0.00	0.00	(1,600,000)	(1,500,000)	(100,000)	No Material Change
TOTAL - Harbour Board			112.10	106.97	5.13	(17,977,955)	(11,200,345)	(6,777,610)	

2024/25 Schedule of Charges

All charges are exclusive of VAT where applicable.

Director or Executive Manager	Activity	Charge	Unit	2023/24 Charge £	2024/25 Charge £	Variance %
Executive Manager - Harbour Master	Consolidated charge for segregated ballast tankers entering the Port of Sullom Voe	Shipping dues	per gross tonne per visit	3.40	3.56	4.7
Executive Manager - Harbour Master		Mooring charge	per gross tonne per visit	0.08	0.08	0.0
Executive Manager - Harbour Master		Pilotage charge	per gross tonne per visit	0.48	0.50	4.2
Executive Manager - Harbour Master		B & L charge	per gross tonne per visit	0.22	0.24	9.1
Executive Manager - Harbour Master	Towage - Sullom Voe Area	Towage	per gross tonne per visit	2.55	2.67	4.7
Executive Manager - Harbour Master		Sullom Voe area outwith Port of Sullom Voe - Cancellation charge will apply if tugs depart the tug jetty and are cancelled before making fast to vessel	per gross tonne per visit	0.255	0.267	4.7
Executive Manager - Harbour Master		Sullom Voe area outwith Port of Sullom Voe - Aborted Berthings or sailings will apply if a movement is unable to be completed after a tug or tugs have made fast, or have commenced assistance.	per gross tonne per visit	1.28	1.34	4.7
Executive Manager - Harbour Master		Push up charge will be levied if a tug or tugs are required to push-up on a vessel during periods of extreme weather conditions	per tug per hour or part thereof	2,174.00	2,281.00	4.9
Executive Manager - Harbour Master	Towage - Sullom Voe Area Contd	Escorting charges/shifting from one jetty to another	per tug per hour or part thereof (minimum charge 3 hours)	2,174.00	2,281.00	4.9
Executive Manager - Harbour Master		Standby Charge will be levied if tugs are not used within an hour of order time	per tug per hour or part thereof	2,174.00	2,281.00	4.9
Executive Manager - Harbour Master		Fire fighting and oil dispersal duties	a) per tug per hour or part thereof (minimum charge 3 hours)	2,174.00	2,281.00	4.9
Executive Manager - Harbour Master		Fire fighting and oil dispersal duties	b) per use in addition to a) above	cost of fire fighting foam and oil dispersant liquids used	cost of fire fighting foam and oil dispersant liquids used	cost of fire fighting foam and oil dispersant liquids used
Executive Manager - Harbour Master	Towage - Sullom Voe Area Contd	Late order charges may be charged if less than 12 hours notice is given in writing	per individual case	15% surcharge (Calculated as per individual case)	15% surcharge (Calculated as per individual case)	15% surcharge (Calculated as per individual case)
Executive Manager - Harbour Master		Bunker charges	per tug movement	rates available on application	rates available on application	rates available on application
Executive Manager - Harbour Master		Other charges for towage operations not listed above are charged on a case by case basis to ensure income generation	rates available on application	rates available on application	rates available on application	rates available on application
Executive Manager - Harbour Master	Ships dues - Sullom Voe Harbour & Gas Processing Plant	Vessels engaged in the provision of services, supply of materials and export of products from the Sullom Voe Terminal and the Gas Processing Plant - Segregated ballast tankers	per gross tonne	2.10	2.20	4.8
Executive Manager - Harbour Master		Vessels engaged in the provision of services, supply of materials and export of products from the Sullom Voe Terminal and the Gas Processing Plant - Other	per gross tonne	1.95	2.05	5.1
Executive Manager - Harbour Master		Vessels and barges working within the harbour limits in Yell Sound and not passing inward past number 5 buoy will be charged per gross tonne (Note: vessels transiting are not liable to charges)	per gross tonne per vessel	0.49	0.51	4.1
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours	Any other vessel calling at a Council Pier or Harbour (a) Per gross ton	per gross tonne per vessel per entry and stay per four day period or part thereof	0.53	0.56	5.7
Executive Manager - Harbour Master		(b) Barges - gross tonnage by calculation or certificate	per gross tonne per vessel per entry and stay per four day period or part thereof	0.53	0.56	5.7
Executive Manager - Harbour Master		(c) Passenger vessels/accommodation barges or vessels engaged in offshore oil/gas or other similar operations – long term rate	per gross tonne per vessel per day (minimum charge 1 month stay)	0.13	0.135	3.8
Executive Manager - Harbour Master		(d)(i) Cruise ships berthed at pier	per gross tonne per vessel per entry and stay per four day period or part thereof	0.16	0.17	6.3
Executive Manager - Harbour Master		(d)(ii) Cruise ships at anchor within harbour	per gross tonne per vessel per entry and stay per four day period or part thereof	0.08	0.085	6.3
Executive Manager - Harbour Master		(d)(iii) Security staff for ISPS restricted area	per vessel per day	28.00	29.50	5.4

Director or Executive Manager	Activity	Charge	Unit	2023/24 Charge £	2024/25 Charge £	Variance %
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	(e) Passengers disembarking - (tourist traffic/ passenger liners only)	per person	1.89	1.98	4.8
Executive Manager - Harbour Master		(f)(i) Renewable devices etc up to and including 40mtrs. If an ITC69 is available the charge will be as (a) above, otherwise the following charge applies	per meter per day per vessel	2.28	2.39	4.8
Executive Manager - Harbour Master		(f)(i) Renewable devices etc over 40mtrs. If an ITC69 is available the charge will be as (a) above, otherwise the following charge applies	a) per metre up to 40mtrs per day per vessel	2.28	2.39	4.8
Executive Manager - Harbour Master		(f)(i) Renewable devices etc over 40mtrs. If an ITC69 is available the charge will be as (a) above, otherwise the following charge applies	b) per metre above 40mtrs per day per vessel in addition to a) above	4.18	4.38	4.8
Executive Manager - Harbour Master		(g)(i) Yachts in port	per vessel, per meter, per day or part thereof	1.97	2.07	5.1
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	(g)(iii) Yachts - visiting more than one Shetland Islands Council Pier or Harbour within one calendar month. Receipt must be shown at each Pier or Harbour	per yacht per calendar month	37.71	39.56	4.9
Executive Manager - Harbour Master		(g) Minimum charge per entry in stay at any Pier or Harbour	per vessel	23.15	24.30	5.0
Executive Manager - Harbour Master		Salmon cages below 70mtr launched and floating in Harbour	per 4 day period	54.95	57.64	4.9
Executive Manager - Harbour Master		70 metre salmon cage launched and floating in Harbour	per 4 day period	55.40	58.11	4.9
Executive Manager - Harbour Master		80 metre salmon cage launched and floatng in Harbour	per 4 day period	64.34	67.49	4.9
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	90 metre salmon cage launched and floating in Harbour	per 4 day period	72.43	75.98	4.9
Executive Manager - Harbour Master		100 metre and above salmon cage launched and floating in Harbour	per 4 day period	80.48	84.42	4.9
Executive Manager - Harbour Master		Annual compounded dues for registered fishing/shellfish vessels up to and including 10m overall length. (To qualify for annual compounded dues registered fishing vessels must make a minimum of 10 landings per calendar year at SIC piers/harbours).	per year	176.15	184.78	4.9
Executive Manager - Harbour Master		Annual compounded dues for registered fishing/shellfish vessels over 10m and up to and including 20m overall length. (To qualify for annual compounded dues registered fishing vessels must make a minimum of 10 landings per calendar year at SIC piers/harbours).	per year	383.50	402.29	4.9
Executive Manager - Harbour Master		Annual compounded dues for registered fishing/shellfish vessels over 20m and up to and including 30m overall length. (To qualify for annual compounded dues registered fishing vessels must make a minimum of 10 landings per calendar year at SIC piers/harbours).	per year	580.15	608.58	4.9
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	Annual compounded dues for registered fishing/shellfish vessels over 30m and up to and including 40m overall length. (To qualify for annual compounded dues registered fishing vessels must make a minimum of 10 landings per calendar year at SIC piers/harbours).	per year	987.90	1,036.30	4.9
Executive Manager - Harbour Master		Annual compounded dues for registered fishing/shellfish vessels over 40m and up to and including 50m overall length. (To qualify for annual compounded dues registered fishing vessels must make a minimum of 10 landings per calendar year at SIC piers/harbours).	per year	1,354.75	1,421.13	4.9
Executive Manager - Harbour Master		Annual compounded dues for registered fishing/shellfish vessels over 50m and up to and including 60m overall length. (To qualify for annual compounded dues registered fishing vessels must make a minimum of 10 landings per calendar year at SIC piers/harbours).	per year	1,935.95	2,030.81	4.9
Executive Manager - Harbour Master		Annual compounded dues for registered fishing/shellfish vessels over 60m and up to and including 70m overall length. (To qualify for annual compounded dues registered fishing vessels must make a minimum of 10 landings per calendar year at SIC piers/harbours).	per year	2,904.45	3,046.77	4.9
Executive Manager - Harbour Master		Registered fishing/shellfish vessel up to and including 10 overall length that does not meet the requirements for annual compounded dues listed above	per year	659.30	691.61	4.9
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	Registered fishing/shellfish vessel over 10m and up to and including 20 overall length that does not meet the requirements for annual compounded dues listed above	per year	1,127.40	1,182.64	4.9

Director or Executive Manager	Activity	Charge	Unit	2023/24 Charge £	2024/25 Charge £	Variance %
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	Registered fishing/shellfish vessel over 20m and up to and including 30 overall length that does not meet the requirements for annual compounded dues listed above	per year	2,130.95	2,235.37	4.9
Executive Manager - Harbour Master		Registered fishing/shellfish vessel over 30m and up to and including 40 overall length that does not meet the requirements for annual compounded dues listed above	per year	3,220.88	3,378.70	4.9
Executive Manager - Harbour Master		Registered fishing/shellfish vessel over 40m and up to and including 50 overall length that does not meet the requirements for annual compounded dues listed above	per year	4,506.45	4,727.27	4.9
Executive Manager - Harbour Master		Registered fishing/shellfish vessel over 50m and up to and including 60 overall length that does not meet the requirements for annual compounded dues listed above	per year	14,331.65	15,033.90	4.9
Executive Manager - Harbour Master		Registered fishing/shellfish vessel over 60m and up to and including 70 overall length that does not meet the requirements for annual compounded dues listed above	per year	16,367.75	17,169.77	4.9
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	Registered fishing/pelagic vessels over 70m	a) per gross tonne per vessel for first 4 day period or part thereof	0.53	0.56	5.7
Executive Manager - Harbour Master		Registered fishing/pelagic vessels over 70m	b) per day in addition to a) above	257.50	270.12	4.9
Executive Manager - Harbour Master		Pleasurecraft/unregistered vessels up to and including 9m berthed within a Harbour Area but not within an established marina	per month (minimum six month charge)	18.30	19.20	4.9
Executive Manager - Harbour Master		Pleasurecraft/unregistered vessels over 9m and up to and including 12m berthed within a Harbour Area but not within an established marina	per month (minimum six month charge)	23.25	24.39	4.9
Executive Manager - Harbour Master		Pleasurecraft/unregistered vessels over 12m and up to and including 15m berthed within a Harbour Area but not within an established marina	per month (minimum six month charge)	29.10	30.53	4.9
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	Pleasurecraft/unregistered vessels over 15m berthed within a Harbour Area but not within an established marina	per month (minimum six month charge)	38.35	40.23	4.9
Executive Manager - Harbour Master		Vessels up to and including 8m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	274.70	288.16	4.9
Executive Manager - Harbour Master		Vessels over 8m and up to and including 10m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	412.10	432.29	4.9
Executive Manager - Harbour Master		Vessels over 10m and up to and including 12m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	548.35	575.22	4.9
Executive Manager - Harbour Master		Vessels over 12m and up to and including 15m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	714.25	749.25	4.9
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	Vessels over 15m and up to and including 18m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	972.80	1,020.47	4.9
Executive Manager - Harbour Master		Vessels over 18m and up to and including 20m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	1,230.30	1,290.58	4.9
Executive Manager - Harbour Master		Vessels over 20m and up to and including 25m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	3,654.25	3,833.31	4.9
Executive Manager - Harbour Master		Vessels over 25m and up to and including 30m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	5,384.45	5,648.29	4.9
Executive Manager - Harbour Master		Vessels over 30m and up to and including 35m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	8,241.50	8,645.33	4.9
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	Vessels over 35m and up to and including 40m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	10,439.25	10,950.77	4.9
Executive Manager - Harbour Master		Vessels over 40m and up to and including 45m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	16,367.80	17,169.82	4.9
Executive Manager - Harbour Master		Vessels over 45m and up to and including 50m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	18,186.30	19,077.43	4.9
Executive Manager - Harbour Master		Vessels over 50m and up to and including 55m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	19,985.40	20,964.68	4.9
Executive Manager - Harbour Master		Vessels over 55m and up to and including 60m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	21,823.30	22,892.64	4.9

Director or Executive Manager	Activity	Charge	Unit	2023/24 Charge £	2024/25 Charge £	Variance %
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	Vessels over 60m and up to and including 65m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	23,625.70	24,783.36	4.9
Executive Manager - Harbour Master		Vessels over 65m and up to and including 70m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	per year	25,457.10	26,704.50	4.9
Executive Manager - Harbour Master		Vessels over 70m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	a) per year	25,457.10	26,704.50	4.9
Executive Manager - Harbour Master		Vessels over 70m primarily engaged in the supply/operation or harvesting of farmed fish/farmed shellfish	b) per metre above 70m in addition to a) above	364.15	381.99	4.9
Executive Manager - Harbour Master		Barges/feed barges up to and including 10m	per year	4,010.90	4,207.43	4.9
Executive Manager - Harbour Master	Ships dues - Applicable to all Harbours Contd	Barges/feed barges over 10m and up to and including 20m	per year	8,021.75	8,414.82	4.9
Executive Manager - Harbour Master		Barges/feed barges over 20m and up to and including 30m	per year	12,032.60	12,622.20	4.9
Executive Manager - Harbour Master		Barges/feed barges over 30m	a) per year	12,032.60	12,622.20	4.9
Executive Manager - Harbour Master		Barges/feed barges over 30m	b) per meter above 30m in addition to a) above	32.85	34.46	4.9
Executive Manager - Harbour Master		Vessels over 8 metres overall length regularly providing services within a Council Harbour	per gross tonne, per calendar month or part thereof	4.15	4.35	4.8
Executive Manager - Harbour Master	Goods dues - Applicable to all Harbours	Salmon farmers and shellfish farmers operating within or serviced from a harbour area but not making use of a Council pier or landing place	per year	280.85	294.61	4.9
Executive Manager - Harbour Master		Vessels storing nets on any pier, outwith designated net mending areas	per net per day	52.75	55.08	4.4
Executive Manager - Harbour Master		Where nets are stored in bins as provided by the Council the following bin rates apply	per glass fibre bin per day	0.52	0.54	4.2
Executive Manager - Harbour Master		Where nets are stored in bins as provided by the Council the following bin rates apply	per small metal bin (1.925m x 1.925m) per day	1.15	1.21	5.1
Executive Manager - Harbour Master		Where nets are stored in bins as provided by the Council the following bin rates apply	per large metal bin (1.925m x 2.60m) per day	1.28	1.34	4.8
Executive Manager - Harbour Master	Goods dues - Applicable to all Harbours Contd	Where nets are stored in bins as provided by the Council the following bin rates apply	new style metal bins (3.04m x 2.43m) per day	2.04	2.14	5.0
Executive Manager - Harbour Master		Where nets are stored in bins as provided by the Council the following bin rates apply	container style metal bins per day	2.94	3.08	4.9
Executive Manager - Harbour Master	Goods dues - Applicable to all Harbours Contd	Use of designated net mending area where not paying compounded dues or landing dues on that visit for first seven dates, thereafter the rates for use of hard standing areas will apply. Where excessive waste net materials are left behind after use of the net mending area vessels will be charged for collection and disposal of the materials	per net for the first seven days	112.40	117.91	4.9
Executive Manager - Harbour Master		Fresh fish landings	per £1.00 value ad valorem	0.025	0.025	0.0
Executive Manager - Harbour Master		Farmed fish landings	per tonne	21.85	22.92	4.9
Executive Manager - Harbour Master		Fresh shellfish landings	per £1.00 value ad valorem	0.025	0.025	0.0
Executive Manager - Harbour Master		Fresh shellfish - owners/agents of vessels 15 metres and under who undertake to provide weekly details of the weight/value of their caught shellfish landings directly to the Council including place of landing, or who provide the Council with authorisation to access their landing information direct from the relevant agent/buyer.	per £1.00 value ad valorem	0.02	0.02	0.0
Executive Manager - Harbour Master		Vessels under 15 metres who do not declare their landings will be charged	per landing	34.65	36.35	4.9
Executive Manager - Harbour Master		Farmed shellfish landings (mussels etc)	per tonne	8.85	9.28	4.9

Director or Executive Manager	Activity	Charge	Unit	2023/24 Charge £	2024/25 Charge £	Variance %
Executive Manager - Harbour Master	Goods dues - Applicable to all Harbours Contd	Any fish or shellfish landed outwith a Council pier and stored in the fish market	per £1.00 value ad valorem	0.025	0.025	0.0
Executive Manager - Harbour Master		Fishermen, vessel owners and agents are advised that if the value of fresh fish consigned through a Shetland Islands Council port is not declared within one calendar month of landing, a charge per box will be levied in lieu of the published dues.	per box	4.15	4.35	4.8
Executive Manager - Harbour Master		Vehicular tractors, lorries, plant, motor cars and trailers (any goods which they might be carrying will be charged separately in accordance with the table of dues) per tonne	per tonne	10.30	10.80	4.9
Executive Manager - Harbour Master		Machinery – per tonne	per tonne	5.15	5.40	4.9
Executive Manager - Harbour Master		Bulk materials aggregates both coarse and fine, fertilisers, boulders and cement/sand - per tonne (bulk includes carriage in flexible intermediate bulk containers - FIBC's)	per tonne	0.29	0.30	3.4
Executive Manager - Harbour Master		Salmon feed - per tonne	per tonne	2.02	2.12	5.0
Executive Manager - Harbour Master	Goods dues - Applicable to all Harbours Contd	Salmon nets (from/to cages) per net	per net	31.10	32.62	4.9
Executive Manager - Harbour Master		Ice - per tonne	per tonne	2.55	2.67	4.7
Executive Manager - Harbour Master		Fuel/gas oil/diesel - per tonne	per tonne	2.40	2.52	5.0
Executive Manager - Harbour Master		Live animals	per animal	0.51	0.53	3.9
Executive Manager - Harbour Master		Any other goods not specified above, per tonne	per tonne	2.65	2.78	4.9
Executive Manager - Harbour Master		Minimum charge on any one item	minimum charge	10.65	11.17	4.9
Executive Manager - Harbour Master	Goods dues - Applicable to all Harbours Contd	Supplied water	a) per tonne	2.65	2.78	4.9
Executive Manager - Harbour Master		Supplied water	b) minimum charge	16.95	17.78	4.9
Executive Manager - Harbour Master		Electricity supplied from power bollards (available in Scalloway only)	over a seven day period	16.95	17.78	4.9
Executive Manager - Harbour Master		Where staff are required outwith normal working hours to provide water or electricity an additional charge will apply		rates available on application	rates available on application	rates available on application
Executive Manager - Harbour Master		Personnel outwith normal hours		rates available on application	rates available on application	rates available on application
Executive Manager - Harbour Master						
Executive Manager - Harbour Master	Use of Hard Standing Area - Applicable to all Harbours	Outdoor storage	a) per square metre of part thereof (see below for minimum charge)	0.29	0.30	3.4
Executive Manager - Harbour Master		Outdoor storage	b) minimum charge	17.20	18.04	4.9
Executive Manager - Harbour Master		Outdoor storage - long term (min 120 days) NB: Long term storage rates for Outdoor or Warehouse only apply on receipt of a written request and cannot be retrospective. Where goods have been on short term storage and the charge is to change to long term the long term rate will only apply from the date request is received.	per square metre, per day or part thereof	0.14	0.15	7.1
Executive Manager - Harbour Master		Trailers/containers parked on Harbour property not engaged in loading/discharging of goods (unless a request for long term storage is received) shall be liable for the following charge	a) per day (see below for minimum charge)	6.17	6.47	4.9
Executive Manager - Harbour Master		Trailers/containers parked on Harbour property not engaged in loading/discharging of goods (unless a request for long term storage is received) shall be liable for the following charge	b) minimum charge	16.95	17.78	4.9
Executive Manager - Harbour Master		Salmon cages under construction - Storage of parts before construction commences		as per applicable storage rates above	as per applicable storage rates above	as per applicable storage rates above
Executive Manager - Harbour Master		Salmon cages under construction - whilst construction takes place	per day for each cage plus hard standing charge	96.90	101.65	4.9

Director or Executive Manager	Activity	Charge	Unit	2023/24 Charge £	2024/25 Charge £	Variance %
Executive Manager - Harbour Master	Use of Hard Standing Area - Applicable to Scalloway Harbour	Warehouse – indoor storage, Scalloway - short term	a) per square metre of part thereof (see below for minimum charge)	0.38	0.40	5.3
Executive Manager - Harbour Master		Warehouse – indoor storage, Scalloway - short term	b) minimum charge	16.95	17.78	4.9
Executive Manager - Harbour Master		Warehouse – Indoor storage, Scalloway Long term (min 120 days) NB: Long term storage rates for Outdoor or Warehouse only apply on receipt of a written request and cannot be retrospective. Where goods have been on short term storage and the charge is to change to long term the long term rate will only apply from the date that request is received.	per square metre per day or part thereof	0.15	0.16	6.7
Executive Manager - Harbour Master		Bulk cargo shipments - however, to avoid any delay to the ship when bulk cargo is being handled e.g. sand, aggregate, limestone etc., the consignee/shipper shall be assigned an area of the quay for stock piling purposes at the rate of 400m² per 1,000 tonnes. The shipper shall be responsible for clearing up the designated area after the total cargo has been shipped. One week (7 days) per cargo will be allowed free of hard standing storage fees. Any cargo remaining after one week will attract hard standing storage dues at the above storage rates.		as per applicable storage rates above	as per applicable storage rates above	as per applicable storage rates above
Executive Manager - Harbour Master	Charges for Harbour Craft and Plant - Applicable to Sullom Voe Harbour	Hire of the Pilot/Harbour Launch	per hour or part thereof	476.75	500.11	4.9
Executive Manager - Harbour Master		Hire of a mooring boat	per hour or part thereof	169.00	177.28	4.9
Executive Manager - Harbour Master		Hire of Sullom Shearwater (subject to availability)	per hour or part thereof	169.00	177.28	4.9
Executive Manager - Harbour Master		Hire of forklift truck	per hour or part thereof	55.00	57.70	4.9
Executive Manager - Harbour Master		Hire of the marine travel lift Hire subject to the availability of equipment and staff and acceptance of the Terms and Conditions of Marine Travel Lift. These can be found at www.shetland.gov.uk/ports or by contacting Ports and Harbours Reception at port.reception@shetland.gov.uk	per hour or part thereof	186.30	195.43	4.9
Executive Manager - Harbour Master	Charges for Harbour Craft and Plant - Applicable to Scalloway Harbour	Hire of Scalloway Harbour launch	per hour or part thereof	169.00	177.28	4.9
Executive Manager - Harbour Master		Hire of the Scalloway Harbour launch to assist berthing	per hour or part thereof	224.85	235.87	4.9
Executive Manager - Harbour Master		Hire of forklift truck	per hour or part thereof	55.00	57.70	4.9
Executive Manager - Harbour Master		Hire of power washers	per hour or part thereof	25.30	26.54	4.9
Executive Manager - Harbour Master	Security Charge - Applicable to All Harbours	Security charge - (a) Applicable to all vessels, not belonging to the Authority, that are required to report to the Harbour Authority under ISPS regulations and that are not on annual dues.	per visit	76.90	80.67	4.9
Executive Manager - Harbour Master		Security charge - (b) Applicable to all vessels, not belonging to the Authority, that are required to report to the Harbour Authority under ISPS regulations and have paid annual dues.	per annum	76.90	80.67	4.9
Executive Manager - Harbour Master	Access - Applicable to All Harbours	Gangways - where available and supplied	per day	45.90	48.15	4.9
Executive Manager - Harbour Master		Gangways - where available and supplied	per week	137.66	144.41	4.9
Executive Manager - Harbour Master		Personnel access control barriers - where available per day. Long term rates available on request	per day	4.60	4.83	5.0
Executive Manager - Harbour Master	Fenders - Applicable to All Harbours	Fenders	per day	84.30	88.43	4.9
Executive Manager - Harbour Master	Ship to Ship Transfer of Oil - Sullom Voe Harbour	Ship-to-ship transfers of oil at a Sullom Voe Terminal jetty, excluding bunker transfers Export vessels only (no charge for import vessels)	per gross tonne	0.43	0.45	4.7
Executive Manager - Harbour Master		Where an export tanker loads crude ex shore tankage before or after a ship-to-ship transfer (no charge for import vessels)	export vessel per gross tonne (vessel will be moved once free of charge)	0.43	0.45	4.7
Executive Manager - Harbour Master		Hire of craft to transfer hoses and fenders to/from vessels involved in Ship-to-Ship operations - Deployment of materials (Does not include hire of shore cranes)	per hire (includes hire of vessel/s up to 3 hours)	1,257.15	1,318.75	4.9

Director or Executive Manager	Activity	Charge	Unit	2023/24 Charge £	2024/25 Charge £	Variance %
Executive Manager - Harbour Master	Ship to Ship Transfer of Oil - Sullom Voe Harbour Contd	Hire of craft to transfer hoses and fenders to/from vessels involved in Ship-to-Ship operations (Does not include hire of shore cranes)	per hour per vessel after above charge has been applied	381.45	400.14	4.9
Executive Manager - Harbour Master		Hire of craft to transfer hoses and fenders to/from vessels involved in Ship-to-Ship operations Retrieval of materials (Does not include hire of shore cranes)	per hire (includes hire of vessel/s up to 2 hours)	817.75	857.82	4.9
Executive Manager - Harbour Master		Hire of craft to transfer hoses and fenders to/from vessels involved in Ship-to-Ship operations Retrieval of materials (Does not include hire of shore cranes)	per hour per vessel after above charge has been applied	381.45	400.14	4.9
Executive Manager - Harbour Master	Mooring Rates - Sullom Voe Harbour	At any one of the oil loading jetties	per gross tonne, per mooring operation	0.08	0.08	0.0
Executive Manager - Harbour Master		At any other jetty	per mooring boat per hour or part thereof	301.45	316.22	4.9
Executive Manager - Harbour Master		At any jetty but not requiring a mooring boat	per hour or part thereof	139.35	146.18	4.9
Executive Manager - Harbour Master	Pilotage Charges - Sullom Voe Harbour	For piloting a vessel inwards or outwards in the Harbour Area and for each piloted movement within the harbour	per gross tonne	0.24	0.25	4.2
Executive Manager - Harbour Master		For piloting a vessel inwards or outwards in the Harbour Area and for each piloted movement within the harbour	minimum charge per act of pilotage	371.45	389.65	4.9
Executive Manager - Harbour Master		When a pilot is requested for the departure, moving or arrival of a vessel and the vessel fails to move or arrive within one hour of the stated time of departure, move or arrival;	per hour	219.30	229.17	4.5
Executive Manager - Harbour Master		When a pilot is requested and the requirement is cancelled after the pilot has set out to undertake pilotage;	per hour	219.30	229.17	4.5
Executive Manager - Harbour Master	Pilotage Charges - Sullom Voe Harbour Contd	For detention aboard ship of a pilot by request of the Master, Owner or Agent and no pilotage service is being rendered, and	per hour	219.30	229.17	4.5
Executive Manager - Harbour Master		When a pilot is in attendance on board a vessel berthed alongside during periods of severe weather.	per hour	219.30	229.17	4.5
Executive Manager - Harbour Master	Pilotage Charges - Scalloway Harbour	For piloting a vessel up to and including 300 Gross Tonnes inwards or outwards in the Pilotage District, to or from either an anchorage, buoy or berth and for each piloted movement within the harbour	per act of pilotage	52.35	54.91	4.9
Executive Manager - Harbour Master		For piloting a vessel 301 Gross Tonnes and over, inwards or outwards in the Pilotage District, to or from either an anchorage, buoy or berth and for each piloted movement within the harbour	per gross tonne	0.16	0.17	6.3
Executive Manager - Harbour Master		When a pilot is requested for the departure, shifting or arrival of a vessel and the vessel fails to move or arrive within one hour of the stated time of departure, shift or arrival;	per hour or part thereof	219.30	229.17	4.5
Executive Manager - Harbour Master		When a pilot is requested and the request is cancelled after the pilot has set out to undertake pilotage, and	per hour or part thereof	219.30	229.17	4.5
Executive Manager - Harbour Master		For detention aboard ship of a pilot by request of the Master, Owner or Agent and no pilotage service is being rendered.	per hour or part thereof	219.30	229.17	4.5
Executive Manager - Harbour Master	Boarding and Landing Charges - Sullom Voe Harbour	(a) per gross tonne	per gross tonne	0.11	0.12	9.1
Executive Manager - Harbour Master		(b) minimum charge per act of pilotage	minimum charge per act of pilotage	371.45	389.65	4.9
Executive Manager - Harbour Master		If the pilot launch is detained under any of the circumstances as mentioned in paragraph two of the scale of charges for pilotage	for each hour or part thereof	826.25	866.74	4.9
Executive Manager - Harbour Master	Boarding and Landing Charges - Scalloway Harbour	For each act of pilotage undertaken every vessel shall pay a boarding fee or a landing fee for use of the pilot cutter, plus outside normal working hours, there shall be an additional charge for labour involved	per hour or part thereof	169.00	177.28	4.9
Executive Manager - Harbour Master		If the pilot launch is detained by virtue of any of the circumstances in paragraph three of the scale of pilotage charges, a charge shall apply.	per hour or part thereof	169.00	177.28	4.9
Executive Manager - Ferry & Air Operations & Ports Infrastructure	Administration charge	Administration charge		variable	variable	variable
Executive Manager - Ferry & Air Operations & Ports Infrastructure	Jetty Recharge	Jetty recharge		variable	variable	variable
Executive Manager - Ferry & Air Operations & Ports Infrastructure	Interest	Interest on overdue invoices		variable	variable	variable
Executive Manager - Ferry & Air Operations & Ports Infrastructure	Lease	Lease		variable	variable	variable
Executive Manager - Ferry & Air Operations & Ports Infrastructure	Rent	Rent		variable	variable	variable



Meeting(s):	Harbour Board	6th March 2024
Report Title:	Harbour Masters Report	
Reference Number:	PH-03-24F	
Author / Job Title:	Greg Maitland – Executive Manager – Harbour Master	

1.0 Decisions / Action required:

- 1.1 That the Harbour Board resolve to consider the content of this report in its role as Duty Holder, and note that the necessary management and operational mechanisms are in place to fulfil that function.

2.0 High Level Summary:

- 2.1 The purpose of this report is for the Harbour Master to keep the Harbour Board informed of the activity of ports within the Harbour Master's remit, to present the independent Designated Person and Designated Person Ashore reports, highlighting any matters for oversight by Members as Duty Holder.

3.0 Corporate Priorities and Joint Working:

- 3.1 Planning and Performance Management are key aspects of Best Value and features of the Council's Corporate Plan, "Our Ambition – 2021 – 2026".
- 3.2 "Our Ambition" – Section 4 – Monitoring and Reporting
- "We will monitor and report progress on this plan through our Change Programme and Performance Management Framework"
Business planning is part of that framework.

4.0 Key Issues:

Designated Person's Report

- 4.1 Captain Trevor Auld is appointed as the Designated Person (DP) (HB Min. ref 29/12) and provides independent assurance to the Duty Holder that the Marine Safety Management System (SMS) for which the Duty Holder is responsible, is working effectively. Captains Auld's report is attached as Appendix 1.

Designated Person Ashore's Report

- 4.2 Kevin Main is appointed as the Designated Person Ashore (DPA) for the towage fleet, to provide assurance that this Safety Management System (SMS) is working effectively. Mr. Main's report is attached as Appendix 2.

Marine Incidents

- 4.3 There have been 7 incidents at SIC Ports since May 2023, 4 in the Sullom Voe Harbour Area, 2 at Scalloway and 1 at the Small Ports;
- 4.3.1 On 20th November 2023 a small yacht sank alongside the pier in Walls. This vessel had been a cause for concern as it had been neglected for some time. Letters to the owner had gone unanswered. The yacht was recovered from the harbour and transported to Sella Ness.
- 4.3.2 On 28th November 2023 an aquaculture vessel suffered damage from contact with the quay at Toft Pier. On investigation 2 fenders were missing from the quay face. It is not known if these were dislodged by the vessel. Fenders have since been replaced.
- 4.3.3 On 31st December 2023, duty tug crew at Sella Ness noticed that there were inadequate mooring lines out for a ferry tied up during a period of strong winds. The tug crew put out additional moorings as the ferry was unmanned. A report has been requested from Ferry Operations.
- 4.3.4 On 6th January 2024, a tanker berthing at Sullom Voe heaved up mooring lines on 2 occasions, without instructions from the bridge, endangering the shoreside mooring team. The vessel was precluded from returning to Sullom Voe until a full investigation and acceptable actions to prevent a reoccurrence had been implemented.
- 4.3.5 On 28th January 2024, a tanker en route to Sullom Voe entered the area to be avoided around Shetland. On investigation the tanker stated that she had been given permission by Shetland Coastguard. This was checked with Shetland Coastguard who advised that permission had been given mistakenly. Shetland Coastguard advised that training and information would be provided to ensure that duty officers were aware of such areas.
- 4.3.6 On 14th February 2024 a fishing vessel ran into the pier structure at Scalloway following a mechanical failure which prevented the vessel operating astern propulsion. This vessel has suffered a similar incident in the past and will be investigated to ensure measures are put in place to prevent reoccurrence.
- 4.3.7 On 17th February 2024, pollution (rainbow sheen) was observed in Scalloway Harbour. This was traced to an IBC holding a quantity of diesel oil which was dripping onto the quay. The IBC was being used to fuel a fishing vessel which arrived into the harbour at the time officers were investigating the pollution and taking action to prevent further leakage. Initial reports suggest the skipper operated his vessel in an unsafe manner and was verbally abusive to the investigating officers. An investigation has been launched into this incident.
- 4.4 Investigations into items 4.3.6 and 4.3.7 are greatly assisted by the CCTV system installed at Scalloway Harbour. Unfortunately the wider roll out of CCTV to the Small Ports has been delayed and was not available to assist in the investigation of items 4.3.1 and 4.3.2.
- 4.5 A draft of the updated Port Marine Safety Code was circulated in January 2024. A copy of the draft code is included as Appendix 3. The most significant change has been to the formatting of the document. This has now moved from the previous

four chapters to a separate chapter to cover each of the ten key measures which are essential for the management of safety.	
5.0 Exempt and/or confidential information:	
5.1	None
6.0 Implications	
6.1 Service Users, Patients and Communities:	That the SIC continues to provide a competent service to port users in line with the Service Plan.
6.2 Human Resources and Organisational Development:	None
6.3 Equality, Diversity and Human Rights:	None
6.4 Legal:	No immediate legal implications arising directly from this report
6.5 Finance:	None
6.6 Assets and Property:	None
6.7 ICT and new technologies:	None
6.8 Environmental:	None
6.9 Risk Management:	Failure to comply with the requirements of the Port Marine Safety Code (PMSC) could lead to regulatory action.
6.10 Policy and Delegated Authority:	<p>The scheme of Administration and Delegations states that the role of the Harbour Board is:</p> <ul style="list-style-type: none"> • Strategic oversight and direction in all aspects of the operation of the Council's harbour undertaking in accordance with overall Council policy and the requirements of the Port Marine Safety Code. • Act as Duty Holder required by the Port Marine Safety Code and ensure that the necessary management and operational mechanisms are in place to fulfil that function.

	<ul style="list-style-type: none"> To consider all development proposals and changes of service level within the harbour undertaking, including dues and charges, and make appropriate recommendations to the Council. 	
6.11 Previously considered by:		

Contact Details:

Greg Maitland, Executive Manager - Harbour Master, 01595 744209,
greg.maitland@shetland.gov.uk.

19th February 2024

Appendices:

Appendix 1 – DP report to the Harbour Board

Appendix 2 - Towage DPA report to the Harbour Board

Appendix 3 – Draft PMFSC 2024

Background Documents:

NONE

END

Designated Person Report: 6 March 2024

This Designated Person (DP) report is provided as an independent view on Shetland Islands Council's (SIC) performance against the requirements and standards under the latest edition of the Port Marine Safety Code (PMSC). The report is submitted to the SIC Harbour Board and copied to the Harbour Master and Deputy Harbour Masters for information.

Introduction

Since my report to the Harbour Board meeting of 22 November 2023 I have continued to maintain an ongoing dialogue, formally and informally, on marine matters with SIC's Harbour Master and Deputy Harbour Masters by email. I have also monitored SIC's website <http://www.shetland.gov.uk> for items relating to the reported actions, involvement and decisions taken by the Harbour Board and SIC's appointed officers. In addition, I have attended virtual meetings of the Technical Working Group and Port Safety Sub-Committee. Prior to writing this report I had a virtual meeting with SIC's Harbour Master and Deputy Harbour Master, in which we discussed the monitoring measures and effectiveness of the current Marine Safety Management System.

Port Marine Safety Code

A draft of the updated Port Marine Safety Code, to be retitled Ports & Marine Facilities Safety Code, was made available to the ports industry in January 2024, with an invitation to return comments to the DfT by 2 February 2024. Subject to a review of the comments received it is intended that the updated Code will be sent to Ministers for final approval in late-February, with a view to publication as soon as possible thereafter (but anticipated in early March). The Guide to Good Practice on Port Marine Operations remains under review by the Working Group.

Details of the next round of PMSC compliance statements have yet to be announced by the Maritime and Coastguard Agency (MCA), though it is expected to be around 6–12 months after the publication of the new version of the Code. The Harbour Board is reminded that the next compliance statement will offer an opportunity to include not only Sullom Voe and Scalloway¹ but all SIC's small ports and harbours by name.

Monitoring Measures

The following report sections describe each monitoring measure in turn.

Technical Working Group: A meeting of the Technical Working Group (TWG) was held on 1 February 2024. Matters discussed included a review of recent local marine incidents and accidents, port industry incidents, response to an isolated shallow area at Cullivoe, summary of the most recent technical projects report, and progress with the Marine Safety Management Systems (MSMS) updates. In accordance with the MSMS, the TWG agreed which of the incidents recorded in MarNIS could be closed and which should remain open. (See 'Mean weeks to close' KPI of this report).

¹ <https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list>

Examination Panel: The last meeting of the Examination Panel was held on 29 September 2023. The Harbour Master (HM) has continued to meet informally with Pilots on a regular basis to discuss marine issues of common concern. The last such meeting was held on 26 January 2024, to discuss the sizes of cruise ships that could be accommodated safely in Scalloway. It is intended that future HM/Pilots meetings will be formalised and minuted.

Port Safety Sub-Committee: A meeting (the 100th) of the Port Safety Sub-Committee was held on 13 February 2024. Matters discussed included recent marine incidents, general port safety issues and, with reference to MAIB Report 10/2023 concerning a fatality onboard a RIB operating in Southampton Water, a request for all staff to be vigilant and report incidents of leisure craft being operated dangerously in all SIC's ports and harbours.

Small Ports: A record of monthly 'Operational and Safety Visits to Small Ports & Harbours and Scalloway' for 2023 was posted on SIC's website <https://www.shetland.gov.uk/ports>. All ports, with the exception of Fair Isle, received safety and security visits in 2023. It is intended that a visit to Fair Isle will be arranged in 2024. Observations from the operational, safety and security visits to SIC's ports and harbours continue to be recorded in the Port Defects and Safety Concern Log, with identified actions and response times. A procedure for retaining records of completed actions for audit purposes remains under review.

Towage: The Towage Operations Designated Person Ashore's (DPA) report to the Harbour Board meeting of 22 November 2023 advised that the result of the annual external audit of the Safety Management System for Towage Operations carried out by the Maritime and Coastguard Agency (MCA), found that all tugs remained in full compliance with the requirements of relevant regulations and as a result all vessel certificates were revalidated. A minuted meeting between Tug Masters, Chief Engineers and SIC's Team Leaders was held on 9 February 2024.

Incidents and Accidents: The following incident reports were recorded in the MarNIS database (Appendix A) in the period 27 October 2023 to 15 February 2024:

Date	Vessel / Location	Incident
20 November 2023	Roussillon / Walls Pier	Sinking alongside
28 November 2023	Ocean Horizon / Toft Pier	Fender damage to vessel
31 December 2023	Fivla / Sella Ness	Additional moorings in adverse weather.
6 January 2024	Pacific Ruby / Sullom Voe	Crew – Failure to follow instruction.
28 January 2024	Dolphin Pearl / ATBA	Entered Area To Be Avoided (ABTA)

The Harbour Master initiated investigations of all incidents and appropriate follow-up actions have been taken. None of the incidents were deemed reportable to the MAIB (as per MGN 564).

Internal Audits: A total of seven operational procedures from the Sullom Voe MSMS were subject to internal audit, resulting in three amendment requests.

External Audits and Reviews: No external audits have been carried out in the period October 2023 to February 2024. A review of the recommendations made in the formal review of Scalloway Local Port Services (LPS) undertaken by ABPmer in September 2023 is ongoing.

Consultation: The Harbour Master and representatives of the Harbour Master's team have maintained active consultation with stakeholder groups on a range of national and local issues. Harbour Users Panel A and Panel B meetings took place on 12 February 2024. The Small Port User Engagement meeting, due to be held in November 2023, was cancelled due to weather. It is intended that future user

engagement meetings will be held annually in Scalloway, date to be advised. The Shetland Ports website is used effectively as the main means of communicating and consulting with stakeholders.

Emergency Plans and Exercises: A multi-agency exercise was carried out in Sullom Voe on 14 February 2024. Copies of the new Sullom Voe Oil Spill Contingency Plan, recently approved by the MCA, will be made available in February 2024.

Navigational Risk Assessments: The navigational risk assessments for Sullom Voe, Scalloway and the Small Ports were reviewed on 6 November 2023, with only minor changes to the risk scores. (See Highest Overall Navigational Risk Assessment (NRA) score KPI of this report).

Harbour Board Meetings: The Harbour Board Agenda and associated papers, including the Harbour Master's report, and the decision note for the Harbour Board meeting of 22 November 2023, were posted on the www.shetland.gov.uk website in a timely manner.

Training: The training matrices continue to be updated as personnel change, training courses are completed, and qualifications are obtained or revalidated. Commendably, the training KPI at 96% has been returned to a value which exceeds the pre-Covid KPI figure.

Notices to Mariners: All local Notices to Mariners (NtM) in force are published on the www.shetland.gov.uk website. The most recent is NtM 2/24 Scalloway – Number 5A Port Lateral mark reinstated.

Marine Safety Management Systems (MSMS): Internal consultation has been completed and it is confidently expected that the updated and revised Sullom Voe, Scalloway and Small Ports MSMSs will be published on <https://www.shetland.gov.uk/ports> in February 2024.

Byelaws: A draft of combined Byelaws for Sullom Voe, Scalloway and the Small Ports is awaiting Harbour Board approval on conclusion of which it is intended that the formal process of public consultation will commence.

Assessing Measures

The following tables detail Key Performance Indicators (KPI) for the Harbour Authority.

1. Open Incident KPI Reports (from the MarNIS database) for Sullom Voe, Scalloway and the Small Ports: Open Incident status for the year ending 15 February 2024.

Location	Open NS Reports	Open PE Reports	Open EP Reports	Open CM Reports	Open PS Reports
Sullom Voe	3 (+2)	1 (0)	0 (0)	0 (0)	0 (0)
Scalloway	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Small Ports	0 (-1)	0 (0)	0 (0)	0 (0)	1 (+1)
Total Shetland	3 (+1)	1 (0)	0 (0)	0 (0)	1 (+1)
<p>'Open' Reports which have yet to be closed formally by the TWG.</p> <p>NS Nautical Safety</p> <p>PE Port Efficiency</p> <p>EP Environmental Protection</p> <p>CM Crisis Management</p> <p>PS Personnel and Public Safety</p> <p>Figures in brackets denote +/- changes from the last DP report.</p>					

This KPI shows that open incident reports are being managed effectively through the TWG.

2. Closure of marine incident reports (from the MarNIS database) for Sullom Voe, Scalloway and the Small Ports: Mean weeks to close status for the year ending 15 February 2024.

Location	Mean Weeks to Close NS Reports	Mean Weeks to Close PE Reports	Mean Weeks to Close EP Reports	Mean Weeks to Close CM Reports	Mean Weeks to Close PS Reports
Sullom Voe	10 (-2)	0 (0)	11 (0)	0 (0)	0 (0)
Scalloway	13 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Small Ports	19 (-8)	0 (-15)	0 (0)	0 (0)	0 (0)
Figures in brackets denote +/- changes from the last DP report. Closure of marine incidents reports are recorded in the TWG minutes.					

The Mean Weeks to Close reports now show close alignment with the intervals between TWG meetings, indicating an effective incident management system is in place.

3. Highest Overall Navigational Risk Assessment (NRA) score KPI for Sullom Voe, Scalloway and the Small Ports from reviews completed on 6 November 2023.

Location	Movement	Highest Overall NRA Score*	Highest Overall NRA Score Hazard	Next Review Date
Sullom Voe	Arrive/Sailing from North Pilot Station to Berth	9.130	Contact	6.11.24
	Arrival/Sailing North Harbour Limit to Berth (STS Ship 2)	9.125	Contact	6.11.24
	Arrival/Sailing from South Pilot Station to Berth	9.130	Contact	6.11.24
	Passage of other vessels within Sullom Voe Harbour limits	9.125	Contact	6.11.24
	Sullom Voe Vessels alongside	9.125	Contact	6.11.24
	Arrival/Sailing – Loss of Major Navigation Aid	9.125	Contact	6.11.24
Scalloway	On Passage	9.060	Grounding	6.11.24
	At Anchor	7.000	Fire/Explosion	6.11.24
	Alongside	9.130	Contact	6.11.24
Small Ports	On Passage	9.130	Contact	6.11.24
	At Anchor	7.000	Fire/Explosion	6.11.24
	Alongside	9.130	Contact	6.11.24
* Scoring notes: <ul style="list-style-type: none"> Overall NRA scores of 12 and above are considered "high-risk". That means that the risk is unacceptable. The action should not commence until positive action has been taken to reduce the consequence and/or the likelihood. Overall NRA scores in the 6 - 11 band are termed "consider". These lower risk factors are considered acceptable, but still need careful monitoring to ensure that everything has been done to reduce the consequences and likelihood. Overall NRA scores of 5 and below are considered "low-risk", but should still be monitored to ensure that controls remain effective. 				

A review of all risk assessments was completed on 6 November 2023. The assessing team comprised the Harbour Master, Deputy Harbour Master, Port Safety Officer and Marine Pilot. The MSMS specifies that risk assessments should be undertaken by the TWG but also that the persons performing the risk assessment should be familiar with the task. The assessing team meets the latter requirement.

4. Number of personnel with in-date 'essential' certification and training expressed as a percentage of the total number requiring in-date 'essential' certification and training on 18 February 2024.

Interest Group	Group Number	Number with in-Date Essential Certification and Training.	KPI (%)
Duty Holders (PMSC only)	8	8	100
Managers (excluding Towage managers)	4	4	100
Marine Pilots	6	6	100
VTS Officers (including relief VTSO)	8	6	75
Small Ports Officers (excluding relief SPOs)	4	4	100
Launch Crews	15	15	100
Total Overall	45	43	96

The total overall KPI figure of 96% is significantly in excess of the 89% figure reported in the last DP report. A KPI of 100% should be achieved when all outstanding VTS annual assessments are completed.

5. Availability of Aids to Navigation (in three category bands) expressed as a percentage of total availability over the period 31 October 2020 to 31 October 2023.

IALA Category	No of Aids	No of Failures	Availability (%)	Target Availability (%)
Category 1*	51	10	99.79	99.80
Category 2**	69	12	99.31	99.00
Category 3***	14	1	97.11	97.00
<p>* Category 1. An aid to navigation that is considered by the NLB to be of primary navigation significance. It includes the lighted aids to navigation and racons that are considered essential for marking landfalls and primary routes.</p> <p>** Category 2. An aid to navigation that is considered by the NLB to be of navigational significance. It includes lighted aids to navigation and racons that mark secondary routes and those used to supplement the marking of primary routes.</p> <p>*** Category 3. An aid to navigation that is considered by the NLB to be of less navigational significance than Cat 1 and 2.</p>				

This KPI shows that the availability of Category 1 aids to navigation is 0.01% below the target availability set by NLB. The availability of Category 2 and 3 aids to navigation also fell during the review period but remain above the target availability requirement. The fall in availability levels was attributed to adverse weather conditions.

Recent Publications and News Relevant to Duty Holders

During the reporting period several items of news have been identified with relevance to marine managers and Duty Holders, namely:

- The Seafarer's Wages Act received Royal Assent earlier this year and is part of the UK Government's drive to ensure certain shipping companies pay their crew the minimum wage. It includes a duty for some ports to ensure that certain shipping companies meet particular obligations, including asking for declarations and even, in certain circumstances, issuing a surcharge if a ferry company is not following certain pay conditions. The Government ([DfT, 2023a](#)) is now in the process of making regulations setting out the technical, procedural, and administrative details of the Act to make it enforceable.

- At the end of October 2023, the Maritime and Coastguard Agency ([MCA, 2023](#)) updated its UK inland waterways and categorisation of waterways guidance, intended for owners, operators and masters of vessels on inland waters including safety requirements and best practice. This is primarily intended for the shipping and boating sectors, or any port and harbour authority operating marine craft. The updated document, which builds on the original published in 2012, covers tidal and non-tidal rivers. Inland waters are categorised as A, B, C and D and include canals, tidal and non-tidal rivers, lochs, loughs and estuaries.
- The Government has laid new regulations updating the certification of small workboats and pilot vessels, expanding them to now cover remotely operated and unmanned vessels as well as introducing some new details. The new regulations are titled 'The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023' ([UK Government, 2023](#)) and update and replace the 1998 regulations of the same name. The regulations apply to the whole of the UK.
- The Marine Accident Investigation Branch ([MAIB, 2023](#)) has published its investigation into the fatal accident involving the rigid inflatable boat the *Seadogz*, which occurred in Southampton Water in August 2020. The MAIB found that if the vessel operator, which offered a passenger thrill experience, had followed guidance and if vessel design standards were in place, the accident could have been avoided.
- The Maritime Autonomous Ship Systems (MASS) industry conduct principles and Code of Practice has been published by Maritime UK ([Maritime UK, 2023](#)). The Code was prepared by the UK Maritime Autonomous Systems Regulatory Working Group (MASRWG) and applies to MASS vessels less than 24 m and guidance for larger vessels while operated in territorial and inland waters for reward, for pleasure and recreation.
- The DfT has requested additional reporting procedures for reporting incidents at sea or in port ([DfT, 2023b](#)). This request affects UK Ports and Harbours, who are requested to report incidents which include the following:
 - Occur in or around UK waters, ports or other maritime facilities.
 - Involve UK flagged vessels (including Red Ensign Group) or vessels with another UK connection (including ownership or port of origin or destination).
 - Involve UK citizens (crew or passengers) anywhere in the world.
- A dedicated email and telephone number are in use for reporting to the DfT Resilience Team in the event of an incident. This incident reporting is intended to complement and not contradict the incident reporting regime under the 'Accident Reporting and Investigation Regulations 2012' by which ports must report incidents to the MCA and MAIB. The email contact is: MaritimeResilience@dft.gov.uk or by phone to: 020 7082 6605.

Effectiveness of the Marine Safety Management Systems

A number of positive developments have been evident in gathering the necessary information for this report. Detailed reviews of local, national and international marine safety reports are now an established part of all Technical Working Group meetings and are also covered, albeit in summary, at Safety Sub-Committee meetings. The reworded and restructured Sullom Voe, Scalloway, and the Small Ports MSMSs are due to be published in February. The new combined Byelaws for Sullom Voe, Scalloway and the Small Ports, subject to Harbour Board approval, should go out for public consultation in February or March. All risk assessments for Sullom Voe, Scalloway and Small Ports were reviewed in November 2023, notably without significant change in the highest overall scores. The ongoing internal audit programme has continued to sample and identify improvements in standard operational procedures. And the training KPI at 96% has been returned to a value which exceeds the pre-Covid KPI figure.

Finally, the monitoring and assessing measures described in this report provide assurance that the MSMSs for Sullom Voe, Scalloway and the Small Ports of West Burra (Hamna Voe); West Burrafirth; Housa Voe, Papa Stour; Mid Yell, Yell; Cullivoe, Baltasound; Unst; Uyeasound, Unst; Hamars Ness, Fetlar; Symbister, Whalsay Out Skerries (two separate areas: West Voe and South North-East Mouth); and North Haven (Fair Isle) are working effectively and in compliance with the current edition of the Port Marine Safety Code.

Captain Trevor Auld
Designated Person (PMSC)

Appendix A. MarNIS Output Report



Selected Ports Actual and Potential Incident Report Summary

27 October 2023 to 15 February 2024

Accident / Incident Details

Date	ID Code	Incident / Potential	Externally Reported	Accident Category	Name and Detail
20/11/2023	SPT0022CLO	I	N	Sinking - Alongside	Yacht Roussillon Sinking Abandoned vessel sank at the pier Primary Cause - Unattended vessel Consequences (rated 0 to 4) for - People(0) / Property(0) / Planet(0) / Port(0) Marine incident / MAIB Report not applicable
28/11/2023	SUV0190CLO	I	N	Damage - Alongside	Ocean Horizon - Damaged Alongside pier After tying up alongside Toft pier on 27/11 and the morning of 28/11 the Ocean Horizon was damaged due two fenders being lost from the pier. Primary Cause - Lack of Fendering Consequences (rated 0 to 4) for - People(0) / Property(0) / Planet(0) / Port(0) Marine incident / MAIB Report not applicable
31/12/2023	SUV0192INV	I	N	Vessel Mooring	Fivla Mooring During strong winds crew on board Shalder added additional mooring ropes to MV Fivla Primary Cause - Adverse weather conditions Consequences (rated 0 to 4) for - People(0) / Property(0) / Planet(0) / Port(0) Marine incident / MAIB Report not applicable
06/01/2024	SUV0193CLO	I	N	Crew - Failure to Follow Instruction	Pacific Ruby - Failure to follow Master Instructions Pilot witnessed continued communication issue between Master and Crew Primary Cause - Human error - Ship Personnel Consequences (rated 0 to 4) for - People(0) / Property(0) / Planet(0) / Port(0) Marine incident / MAIB Report not applicable
28/01/2024	SUV0194IVD	I	N	Area to be Avoided	Dolphin Pearl - Entered ATBA Vessel entered ATBA Primary Cause - IMO Area to be Avoided Regulations, failure to comply Consequences (rated 0 to 4) for - People(0) / Property(0) / Planet(0) / Port(0) Marine incident / MAIB Report not applicable

Number of Accidents listed = 5

For the period 27 October 2023 to 15 February 2024.

Reported on 15/02/2024



Shetland Islands Council - Towage Operations

Designated Person Ashore Report



Meeting	SIC Harbour Board	06 March 2024
Title	Shetland Islands Council - Towage Operations Designated Person Ashore Report	
Author	Kevin Main - Team Leader Port and Marine Operations	

Under the ISM (International Safety Management) Code the responsibilities and the minimum authority of the Designated Person Ashore (DPA) is: *"To ensure the safe operation of each ship and to provide a link between the Company and those on board, every Company, as appropriate, should designate a person or persons ashore having direct access to the highest level of management. The responsibility and authority of the designated person or persons should include monitoring the safety and pollution prevention aspects of the operation of each ship and ensuring that adequate resources and shore-based support are applied, as required". (Ref: ISM Code ch4 edition 2018.)*

This report is compiled for the period from 02 November 2023 to 18 February 2024

1) Reportable Occurrences and Near miss incidents

- a) There have been 2no. reportable incidents received during this period, as follow;
 - i) Tug Tystie assisting a stricken Fishing Vessel into Sella Ness
 - ii) Tug Shalder Crew assist with mooring SIC Ferry during storm force winds

2) Company compliance with required standards

- a) All 4no. Tugs remain in full compliance with the requirements of the ISM (International Safety Management) Code. All vessel certificates are valid for 5 years subject to periodic inspection. The Council's annual Document of Compliance remains valid and subject to annual renewal. An external Audit of the Organisation's Safety Management Systems is due to be carried out by the MCA in July 2024.
- b) The MCA Principal Surveyor Glasgow attended Shetland Islands Council Towage Operations to undertake a "Customer Service" satisfaction assessment on November 22nd. This being a requirement of the MCA to engage with UK merchant shipping operators in a more informal environment, Towage Managers discussed, inter alia:
 - future changes in regulation and restraints on ongoing compliance requirements,
 - Co2 reduction,
 - Vessel electrification and/or novel fuels,

Regulative pressures are becoming more apparent so early engagement will prove advantageous for both parties.

3) Communication and Consultation

- a) No approach has been made to the DPA during this period.
- b) Harbour Authority
 - i) Towage Masters and Management attended SIC Port's and Harbours' Technical Working Group meeting on 01st February and Safety Meeting on 13th February.
- c) Towage Masters and Chief Engineers Meeting with Management
A meeting was held on 09th February to discuss local Operational and Technical matters.

d) National

- i) Towage Management attended a meeting of the Orion Marine Working Group on the 07 February during which information was presented on a new modern design Pilot Boat that efficiently runs on battery power only. The unique zero emission 'eFoil' propelled vessel reaches speeds over 30kts whilst maintaining a stable and comfortable ride experience.
- ii) Towage Management attended the British Tugowners Association (BTA) Harbour Towage Panel on 05th February. Matters covered were:
 - Challenges from moving to an all electronic charting systems in place of paper charting, Reviewing of Tow rops guidance,
 - Firefighting alternative fuel systems,
 - New training matrix for Engineers,
 - The introduction of new guidance in Workboat Code,
 - Developing Emergency Towing Arrangements,
 - New guide for promoting a greater safety culture on board vessels,
- iii) In addition, Towage Management attended the BTA Technical Committee. Primarily to discuss Firefighting and future risk from alternatively fuelled vessels. Also, details shared involving several incidents relating to snap backs of tow rope. Safety precautions shall likely involve introducing new standards of wheelhouse glass.
- iv) The Towage Marine Superintendent and Engineering Superintendent attended the British Tug Owners annual safety seminar on 16th November. Bringing 70+ Tug owners, Towage Operator across the UK and Europe together with Pilots, Accident Investigators, Harbour Masters, Port & Harbour Operators, Insurance underwriters etc. for a day of sharing best practice and knowledge, with the full intention of improving on safety standards within the associated industries.

A compilation of recent safety statistics gathered across UK operators, highlight the following;

- *First Aid Cases and Medical Treatment Cases were most likely to occur with the vessel "alongside".*
- *Near misses were most likely to occur "on the job" but slightly decreased from previous year..*
- *Illicit heaving lines caused three First Aid Cases.*
- *Poor working conditions, inadequate leadership and human error were the leading root causes.*

4) Resources and Personnel

- a) With the assistance of Towage Masters, SIC Towage management successfully completed a recruitment exercise to fill the vacant Towage Mate position on a temporary basis.
- b) Currently there are two GPR (Deckhand) positions vacant.

5) Emergency Preparedness

- a) Statutory weekly and monthly drills are continually carried out on board all vessels by crew.
- b) Towage Management participated in a company security exercise on 14th February.
- c) A program of exercises is under construction together with Enquest Team Leaders, designed to familiarise Emergency Response staff and Towage crew in anti-oil pollution equipment.



Department
for Transport



Maritime &
Coastguard
Agency

Ports & Marine Facilities Safety Code

Guidance for all ports, harbours, marine
facilities, berths and terminals

[XX] 202[X]



Foreword



The ports industry is vital to the UK as an island nation. We rely on it to deliver 95 per cent of our imports and exports and much of the food, fuel and materials we need not only to prosper and drive economic growth but for our basic daily needs.

The UK has always been a safe environment to conduct business and we pride ourselves on ensuring we maintain the very highest standards. However, the maritime sector still lags significantly behind other safety-critical industries in some respects, and it is still too often the case that the importance of ensuring safety only becomes apparent following a serious accident or incident.

We must improve. That will require a renewed effort from everyone across the industry and government working in partnership to deal with challenges and removing barriers to continuous improvement.

This Code, and associated Guide to Good Practice, play a vital role in achieving this by setting out the national standards to which all ports and marine facilities should be managed. Its principles are designed to be applied in a proportionate manner whether to a major port, statutory harbour, terminal, marina, pier or other marine facility.

These are the absolute minimum standards against which we will hold the sector to account for its safety performance. When considering safety, we must always be mindful of the consequences of failure. It is unacceptable that preventable fatalities still occur on a regular basis in the UK. Where there are systemic failures, or the requirements of this Code are not considered, strong action will be taken.

Remember that every individual can make a difference and there is always more that we can all do.

[Signature]

Lord Davies of Gower
Parliamentary Under Secretary of State

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Executive summary

What is the Ports & Marine Facilities Safety Code?

1. The Ports & Marine Facilities Safety Code¹ (the Code) sets out a national standard for every aspect of port and marine facility safety. Its aim is to enhance safety for everyone who works, or uses, ports, harbours, marinas and other marine facilities. Recognising the significant differences in the role, powers, duties, responsibilities and risks that different organisations have and manage, the Code is intended to be sufficiently flexible to enable its principles to be applied in a manner proportionate to local requirements.
2. The Code was introduced in March 2000 in response to lessons learned from the grounding of the *Sea Empress* in 1996. The involvement of the maritime sector during its development and evolution is critical and, although compliance is not mandatory, there is a strong expectation that anyone who manages ports and other marine facilities will incorporate the relevant requirements of the Code into their safety management and other systems.
3. The Code includes references to the statutory responsibilities some organisations have for marine safety but does not purport to cover all legal duties or all of any wider, non-marine, safety responsibilities.

What does the Code do?

4. The Code has been developed to improve the safety of ports and marine facilities by:
 - establishing nationally agreed standards;
 - defining the role of duty holders, designated persons and other key personnel;
 - clarifying responsibilities within, and between, different organisations; and
 - holding organisations to account for safe and effective management.
5. The Code should be read in conjunction with its companion Guide to Good Practice (the GTGP²). The GTGP is primarily written for operational staff, allowing them to implement the requirements of the Code by providing additional guidance on its requirements and examples of best practice.
6. Organisations may also wish to review the information contained in the Department for Transport's (DfT's) Port's Good Governance Guidance³. This is primarily aimed at Statutory Harbour Authorities (SHAs) but also contains wider good practice on effective governance.

¹ Previously the Port Marine Safety Code

² www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations

³ www.gov.uk/government/publications/good-governance-guidance-for-ports

Who is the Code for?

7. The Code is applicable to anyone who operates any form of port or marine facility including those which do not otherwise have defined statutory powers and/or duties. These are collectively referred to throughout the Code as 'organisations' and include, but are not limited to, the following:
 - Statutory Harbour Authorities (SHAs);
 - Municipal Port or Harbour Authorities;
 - Trust Port or Harbour Authorities;
 - Private Port or Harbour Authorities;
 - State-owned Port or Harbour Authorities;
 - Ministry of Defence dockyards and marine facilities;
 - Non-statutory port and harbour facilities; and
 - All other marine berths, marinas, terminals, piers and jetties.
8. Many of the organisations to which the Code applies will have important legal duties relating to the safety of people who work at, or use, their harbours or facilities, and to the wellbeing of the wider community and the environment. Responsibility for maintaining port and marine facility safety is governed not only by marine legislation, such as the Pilotage Act 1987⁴ and Merchant Shipping Act 1995⁵ referred to in the Code, but also by general legislation, such as the Health and Safety at Work etc. Act 1974⁶.
9. The Code is designed to provide a national standard and, although it describes national powers and duties, it is not practicable for it to cover the specific legal position for each organisation under its relevant local acts/orders (if any). It is incumbent on all organisations to review and be aware of their existing powers, role and responsibilities based on relevant national and local legislation. The Code does not contain legal advice, and it is recommended that individual organisations seek their own legal advice on any powers they may have and any duties or other responsibilities which are applicable to them.

Who should read the Code?

10. The Code has been primarily produced to assist the Duty Holder in understanding its role and responsibilities. All organisations should have a Duty Holder and, for most, this will be any staff who both individually and collectively have accountability for safety. The Duty Holder should familiarise themselves with the Code and review any implications for their organisations on a regular basis.
11. It is strongly advised that the Duty Holder, and all staff involved in marine safety,

⁴ www.legislation.gov.uk/ukpga/1987/21/contents










⁵ www.legislation.gov.uk/ukpga/1995/21/contents

⁶ www.legislation.gov.uk/ukpga/1974/37/contents

consider the additional advice and best practice in the GTGP as well as reviewing recommendations and lessons learned from major accidents and incidents investigated by the Marine Accident Investigation Branch⁷ (MAIB).

What do I need to do?

12. The Code is based around 10 key measures identified as critical to the management of port and marine facility safety. Some measures may not be relevant to some organisations, but all organisations should consider which may be applicable to the facilities they manage and what they need to do to demonstrate compliance given their safety responsibilities.
13. The Code does not create any new legal duties but does refer to the statutory roles and responsibilities some organisations may have. Where applicable, relevant legislation is referenced.

-  1. **Duty Holder:** whose members are, individually and collectively, accountable for compliance with the Code, and their organisation's performance in ensuring safe marine operations.
-  2. **Designated Person:** provides independent assurance about the operation of the organisation's marine safety management system and must have direct access to the Duty Holder.
-  3. **Legislation:** the Duty Holder must be aware of and review the organisation's legal powers, duties and responsibilities based on applicable local and national legislation and seek additional powers if necessary to improve marine safety.
-  4. **Duties & Powers:** organisations must comply with any statutory duties and responsibilities they have.
-  5. **Risk Assessment:** organisations must ensure that risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice.
-  6. **Marine Safety Management System:** organisations must operate an effective MSMS which is based on formal risk assessment.
-  7. **Review & Audit:** organisations must review and audit performance against applicable requirements of the Code.
-  8. **Competence:** organisations must use people who are appropriately trained, qualified and experienced to manage marine safety.
-  9. **Plan:** organisations must publish a marine safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3 years.
-  10. **Conservancy Duty:** organisations must ensure their facilities are fit for purpose and have a duty of reasonable care to ensure that any vessel can utilise them safely.

⁷ www.gov.uk/maib

14. Government, other regulatory and/or enforcement authorities and industry associations expect that all organisations with responsibility for port and marine facility safety will comply with the Code to the extent appropriate.
15. Organisations should note that:
 - The Code does not contain any new legal obligations but includes, amongst other things, references to the main legal duties which exist and are relevant to many organisations.
 - Although failure to comply with the Code is not an offence, it represents good practice as recognised by industry stakeholders. An organisation may suffer significant reputational damage if it has publicly stated compliance with the Code and subsequently fails to meet its requirements.
 - Periodically and/or following a major incident or accident, assurances will be sought that organisations are complying with the Code and levels of compliance will be monitored to assess the Code's effectiveness in delivering improved safety performance.
 - A link may be drawn between a failure to comply with the Code and prosecution under health and safety, as well as other, legislation.
16. The Code does not cover 'dry' side issues but guidance and advice on improving safety is available from Port Skills & Safety⁸ and the Health and Safety Executive⁹.

Compliance

17. Although compliance with the Code is not mandatory, ensuring relevant policies, procedures and practices are in place to meet its requirements provides significant assurance that port and marine facility safety is being appropriately managed.
18. For example, a successful prosecution has previously been brought against an organisation for breach of section 3 of the Health and Safety at Work etc. Act 1974 following a multiple-fatality accident. The judgment noted that non-compliance with the fundamental elements of the Code evidenced a failure to provide a safe system of work and the organisation was fined a significant sum.
19. Compliance with the Code can, therefore, assist when accidents and incidents occur, and an organisation's safety management systems may be subject to intense scrutiny.
20. Best practice constantly evolves, particularly following accident and incident investigations, and it is therefore vital that organisations consider recommendations made by MAIB which may be relevant to them and review their safety management systems to ensure these capture any lessons learned.

⁸ www.portskillsandsafety.co.uk/safety-ports-guidance

⁹ www.hse.gov.uk/ports/topics.htm

Health Checks

21. Health Checks are conducted by the Maritime and Coastguard Agency (MCA) and their main objective is to measure an organisation's compliance with the Code and, where appropriate, identify ways in which compliance can be further enhanced. They also aim to identify and share any best practice through anonymised Health Check Reports¹⁰.
22. Organisations are identified as candidates for a Health Check for a variety of reasons ranging from MAIB investigations, complaints or a perceived failure in the delivery of the organisation's duties and responsibilities.
23. Organisations may also volunteer for a Health Check which can assist them in understanding the strengths of their current management of safety and highlighting where further improvements can be made.

Updating

24. The Code is reviewed every three years with the GTGP, as a living document for marine practitioners, being reviewed and updated on a more frequent basis, for example following accidents, to ensure it reflects the latest best practice.
25. A Steering Group, comprising representatives from government, industry, trade unions and other professional organisations, meets twice a year to consider issues relevant to both the Code and the GTGP.

Role of the Maritime and Coastguard Agency

26. The MCA is responsible for supporting DfT in developing and implementing the government's maritime safety and environmental protection strategy.
27. The MCA is responsible for advising DfT on the application of this Code to all organisations in the UK. This includes, but is not limited to:
 - conducting Health Checks;
 - monitoring compliance;
 - the facilitation of regular meetings between government and the sector to exchange opinions and developments which may have a bearing on the content of the Code and the way in which it is applied;
 - the production of an annual report including emerging trends and considerations identified from the Health Check program; and
 - any other technical assistance which may be required by DfT.

Role of the Marine Accident Investigation Branch

28. The MAIB is an independent part of the DfT which investigates marine accidents involving UK-flagged vessels worldwide and all vessels in UK territorial waters.

¹⁰ www.gov.uk/government/publications/port-marine-safety-code

Its powers are derived from the Merchant Shipping Act 1995 and the sole objective of its investigations is to prevent future accidents by understanding their causes and making recommendations to prevent reoccurrence. It does not determine liability nor, except so far as is necessary to achieve its objective, to apportion blame.

29. Reporting accidents and incidents is a statutory obligation and guidance on what needs to be reported, and how to make a report, can be found in Marine Guidance Note 564¹¹.
30. The MAIB works closely with the MCA and the Health and Safety Executive (HSE) during its investigations. The recommendations it makes are integral to the continued development and evolution of the management of port and marine facility safety. Key safety messages are highlighted in its Safety Bulletins and lessons learned from recent investigations are summarised in its biannual Safety Digests¹².
31. As well as responding to, for example, changes in local trade and the operation of the facility, it is vital that organisations also review their Marine Safety Management Systems (MSMS) to incorporate lessons learned following relevant marine incidents and accidents.

Devolution

32. Generally, with a small number of exemptions, policy responsibility for ports lies with the Scottish and Welsh Governments and the Northern Ireland Assembly. Policy on marine safety remains a reserved matter.
33. The Code reflects UK and English law but also highlights, as far as possible, where alternative legislation and procedures are followed in Scotland, Wales and Northern Ireland. The term 'relevant Minister' is used where matters are decided by the Secretary of State or a Minister of the relevant administration.

Enquiries

34. Operational and compliance enquires should be made to:

Maritime and Coastguard Agency

UK Technical Services Navigation, Spring Place, 105 Commercial Road,
Southampton, SO15 1EG

navigationsafety@mcga.gov.uk

35. Policy enquiries should be made to:

Department for Transport

Maritime Navigation Safety & Wrecks, Great Minster House, 33 Horseferry Road,
London, SW1P 4DR

maritimesafety@dft.gov.uk

¹¹ www.gov.uk/government/publications/mgn-564-marine-casualty-and-marine-incident-reporting

¹² www.gov.uk/government/publications/maib-safety-digests-20-24



1. Duty Holder

- 1.1 All organisations must have a Duty Holder which is accountable for compliance with the Code.
- 1.2 The Duty Holder may be different depending on the size, duties and responsibilities of an organisation. For larger organisations, the Duty Holder is likely to be members of the management team or board who are, both individually and collectively, accountable for marine safety. However, if accountability or decision-making powers of these bodies is limited, such as in a municipal port where safety is overseen by a local authority committee, it is acceptable for the role to reside elsewhere. For smaller organisations, which may not have such formal structures, the role may be performed by an individual.
- 1.3 Given these differences, organisations should publish information explaining who their Duty Holder is and how they can be contacted.

Responsibilities

- 1.4 The Duty Holder is responsible for ensuring compliance with the relevant parts of the Code. To ensure they are effective, the Duty Holder must:
 - be aware of the organisation's powers, duties and responsibilities relating to marine safety;
 - ensure that a suitable MSMS, which employs formal safety assessment techniques, is in place;
 - appoint a suitable Designated Person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety;
 - appoint competent people to manage marine safety;
 - ensure that appropriate resources are made available for discharging their marine safety obligations;
 - ensure that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set; and
 - report on the organisation's compliance with the relevant parts of the Code to the MCA every three years.
- 1.5 Some organisations will have the power to appoint a Harbour Master and may entrust the operation of their facilities to such professionals. However, the Duty Holder cannot assign or delegate its accountability for compliance with the Code.



- 1.6 The Duty Holder should take time to gain an appropriate insight and understanding of their organisation's marine activities, MSMS and supporting policies and procedures. This can be accommodated through briefings and operational visits.
- 1.7 If the organisation has a board, consideration should be given to appointing a board member who has relevant maritime experience and can act as the initial point of contact for the designated person (see [Chapter 2](#)).
- 1.8 The Duty Holder should also be aware of any other specific powers and duties which the organisation may have such as:
- powers to direct vessels to support safe navigation;
 - dangerous vessels and dangerous substances (including pollution) which must be effectively managed;
 - provision of a pilotage service if required in the interests of safety; and
 - any responsibilities as a local lighthouse authority including provision and proper maintenance of aids to navigation and management of any danger to navigation.

Reporting compliance

- 1.9 Duty Holders are responsible for reporting their organisation's compliance with the Code to the MCA on a three-yearly basis. The MCA will announce and publicise when the next compliance statement is due and explain the process for responding in a Marine Information Note¹³.
- 1.10 The Duty Holder should submit a statement describing their organisation's compliance with the relevant parts of the Code. The statement should include a reference to the areas of the Code the organisation has identified as not being applicable to them and explain why. If the organisation is non-compliant, or not fully compliant, with the relevant provisions of the Code, the statement should also describe what the organisation is doing to achieve compliance, including indicative timescales. The statement should also name any other facilities for which it covers compliance.
- 1.11 A list of all organisations which have reported compliance is published on gov.uk¹⁴.

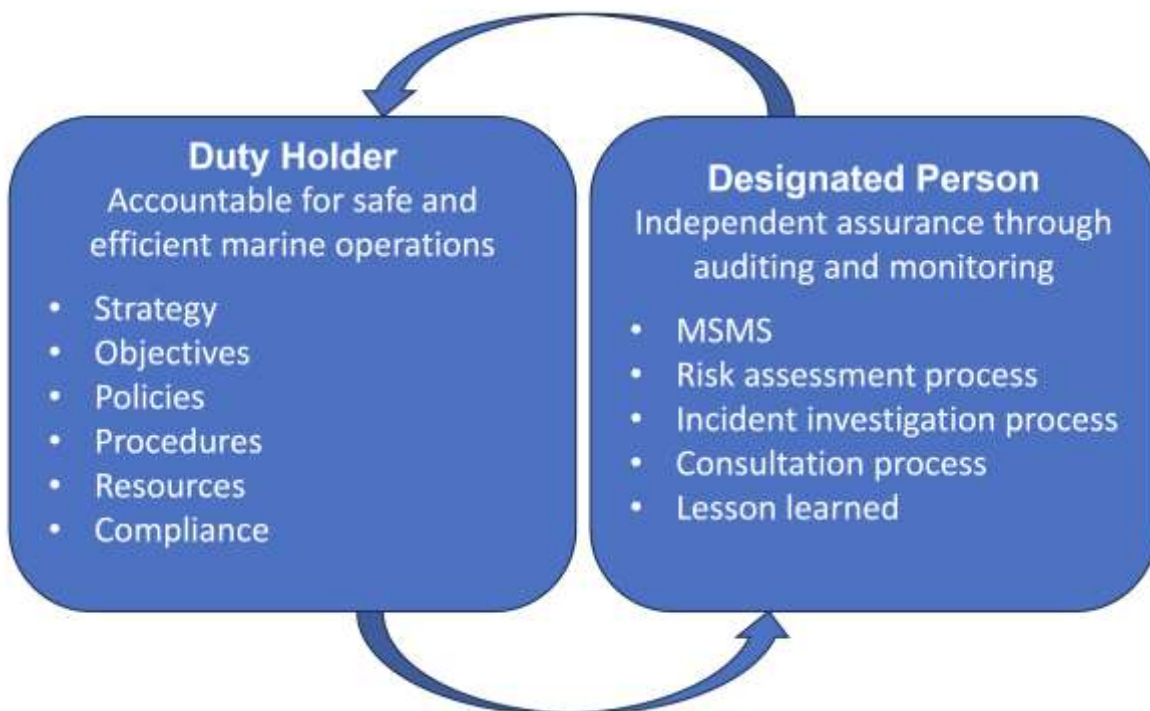
¹³ www.gov.uk/government/publications/min-641-m-navigation-port-marine-safety-code-compliance-submission-for-2021-2024

¹⁴ www.gov.uk/government/publications/port-marine-safety-code-compliant-ports



2. Designated Person

- 2.1 All organisations must appoint a suitably qualified individual as their Designated Person.
- 2.2 The main responsibility of the Designated Person is to provide independent assurance directly to the Duty Holder that the MSMS, for which the Duty Holder is responsible, is working effectively in ensuring compliance with the Code.
- 2.3 To fulfil this function, the Designated Person must have a thorough knowledge and understanding of the requirements of the Code (and the GTGP) and associated marine legislation.
- 2.4 The role of the Designated Person does not obscure the accountability of the Duty Holder and respective roles are summarised below.





3. Legislation

- 3.1 Many organisations will have important legal duties relating to the safety of people who work at, or use, their facilities, and to the wellbeing of the port marine environment and community. It is vital that organisations are aware of these duties and responsibilities as well as their own powers. Effective application and management can significantly improve marine safety and new powers can be obtained if these might further enhance performance.
- 3.2 Note that the Code is not legal advice and does not purport to cover all of the wider legal duties, responsibilities or powers that organisations may have. It is recommended that organisations seek their own legal advice on these issues if there is any uncertainty.

National Legislation

- 3.3 Responsibility for marine safety is governed by a wide range of national legislation. A map of the most relevant national legislation to organisations is available from the British Ports Association¹⁵. However, key duties and responsibilities are contained in the:
- Harbours Act 1964 (or the Harbours Act (Northern Ireland) 1970);
 - Dangerous Vessels Act 1985;
 - Pilotage Act 1987; and
 - Merchant Shipping Act 1995.
- 3.4 A summary of the main duties and powers organisations may have, or obtain, can be found in [Chapter 4](#).
- 3.5 Other national legislation may also be applicable including, for example, the Health and Safety at Work etc. Act 1974 and the Corporate Manslaughter and Corporate Homicide Act 2007.
- 3.6 The specific application of national legislation is dependent upon where the port or facility is geographically located and the activities being undertaken.

Local Acts & Orders

- 3.7 Many organisations' powers, and some duties, are contained in local Acts and Orders. Although they are likely to be similar in many cases, with most being taken from the model provisions in the Harbours, Docks and Piers Clauses Act 1847, the precise detail is likely to vary from organisation to organisation.

¹⁵ www.britishports.org.uk/regulation



- 3.8 Organisations must identify and understand any applicable local legislation. This might include harbour acts, harbour orders, harbour directions and byelaws as well as any related procedures and systems that are in place to support implementation.
- 3.9 Organisations should seek additional powers if a risk assessment concludes this would be the best means of meeting their marine safety obligations.
- 3.10 Where relevant, organisations should secure powers of general direction or harbour direction to support the effective management of vessels if they do not already have these.
- 3.11 Conversely, there may be circumstances where a risk assessment concludes that an organisation should relinquish its powers, for example its status as a Competent Harbour Authority (CHA), if they are no longer required.
- 3.12 More information about byelaws, general and harbour directions can be found in [Chapter 4](#).

Review

- 3.13 All organisations should keep their duties under review to avoid any possibility of failing to discharge them effectively. This process should include consideration of the organisation's legal powers and the extent of its jurisdiction to determine whether these are sufficient to enable it to manage marine safety effectively.
- 3.14 The legislative landscape is changing all the time and it is important that organisations identify the implications of any new legislation being developed on their operations. Where that legislation creates any new duties or responsibilities on organisations, these should be incorporated into their MSMS.

Revising statutory powers

- 3.15 Several routes are available to organisations whose risk assessments indicate that additional legal powers are desirable to assist them in managing marine safety or that existing powers are no longer needed.
- 3.16 These include:
- [harbour empowerment orders](#) can be used to create a new harbour and secure the statutory powers of a harbour authority;
 - [harbour revision orders](#) can be used to amend statutory powers in a harbour authority's local legislation and to achieve a variety of other outcomes¹⁶ including, for example, the power to make General Directions or restructure a port's governance. They can also be used to change

¹⁶ Schedule 2 of the Harbours Act 1964



harbour limits or extend compulsory pilotage beyond the harbour¹⁷; and

- **harbour closure orders** can be sought when an organisation wishes to relinquish its statutory powers in cases where a harbour is no longer commercially viable or necessary¹⁸.

- 3.17 Guidance¹⁹ on applying for the different types of harbour order and the process for decision making is available from the relevant national administration including the Marine Management Organisation (MMO), Transport Scotland, the Welsh Government's Ports Policy Team and the Northern Ireland Assembly's Department for Infrastructure.
- 3.18 The introduction of any new legislation is a lengthy process, and it is likely that a significant amount of time will be required to implement the desired change. The process will involve development, consultation and approval stages as well as, in some cases, a public inquiry. If an organisation is considering an application, early engagement with the relevant decision-making authority is advised.

¹⁷ Section 7(5) of the Pilotage Act 1987

¹⁸ Sections 17A to 17F of the Harbours Act 1964

¹⁹ www.gov.uk/guidance/harbour-orders



4. Duties and Powers

- 4.1 Each organisation will have a different range of statutory and non-statutory duties, powers and responsibilities depending on their status and the type of facility they are responsible for. For example:
- **harbour authorities** have a range of statutory and non-statutory duties and powers relating to marine operations;
 - **other organisations** may not have access to the same range of statutory powers but will still have duties under general legislation and non-statutory provisions; and
 - **marine berth, marina, terminal, pier or jetty operators** may not have any statutory powers or duties but will need to consider the appropriate interpretation and applicability of, for example, the conservancy duty, environmental duty and their common law duty of care to all harbour users, etc.
- 4.2 All organisations are therefore encouraged to consider this section to determine what guidance may be relevant to them.

Safe and efficient marine operations

- 4.3 Duties to ensure marine safety should be matched with general and specific powers to enable an organisation to discharge those duties.
- 4.4 Under local and national legislation, most harbour authorities have powers and duties to manage vessel traffic within their limits. In the context of vessel traffic management there is a requirement to assess if Vessel Traffic Services (VTS) should be established in the interests of marine safety, and if not, what level of Local Port Service (LPS) is required. This must be completed with reference to MGN 401²⁰.
- 4.5 Assessment of vessel traffic management is determined by means of a Formal Risk Assessment (FRA) into the safety of navigation. Harbour authorities must demonstrate that they:
- ensure the safe and efficient use of the harbour by those who have a right to use it and navigate in its waters;
 - conserve and promote the safe use of the harbour/facility and prevent loss or injury through the organisation's negligence;
 - have regard to efficiency, economy and safety of operation as respects the services and facilities provided; and

²⁰ www.gov.uk/government/publications/mgn-401-mf-amendment-3-navigation-vessel-traffic-services-vts-and-local-port-services-lps-in-the-uk



- take such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the facility.
- 4.6 In addition, the **Duty Holder** must ensure that sufficient resources are available to discharge its marine safety obligations and set the level of dues accordingly²¹.
- 4.7 In some cases, actions may require a marine licence or a marine licence exemption notification. Advice should be sought from the relevant marine licence regulator for England, Wales, Scotland or Northern Ireland, with reference to the relevant legislation for each devolved administration.
- 4.8 Where an aid to navigation requires establishment, removal or alteration, this may require consent from the relevant General Lighthouse Authority (GLA).

Open port duty

- 4.9 Most harbour authority's statutory powers are subject to the open port duty. This means that the harbour, dock, or pier must be open to anyone for the shipping and unshipping of goods and the embarking and landing of passengers, on payment of the rates and other conditions set in accordance with local legislation²².



Appointment of a Harbour Master

- 4.10 A harbour authority is likely to have powers in its local legislation to appoint a Harbour Master²³, to make byelaws relating to their powers and duties and the duties of harbour users²⁴. The Harbour Master is accountable to the organisation and should familiarise themselves with the extent of their legal powers, including those set out in general and local legislation, byelaws and any applicable general directions²⁵.
- 4.11 Organisations without statutory powers to appoint a Harbour Master should consider the appointment of an individual with an equivalent role, such as a

²¹ Section 26 of the Harbours Act 1964

²² Section 33 of the Harbours, Docks and Piers Clauses Act 1847

²³ Local legislation may set out the power or incorporate, with or without amendment, section 51 of the Harbours, Docks and Piers Clauses Act 1847

²⁴ Local legislation may set out the power to incorporate, with or without amendment, section 83 of the Harbours, Docks and Piers Clauses Act 1847

²⁵ Sections 40A to 40D of the Harbours Act 1964



marine manager or superintendent.

Byelaws

- 4.12 Byelaws can be made by any organisation that has the powers to do so, as laid down in its local Acts and Orders²⁶. The procedure for making and confirming byelaws is modelled on the procedure for local authority byelaws¹⁸.
- 4.13 Byelaws must be within the scope of the organisation's byelaw-making powers. They are used to regulate activities in the harbour, reflecting local circumstances and enabling the operation of the harbour to be conducted efficiently and safely. They are generally available to regulate rather than prohibit and can be used to create criminal offences punishable on conviction in the courts through fines²⁷.
- 4.14 Harbour authorities need to consult users before making byelaws which must be confirmed by the relevant Minister before they are brought into force²⁸.

Special Directions

- 4.15 A Harbour Master generally has powers of direction to regulate the time and manner of vessels' entry to, departure from and movement within harbour waters, and for related purposes²⁹. These powers are provided not for setting general rules but to enable specific directions to be given to specific vessels for specific movements, although the powers may be expressed to allow directions to be given to a class of vessels, or all vessels, in an emergency.
- 4.16 Harbour Masters' directions are generally referred to as 'special directions' to distinguish them from 'general directions' which are given by the organisation itself. Directions may include the use of tugs and other forms of assistance.
- 4.17 If permitted under local legislation, the powers of direction may also be exercisable by a Harbour Masters' assistant, vessel traffic services operator, or any other person designated for the purpose. Local legislation usually provides that it is an offence not to comply with directions³⁰ but may add a qualification that the master – or pilot – of a vessel is not obliged to obey directions if they believed compliance would endanger the vessel. It is the duty of a Harbour Master, in exercising these powers, to consider the interests of all vessels in the facility.

²⁶ This is often achieved by incorporating with or without amendments section 83 of the Harbours, Docks and Piers Clauses Act 1847

²⁷ Currently a maximum of £2,500 (Level 4 on the standard scale) although not all offences under byelaws are sufficiently serious for Level 4 fines

²⁸ The Secretary of State for Transport, Scottish, Welsh or Northern Irish Ministers (as appropriate)

²⁹ Local legislation may set out the power or incorporate, with or without amendments, section 52 of the Harbours, Docks and Piers Clauses Act 1847

³⁰ Local legislation may set out the power or incorporate, with or without amendment, section 53 of the Harbours, Docks and Piers Clauses Act 1847



General Directions

- 4.18 Most harbour authorities have powers, through their local enabling legislation, to give 'general directions' to regulate the movement and berthing of ships. These are in addition to the powers of a Harbour Master to give 'special directions' although some authorities have a combined power to give special and general directions. The power is exercisable by the authority itself, although they are for the Harbour Master to enforce. General directions may only be made after users have been consulted. This is not a requirement for the Harbour Master's 'special directions', which are more appropriate for emergencies or temporary use.

Harbour Directions

- 4.19 Harbour authorities may obtain powers to issue harbour directions. These are similar to general directions in that they can be used to regulate the movement, mooring, equipment and manning of vessels within the harbour³¹. Consultation with users must be undertaken before they are made.
- 4.20 To obtain this power, harbour authorities must be designated in an order made by the relevant Minister³². A non-statutory Code of Conduct³³ on the use of this power has been agreed between representatives of the ports, commercial shipping and recreational sailing sectors.

Dangerous Vessel Directions

- 4.21 A Harbour Master may give directions prohibiting the entry into, or requiring the removal from, the harbour of any vessel. These may be used if, in their opinion, the condition of that vessel, or the nature or condition of anything it contains, is such that its presence might involve a grave and imminent danger to the safety of persons or property or risk that the vessel may, by sinking or foundering, prevent or seriously prejudice use by other vessels³⁴. The Harbour Master must have regard to all the circumstances and to the safety of any person or vessel.
- 4.22 Such directions may be over-ridden by the Secretary of State's Representative (SOSREP) for maritime salvage and intervention who may issue contrary directions to the Harbour Master in the interests of safety.

³¹ Sections 40A to 40D of the Harbours Act 1964

³² The Secretary of State for Transport, Scottish or Welsh Ministers

³³ www.gov.uk/government/consultations/harbour-directions-power-2nd-round-applications-for-designation-of-english-and-non-fishery-welsh-harbour-authorities#full-publication-update-history

³⁴ Section 1 of the Dangerous Vessels Act 1985



Pilotage

- 4.23 Under the Pilotage Act 1987, a Competent Harbour Authority (CHA) has a duty to assess what, if any, pilotage services are required to secure the safety of ships, and to provide such services as it has deemed necessary³⁵.
- 4.24 CHAs must issue pilotage directions if they decide, based on their assessment of the risks, that pilotage should be compulsory. The pilotage directions must specify to which ships, area and circumstances they are applicable³⁶.
- 4.25 A CHA may authorise suitably qualified pilots in its area³⁷. Authorisations may relate to ships of a particular description and to particular parts of the harbour. The CHA is responsible for determining the qualifications, medical fitness standards, local knowledge, skill, and other attributes that a pilot must have. The CHA may also – after giving notice and allowing a reasonable opportunity to make representations – suspend or revoke a pilot's authorisation.
- 4.26 CHAs are encouraged to implement the recommendations on training, certification and operational procedures for pilots contained within International Maritime Organization resolution A960³⁸.
- 4.27 CHAs must grant a Pilotage Exemption Certificate (PEC) to a vessel's deck officer if they demonstrate they have sufficient skill, experience and local knowledge to pilot a vessel within the compulsory pilotage area. The requirements for granting a PEC must not exceed, or be more onerous than, those for an authorised pilot³⁹.
- 4.28 A CHA may suspend or revoke a PEC if it ceases to be satisfied that the holder possesses the required skill, experience and local knowledge, where there is professional misconduct or the provision of false information⁴⁰.



Towage

- 4.29 Procedures for towage need to be developed, managed and regularly reviewed by organisations, tug operators, pilots and vessel owners, to ensure a safe and efficient service and should include emergency response.
- 4.30 Organisations must risk assess routine towage operations and, in consultation

³⁵ Section 2 of the Pilotage Act 1987

³⁶ Section 7 of the Pilotage Act 1987

³⁷ Section 7 of the Pilotage Act 1987

³⁸ www.imorules.com/IMORES_A960.23.html

³⁹ Sections 8 & 15 of the Pilotage Act 1987

⁴⁰ Section 8(A) of the Pilotage Act 1987



with stakeholders, should develop specific towage guidelines.

- 4.31 Where towage is non-routine, this must be subject to a specific risk assessment and approval processes.

Regulation of marine craft

- 4.32 Local legislation may empower organisations to register, inspect and licence commercially operated craft. Where this is not the case, the organisation's risk assessments should show some form of agreement with commercial operators about the maintenance and proper use of these vessels. It may be appropriate for the organisation to consider seeking these powers following a risk assessment.



Environmental duty

- 4.33 Organisations may have a general duty to exercise their functions regarding nature conservation and other related environmental considerations. Additional powers are available for these purposes⁴¹. They may also have an obligation where, for example, Marine Conservation Zones, Marine Protected Areas, Highly Protected Marine Areas, Special Protection Areas for Birds or a Special Area of Conservation has been designated, to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions⁴².
- 4.33 Harbour authorities must, in exercising their functions, have regard to the purpose of conserving biodiversity⁴³. This requirement is amplified by the Environment Act 2021 which sets out four priority areas of air quality, biodiversity, water and waste.

Emergency preparedness and response

- 4.34 The Dangerous Goods in Harbour Area Regulations 2016 include requirements for the marking and navigation of vessels, handling of

⁴¹ Section 48A of the Harbours Act 1964

⁴² Conservation of Habitats and Species Regulations 2017

⁴³ Natural Environment and Rural Communities Act 2006, Section 40; Nature Conservation (Scotland) Act 2004; Wildlife and Natural Environment Act (Northern Ireland) 2011; and Environment Wales Act 2016



dangerous substances, bulk liquids, packaging and labelling, storage and explosives. They also set a requirement for the creation of emergency plans by harbour authorities. Guidance is available in an Approved Code of Practice⁴⁴ and Harbour Masters have the power to prohibit the entry of dangerous goods to the harbour area.

- 4.35 Organisations may also have a duty under the Merchant Shipping (Oil Pollution Preparedness Response and Co-operation Convention) Regulations 1998, to prepare a plan to respond to oil spills in their waters for approval by the MCA. Guidance on plan preparation is available from the MCA⁴⁵.

Civil contingencies duty

- 4.36 The Civil Contingencies Act 2004 provides a framework for civil protection in the event of an emergency that threatens serious damage to human welfare, the environment or security.



- 4.37 Harbour authorities are classified as Category 2 cooperating bodies. They will be involved in planning work and in incidents that affect their sector. They must cooperate and share relevant information with Category 1 (emergency services and local authorities) and other Category 2 responders⁴⁶.

- 4.38 It is recommended that all organisations maintain regular contact with their local Category 1 responders which are formed into multi-agency partnerships known as Local Resilience Forums. Each Forum covers a defined geographic area and contact details are available on gov.uk⁴⁷.

Collecting dues

- 4.39 Harbour authorities and CHAs have powers to collect harbour dues and pilotage charges from users. These should raise sufficient revenue to enable them to pay for the discharge of any statutory functions⁴⁸. The level of dues and charges should be properly accounted for and brought to the notice of those persons likely to be interested⁴⁹.

⁴⁴ www.hse.gov.uk/pubns/priced/l155.pdf

⁴⁵ www.gov.uk/government/publications/contingency-planning-for-marine-pollution-preparedness-and-response-guidelines-for-ports

⁴⁶ Additional guidance at www.cabinetoffice.gov.uk/resource-library/emergency-preparedness

⁴⁷ www.gov.uk/guidance/local-resilience-forums-contact-details

⁴⁸ Section 26 of the Harbours Act 1964 and section 10 of the Pilotage Act 1987

⁴⁹ Section 26(2) of the Harbours Act 1964



- 4.40 Members of the harbour board and/or the Duty Holder are responsible for ensuring that adequate resources are provided to its officers to enable them to operate their policies, procedures and systems effectively and safely. This includes adequate resource for training. There should be no presumption that dues levied on a specific group or type of user should be exclusively reinvested in improving the services and facilities on offer to those users.
- 4.41 A CHA may make reasonable charges in respect of any pilotage services it provides. Such charges may be applied to vessels with an authorised pilot aboard and to vessels where the deck officer holds a PEC in respect of the area and vessel in question⁵⁰.
- 4.42 The harbour authority's power to levy dues and pilotage charges ⁵¹ is subject to a statutory right of objection to the relevant Minister⁵².
- 4.43 Organisations can charge fees for the use of services and facilities they provide and make access subject to such terms and conditions as they believe appropriate⁵³ (noting that some fees may be subject to statutory control).

⁵⁰ Section 10 of the Pilotage Act 1987

⁵¹ Section 26(2) of the Harbours Act 1964 and section 10 of the Pilotage Act 1987

⁵² Section 10(6) of the Pilotage Act 1987 applying section 31 of the Harbours Act 1964

⁵³ Section 40 of the Harbours Act 1964



5. Risk Assessment

- 5.1 All organisations must identify the hazards they manage, complete risk assessments and incorporate these within their MSMS.
- 5.2 The risks associated with marine operations need to be assessed and a means of controlling them deployed. The aim of the risk assessment process is to define and eliminate the risk or, failing that, reduce it to a point that is as low as is reasonably practicable (ALARP).
- 5.3 The tolerability threshold for marine operational risk should be determined and set by all organisations. This will define and set the level for all marine-related risk assessments falling under the organisation's duties and responsibilities.
- 5.4 There are two types of risk assessment:
- **formal risk assessment** (often called Operational Risk Assessments) which are written down and provide the framework to describe how hazards are assessed and managed. This could also include risk assessments for specific operations (often called Specific or Task Risk Assessments); and
 - **dynamic risk assessment** which helps individuals to assess a situation which is constantly changing.
- 5.5 Organisations must provide a framework for the delivery of both types of assessment. The fundamental principles of risk assessment in the marine environment are similar for all organisations.
- 5.6 Risks and the impact of identified outcomes are typically assessed against four outcome-criteria; with consequence to:
- life;
 - the environment;
 - port and port user operations (business, reputation etc); and
 - port and shipping infrastructure (damage).
- 5.7 Risks may be identified which are intolerable. Measures must be taken to eliminate these using ALARP and ensure they become tolerable by the end of the process. The greater the risk, the more likely that it will be reasonable to go to the expense, trouble and invention to reduce it. There is a hierarchy of risk control principles:
- eliminate risks – by avoiding a hazardous procedure or substituting a less dangerous one;
 - combat risks – by taking protective measures to prevent risk; and



- minimise risks – by suitable systems of working.
- 5.8 Risk assessments should be undertaken by competent people especially when deciding which techniques to use and interpreting the results.

Formal Safety Assessment

- 5.9 Formal Safety Assessments are undertaken when risk assessments result in risk controls that may be subject to cost benefit assessment. This process will typically follow the International Maritime Organization's Formal Safety Assessment process⁵⁴ of which the five stages are:
1. Identification of hazards;
 2. Assessment of risks;
 3. Risk control options;
 4. Cost benefit assessment; and
 5. Recommendations for decision-making.
- 5.10 This process has been developed to enable a balance to be drawn between the various technical and operational issues, including the human element, and between safety and costs.

Reviewing Risk Assessments

- 5.11 The process of assessment is continuous so that both new hazards and changed risks are properly identified and addressed. Where appropriate, organisations should exchange details of their risk assessments, especially where more than one organisation is operating in the same area, for example where a terminal or other facility operates in, or adjacent to, a SHA.
- 5.12 Risk assessments should be reviewed on a planned periodic basis. The MSMS must state the review frequency as well as any related procedures or processes. The MSMS should also refer to a procedure which ensures that risk assessments are reviewed appropriately in the following circumstances:
- on a planned periodic basis;
 - post-incident/accident; and
 - post-review of relevant marine accident or Health Check report.
- 5.13 Risk assessment reviews are best conducted by utilising user groups or representatives who use the harbour or facility regularly. This helps to ensure that practical and relevant experience is captured and promotes good

⁵⁴ www.imo.org/en/OurWork/Safety/Pages/FormalSafetyAssessment.aspx



consultation demonstrates a commitment to user engagement.

Dynamic Risk Assessment

- 5.14 Dynamic risk assessment (DRA) involves observation, assessment and analysis of an active work environment while work is ongoing, to identify and manage risk. DRA builds on the work of existing risk assessments, and are usually conducted during the task, often by the worker. Organisations must provide a form of DRA, suited to their size, operations and complementary to their formal risk assessment processes.



6. Marine Safety Management System

- 6.1 All organisations should have a MSMS which is key to the effective discharge of the functions described in the Code. The type and content of that MSMS will be proportionate to an organisation's size and operations.
- 6.2 An effective MSMS is formed from clear policies, approved by the Duty Holder, and implemented by the organisation's officers. It will enact policy requirements through a range of methods including, but not limited to, standard operating procedures, processes, plans, forms, permits/permissions and systems. Clear assignment of relevant executive and operational responsibilities to staff is vital.
- 6.3 To inform the evolution of their MSMS, organisations should regularly reflect on their own operational practices and review documents which might be relevant to failures in the management of risk to drive continuous improvement. The latter might include:
- the GTGP;
 - MAIB reports and Safety Digests;
 - sector/industry alerts and best practice guidance; and
 - MCA Health Check Reports.

Implementation

- 6.4 An MSMS – which manages the hazards and risks along with any preparations for emergencies – must be developed, implemented, maintained and reviewed periodically. The MSMS should also capture any customs and/or practices which have become the standard approach to marine operations. By formalising and documenting these practises, organisations can place themselves and their staff in a more accountable position as well as ensuring that there is continuity following the recruitment of new staff.
- 6.5 An MSMS should incorporate safety policies and procedures to:
- ensure there is proper control of vessel movements by regulating the safe arrival, departure and movement within the harbour of all vessels;
 - protect the general public from dangers arising from marine activities within the harbour;
 - allow functions to be carried out with special regard to the possible environmental impact; and
 - prevent acts or omissions that may cause injury to employees or others.



- 6.6 An MSMS should also:
- confirm roles and responsibilities of key personnel;
 - outline procedures for marine safety within the facility and its approaches;
 - measure performance against targets (the organisation must have a database or system to record incidents, including near misses);
 - include a bridging document, where adjoining or interfacing with another organisation, setting out key communication lines and interactions, deconflicting application of policies and procedures within both MSMS and emergency response;
 - refer to emergency plans that would need to be exercised; and
 - be internally audited on an annual basis or following reviews of the sources noted at [paragraph 6.3](#).
- 6.7 A statement about the standard of the organisation's performance against its MSMS should be included in the Duty Holder's annual report.

Accountability for marine safety

- 6.8 Where appropriate, an MSMS should assign responsibility for associated matters – such as the safety of berths; maintaining channels; marking dangers; hydrographic surveys; environmental monitoring; and the provision of appropriate engineering and environmental advice. Key roles should also be defined in the MSMS.
- 6.9 The [Chief Executive](#) (or equivalent) is accountable for the operational and financial control of the organisation. They will advise on all matters related to the organisation's duties and powers, with appropriate advice from the Harbour Master and other officers. In particular, the Chief Executive will:
- oversee the implementation of its policies and decisions;
 - have executive responsibility for the safety of operations and staff; and
 - will oversee the recruitment and training of staff.
- 6.10 The [Harbour Master](#) is a statutory role – in order for a harbour authority to use its powers relating to the direction of vessels, a Harbour Master must be appointed. The Harbour Master has day-to-day responsibility for managing the safe operation of navigation and other marine activities as well as undertaking other relevant duties particularly in relation to the Health & Safety at Work etc. Act 1974 and Merchant Shipping legislation.
- 6.11 Whilst the specific role of the Harbour Master will vary dependant on the size and type of the harbour, the following are examples of some of the roles they are likely to undertake:
- regulation of the time and manner of vessel movements;



- responsibility for developing and implementing emergency plans and procedures, for regulating dangerous goods⁵⁵ in transit on ships and for counter-pollution and waste disposal plans; and
 - responsibility for the management of any aids to navigation.
- 6.12 Organisations without statutory powers to appoint a Harbour Master should ensure that responsibility for this function is delegated to an officer with an equivalent role, such as a marine manager.
- 6.13 The appointment of any **officers** is a matter for the organisation. Delegations must be clear, formal and must not obscure the accountability of the organisation and its Duty Holder. It is vital that:
- executive and operational responsibilities are appropriately assigned to properly trained people;
 - if some of the functions are combined, a proper separation of safety and commercial activities needs to be maintained; and
 - all employees have appropriate training for their level of responsibility.
- 6.14 Delegations are no substitute for the Duty Holder being directly involved in safety management. At least one principal officer, holding delegated responsibilities for safety, should therefore attend Duty Holder meetings.

Stakeholder engagement and consultation

- 6.15 Organisations should consult, as appropriate, those likely to be involved in, or affected by, their MSMS.
- 6.16 Notwithstanding stakeholder engagement requirements as part of the risk assessment and review process, organisations should also strive to reach consensus on matters of marine safety in its facilities and approaches with users and service providers. Where this is not possible, an organisation should provide stakeholders with the reasoning behind their decision. Regular stakeholder engagement should be undertaken in the form of user groups and forums.
- 6.17 Where other marine facilities are situated within the jurisdiction of a SHA, organisations should engage with one another to ascertain the scope and extent of the SHA's MSMS and whether, or how, it incorporates or interacts with other facilities operating within that area. This engagement can be led by the SHA and will assist consideration of whether it is necessary for other marine facilities to develop their own MSMS.
- 6.18 If an additional MSMS is required, engagement should focus on ensuring that the two systems are complementary and avoid any duplication of effort. The organisations' Duty Holders should confirm their own compliance as required under the Code unless it is agreed with the SHA that the marine facility will be

⁵⁵ www.hse.gov.uk/pubns/books/l155.htm



reflected within the SHA's compliance statement.

- 6.19 Where a facility is located outside the jurisdiction of a SHA, the organisation should assess whether its operations require additional controls through a risk-based decision process. Engagement with the MCA, as the competent authority for marine safety in this situation, is advised.

Incident reporting and investigation

- 6.20 However effective the MSMS regime is, marine incidents and accidents may still occur. These may involve deaths, serious injuries, near misses, pollution and other undesirable outcomes and may have resulted from breaches of national or local laws.
- 6.21 It is essential that the MSMS addresses the potential for incidents and accidents to occur and provides instruction and guidance on the process for reporting and recording and any investigations and enforcement action that may be required as a result.
- 6.22 Investigations of marine incidents have two essential purposes:
- to determine the cause with a view to preventing recurrence; and
 - to determine if an offence has been committed: if so, there may be the need, on the part of the organisation, to initiate enforcement action that may lead to prosecution in their own right or through an agency of another authority such as the Police or the MCA.
- 6.23 The Duty Holder may require a robust, rigorous, independent investigation to be carried out in cases where it is desirable to obtain external assurance that an organisations' obligations for compliance have been addressed. It may also be appropriate to consider the contents of the Police and Criminal Evidence Act 1984.
- 6.24 Organisations should report any accident which meets the criteria established by MAIB, to the Chief Inspector and any other appropriate authorities, by the quickest means available⁵⁶.

Enforcement

- 6.25 Organisations must ensure that all policies and procedures are properly and effectively enforced and that adequate resources are available for this purpose.
- 6.26 Byelaws and directions adopted to manage identified marine safety risks must be backed by an appropriate policy on enforcement. Organisations should have a clear policy on prosecution, which is consistent with the risk

⁵⁶ MGN 564 Marine Casualty & Incident Reporting at www.gov.uk/government/publications/mgn-564-marine-casualty-and-marine-incident-reporting.



assessment on which its local legislation is based.



7. Review and Audit

- 7.1 Organisations should have a regular and systematic process to review and audit all their requirements for marine safety. These will assist in understanding current levels of compliance, highlighting areas for improvement, enhance credibility through independent verification, and deliver wider benefits through better planning and budgeting.
- 7.2 The Duty Holder and Designated Person both have a vital role in this process which will be proportionate to the organisation's size and scale.
- 7.3 Organisations should ensure they review and audit their plans, MSMS, documents and reports to ensure they remain current and fit for purpose. The trigger for a review might be, for example, in response to the organisation's regular review cycle, an incident or accident, a MAIB report, a Code self-compliance statement, a change in procedures or any other amendment.

Marine Safety Management System

- 7.4 The MSMS must incorporate a regular and systematic review of its performance. This should be based on information from monitoring the system itself and from independent external audits of the system.
- 7.5 Performance of the MSMS should be assessed against internal key performance indicators and, where appropriate, by benchmarking against other similar organisations that have adopted good practice.
- 7.6 The Designated Person should present any findings from audits to the Duty Holder as part of the auditing and review process.

Plan, Do, Check, Act

- 7.7 Organisations should utilise a variety of methods to ensure their review and audit cycles are effective. Plan, Do, Check, Act is one approach that has proved simple and effective.

Plan recognise an opportunity or challenge and plan change

Do test the change

Check review the test, analyse the results and identify learning

Act take appropriate action

- 7.8 Duty Holders and Designated Persons should ensure it is clear how the organisation's plans, procedures and other documents are reviewed and audited.



8. Competence

- 8.1 Under the Code, all persons involved in the management and execution of marine services should be competent, qualified and trained to the appropriate national standard⁵⁷.
- 8.2 To ensure that organisations employ competent personnel, they must:
- use published national occupational standards (or an equivalent set of standards) as a basis for recruiting and developing staff and as part of their training strategy;
 - apply an agreed assessment methodology to enable those standards to be applied;
 - review whether existing staff meet those standards;
 - ensure personnel have the necessary professional qualifications, certificate of competency (or are working towards them); and
 - ensure personnel have enough relevant experience to be effective in their posts.
- 8.3 Organisations must assess the fitness and competence of all persons appointed to positions with responsibility for marine and navigation safety on a regular basis.
- 8.4 A policy on revalidation or maintenance of qualifications and continuing professional development should also be considered.

⁵⁷ Available from www.portskillsandsafety.co.uk/skills-uk-ports



9. Plan

Publication

- 9.1 To demonstrate commitment to marine safety and to ensure the involvement of harbour users, all organisations should produce a marine safety plan.
- 9.2 The marine safety plan should illustrate how policies and procedures will be developed to satisfy the requirements of the Code. It should:
- commit the organisation to undertake and regulate marine operations in a way that safeguards the harbour/facility, its users, the public and the environment;
 - refer to commercial activities, the efficient provision of specified services and the effective regulation of vessels including near miss reporting; and
 - explain how commercial pressures will be managed without undermining the safe provision of services and the efficient discharge of its duties.

Format

- 9.3 The form of each organisation's plan and report is for it to determine so long as it covers all if the relevant requirements of the Code.

Review

- 9.4 The Duty Holder must publish an assessment of the organisation's performance against its plan.
- 9.5 Information gathered from the monitoring and auditing of the MSMS should be used to support the analysis and conclusions of that assessment.

Timing

- 9.6 At minimum, plans and assessments should be reviewed and published every three years.
- 9.7 If organisations wish, this review period can be aligned to ensure they inform the Code compliance self-certification exercise.



10. Conservancy Duty

- 10.1 All organisations which have responsibility for the operation and maintenance of marine facilities should ensure that these are in good repair and are fit for purpose. This is vital to ensure that any vessels using them can do so safely but also makes good business sense since regular maintenance supports continued effective and efficient operations, reduces costs in the long term and assets in better condition retain greater intrinsic value.

Harbour Authorities

- 10.2 Harbour authorities have a specific legal duty to conserve their harbours to ensure that it is fit for use and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to utilise it safely. This duty covers several specific requirements to:
- survey, using appropriate specifications based on international standards, as regularly as necessary in accordance with good practice guidance;
 - find and mark the best navigable channels;
 - place and maintain navigation marks in the optimum positions which are suitable for all conditions;
 - have a risk based approach and keep a vigilant watch for any changes in the sea- or river-bed affecting the channel or channels and move or renew navigation marks as appropriate;
 - keep proper hydrographic and hydrological records;
 - ensure hydrographic information is published in a timely manner; and
 - provide regular returns and other information about the authority's local aids to navigation as the relevant GLA may require⁵⁸.
- 10.3 Where a harbour authority establishes that there is a certain depth of water at a part of the harbour over which vessels may be obliged to pass, it must use reasonable care to provide that the approaches to that part are sufficient, under normal conditions, or give warning that the advertised depth has not been maintained.
- 10.4 Harbour authorities should supply the UK Hydrographic Office (UKHO) with information in accordance with good practice that may be needed for updating and ensuring safe official Admiralty charts and publications.
- 10.5 Users should also be provided with adequate information about conditions in the harbour including timely notification of any changes.

⁵⁸ Section 198 of the Merchant Shipping Act 1995



Aids to Navigation

- 10.6 Each harbour authority is a local lighthouse authority for their area. They have the power to carry out and maintain the marking or lighting of any part of the harbour, or other facility or off-shore structure, within the authority's area.
- 10.7 The GLAs are responsible for the superintendence and management of all lighthouses, buoys or beacons within their respective areas. They have a duty to inspect all lighthouses, buoys, beacons and other navigational aids belonging to, or under the management of, a local lighthouse authority. They have the power to give directions to local lighthouse authorities concerning the provision and positioning of aids to navigation.
- 10.8 A local lighthouse authority shall not, without the relevant GLA's consent, erect, remove or vary the character of any lighthouse, buoy or beacon.
- 10.9 All aids to navigation maintained by harbour authorities and any other existing local lighthouse authorities must be maintained in accordance with the availability criteria laid down by the GLAs and must be subject to periodic review. The characteristics of these aids to navigation must comply with the International Association of Lighthouse Authorities Guidelines and Recommendations⁵⁹. Information and periodic returns must be supplied, when required, to the appropriate GLA.



Wrecks and Abandoned Vessels

- 10.10 Where there is a wreck in, or near, the approaches to a harbour which is or is likely to become a danger to navigation the harbour authority may take possession of, remove or destroy it. They may mark the location of the wreck until it is raised, removed or destroyed⁶⁰.
- 10.11 Harbour authorities must 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. They have a duty to have regard to the environment in the exercise of this and all other duties and powers.
- 10.12 Harbour Masters may also have powers, under the Harbour, Docks and Piers Clauses Act 1847 (as incorporated into local harbour legislation) in particular under sections 52, 56 and 57, to remove any unserviceable vessel located

⁵⁹ www.iala-aism.org/guidance-publications

⁶⁰ Section 252 of the Merchant Shipping Act 1995



within the harbour and should do so wherever these present a risk to safety. The expense of removing such vessels may be charged to the owner.

- 10.13 A Harbour Master may give a direction⁶¹ to remove a vessel from a harbour if, in their opinion, its condition is such that it poses a grave and imminent danger to the safety of any person or property.
- 10.14 Where discretionary powers are granted by legislation, Harbour Masters and harbour authorities have a duty to exercise them in the public interest and they may impose a duty to take action where there is a threat to life.
- 10.15 Harbour authorities and their employees (including the Harbour Master) owe a duty of care under common law to those who reasonably and foreseeably are within the harbour area.
- 10.16 The Secretary of State (through his representative, SOSREP) also has powers to intervene and give directions⁶². If it is considered that it may be more appropriate for SOSREP to act in the circumstances, they should be contacted directly or via the MCA.
- 10.17 Where harbour authorities, or Harbour Masters, are uncertain of their powers, appropriate legal advice should be sought to confirm their scope and extent.

⁶¹ Section 1 of the Dangerous Vessels Act 1985

⁶² Section 108A and Schedule 3A of the Merchant Shipping Act 1995

Glossary

ALARP	As Low As Reasonably Practicable
CHA	Competent Harbour Authority
Code	Port & Marine Facilities Safety Code
DfT	Department for Transport
DRA	Dynamic Risk Assessment
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GTGP	Guide to Good Practice
IMO	International Maritime Organization
LPS	Local Port Service
MAIB	Marine Accident Investigation Branch
MCA	Maritime & Coastguard Agency
MGN	Marine Guidance Note
MMO	Marine Management Organisation
MSMS	Marine Safety Management System
OPRC	Convention on Oil Pollution Preparedness & Co-operation
PEC	Pilotage Exemption Certificate
PMSC	Port & Marine Facilities Safety Code
SHA	Statutory Harbour Authority
SOSREP	Secretary of State's Representative
UK	United Kingdom
UKHO	UK Hydrographic Office
VTS	Vessel Traffic Services



Shetland Islands Council

Agenda
Item

4

Meeting(s):	Harbour Board Shetland Islands Council	6 March 2024 27 March 2024
Report Title:	Harbour Byelaws Review	
Reference Number:	PH-02-24F	
Author / Job Title:	Greg Maitland – Harbour Master	

1.0 Decisions / Action required:

The Harbour Board

- 1.1 RECOMMENDS that Shetland Islands Council APPROVE the draft Harbour Byelaws 2024 at Appendix 1, for public consultation, with such amendments as members consider appropriate; and
- 1.2 INSTRUCTS Harbour Master to carry out such consultation, reporting back on the outcome of the review and final document for approval.

2.0 High Level Summary:

- 2.1 The Port Marine Safety Code requires that existing powers should be reviewed on a periodic basis by organisations to avoid a failure in discharging their duties or risk exceeding their powers. The draft Harbour Byelaws 2024 are a product of that review process.

3.0 Corporate Priorities and Joint Working:

- 3.1 Planning and Performance Management are key aspects of Best Value and features of the Council's Corporate Plan, "Our Ambition – 2021 – 2026".
- 3.2 "Our Ambition" – Section 4 – Monitoring and Reporting

"We will monitor and report progress on this plan through our Change Programme and Performance Management Framework"
Business planning is part of that framework.

4.0 Key Issues:

- 4.1 Review of the Sullom Voe Harbour General Byelaws 2002 and the Small Harbours & Piers Byelaws 1987 identified certain beneficial changes including making specific reference to harbour areas added since the byelaws were introduced namely;
 - North Haven, Fair Isle
 - West Burrafirth
 - Housa Voe, Papa Stour

<ul style="list-style-type: none"> • Hamarsness, Fetlar • Uyeasound, Unst 	
4.2	Combining both sets of byelaws into one is considered to be more user friendly and likely to ensure a consistent understanding and approach by harbour personnel and harbour users. The single set of harbour byelaws is intended to cover all Council controlled harbour areas. The inclusion of charts is also considered to be beneficial in aiding understanding of the boundaries of the areas covered by the proposed harbour byelaws.
4.3	If the draft harbour byelaws are approved by Council there will follow a period of consultation. The outcome of the consultation process will be presented to Council for final decision before seeking for decision on the final version of the Byelaws. Unless and until the new harbour byelaws come into operation the existing byelaws will continue to have effect.
5.0 Exempt and/or confidential information:	
None	
6.0 Implications :	
6.1 Service Users, Patients and Communities:	That the SIC continues to provide a competent service to port users in line with the Service Plan.
6.2 Human Resources and Organisational Development:	None
6.3 Equality, Diversity and Human Rights:	None
6.4 Legal:	<p>The Zetland County Council Act 1974 ("1974 Act") provides the Council with powers to make byelaws.</p> <p>Section 44.— General byelaws: (1) The Council may from time to time by byelaws make provision for any matter falling within their duties under section 5 (General duties) of this Act and in particular, but without prejudice to the generality of the foregoing, for any of the following purposes:— (a) for securing the conservation and improvement of any harbour area as a navigable waterway and for promoting the ease and convenience of navigation; (b) for the regulation of vessels in a harbour area and their entry into and departure from the area and, without prejudice to the generality of the foregoing, for prescribing rules for navigation and the lights and signals to be exhibited or made by or for the benefit of vessels navigating in a harbour area; (c) for regulating the use and for preventing the misuse of services and facilities provided by the Council at port premises;</p>

- (d) for promoting the safety of persons and vessels at port premises;
- (e) for regulating the conduct of persons using a harbour area or its banks or shores whether for business, recreation, training or any other purpose;
- (f) for the prevention of nuisances in or beside a harbour area.

(2) Different byelaws may be made under this section in relation to different classes of vessels.

(3) Byelaws made under this section may provide for imposing upon persons offending against them fines not exceeding two hundred pounds and a daily fine of fifty pounds.

Shetland Islands Council intends to make new harbour byelaws under the powers granted by the 1974 Act. Certain procedures must be followed.

In accordance with the Local Government (Scotland) Act 1973 section 202 — Procedure, etc., for byelaws — “(1) The following provisions of this section shall apply to byelaws to be made by a local authority— (a) under this Act, (b) under any other enactment whenever passed, and whether local or otherwise, conferring on a local authority a power to make byelaws, or”.

“(3) The byelaws shall be authenticated by being sealed with the common seal of the local authority and signed by the proper officer of the authority, and shall not have effect until they are confirmed by the confirming authority.

(4) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation, of the place where a copy of the byelaws may be inspected and of the authority to whom objections may be notified shall be given in a newspaper circulating in the area to which the byelaws are to apply or in such other manner as the confirming authority on the application of the local authority may determine to be sufficient in the circumstances.

(5) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the local authority by whom the byelaws are made and shall at all reasonable hours be open to public inspection without payment.

(6) The local authority by whom the byelaws are made shall on application furnish to any person a copy of the byelaws or of any part thereof on payment of such sum, not exceeding 10p for every hundred words contained in the copy, as the authority may determine.

(7) Any person aggrieved by any byelaws may, within one month after notice has been published in accordance with the provisions of subsection (4) above, notify in writing his objection and the ground of his objection to the confirming authority.

(8) Before confirming byelaws, the confirming authority shall take into consideration any objections received by them and may, if they consider it necessary or desirable, hold a local inquiry or cause a local inquiry to be held.

(9) Unless the Secretary of State shall otherwise direct, every inquiry with respect to byelaws made under any provision of this Act or of the Civic Government (Scotland) Act 1982 shall be held by the sheriff.

(10) The confirming authority may confirm with or without modification or refuse to confirm any byelaws submitted under this section for confirmation and may fix the date on which the byelaws are to come into operation, and if no date is so fixed the byelaws shall come into operation at the expiration of one month from the date of their confirmation.

(11) The local authority shall, as soon as practicable after receiving intimation of the confirmation of the byelaws by the confirming authority, cause a notice of such confirmation, of the date on which the byelaws are to come into operation, and of the place where a copy of the byelaws as confirmed may be inspected, to be given in a newspaper circulating in the area to which the byelaws are to apply or in such other manner as the confirming authority on the application of the local authority may determine to be sufficient in the circumstances.

(12) A copy of the byelaws when confirmed shall be printed and deposited at the offices of the local authority by whom the byelaws are made and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall on application be furnished to any person on payment of such sum not exceeding 20p for every copy as the authority may determine.”

“(15) In this section “the confirming authority” means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, or if no authority or person is so specified, means the Secretary of State:

Provided that, notwithstanding that a local Act specifies otherwise, the confirming authority in relation to byelaws made under any local Act shall be the Secretary of State.”

Section 202A - Review of byelaws – states:

“A local authority shall, not later than 10 years from whichever is the later of the following times—

(a) the coming into force of a byelaw which they have the power to revoke or amend;

(b) the coming into force of this section;

	review that byelaw and do so thereafter at intervals of not more than 10 years.”	
6.5 Finance:	None	
6.6 Assets and Property:	None	
6.7 ICT and new technologies:	None	
6.8 Environmental:	None	
6.9 Risk Management:	Failure to comply with the requirements of the Port Marine Safety Code could lead to regulatory action.	
6.10 Policy and Delegated Authority:	<p>The scheme of Administration and Delegations states that the role of the Harbour Board is:</p> <ul style="list-style-type: none"> • Strategic oversight and direction in all aspects of the operation of the Council’s harbour undertaking in accordance with overall Council policy and the requirements of the Port Marine Safety Code. • Act as Duty Holder required by the Port Marine Safety Code and ensure that the necessary management and operational mechanisms are in place to fulfil that function. • To consider all development proposals and changes of service level within the harbour undertaking, including dues and charges, and make appropriate recommendations to the Council. <p>As set out in section 6.4 above the Zetland County Council Act 1974 (“1974 Act”) provides the Council with powers to make byelaws. A decision of the Council is therefore required on the matter presented.</p>	
6.11 Previously considered by:	None	

Contact Details:

Greg Maitland, Harbour Master, 01595 744209, greg.maitland@shetland.gov.uk

Appendices:

Appendix 1 - Draft Shetland Islands Council Harbour Byelaws

Appendix 2 - Sullom Voe Harbour General Byelaws 2002

Appendix 3 - Small Harbours & Piers Byelaws 1987

Background Documents:

NONE

SHETLAND ISLANDS COUNCIL

HARBOUR BYELAWS

2024

Made under Section 44 of the Zetland County Council Act 1974

DRAFT

Director of Infrastructure Services
Shetland Islands Council,
Marine and Air Operations
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Shetland Islands Council
HARBOUR BYELAWS 2023

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Shetland Islands Council, as Harbour Authority by virtue of section 6 of the Zetland County Council Act 1974 for the Sullom Area as defined in;

- Part I of Schedule 1 to the ZCC Act 1974
- The Shetland Islands Council (Uyea Sound, Unst) Harbour Jurisdiction Order 2007

in exercise of the powers conferred by section 44 of the ZCC Act, as amended, and of all other powers enabling them in that behalf, hereby make the following byelaws –

PART I - PRELIMINARY

1. Title and Commencement

These byelaws may be cited as the SHETLAND ISLANDS COUNCIL Harbour Byelaws 2024 and shall come into operation on the expiration of one month from after the date of their confirmation thereof by the Secretary of State for Scotland Scottish Ministers.

2. Application and Interpretation

In these byelaws:

'The Authority' means Shetland Islands Council as Harbour Authority in terms of section 6 of the ZCC Act 1974;

'Class' means a vessel classification society that is a full member of the International Association of Classification Societies (IACS) or any other internationally recognised marine classification society;

'Collision Regulations' means regulations contained within the International Maritime Organisation "Convention on the International Regulations for Preventing Collisions at Sea, 1972", as amended;

"Council" means Shetland Islands Council as constituted by section 2 of the Local Government Scotland Act 1974;

'goods' has the same meaning as in section 3 of the ZCC Act ;

'Harbour' means any of the areas specified in Schedule-1 to the ZCC Act (under exclusion of the Sullom Area as Extended) together with the Blacksness Pier Area specified in the Shetland Islands Council Confirmation Order Act 1979, Cullivoe, Mid Yell, Out Skerries, Symbister, Vaila Sound/Gruting Voe and West Burra(Hamnavoe) areas specified in the Shetland Islands Council Confirmation Order Act 1985, North Haven, Fair Isle area specified in the The Shetland Islands Council (North Haven,Fair

Isle) Harbour Revision Order 1992, West Burrafirth area specified in the The Shetland Islands Council (West Burrafirth) Harbour Revision Order 1995, Papa Stour and Fetlar areas specified in the The Shetland Islands Council (Papa Stour and Fetlar) Harbour Revision Order 2003 and the Uyea Sound Area specified in the Shetland Islands Council (Uyea Sound, Unst) Harbour Jurisdiction Order 2007;

'Harbour Master' has the same meaning as in section 3 of the ZCC Act;

'Harbour premises' means the docks, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Authority;

'IMDG Code' Means the current edition of The International Maritime Dangerous Goods (IMDG) Code

'Length' means the length overall

'Master' when used in relation to a vessel includes any person having the command, charge or management of the vessel for the time being;

'owner' in relation to a vessel includes any part owner, or bareboat charterer and any mortgagee in possession of the vessel or any other person entitled for the time being to take possession of the vessel and has responsibility for operation of the ship, and in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being;

'P&I Club' means Protection and Indemnity Club

'quay' means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;

'small vessel' means any vessel of less than 24 metres in length or a sailing vessel and for the purposes of this definition 'sailing vessel' means a vessel designed to carry sail, whether as the sole or as a primary or supplementary means of propulsion;

'Tanker' means a ship designed to carry liquid or gas in bulk.

'vehicle' means a mechanically or electrically propelled vehicle, any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes any amphibious vehicle;

'vessel' Includes every description of water craft, including non-displacement craft, WIG craft and seaplanes, used or capable of being used as a means of transportation on water;

"ZCC Act" means the Zetland County Council Act 1974.

3. Interpretation

The provision of the Interpretation Act 1978 shall apply to these Byelaws as they apply to an Act of Parliament.

PART II - NAVIGATION

4. Vessel Movements

The Master of a vessel greater than 24 metres in length shall give prior notice to the Harbour Master of the vessel's arrival at, departure from or movements within, the harbour.

The Master of a vessel carrying dangerous goods as defined in the IMDG code shall give a minimum of 24 hours prior notice to the Harbour Master and provide the pre-arrival information as required by the Harbour Master in good time before arrival.

The Master of a vessel which is less than 24 metres, shall:

on arrival at the harbour give immediate notice to the Harbour Master, and

on departure from the harbour or making any other movement of the vessel within the harbour, give prior notice to the Harbour Master.

5. Declaration of particulars of vessel

The master of a vessel arriving at the harbour shall, if required by the Harbour Master, furnish to him Harbour Master a declaration in the form to be obtained from him Harbour Master containing a correct statement of the tonnage and draught of the vessel, its last port of call, ownership and destination, and particulars of its cargo.

The Master of a vessel arriving at the harbour shall, if required by the Harbour Master, make available any original and in force certification issued by the Flag State, Classification Society, P&I Club or any other insurer with an interest in the vessel.

6. Vessels to navigate with care

The Master of a vessel shall navigate that vessel with such care and caution and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and so as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings, or other property.

7. Sirens, Horns & Whistles

No person Vessels shall cause a vessel to not sound any siren, horn or whistle in the harbour except either;

- a) as an aid to navigation or testing of same or
- b) to test the siren, horn whistle, or
- c) with the permission of the Harbour Master.

8. Speed of vessels

- 1) Without prejudice to Byelaw 6 and the Collision Regulations and subject to paragraphs (2) and (3) of this Byelaw, no vessel shall proceed within the Harbour Area at a speed in excess of 5 knots unless the Harbour Master gives, or has given permission to the Master of the vessel to do so.
- 2) The Master of a vessel proceeding in the Sullom Voe Harbour Area at a point or points North of number 3 buoy (at position 60°28'.236N 001°18'.404W) may cause or permit the vessel to proceed at a speed in excess of 5 knots, provided always that the Harbour Master gives, or has given permission to the Master to do so.
- 3) The Master of an in-bound vessel approaching number 3 buoy in the Sullom Voe Harbour Area must contact the Harbourmaster on VHF channel 14 to be advised of the maximum permissible speed for the vessel with reference to any operations being carried out within the area of jetties 1, 2, 3 or 4.

9. Small vessels not to obstruct fairway

The Master of a small vessel whether under power or sail which is not confined to a fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway, and shall give such vessels a clear passage and as wide a berth as safe navigation requires.

10. Vessels not to be made fast to navigation buoys or marks

The Master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigational purposes.

11. Notification of collisions, etc.

The master of a vessel which:

- a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in a harbour area; or
- b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
- c) in any manner gives rise to an obstruction to a fairway;

shall forthwith report the occurrence to the Harbour Master (and as soon as practicable thereafter provide the Harbour Master with full details in writing). Where the damage to a vessel is such as to affect or be likely to affect its seaworthiness the Master shall not move the vessel except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master: provided that this byelaw shall not apply when both or all the vessels involved in a collision are engaged in racing under International Sailing Federation or Union International Motonautique rules for the time being in force.

12. Vessels adrift

The Master of a vessel which parts from its moorings shall as soon as possible report the same to the Harbour Master.

13. Safe passing distance in the Sullom Voe Harbour Area

Vessels must not approach within 50 metres of jetties 1, 2, 3 or 4 or of vessels moored alongside them, without the prior permission of the Harbourmaster.

14. Laying down moorings, buoys or other tackle

- 4) No person shall lay down any mooring, buoy or similar tackle without prior written consent of the Harbour Master and except in accordance with such conditions as the Harbour Master may impose.
- 5) A mooring, buoy or similar tackle shall forthwith be removed by its owner or any other person claiming possession of it if the Harbour Master so directs: provided that this Byelaw shall not apply to any works which are constructed, placed, maintained, altered, renewed or extended in terms of a valid works licence granted by the Authority in terms of Section 11 of the ZCC Act.

PART III - BERTHING AND MOORING**15. Provision of proper fenders**

The Master of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of the vessel and, when berthing and leaving or lying at a quay other than Sullom Voe Jetties 1 – 4 or against other vessels, the Master shall cause the vessel to be fended off from that quay, or those other vessels so as to prevent damage to that quay, those other vessels or other property.

16. Vessels to be properly berthed

The master of a vessel shall at all times keep the vessel properly and effectively moored when berthed or lying at any quay and ensure all moorings and vessel's gangway are regularly inspected and adjusted as necessary.

17. Access to and egress from vessels

The Master and the owner of a vessel that is berthed at any quay other than Sullom Voe Jetties 1 – 4, shall provide and maintain safe access and egress of all persons having lawful business on the vessel and shall during the hours of darkness provide sufficient lighting to illuminate the area.

18. Sufficiency of crew

Except with the permission of the Harbour Master, the Master of a vessel shall at all times when the vessel is within the harbour ensure that the vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available:

- a) to attend to the vessel's moorings;
- b) to comply with any directions given by the Harbour Master for the unmooring, mooring and moving of the vessel; and
- c) to deal, so far as is reasonably practicable with any emergency that may arise.

19. Vessels to be kept in a movable condition

- 1) The Master of a vessel shall not, except where the vessel is lying aground, take any steps to render the vessel incapable of movement without first seeking permission from the Harbour Master and, subject as aforesaid, shall at all times keep the vessel so loaded and ballasted and in such condition that it is capable of being safely moved.
- 2) Where a vessel is at any time not capable of being safely moved by means of its own propulsion, the Master and owner shall inform the Harbour Master forthwith and give to them any further information which the Harbour Master may require.

20. Use of engines while vessel moored or berthed

The Master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of the vessel to be worked in such a manner as to cause injury or damage to the bed or banks of the harbour or to any other vessel or property.

21. Vessels not to make fast to unauthorised objects

No person shall make a vessel fast to any post, quay, ring, fender, or any other thing or place not assigned for that purpose.

22. Access across decks

The Master of a vessel alongside a quay or alongside any vessel already berthed within the harbour shall, if required so to do by the Harbour Master, give free access across the deck of the vessel for persons and goods to and from vessels berthed alongside the vessel.

23. Lost anchor, cable or propeller

- 1) The Master of a vessel which has slipped or parted from or lost any anchor, chain, cable, propeller, container, other large object or equipment in the harbour, shall forthwith give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable, propeller, container or other large object and, if the Harbour Master so directs shall cause it to be recovered as soon as practicable.
- 2) The Master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position thereof.

24. Moorings

The Master or owner of any vessel shall ensure that the vessel is safely and securely moored and have the moorings adequately tended at all times when alongside any quay.

The Master of a tanker must comply with the requirements of the Harbour Master with regards to the effective mooring of the tanker and must ensure that adequate, appropriate and sufficient mooring equipment including ropes, wires, winches, bitts, fairleads are available for that purpose. All mooring equipment must meet with, or exceed Class requirements contained in the most recent edition of "The International Safety Guide for Oil Tankers and Terminals" as published by the Oil Companies International Marine Forum.

PART IV - GOODS AND ROAD TRAFFIC

25. Requirements as to handling and movement of goods in the harbour

- 1) The owners of any goods loaded or discharged at the harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within 48 hours unless the Harbour Master otherwise agrees.
- 2) The owners of any goods shall comply with such directions as the Harbour Master may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour premises.
- 3) In this byelaw "Owner" when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading and unloading and clearance of those goods and includes any other person in charge of the goods.

26. Precaution against goods, etc., falling into harbour waters or the Authority's premises

The master of a vessel and any person undertaking the loading of cargo into, or the discharging of cargo from, a vessel shall use or cause to be used such methods as the Harbour Master may direct for the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the harbour or onto the premises of the Authority.

27. Obstruction or interference at harbour premises

No person shall:

- a) except with the permission of the Harbour Master, deposit or place on any part of the harbour premises any goods or park any vehicle in such a way as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto; or
- b) without lawful authority use, work, move or interfere with any plant, machinery, equipment or apparatus at the harbour premises.

28. Safe driving of a vehicle

- 1) No person shall drive or otherwise operate a vehicle in the harbour premises dangerously, or without due care and attention or without reasonable consideration for other persons using the harbour premises.
- 2) No person who is unfit to drive through drink or drugs shall be in charge of, drive, or attempt to drive a vehicle in harbour premises.

29. Speed limit for vehicles

No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than 15 miles per hour.

30. Supervision of vehicles

A person having charge of a vehicle in the harbour premises shall at all times comply with any directions of the Harbour Master with respect to the loading, discharging, manoeuvring, parking and removal thereof and shall not, without the permission of the harbour master:

- a) leave the vehicle unattended anywhere within the harbour premises otherwise than in a designated parking space; or
- b) take it into any shed or working area.

31. Loads not to leak, spill or drop

Any person being in charge of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle. This byelaw shall not apply to any spillage from a vehicle in which fish are being transported in bulk where that spillage could not have been reasonably prevented.

32. Loads to be secured

The owner, driver or other person having charge of a vehicle in the harbour premises shall ensure that any load carried thereon or therein is properly secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

33. Accidents to be reported

Any person driving or otherwise operating a vehicle involved in an accident in the harbour premises whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle and immediately report the accident to the Harbour Master and shall give contact details to the Harbour Master.

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PART V - GENERAL

34. Inspection facilities, etc. to be made available to Harbour Master

The Master of a vessel shall, so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

35. Navigation under influence of drink or drugs prohibited

- 1) A person shall not navigate any vessel in the harbour whilst under the influence of alcohol or drugs.
- 2) Any person so suspected to be under the influence of alcohol or drugs must provide a specimen of breath and/ or blood if so requested by a police officer and/ or doctor.

36. Vessels not to be fumigated without permission

The Master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the Harbour Master.

37. Dumping in harbour waters prohibited

No person shall deposit or throw into the waters of the harbour any rubbish or other material whatsoever or place it in such a position that it can fall, blow or drift into the harbour.

38. Fishing

No person shall cast or place any drift, trawl or other net or static gear in such a position as to be likely to become an obstruction or danger to any property including in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

39. No dragging or grappling without permission

No person shall drag or grapple for any material or article nor remove the same from the bed of any water area of the harbour without the written consent of the Harbour Master: provided that this byelaw shall not apply to areas approved by the Harbour Master for the purpose of mooring recreational craft.

40. Vessels to have names marked on them

The owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1995 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise permitted by the Harbour Master.

41. Abandonment of vessels prohibited

- 1) No person shall abandon a vessel on the banks, shore or on the seabed within the harbour area.
- 2) For the purposes of paragraph (1) of this byelaw, a person who abandons a vessel on the banks or shore of the harbour in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.

42. Recreational Watersports

No person shall engage in or take part in recreational watersports except with the written permission of the Harbour Master given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as may be imposed.

43. Diving

- 1) Recreational diving is prohibited everywhere in the harbour area unless the Harbour Master has given specific approval in writing to the person in charge of the proposed diving activity.

2) Commercial diving is permitted under the following circumstances:

- a) The diving contractor has notified the Harbour Master before diving commences;
- b) The task has been the subject of a risk analysis and a method statement. Such documentation to be made available to the Harbour Master if so required by them;
- c) Harbour Master is kept fully informed of commencement/completion of diving operations and movements of all craft associated with the diving operations; and
- d) Associated craft display, by day, an "A" flag as prescribed by the international code of signals, of not less than one metre by one metre and the appropriate lights by night as prescribed in the Collision Regulations.

44. Assistance to Emergency Services

The Master of a vessel shall give every reasonable facility and assistance to the emergency services for dealing with, alleviating or preventing any emergency.

45. Fire precautions

The Master of a vessel shall take all reasonable precautions for the prevention of accidents by fire.

46. Obstruction of officers of the Authority

No person shall obstruct any officer or employee of the Authority in the execution of their duties.

47. Penalties

- 1) Any person contravening any of these byelaws shall be liable on summary conviction to a penalty not exceeding level 1 on the standard scale for each offence and in the case of a continuing offence to a further penalty not exceeding the sum of fifty pounds for each day thereafter that the offence continues.

- 2) Whenever in these byelaws reference is made to the granting of permission subject to conditions, then the failure to comply with any such condition shall be deemed to be a breach of the byelaw by virtue of which the condition was imposed.
- 3) It shall be a defence to any person charged with an offence under these byelaws to prove that they acted with due diligence and had a reasonable excuse for contravention of these byelaws.

48. Health and Safety at work

- 1) Nothing in these byelaws shall prejudice or affect the operation of the relevant statutory provisions as defined in Part 1 of the Health and Safety at Work, etc., Act 1974.

49. Revocation

- 1) The Shetland Islands Council (Small Harbours and Piers) Byelaws confirmed on 31st July, 1987, are hereby revoked
- 2) The Shetland Islands Council Sullom Voe Harbour General Byelaws confirmed on 2002 are hereby revoked
- 3) The foregoing Byelaws were made under the Common Seal of the Shetland Islands Council on the

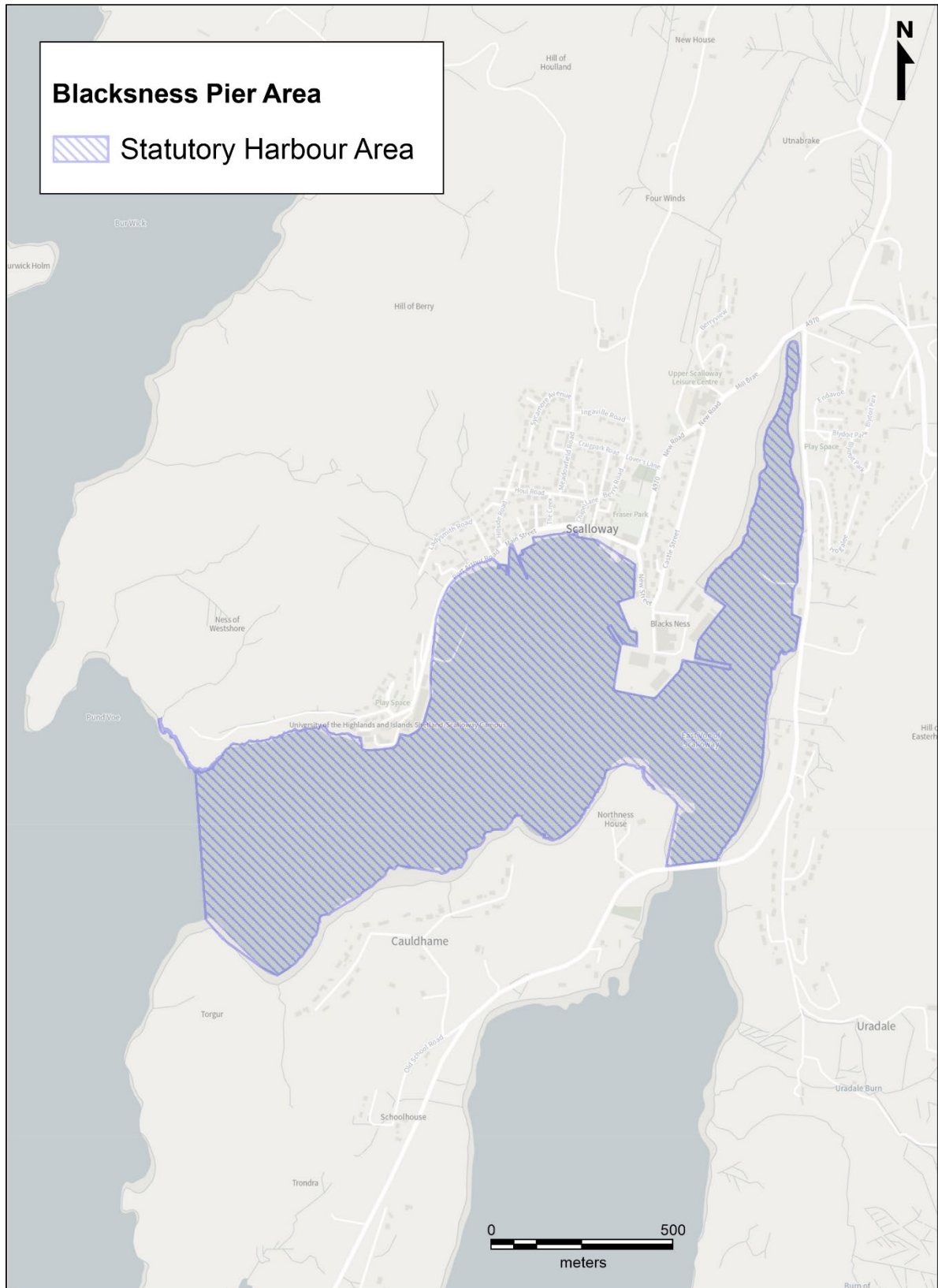
PART VI - SCHEDULE OF HARBOUR AREAS

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

1) BLACKSNESS PIER AREA

The area adjacent to Blacksness Pier bounded on the north and east by the line of low water of Mainland, on the south partly by the bridge over Clift Sound between Trondra and Mainland and partly by the line of low water on Trondra, and on the west by an imaginary straight line between the northern extremity of Trondra Ness and the southern extremity of Maa Ness.

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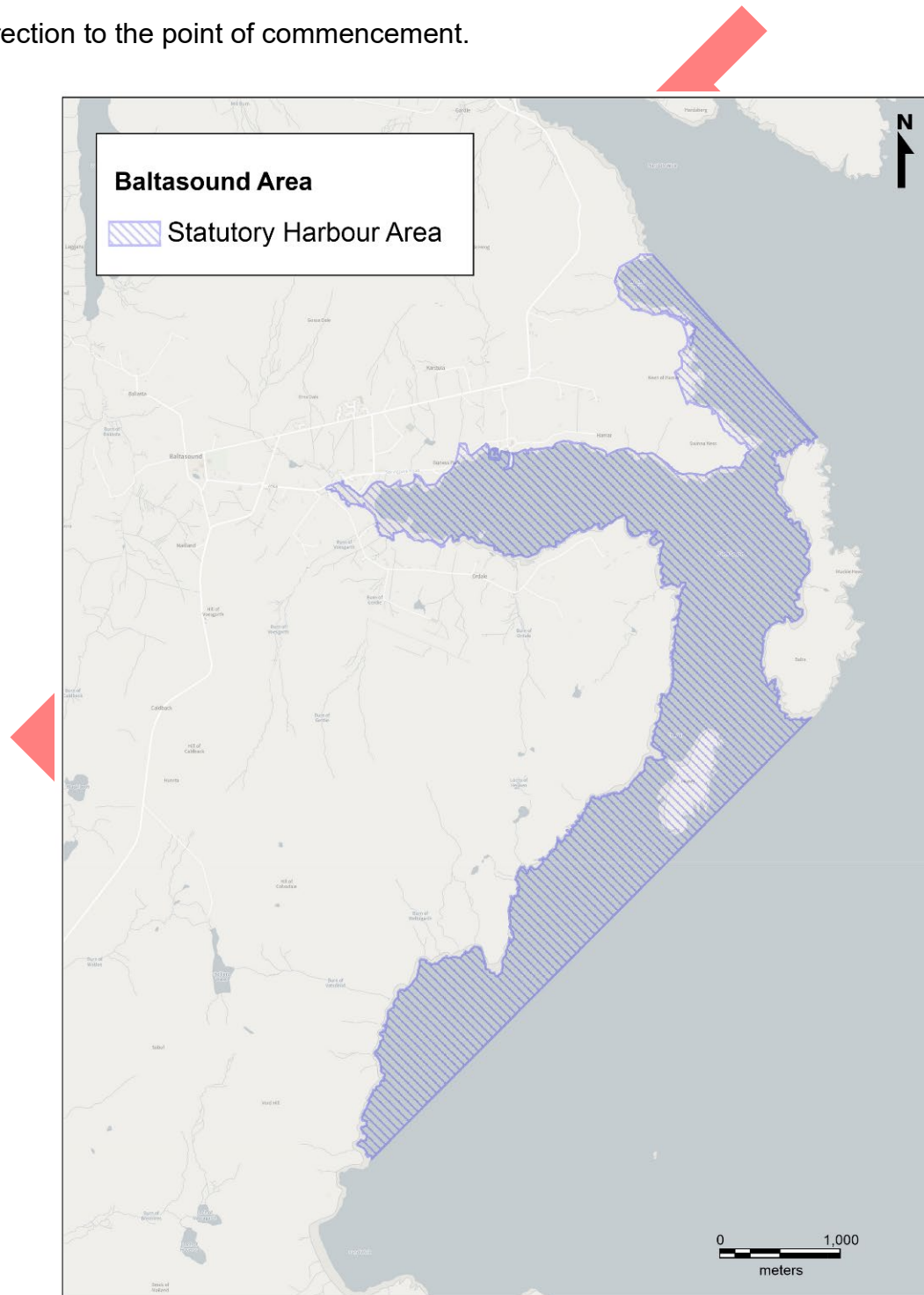


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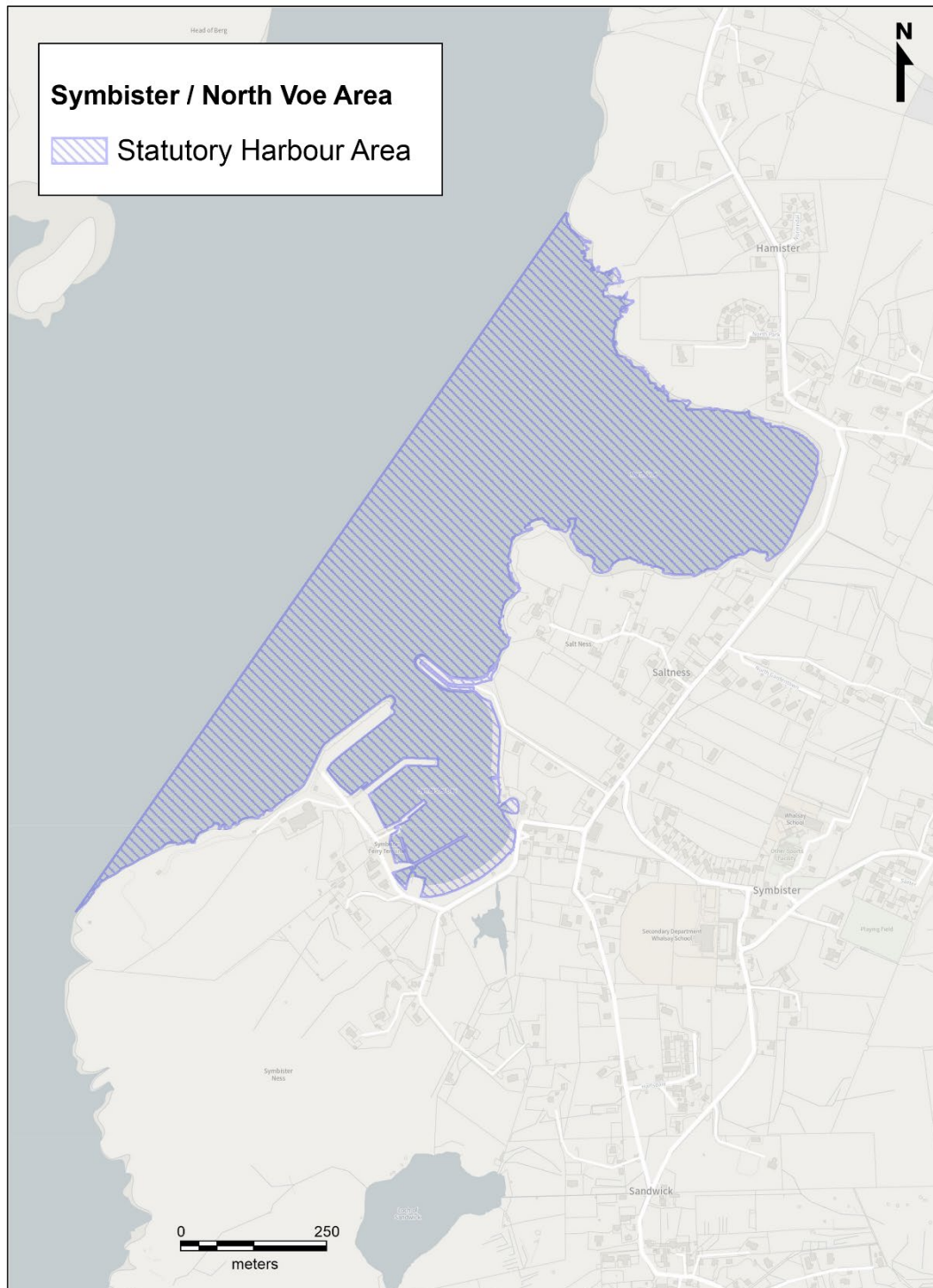
2) BALTASOUND AREA

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



3) SYMBISTER/NORTH VOE AREA

Commencing at low-water mark on the north-western extremity of Symbister Ness on the island of Whalsay (latitude 60 degrees 20' .500N, longitude 01 degree 02' .100W); Thence in a generally north-easterly direction by the line of low water on the boundaries of Symbister Bay, Salt Ness and North Voe to Outer North Point (latitude 60 degrees 21' .100N, longitude 01 degree 01' .233W); Thence in a generally south-westerly direction in a straight line to the point of commencement.

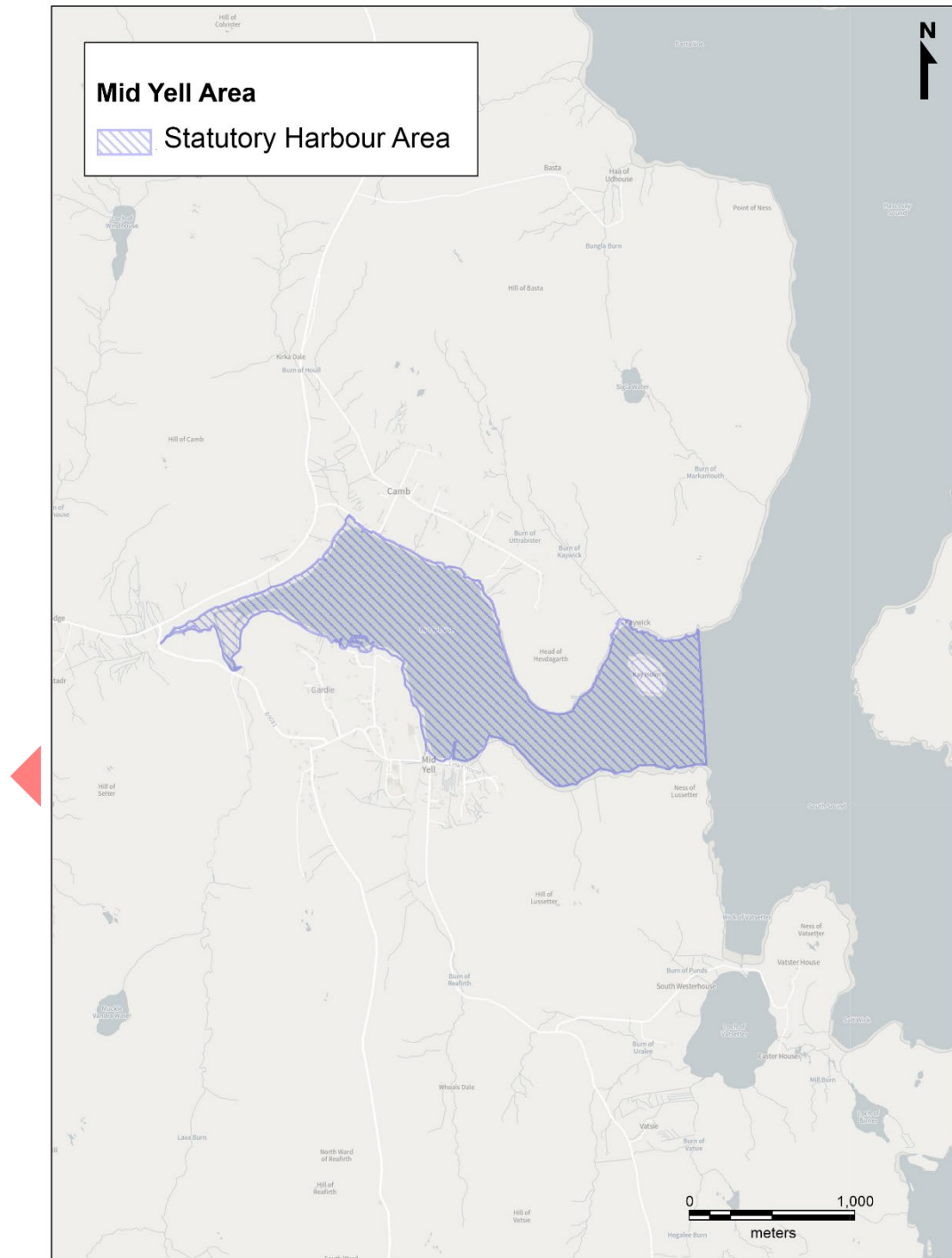


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4) MID YELL VOE AREA

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



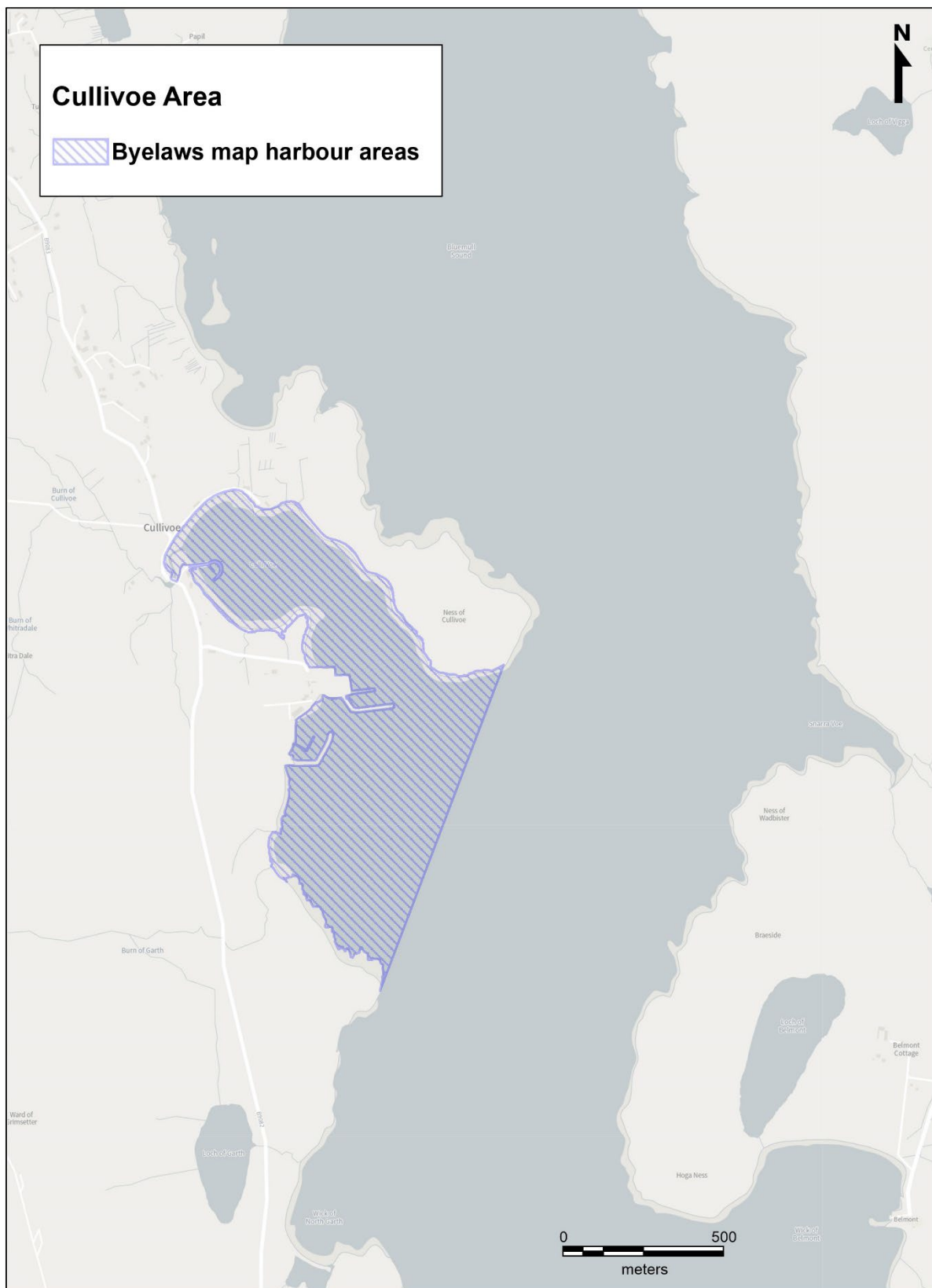
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5) CULLIVOE AREA

Commencing at low-water mark on the eastern extremity of the point of Grimsetter on the island of Yell (latitude 60 degree 41' .433N, longitude 00 degrees 59' .617W); Thence in a generally north-easterly direction in a straight line to low-water mark on the south-eastern extremity of the Ness of Cullivoe (latitude 60 degrees 41' .950N, longitude 00 degrees 59' .183W); Thence in a generally north-westerly and then south-easterly direction by the line of low water to the point of commencement.

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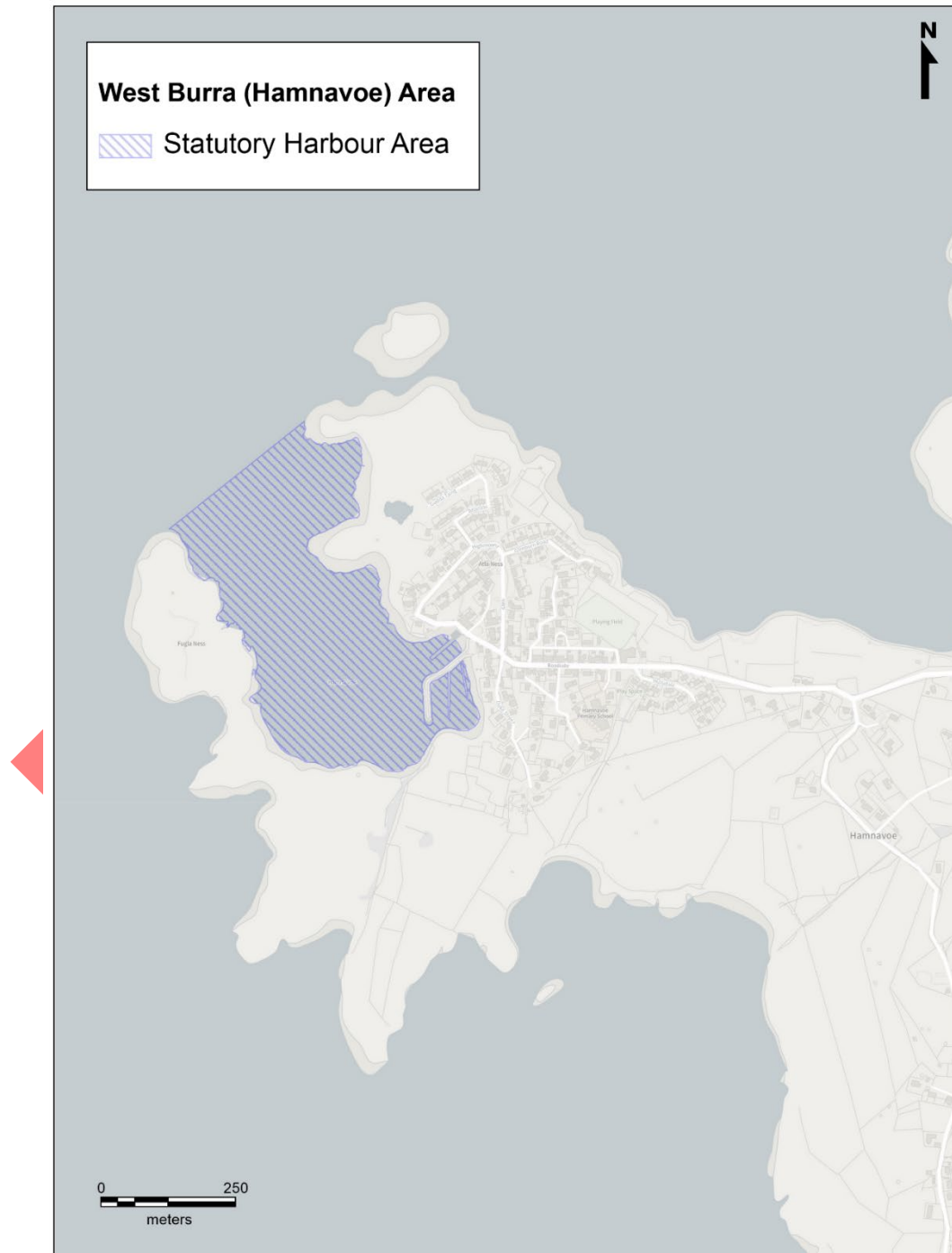


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6) WEST BURRA (HAMNA VOE) AREA

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



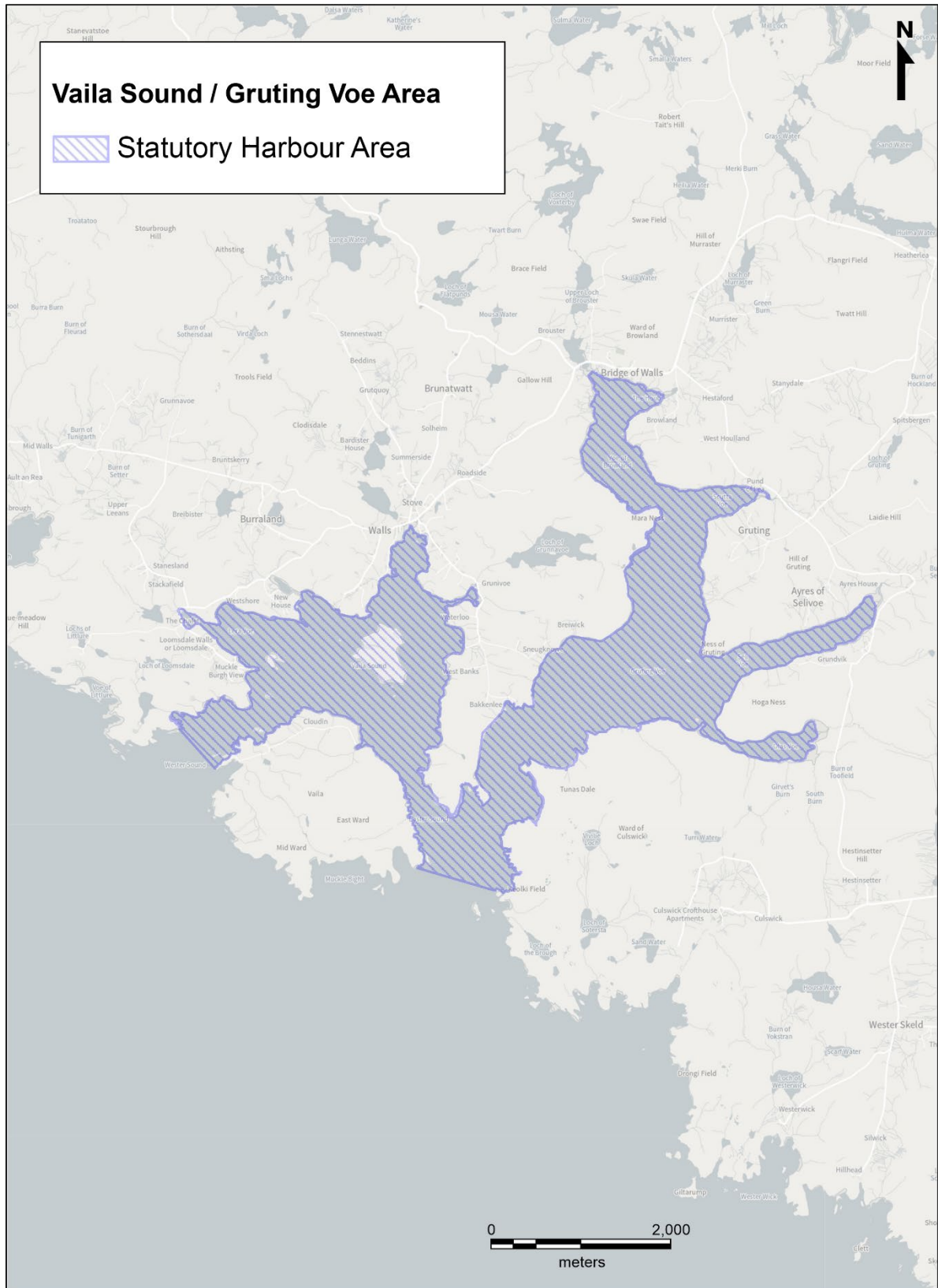
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7) VAILA SOUND/GRUTING VOE AREA

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

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



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8) OUT SKERRIES (WEST VOE) AREA

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

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

Thence in a generally north-easterly and south-westerly direction by the line of low-water to the point of commencement.

9) OUT SKERRIES SOUTH AND NORTH EAST MOUTH) AREA

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

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

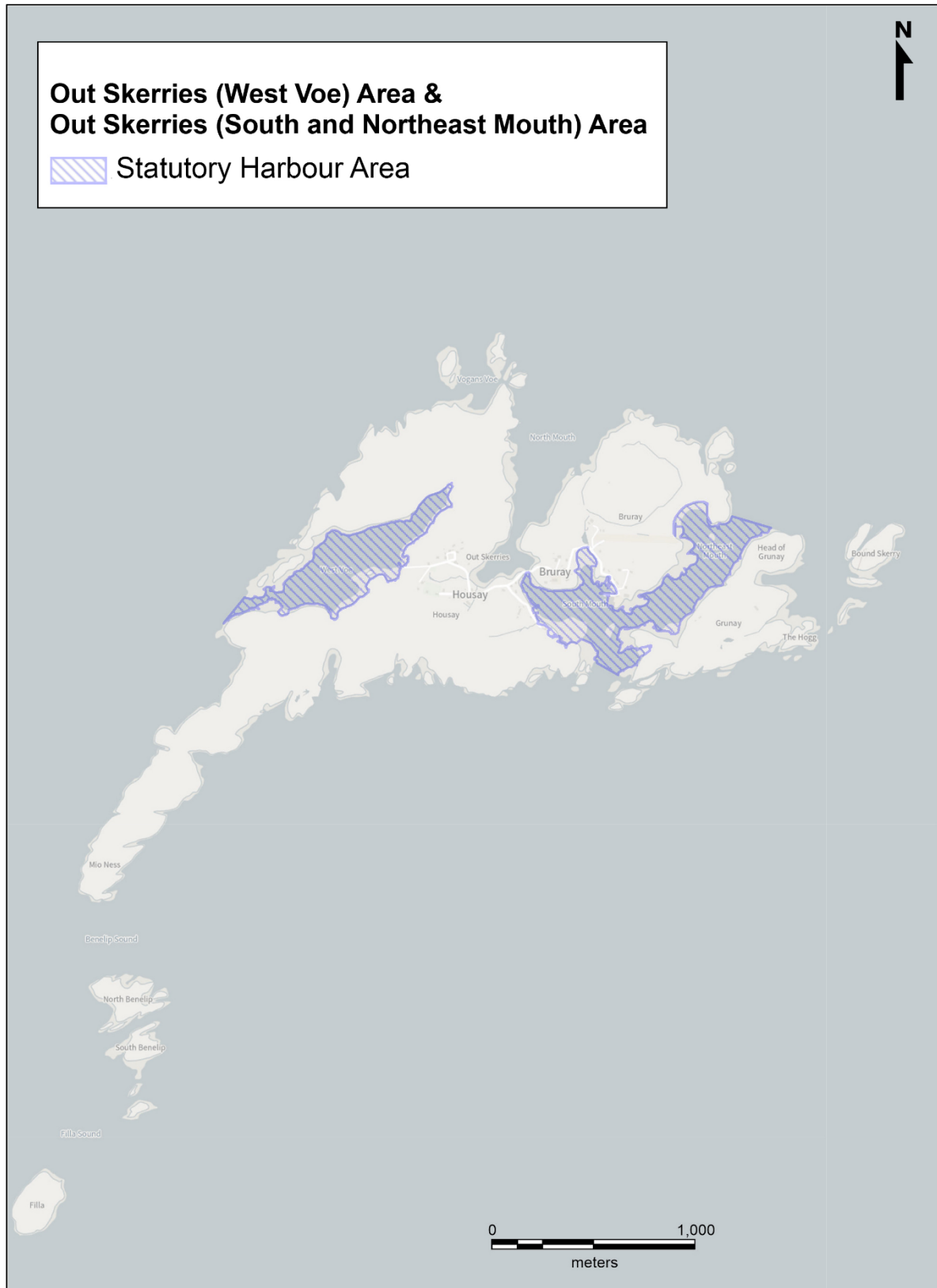
Thence in a generally north-easterly direction by the line of low water to low-water mark on the north-west tip of the Head of Grunay (latitude 60 degrees 25' .551N, longitude 00 degrees 44' .100W);

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

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

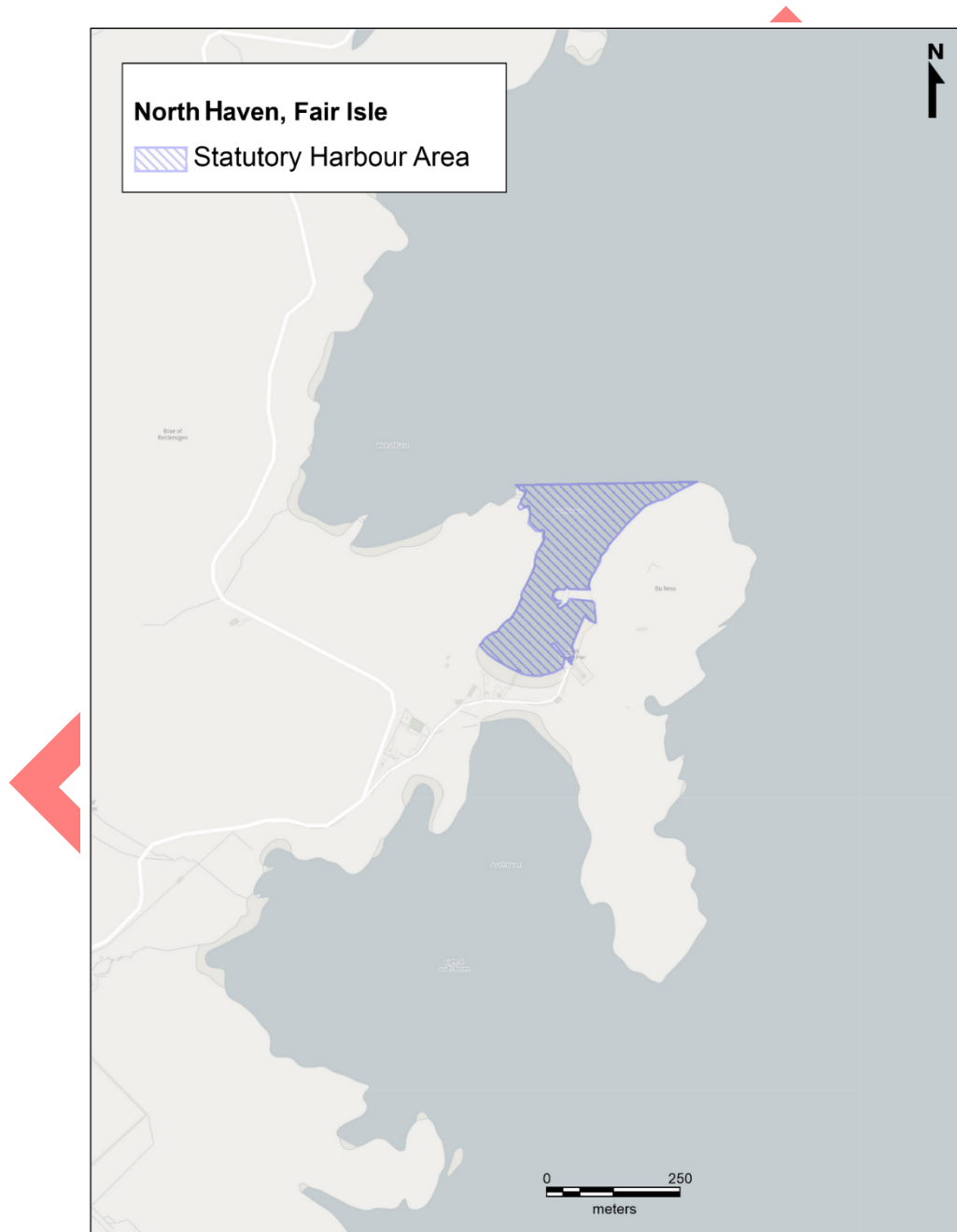
Thence in a westerly direction in a straight line to low-water mark on the island of Housay on the western side of Skerries Bridge (latitude 60 degrees 25' .450N, longitude 00 degrees 45' .400W);

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



10) NORTH HAVEN FAIR ISLE

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



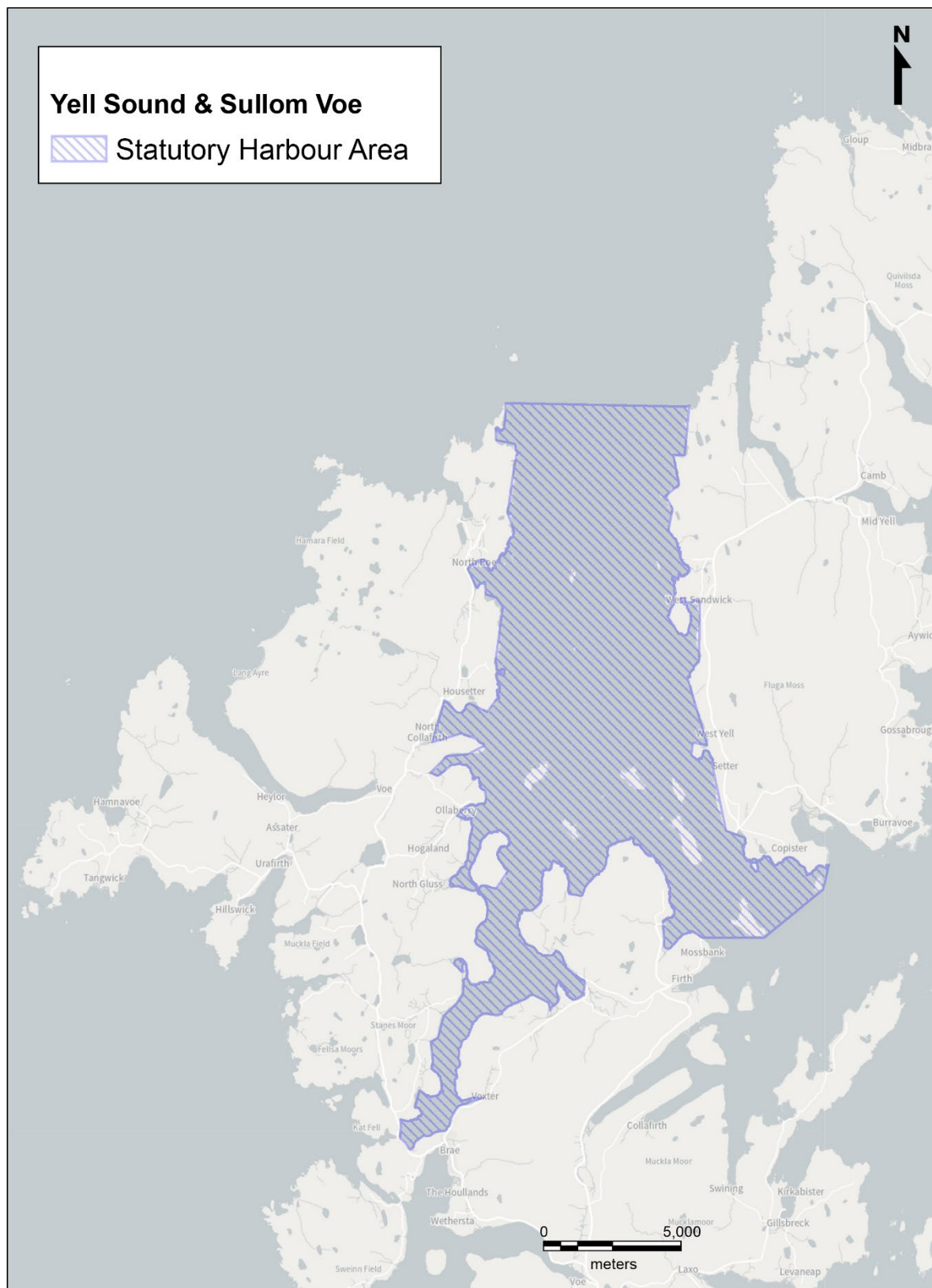
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Paper size: A4
Date: 2023

11) SULLOM VOE AND YELL SOUND HARBOUR AREA

The entire area of Yell Sound and Sullom Voe and adjacent inlets within a line commencing at Ell Wick thence in a northerly direction along the line of low water mark on the west side to a point in latitude $60^{\circ} 38' 18''$ north, longitude $01^{\circ} 18' 18''$ west on the line of low water mark at the northern extremity of the Point of Fethaland, thence in an easterly direction following a straight line to a point in latitude $60^{\circ} 38' 14''$ north, longitude $01^{\circ} 11' 08''$ west on the line of low water mark at the northern extremity of Fogla Lee on the Island of Yell;

thence generally in a southerly and easterly direction along the line of low water mark on the east side to a point in latitude $60^{\circ} 29' 09''$ north, longitude $01^{\circ} 05' 48''$ west on the line of low water mark at the south-eastern extremity of the Ness of Copister, thence in a southerly direction to a point in latitude $60^{\circ} 28' 41''$ north, longitude $01^{\circ} 05' 58''$ west on the line of low water mark at the south-eastern extremity of the Island of Orfasay thence in a southwesterly direction following a straight line to a point in latitude $60^{\circ} 27' 44''$ north, longitude $01^{\circ} 08' 22''$ west on the line of low water mark at the southern extremity of Samphrey Island, thence in a westerly direction following a straight line to a point in latitude $60^{\circ} 27' 45''$ north, longitude $01^{\circ} 10' 49''$ west at the root of Mossbank Pier and thence generally in a northerly and southerly direction following the line of low water mark to the point of commencement.

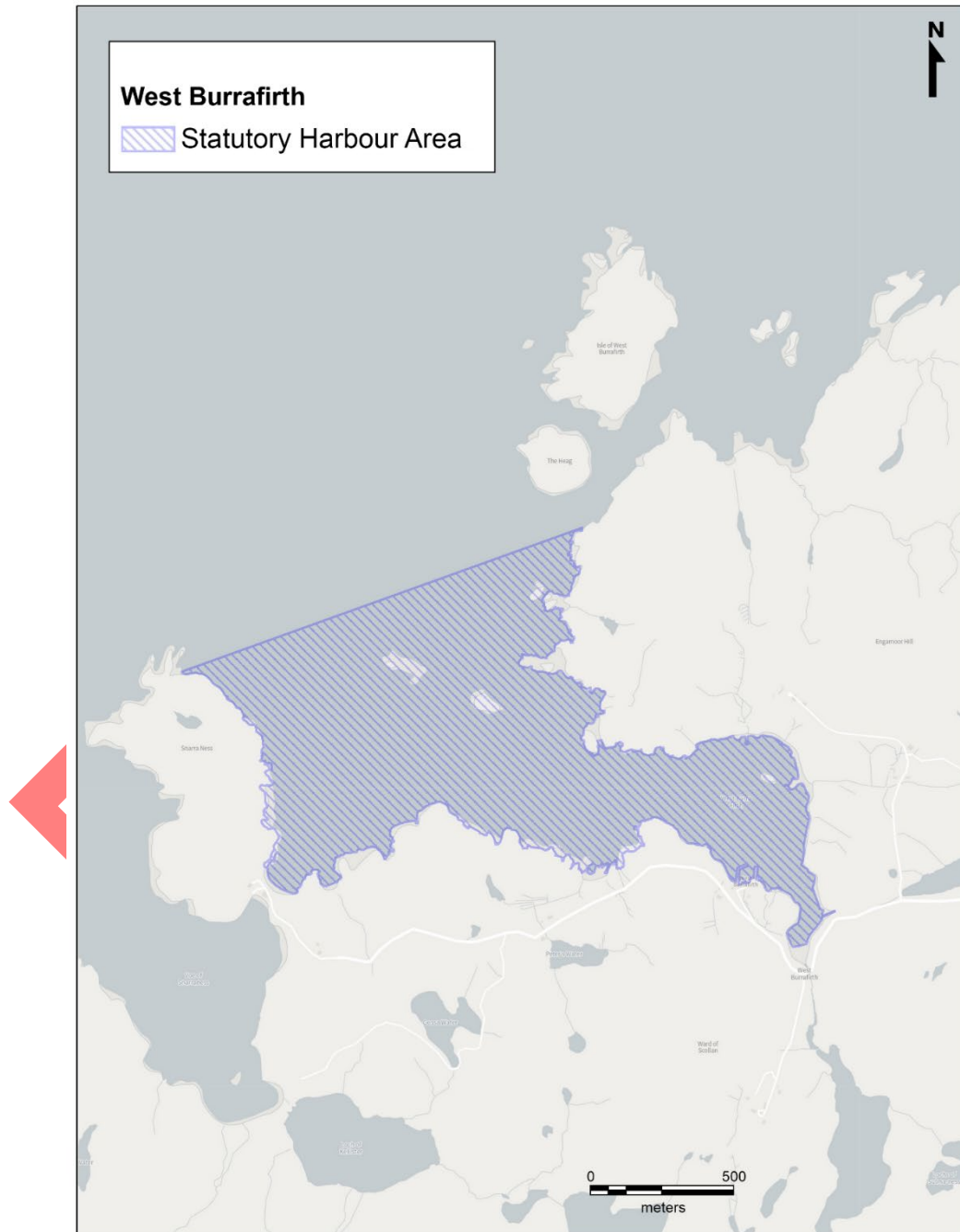


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12) WEST BURRAFIRTH

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

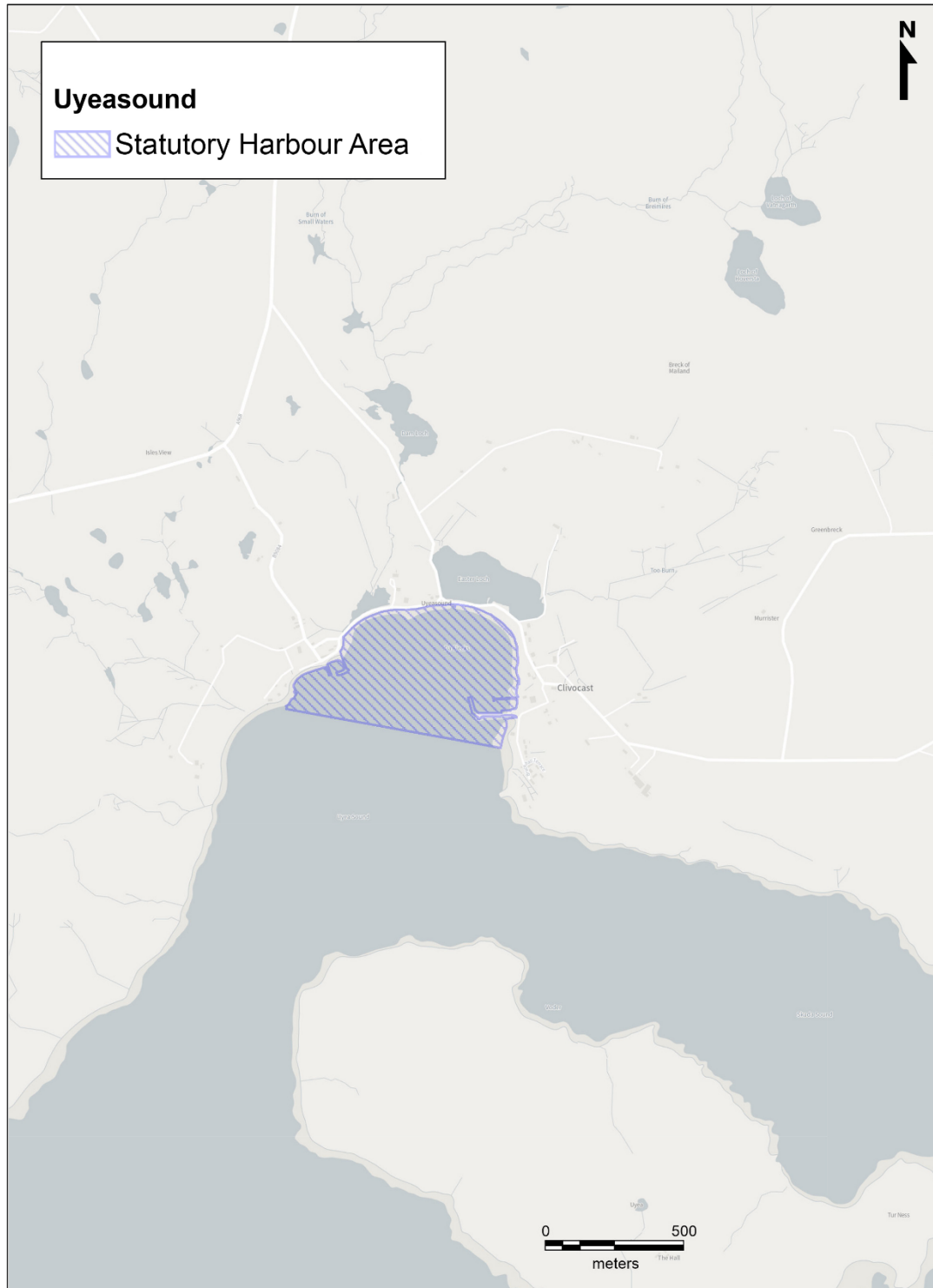


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13) UYEASOUND – UNST

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

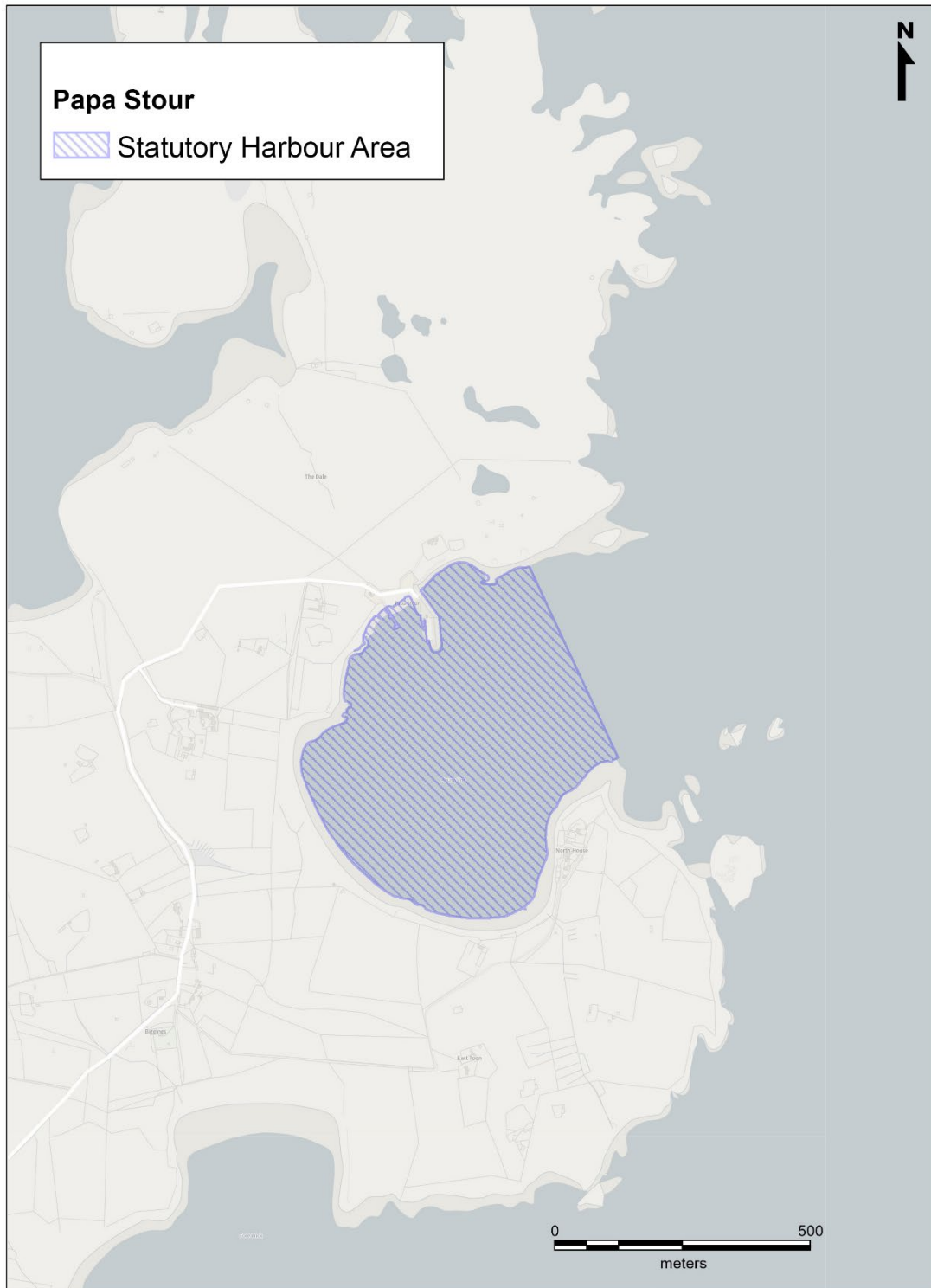


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14) HOUSA VOE – PAPA STOUR

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

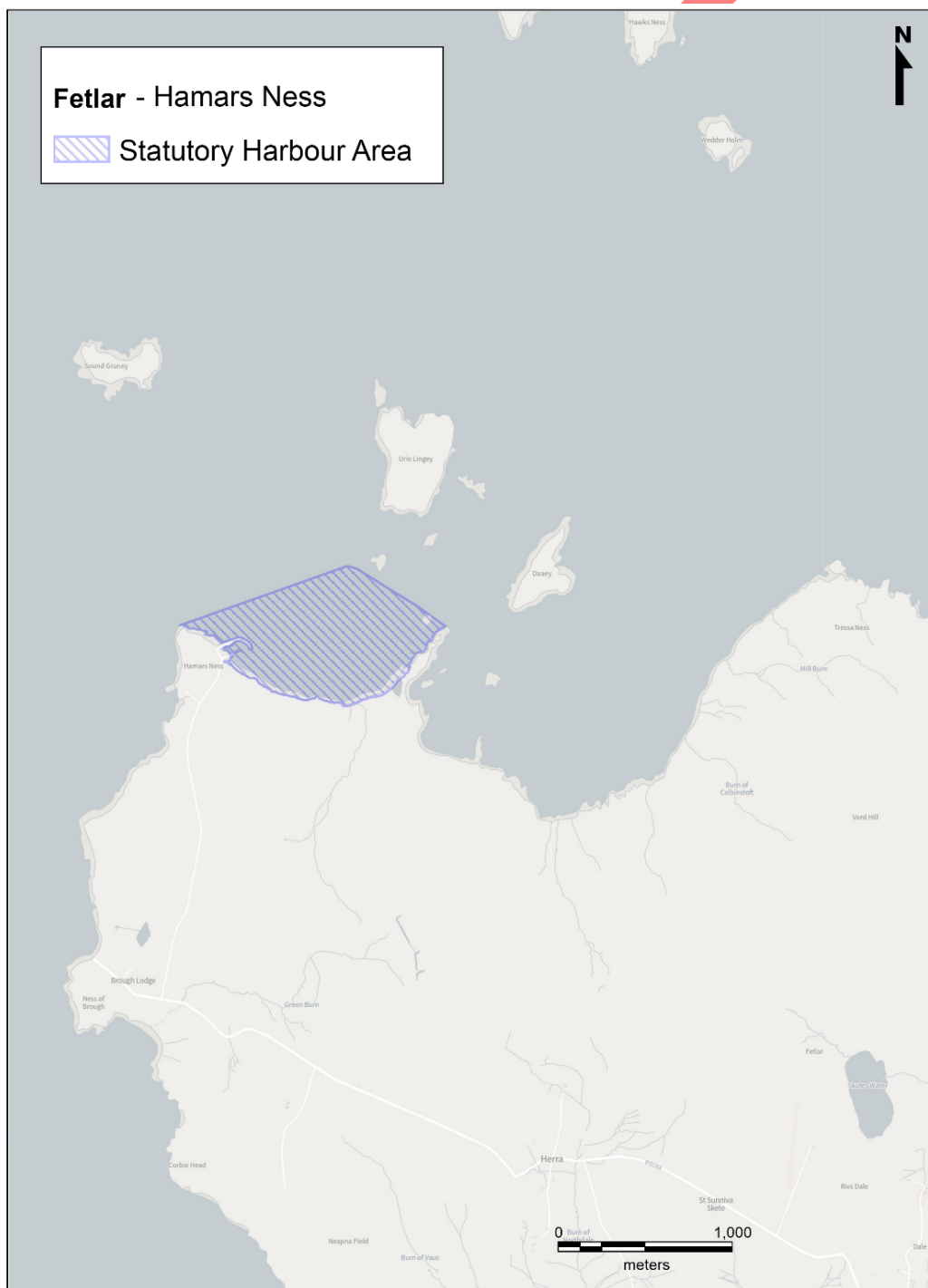


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15) HAMARSNESS – FETLAR

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



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Date: 2023

Member

Member

Director of Administration

Confirmed by the Secretary of State by virtue of Section 202 of the Local Government (Scotland) Act 1973.

DRAFT

SHETLAND ISLANDS COUNCIL

SULLOM VOE HARBOUR

GENERAL BYELAWS 2002

Made under Section 44 of the
Zetland County Council Act 1974

Director of Marine Operations,
Shetland Islands Council,
Marine Operations Dept.,
Port Administration Building,
Sella Ness,
Graven,
Shetland,
ZE2 9QR

SHETLAND ISLANDS COUNCIL

SULLOM VOE HARBOUR

GENERAL BYELAWS 2002

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SHETLAND ISLANDS COUNCIL

SULLOM VOE HARBOUR

GENERAL BYELAWS 2002

The SHETLAND ISLANDS COUNCIL as Harbour Authority for the Sullom Area as defined in the Schedule hereto, in exercise of the powers conferred by section 44 of the Zetland County Council Act 1974 (hereinafter referred to as the ZCC Act 1974) and of all other powers enabling them in that behalf, hereby make the following byelaws.

PART I – PRELIMINARY

Title and commencement

1. These byelaws may be cited as the SHETLAND ISLANDS COUNCIL, SULLOM VOE HARBOUR, GENERAL BYELAWS 2001 and shall come into operation on the expiration of 1 month from the date of confirmation by the Scottish Ministers.

Application

2. These byelaws shall apply to all parts of the harbour, the limits of jurisdiction of which are set forth in the Schedule hereto and to the harbour premises as defined in byelaw 3 hereof.
3. In these byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them:

'The Authority' means the Shetland Islands Council as Harbour Authority in terms of section 6 of the ZCC Act 1974 (as amended);

'Class' means a vessel classification society that is a full member of the International Association of Classification Societies (IACS) or any other internationally recognised marine classification society;

'Collision Regulations' means regulations contained within the International Maritime Organisation "Convention on the International Regulations for Preventing Collisions at Sea, 1979", as amended;

'Goods' means all articles and merchandise of every description and includes fish, livestock and animals;

'Harbour' means the Sullom Area as defined in Schedule 1 to the ZCC Act 1974 and as described in the Schedule hereto, as illustrated in the Map annexed hereto and including all or any part thereof;

'The Harbour Master' means the person appointed by the Authority as such for the purposes of the ZCC Act 1974 and includes his authorised deputies, assistants and any other person authorised by the Authority to act in that capacity;

'The harbour premises' means the docks, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Authority;

'Master' when used in relation to a vessel includes any person having the command, charge or management of the vessel for the time being;

'Owner' when used in relation to a vessel includes any part owner, or bareboat charterer and any mortgagee in possession of the vessel or any other person entitled for the time being to take possession of the vessel and has responsibility for operation of the ship. When used in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being;

'Port Control' means The Vessel Traffic Control Centre situated within the Port Administration Building, Sella Ness and from where all traffic movements are co-ordinated.

'Quay' means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;

'Small vessel' means any vessel of less than 24 metres in length or a sailing vessel and for the purposes of this definition 'sailing vessel' means a vessel designed to carry sail whether as the sole or as a primary or supplementary means of propulsion;

'Tanker' means a ship designed to carry liquid petroleum or petroleum gases in bulk, including a combination carrier when being used for this purpose.

'Vehicle' includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes any other amphibious vehicle;

'Vessel' means a craft, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being partially submerged in water (whether permanently or temporarily) and any other amphibious vehicle.

Upper case letters can mean lower case and vice versa.

The provision of the Interpretation Act 1978 shall apply to these Byelaws as they apply to an Act of Parliament.

PART II – NAVIGATION

Vessel Movements

4. (1) (a) The Master of a vessel which normally trades to sea shall give prior notice to the Harbour Master of the vessel's arrival at, departure from or movements within, the harbour.
- (b) The Master of a tanker shall give a minimum of 24 hours prior notice to the Harbour Master and provide the pre-arrival information as required by the Harbour Master in good time before arrival.
- (2) The Master of a vessel, which does not normally trade to sea, shall:
 - (a) on arrival at the harbour give immediate notice to the Harbour Master and
 - (b) on departure from the harbour or making any other movement of the vessel within the harbour, give prior notice to the Harbour Master.

Declaration of particulars of a vessel

5. (1) The Master of a vessel arriving at the harbour shall, if required by the Harbour Master, furnish to the Harbour Master a declaration in the form to be obtained from the Harbour Master containing a correct statement of the tonnage and draught of the vessel, its last port of call, ownership, destination and particulars of its cargo.
- (2) The Master of a vessel arriving at the harbour shall, if required by the Harbour Master, make available any original and in force certification issued by the Flag State, Classification Society, P&I Club or any other insurer with an interest in the vessel.

Vessels to navigate with care

6. The Master shall navigate his vessel with such care and caution and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and so as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings, or other property.

Sirens, Horns & Whistles

7. No person shall cause a vessel to sound any siren, horn or whistle in the harbour except either:
 - (1) as an aid to navigation, testing of same or
 - (2) with the permission of the Harbour Master.

Speed of vessels

8. Except with the permission of the Harbour Master and subject to byelaw 6 and the Collision Regulations, the Master of a vessel shall not cause or permit the vessel to proceed at a speed in excess of 5 knots at any point south of number 3 buoy. In addition, vessels approaching number 3 buoy must contact Sullom Voe Harbour Radio on VHF channel 14 to confirm what maximum speed is permissible with reference to any operations being carried out within the area of jetty 4 to jetty 1.

Small vessels not to obstruct fairway

9. The Master of a small vessel whether under power or sail which is not confined to a fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway, and shall give such vessels a clear passage and as wide a berth as safe navigation requires.

Vessels not to be made fast to navigation buoys or marks

10. The Master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigational purposes.

Notification of collisions, etc.

11. The Master of a vessel which:
 - (1) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in a harbour area; or
 - (2) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
 - (3) in any manner gives rise to an obstruction to a fairway;

shall forthwith report the occurrence to the Harbour Master (and as soon as practicable thereafter provide the Harbour Master with full details in writing). Where the damage to a vessel is such as to affect or be likely to affect its seaworthiness the Master shall not move the vessel except to clear the fairway or to moor or anchor safely, otherwise than with the permission and in accordance with the directions of the Harbour Master: provided that this byelaw shall not apply when both or all the vessels involved in a collision are engaged in racing under International Sailing Federation or Union International Motonautique rules for the time being in force.

Vessels adrift

12. The Master of a vessel which parts from its moorings shall as soon as possible report the same to the Harbour Master.

Safe passing distance

13. Vessels passing jetties 1 to 4 must stay a minimum of 50 metres from such jetties or from vessels moored alongside, unless prior permission has been obtained from the Harbour Master.

Laying down moorings, buoys or other tackle

14. (1) No person shall lay down any mooring, buoy or similar tackle without prior written consent of the Harbour Master and except in accordance with such conditions as the Harbour Master may impose.

(2) A mooring, buoy or similar tackle shall forthwith be removed by its owner or any other person claiming possession of it if the Harbour Master so directs: provided that this Byelaw shall not apply to any works which are constructed, placed, maintained, altered, renewed or extended in terms of a valid works licence granted by the Authority in terms of Section 11 of the ZCC Act 1974.

PART III – BERTHING AND MOORING

Provision of proper fenders

15. The Master of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of the vessel when berthed at any jetty, other than jetties 1 to 4 inclusive and, when berthing and leaving or lying at a quay or against other vessels, the Master shall cause the vessel to be fended off from that quay or those other vessels so as to prevent damage to that quay, those other vessels or other property.

Vessels to be properly berthed

16. The Master of a vessel shall at all times keep the vessel properly and effectively moored when berthed or lying at any quay and ensure all moorings and vessel's gangway are regularly inspected and adjusted as necessary.

Access to and egress from vessels.

17. The Master and the owner of a vessel while berthed at any jetty other than jetties 1 to 4 inclusive shall provide and maintain a sufficient and proper gangway for the access and egress of all persons having lawful business on the vessel and shall, during the hours of darkness, provide sufficient lighting to illuminate the whole length of the gangway.

Sufficiency of crew

18. Except with the permission of the Harbour Master, the Master of a vessel which normally trades to sea (other than a small vessel) shall at all times when the vessel is within the harbour ensure that the vessel is capable of being safely moved and navigated and that there are sufficient crew members or other competent persons readily available:
 - (1) to attend to the vessel's moorings;
 - (2) to comply with any directions given by the Harbour Master for the unmooring, mooring and moving of the vessel; and
 - (3) to deal, so far as is reasonably practicable, with any emergency that may arise.

Vessels to be kept in a movable condition

19. (1) The Master of a vessel which normally trades to sea shall not, except where the vessel is lying aground, take any steps to render the vessel incapable or movement without first notifying the Harbour Master and, subject as aforesaid, shall at all times keep the vessel so loaded and ballasted and in such condition that it is capable of being safely moved.

- (2) Where a vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the Master and owner shall inform the Harbour Master forthwith and give to him any further information which the Harbour Master may require.

Use of engines while vessel moored or berthed

20. The Master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of the vessel to be worked in such a manner as to cause injury or damage to the bed or banks of the harbour or to any other vessel or property.

Vessels not to make fast to unauthorised objects

21. No person shall make a vessel fast to any post, quay, ring, fender, or any other thing or place not assigned for that purpose.

Access across decks

22. The Master of a vessel alongside a quay or alongside any vessel already berthed within the harbour shall, if required so to do by the Harbour Master, give free access across the deck of the vessel for persons and goods to and from vessels berthed alongside the vessel.

Lost anchor, cable or propeller

23. (1) The Master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller, shall forthwith give to the Harbour Master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the Harbour Master so directs shall cause it to be recovered as soon as practicable.
- (2) The Master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position thereof.

Moorings

24. (1) The Master of a tanker shall ensure that adequate, fit for purpose and sufficient mooring ropes/ wires, winches, bitts, fairleads etc. are available to effectively moor the tanker in accordance with the requirements of the Harbour Master. All such equipment must meet with Class requirements and that contained within the current edition of "The International Safety Guide for Oil Tankers and Terminals" as published by the Oil Companies International Marine Forum.
- (2) The Master of a tanker shall ensure that the vessel is moored to the requirements of the Harbour Master as detailed in the Ports Handbook published by the harbour authority or as detailed in the mooring audit provided to the Master by the inward Pilot.
- (3) The Master or owner of any vessel shall ensure that the vessel is safely and securely moored and have the moorings adequately tended at all times when alongside any quay.

PART IV – GOODS AND ROAD TRAFFIC

Requirements as to handling and movement of goods in the harbour

25. (1) The owners of any goods loaded or discharged at the harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within forty-eight hours unless the Harbour Master otherwise agrees.
- (2) The owners of any goods shall comply with such directions as the Harbour Master may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour premises.
- (3) In this byelaw “Owner” when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading and unloading and clearance of those goods and includes any other person in charge of the goods.

Precaution against goods, etc., falling into harbour waters or the Authority’s premises

26. The Master of a vessel and any person undertaking the loading of cargo into, or the discharging of cargo from, a vessel shall use or cause to be used such methods as the Harbour Master may direct from the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the harbour or onto the premises of the Authority.

Obstruction or interference at harbour premises

27. No person shall:
- (1) except with the permission of the Harbour Master, deposit or place on any part of the harbour premises any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto; or
- (2) without lawful authority use, work, move or interfere with any plant, machinery, equipment or apparatus at the harbour premises.

Safe driving of a vehicle

28. No person shall drive or otherwise operate a vehicle in the harbour premises without due care and attention or without reasonable consideration for other persons using the harbour premises.

Speed limit for vehicles

29. No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than fifteen miles per hour.

Supervision of vehicles

30. A person having charge of a vehicle in the harbour premises shall at all times comply with any directions of the Harbour Master with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the Harbour Master:
- (1) leave the vehicle unattended anywhere within the harbour premises; or
 - (2) take it into any shed or working area.

Loads not to leak, spill or drop

31. The owner, driver or other person having charge of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle. This byelaw shall not apply to any spillage from a vehicle in which fish are being transported in bulk where that spillage could not have been reasonably prevented.

Loads to be secured

32. The owner, driver or other person having charge of a vehicle in the harbour premises shall ensure that any load carried thereon or therein is properly secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

Driving on weighbridges

33. No person shall drive or otherwise operate a vehicle across any weighbridge within the harbour premises except for the purpose of weighing the vehicle.

Accidents to be reported

34. Any person driving or otherwise operating a vehicle involved in an accident in the harbour premises whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle and immediately report the accident to the Harbour Master and shall give his name and address to the Harbour Master.

PART V – GENERAL

Inspection facilities, etc., to be made available to Harbour Master

35. The Master of a vessel shall, so far as may be required by the Harbour Master in the exercise of his duties, afford the Harbour Master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

Navigation under influence of alcohol or drugs prohibited

36. (1) A person shall not navigate or assist in the navigation of any vessel in the harbour whilst under the influence of alcohol or drugs.
- (2) Any person so suspected to be under the influence of alcohol or drugs must provide a specimen of breath and/ or blood if so requested by a police officer and/ or doctor.

Vessels not to be fumigated without permission

37. The Master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the Harbour Master.

Dumping in harbour waters prohibited

38. No person shall deposit or throw into the waters of the harbour any rubbish or other material whatsoever or place it in such a position that it can fall, blow or drift into the harbour.

Fishing

39. No person shall cast or place any drift, trawl, other net or static gear in such a position that it is likely to become an obstruction or danger to any property including in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

No dragging or grappling without permission

40. No person shall drag or grapple for any material or article nor remove that same from the bed of any water area of the harbour without the written consent of the Harbour Master: provided that this byelaw shall not apply to areas approved by the Harbour Master for the purpose of mooring recreational craft.

Vessels to have names marked on them

41. The owner of a vessel which is not registered as a vessel under the Merchant Shipping Acts 1894 or 1983 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise permitted by the Harbour Master.

Abandonment of vessels prohibited

42. (1) No person shall abandon a vessel on the banks, shore or on the seabed within the harbour area.
- (2) For the purposes of paragraph (1) of this byelaw, a person who abandons a vessel in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.

Water ski-ing, aquaplaning, etc.

43. (1) No person shall engage in or take part in water ski-ing, aquaplaning or jet ski-ing except with the written permission of the Harbour Master given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as may be imposed.
- (2) A Master whilst using his vessel for the purpose of towing a water skier or a person aquaplaning shall have on board at least one other person capable of taking charge of the vessel and of giving such assistance as may be reasonably required during the towing and in the recovery of the water skier and shall carry:
- (a) for each person on board a life jacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of the Vessel and Boat Builders' National Federation approved type, two hand-held distress signals and a fire extinguisher:
 - (b) for each person water ski-ing or aquaplaning, a rescue quoit with line or other efficient hand thrown rescue device.
- (3) No person shall engage in kiting or parachute towing in the harbour without the prior written consent of the Harbour Master given either specifically or generally and in accordance with such reasonable conditions as may be imposed by the Harbour Master.

Diving

44. (1) Recreational diving is prohibited everywhere in the harbour area unless the Harbour Master has given specific approval in writing to the person in charge of the proposed diving activity.
- (2) Commercial diving is permitted under the following circumstances:
- (a) The diving contractor has been pre-approved by the Harbour Master; and
 - (b) The task has been the subject of a risk analysis and a method statement. Such documentation to be made available to the Harbour Master if so required by him; and

- (c) Port Control is kept fully informed by VHF radio of commencement/ completion of diving operations and movements of all craft associated with the diving operations; and
- (d) Associated craft display, by day, an "A" flag of not less than one metre by one metre and the appropriate lights by night.

43 Assistance to fire and other services

- 45. The Master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency service for dealing with, alleviating or preventing any emergency.

Fire precautions

- 46. The Master of a vessel shall take all reasonable precautions for the prevention of accidents by fire.

Obstruction of officers of the Authority

- 47. No person shall obstruct any officer or employee of the Authority in the execution of his duties.

Penalties

- 48. (1) Any person contravening any of these byelaws shall be liable on summary conviction to a penalty not exceeding level 1 on the standard scale for each offence and in the case of a continuing offence to a further penalty not exceeding the sum of fifty pounds for each day thereafter that the offence continues.
- (2) Whenever in these byelaws reference is made to the granting of permission subject to conditions, then the failure to comply with any such condition shall be deemed to be a breach of the byelaw by virtue of which the condition was imposed.
- (3) It shall be a defence to any person charged with an offence under these byelaws to prove that he acted with due diligence and had a reasonable excuse for contravention of these byelaws.

Health and safety at work

- 49. Nothing in these byelaws shall prejudice or affect the operation of the relevant Statutory provisions as defined in Part 1 of the Health and Safety at Work, etc., Act 1974.

Revocation

- 50. The Shetland Islands Council Sullom Voe Harbour General Byelaws made on 2nd September and confirmed on 11th December, both 1980, are hereby revoked
- 51. The foregoing Byelaws were made under the Common Seal of the Shetland Islands Council on the

_____ day of _____ 2002

..... Proper Officer

Confirmed by the Scottish Ministers by Virtue of Section 202 of the Local Government (Scotland) Act 1973.

.....

Assistant Secretary
Scottish Executive
Edinburgh

.....Date

SCHEDULE OF HARBOUR AREA

The entire area of Yell Sound and Sullom Voe and adjacent inlets within a line commencing at Ell Wick thence in a northerly direction along the line of low water mark on the west side to a point in latitude $60^{\circ} 38' 18''$ north, longitude $01^{\circ} 18' 18''$ west on the line of low water mark at the northern extremity of the Point of Fethaland, thence in an easterly direction following a straight line to a point in latitude $60^{\circ} 38' 14''$ north, longitude $01^{\circ} 11' 08''$ west on the line of low water mark at the northern extremity of Fogla Lee on the Island of Yell, thence generally in a southerly and easterly direction along the line of low water mark on the east side to a point in latitude $60^{\circ} 29' 09''$ north, longitude $01^{\circ} 05' 48''$ west on the line of low water mark at the south-eastern extremity of the Ness of Copister, thence in a southerly direction to a point in latitude $60^{\circ} 28' 41''$ north, longitude $01^{\circ} 05' 58''$ west on the line of low water mark at the south-eastern extremity of the Island of Orfasay thence in a south-westerly direction following a straight line to a point in latitude $60^{\circ} 27' 44''$ north, longitude $01^{\circ} 08' 22''$ west on the line of low water mark at the southern extremity of Samphrey Island, thence in a westerly direction following a straight line to a point in latitude $60^{\circ} 27' 45''$ north, longitude $01^{\circ} 10' 49''$ west at the root of Mossbank Pier and thence generally in a northerly and southerly direction following the line of low water mark to the point of commencement. The positions above are referred to OSGB36 datum.

SHETLAND ISLANDS COUNCIL

(Small Harbours & Piers)

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BYELAWS

1987

**Director of Marine Operations
Shetland Islands Council,
Port Administration Building,
Sella Ness,
Graven,
Mossbank,
Shetland,
ZE2 9QR**

SHETLAND ISLANDS COUNCIL
(Small Harbours & Piers)
Byelaws 1987

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SHETLAND ISLANDS COUNCIL
(Small Harbours & Piers) Byelaws 1987

The SHETLAND ISLANDS COUNCIL as Harbour Authority for the areas as defined in the Schedule hereto, in exercise of the powers conferred by section 44 of the Zetland County Council Act 1974 (hereinafter referred to as the ZCC Act 1974) and of all other powers enabling them on that behalf, hereby make the following byelaws.

PART I — PRELIMINARY

Title and commencement

1. These byelaws may be cited as the SHETLAND ISLANDS COUNCIL (SMALL HARBOURS & PIERS) Byelaws 1987 and shall come into operation on the expiration of 1 month from the date of confirmation thereof by the Secretary of State for Scotland.

Application

2. These byelaws shall apply to all parts of the harbours the limits of jurisdiction of which are set forth in the Schedule hereto, and to the harbour premises as defined in byelaw 3 hereof.

Interpretation

3. In these byelaws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them:

'The Authority' means the SIC as Harbour Authority in terms of section 6 of the ZCC Act 1974 (as amended);

'Collision Regulations' means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979;

'goods' means all articles and merchandise of every description and includes fish, livestock and animals;

'Harbour' means any of the areas as defined in the Schedule;

'The Harbour Master' means the person appointed as such pursuant to section 3(1) of the ZCC Act 1974 and includes his authorised deputies, assistants and any other person authorised by the Authority to act in that capacity;

'the harbour premises' means the docks, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Authority;

'hovercraft' means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

'Master' when used in relation to any vessel means any person having the command, charge or management of the vessel for the time being;

'owner' when used in relation to a vessel includes any part owner, or charterer and any mortgagee in possession of the vessel or the other person entitled for the time being to possession of the vessel

and when used in relation to a vehicle includes any part owner or agent or person having charge of the vehicle for the time being;

'quay' means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;

'small vessel' means any vessel of less than 24 metres in length or a sailing vessel and for the purposes of this definition *'sailing vessel'* means a vessel designed to carry sail, whether as the sole or as a primary or supplementary means of propulsion;

'vehicle' includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes a hovercraft or any other amphibious vehicle;

'vessel' means a ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being partially submerged in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle.

PART II — NAVIGATION

Vessel Movements

4. (1) The master of a vessel which normally trades to sea shall give prior notice to the harbour master of the vessel's arrival at, departure from or movements within, the harbour.
- (2) The master of a vessel which does not normally trade to sea shall
 - (a) on arrival at the harbour give immediate notice to the harbour master and
 - (b) on departure from the harbour or making any other movement of the vessel within the harbour, give prior notice to the harbour master.

Declaration of particulars of vessel

5. The master of a vessel arriving at the harbour shall, if required by the harbour master, furnish to him a declaration in the form to be obtained from him containing a correct statement of the tonnage and draught of the vessel, its last port of call, ownership and destination, and particulars of its cargo.

Vessels to navigate with care

6. The master shall navigate his vessel with such care and caution and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and so as not to interfere with the navigation, manoeuvring, loading or discharging of vessels or with moorings, or other property.

Sirens, Horns & Whistles

7. Vessels shall not sound any siren, horn or whistle in the harbour except either
 - (a) as an aid to navigation or
 - (b) with the permission of the harbour master.

Speed of vessels

8. Except with the permission of the harbour master and, subject to byelaw 6 and the Collision Regulations, the master of a vessel shall not cause or permit the vessel to proceed at a speed greater than five knots through the water.

Small vessels not to obstruct fairway

9. The master of a small vessel whether under power or sail which is not confined to a fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway, and shall give such vessels a clear passage and as wide a berth as safe navigation requires.

Vessels not to be made fast to navigation buoys or marks

10. The master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigational purposes.

Notification of collisions, etc.

11. The master of a vessel which:

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in a harbour area; or
- (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
- (c) in any manner gives rise to an obstruction to a fairway;

shall forthwith report the occurrence to the harbour master (and as soon as practicable thereafter provide the harbour master with full details in writing). Where the damage to a vessel is such as to affect or be likely to affect its seaworthiness the master shall not move the vessel except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the harbour master: provided that this byelaw shall not apply when both or all the vessels involved in a collision are engaged in racing under International Yacht Racing Union or Union International Motonautique rules for the time being in force.

Vessels adrift

12. The master of a vessel which parts from its moorings shall as soon as possible report the same to the harbour master.

PART III — BERTHING AND MOORING

Provision of proper fenders

13. The master of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of the vessel and, when berthing and leaving or lying at a quay or against other vessels, the master shall cause the vessel to be fended off from that quay, or those other vessels so as to prevent damage to that quay, those other vessels or other property.

Vessels to be properly berthed

14. The master of a vessel shall at all times keep the vessel properly and effectively moored when berthed or lying at any quay.

Access to and egress from vessels

15. The master and the owner of a vessel (other than a small vessel) while berthed alongside a quay shall provide and maintain a sufficient and proper gangway for the access and egress of all persons having lawful business on the vessel and shall during the hours of darkness provide sufficient lighting to illuminate the whole length of the gangway.

Sufficiency of crew

16. Except with the permission of the harbour master, the master of a vessel which normally trades to sea (other than a small vessel) shall at all times when the vessel is within the harbour ensure that the vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available:

- (a) to attend to the vessel's moorings;
- (b) to comply with any directions given by the harbour master for the unmooring, mooring and moving of the vessel; and
- (c) to deal, so far as is reasonably practicable with any emergency that may arise.

Vessels to be kept in a movable condition

17. (1) The master of a vessel which normally trades to sea shall not, except where the vessel is lying aground, take any steps to render the vessel incapable of movement without first notifying the harbour master and, subject as aforesaid, shall at all times keep the vessel so loaded and ballasted and in such condition that it is capable of being safely moved.

(2) Where a vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the master and owner shall inform the harbour master forthwith and give to him any further information which the harbour master may require.

Use of engines while vessel moored or berthed

18. The master of a vessel which is at a quay or attached to any mooring device shall not permit the engines of the vessel to be worked in such a manner as to cause injury or damage to the bed or banks of the harbour or to any other vessel or property.

Vessels not to make fast to unauthorised objects

19. No person shall make a vessel fast to any post, quay, ring, fender, or any other thing or place not assigned for that purpose.

Access across decks

20. The master of a vessel alongside a quay or alongside any vessel already berthed within the harbour shall, if required so to do by the harbour master, give free access across the deck of the vessel for persons and goods to and from vessels berthed alongside the vessel.

Lost anchor, cable or propeller

21. (1) The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller, shall forthwith give to the harbour master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the harbour master so directs shall cause it to be recovered as soon as practicable.

(2) The master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position thereof.

PART IV — GOODS AND ROAD TRAFFIC

Requirements as to handling and movement of goods in the harbour

22. (1) The owners of any goods loaded or discharged at the harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within forty-eight hours unless the harbour master otherwise agrees.
- (2) The owners of any goods shall comply with such directions as the harbour master may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour premises.
- (3) In this byelaw "Owner" when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading and unloading and clearance of those goods and includes any other person in charge of the goods.

Precaution against goods, etc., falling into harbour waters or the Authority's premises

23. The master of a vessel and any person undertaking the loading of cargo into, or the discharging of cargo from, a vessel shall use or cause to be used such methods as the harbour master may direct for the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the harbour or onto the premises of the Authority.

Obstruction or interference at harbour premises

24. No person shall:
- (a) except with the permission of the harbour master, deposit or place on any part of the harbour premises any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto; or
- (b) without lawful authority use, work, move or interfere with any plant, machinery, equipment or apparatus at the harbour premises.

Safe driving of a vehicle

25. No person shall drive or otherwise operate a vehicle in the harbour premises without due care and attention or without reasonable consideration for other persons using the harbour premises.

Speed limit for vehicles

26. No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than ten miles per hour.

Supervision of vehicles

27. A person having charge of a vehicle in the harbour premises shall at all times comply with any directions of the harbour master with respect to the loading, discharging, manoeuvring and removal thereof and shall not, without the permission of the harbour master:

- (a) leave the vehicle unattended anywhere within the harbour premises; or
- (b) take it into any shed or working area.

Loads not to leak, spill or drop

28. The owner, driver or other person having charge of a vehicle in the harbour premises shall not permit any substance to leak, spill or drop from the vehicle. This byelaw shall not apply to any spillage from a vehicle in which fish are being transported in bulk where that spillage could not have been reasonably prevented.

Loads to be secured

29. The owner, driver or other person having charge of a vehicle in the harbour premises shall ensure that any load carried thereon or therein is properly secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

Refuelling, etc., of vehicles

30. No person shall within the harbour premises charge or recharge any vehicle or tank with or empty it of, fuel except with the prior permission of the harbour master.

Driving on weighbridges

31. No person shall drive or otherwise operate a vehicle across any weighbridge within the harbour premises except for the purpose of weighing the vehicle.

Accidents to be reported

32. Any person driving or otherwise operating a vehicle involved in an accident in the harbour premises whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle and immediately report the accident to the harbour master and shall give his name and address to the harbour master.

PART V — GENERAL

Inspection facilities, etc., to be made available to harbour master

33. The master of a vessel shall so far as may be required by the harbour master in the exercise of his duties, afford the harbour master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

Navigation under influence of drink or drugs prohibited

34. A person shall not navigate any vessel in the harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

Vessels not to be fumigated without permission

35. The master or owner of a vessel shall not cause or permit it to be fumigated without the prior permission of the harbour master.

Laying down moorings, buoys and other tackle

36. (1) No person shall lay down any mooring, buoy, or similar tackle without a licence or prior consent in writing of the harbour master except in accordance with such conditions as the harbour master may impose.

(2) A mooring, buoy or similar tackle shall forthwith be removed by its owner or any other person claiming possession of it if the harbour master so directs: provided that this byelaw shall not apply to any works which are already licensed by a valid works licence granted by the Authority in terms of Section 11 of the ZCC Act 1974.

Dumping in harbour waters prohibited

37. No person shall deposit or throw into the waters of the harbour any rubbish or other material whatsoever or place it in such a position that it can fall, blow or drift into the harbour.

Fishing

38. No person shall cast or place any drift, trawl or other net in such a position as to be likely to become an obstruction or danger to any property including in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

No dragging or grappling without permission

39. No person shall drag or grapple for any material or article nor remove the same from the bed of any water area of the harbour without the written consent of the harbour master: provided that this byelaw shall not apply to areas approved by the harbour master for the purpose of mooring recreational craft.

Vessels to have names marked on them

40. The owner of a vessel which is not registered as a ship under the Merchant Shipping Acts 1894 or 1983 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Authority.

Abandonment of vessels prohibited

41. (1) No person shall abandon a vessel on the banks or shore of the harbour.
- (2) For the purposes of paragraph (1) of this byelaw, a person who leaves a vessel on the banks or shore of the harbour in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.

Water ski-ing, aquaplaning, etc.

42. (1) No person shall engage in or take part in water ski-ing or aquaplaning except with the written permission of the Authority given either specifically or generally and only in such areas as may be designated and in accordance with such reasonable conditions as may be imposed.
- (2) A master whilst using his vessel for the purpose of towing a water skier or a person aquaplaning shall have on board at least one other person capable of taking charge of the vessel and of giving such assistance as may be reasonably required during the towing and in the recovery of the water skier and shall carry:
- (a) for each person on board a life jacket manufactured in accordance with the appropriate British Standards Specification or a personal buoyancy aid of the Ship and Boat Builders' National Federation approved type, two hand-held distress signals and a fire extinguisher:

- (b) for each person water ski-ing or aquaplaning, a rescue quoit with line or other efficient hand thrown rescue device.
- (3) No person shall engage in kiting or parachute towing in the harbour without the prior written consent of the Authority given either specifically or generally and in accordance with such reasonable conditions as may be imposed by the Authority.

Assistance to fire and other services

43. The master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency service for dealing with, alleviating or preventing any emergency.

Fire precautions

44. The master of a vessel shall take all reasonable precautions for the prevention of accidents by fire.

Obstruction of officers of the Authority

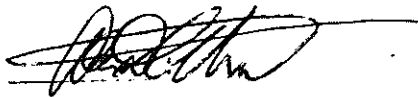
45. No person shall obstruct any officer or employee of the Authority in the execution of his duties.

Penalties

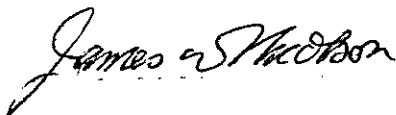
46. (1) Any person who without reasonable cause contravenes or otherwise fails to comply with these byelaws or any requirement made under them shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100: Without prejudice to the generality of the foregoing the maximum penalty which shall apply to a contravention of or failure to comply with byelaws 6, 34 and 35 shall be a fine not exceeding £1000.
- (2) Where the commission by any person of an offence under these byelaws is due to act or default of some other person that other person may be charged with, and convicted of, the offence by virtue of this byelaw whether or not proceedings for the offence are taken against any person other than him.
- (3) In any proceedings for an offence under these byelaws it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of an offence.

Health and safety at work

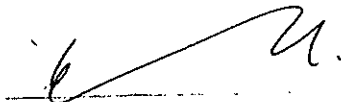
47. Nothing in these byelaws shall prejudice or affect the operation of the relevant Statutory provisions as defined in Part 1 of the Health and Safety at Work, etc., Act 1974.



Member



Member



Director of Administration

Confirmed by the Secretary of State by virtue of Section 202 of the Local Government (Scotland) Act 1973.



Assistant Secretary
Scottish Development Department
Edinburgh

31st July, 1987.

SHETLAND ISLANDS COUNCIL
(Small Harbours & Piers) Byelaws 1986
PART VI — SCHEDULE OF HARBOUR AREAS

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

1. BLACKSNESS PIER AREA

The area adjacent to Blacksness Pier bounded on the north and east by the line of low water of Mainland, on the south partly by the bridge over Clift Sound between Trondra and Mainland and partly by the line of low water on Trondra, and on the west by an imaginary straight line between the northern extremity of Trondra Ness and the southern extremity of Maa Ness.

2. BALTASOUND AREA

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

3. SYMBISTER/NORTH VOE AREA

The area bounded as follows:

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

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

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

4. MID YELL VOE AREA

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

5. CULLIVOE AREA

The area bounded as follows:

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

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

Thence in a generally north-westerly and then south-easterly direction by the line of low water to the point of commencement.

6. WEST BURRA (HAMNA VOE) AREA

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

7. VAILA SOUND/GRUTING VOE AREA

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

- (a) on the south-west, a straight line in a generally south-easterly direction between low-water mark on the eastern extremity of the Head of Gilgow in the district of Walls on Mainland (latitude 60 degrees 12'.517N, longitude 01 degree 36'.583W) and low-water mark on the south-western extremity of Muclabery on the island of Vaila (latitude 60 degrees 12'.267N, longitude 01 degree 36'.200W);

- (b) on the south, a straight line in a generally east by south direction between low-water mark on the southern tip of Green Head on the island of Vaila (latitude 60 degrees 11'.667N, longitude 01 degree 33'.800W) and low-water mark on the northern extremity of Taing of Keolkifield in the district of Sandsting on Mainland (latitude 60 degrees 11'.533N, longitude 01 degree 32'.683W).

8. OUT SKERRIES (WEST VOE) AREA

The area bounded as follows:

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

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

Thence in a generally north-easterly and south-westerly direction by the line of low-water to the point of commencement.

OUT SKERRIES (SOUTH AND NORTH-EAST MOUTH) AREA

The area bounded as follows:

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

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

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

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

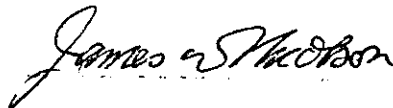
Thence in a generally west-south-westerly direction following the line of low water on the southern shoreline of Bruray to low-water mark on the eastern side of Skerries Bridge connecting the islands of Bruray and Housay (latitude 60 degrees 25'.467W, longitude 00 degrees 45'.334W);

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

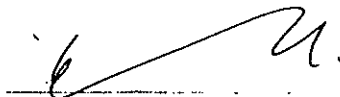
Thence in a generally south-easterly direction by the line of low water to low-water mark on the north-east tip of Bessi Holm (latitude 60 degrees 25' .267N, longitude 00 degrees 45' .100W); Thence in a generally south-easterly direction in a straight line to the point of commencement.



Member



Member



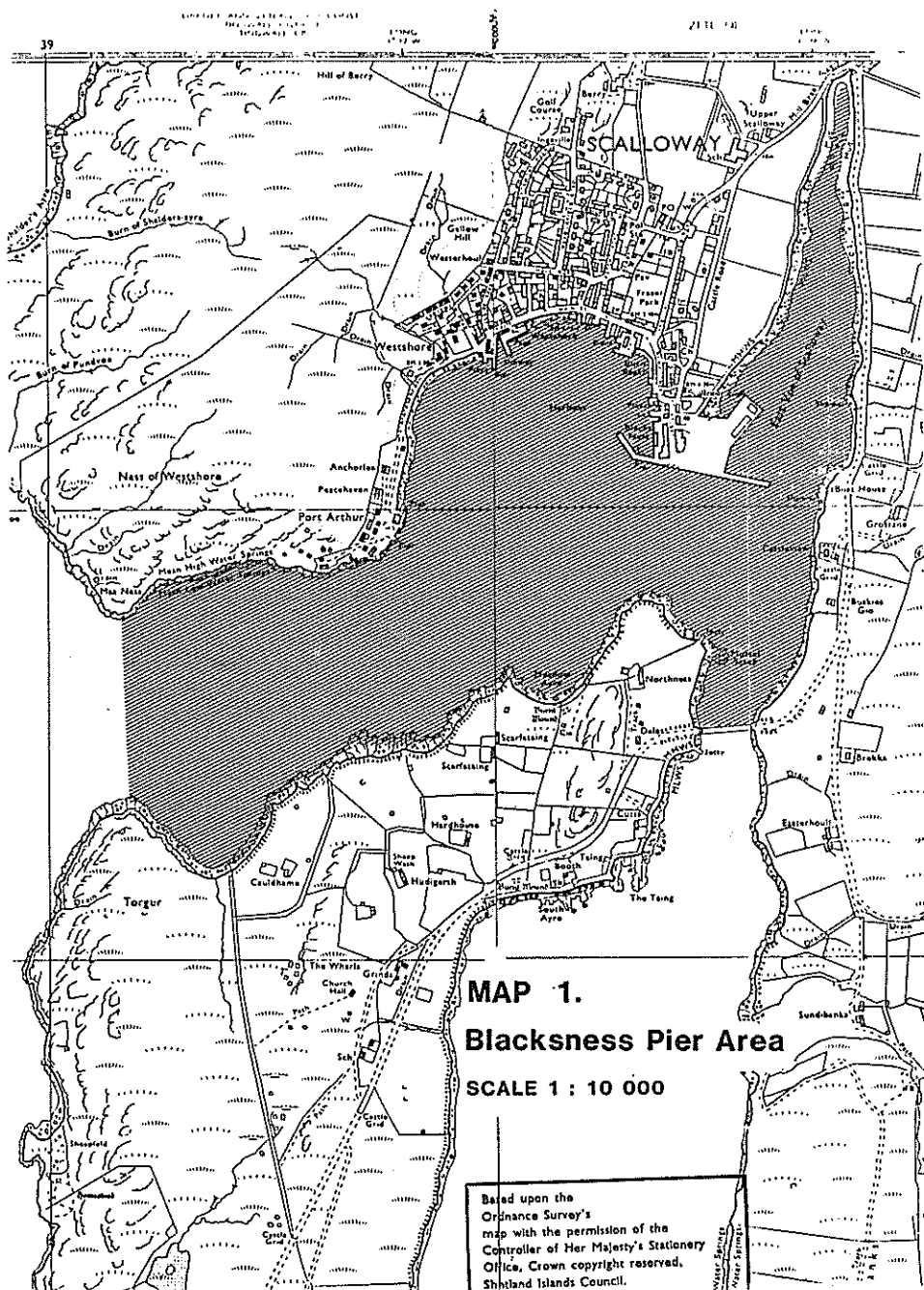
Director of Administration

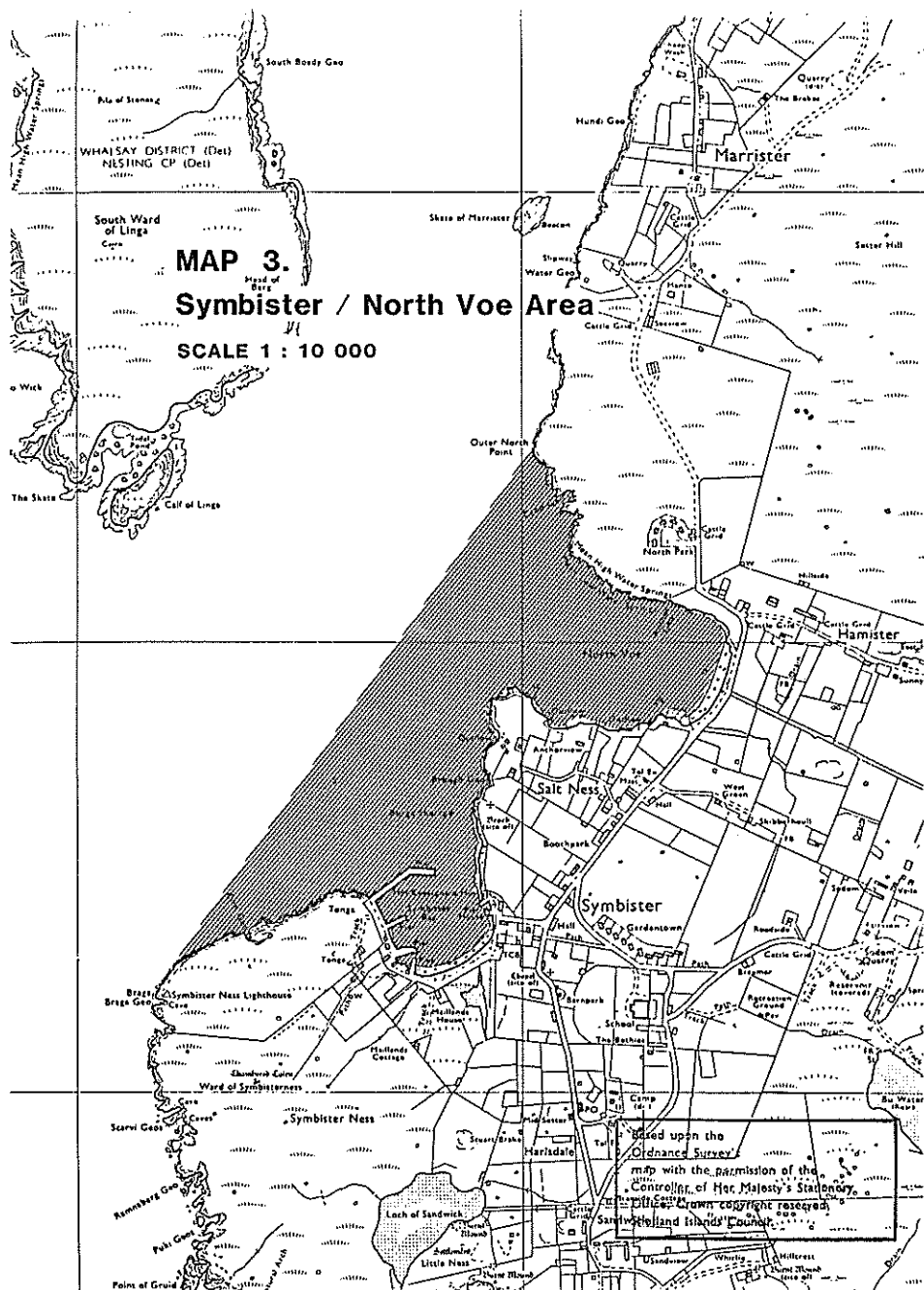
Confirmed by the Secretary of State by virtue of Section 202 of the Local Government (Scotland) Act 1973.

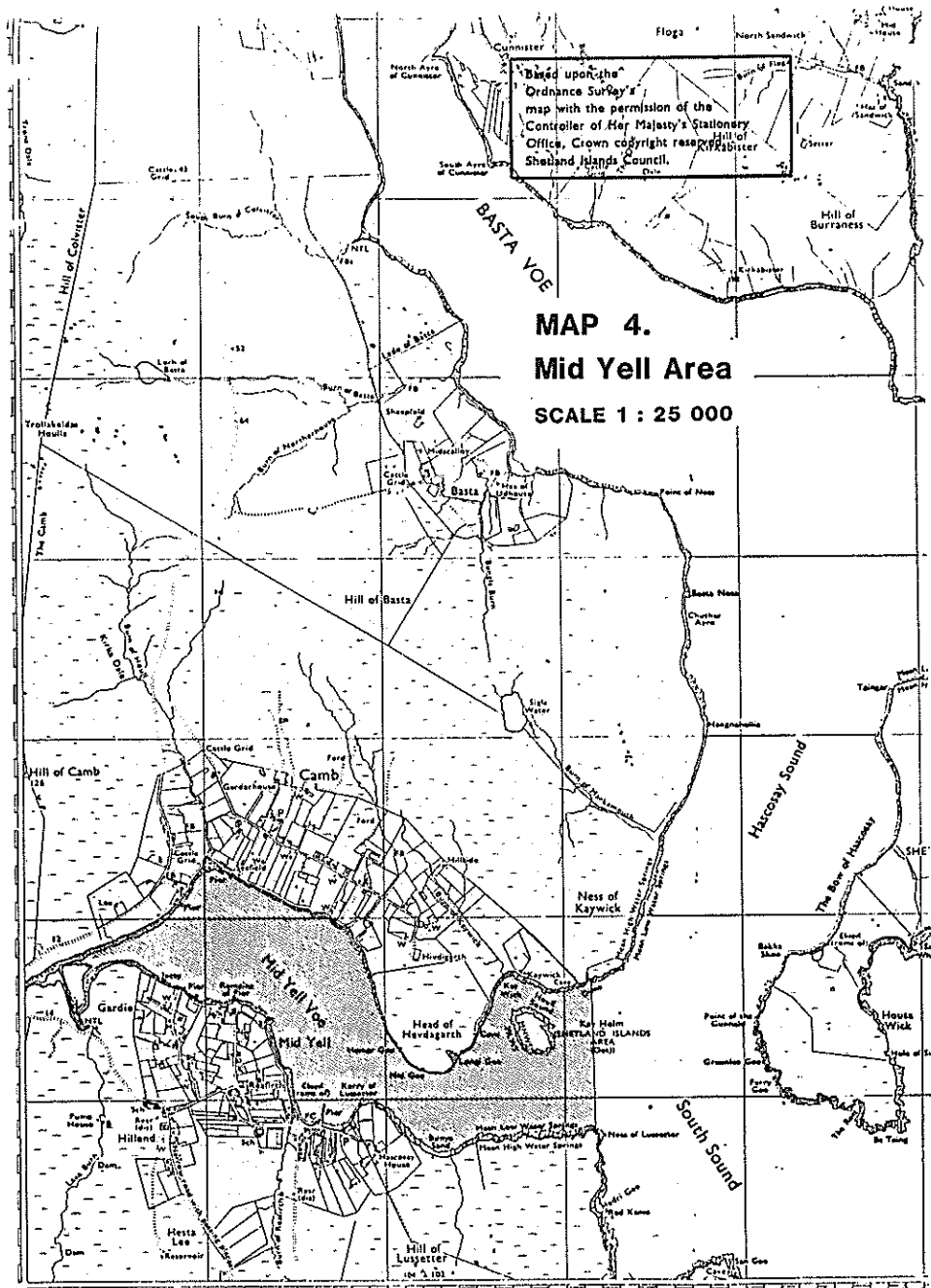


Assistant Secretary
Scottish Development Department
Edinburgh

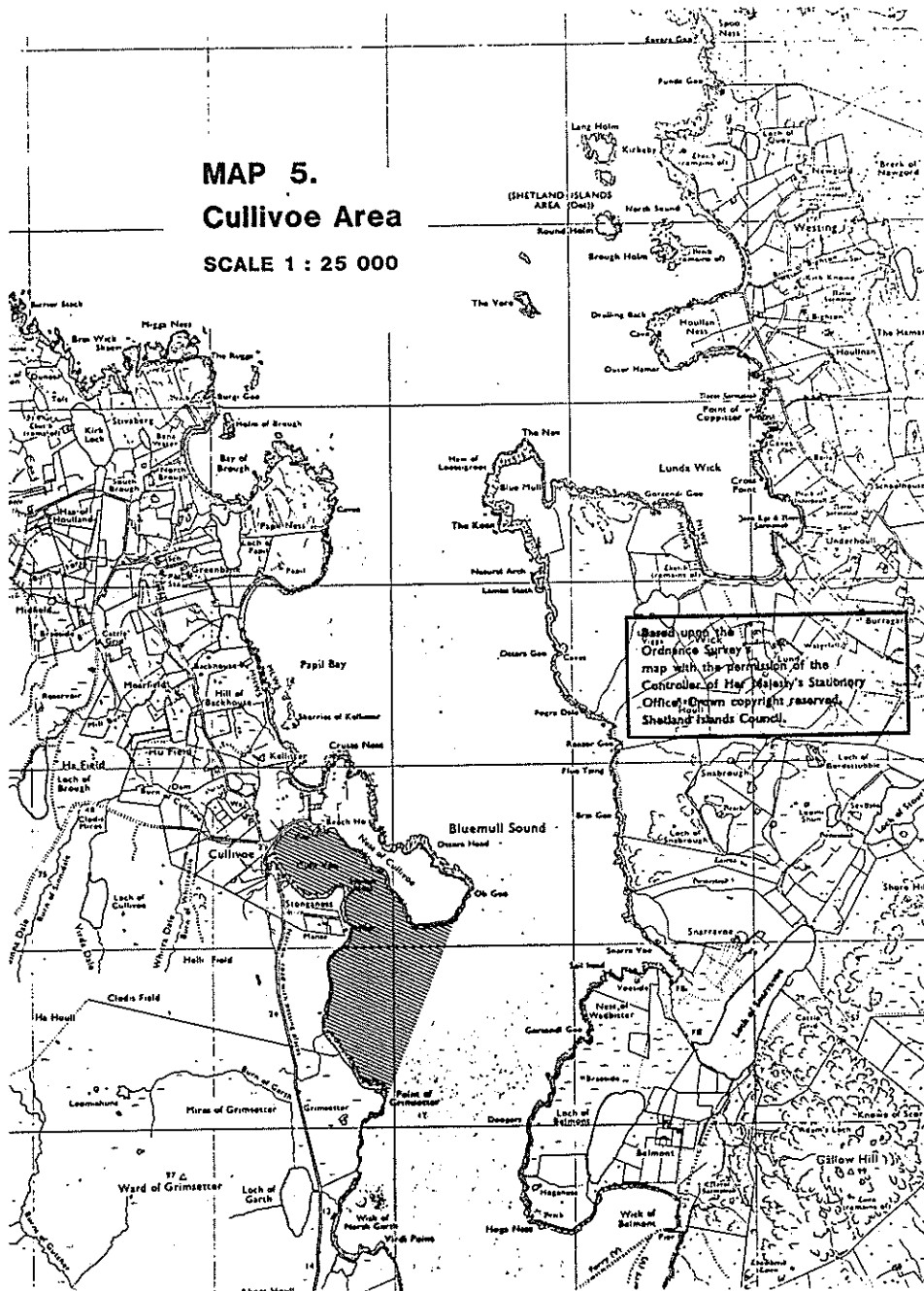
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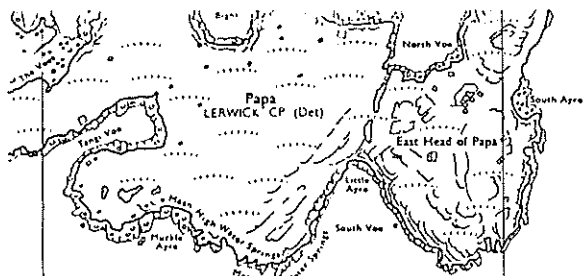






MAP 5.
Cullivoe Area
SCALE 1 : 25 000



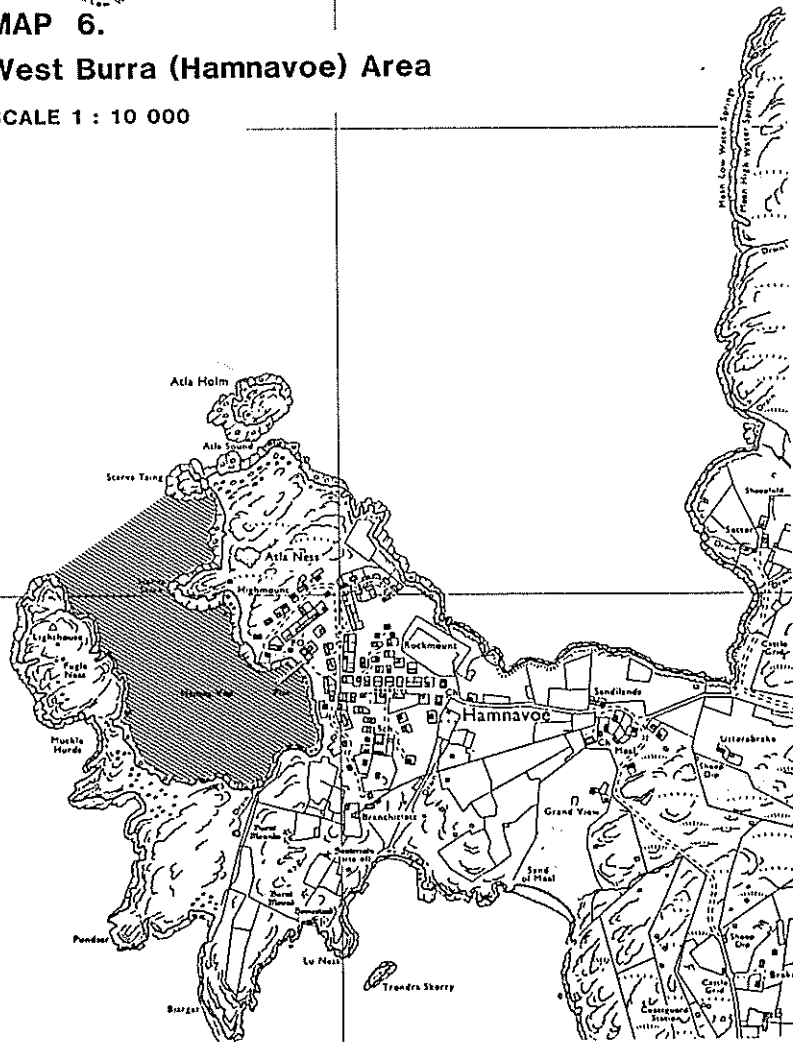


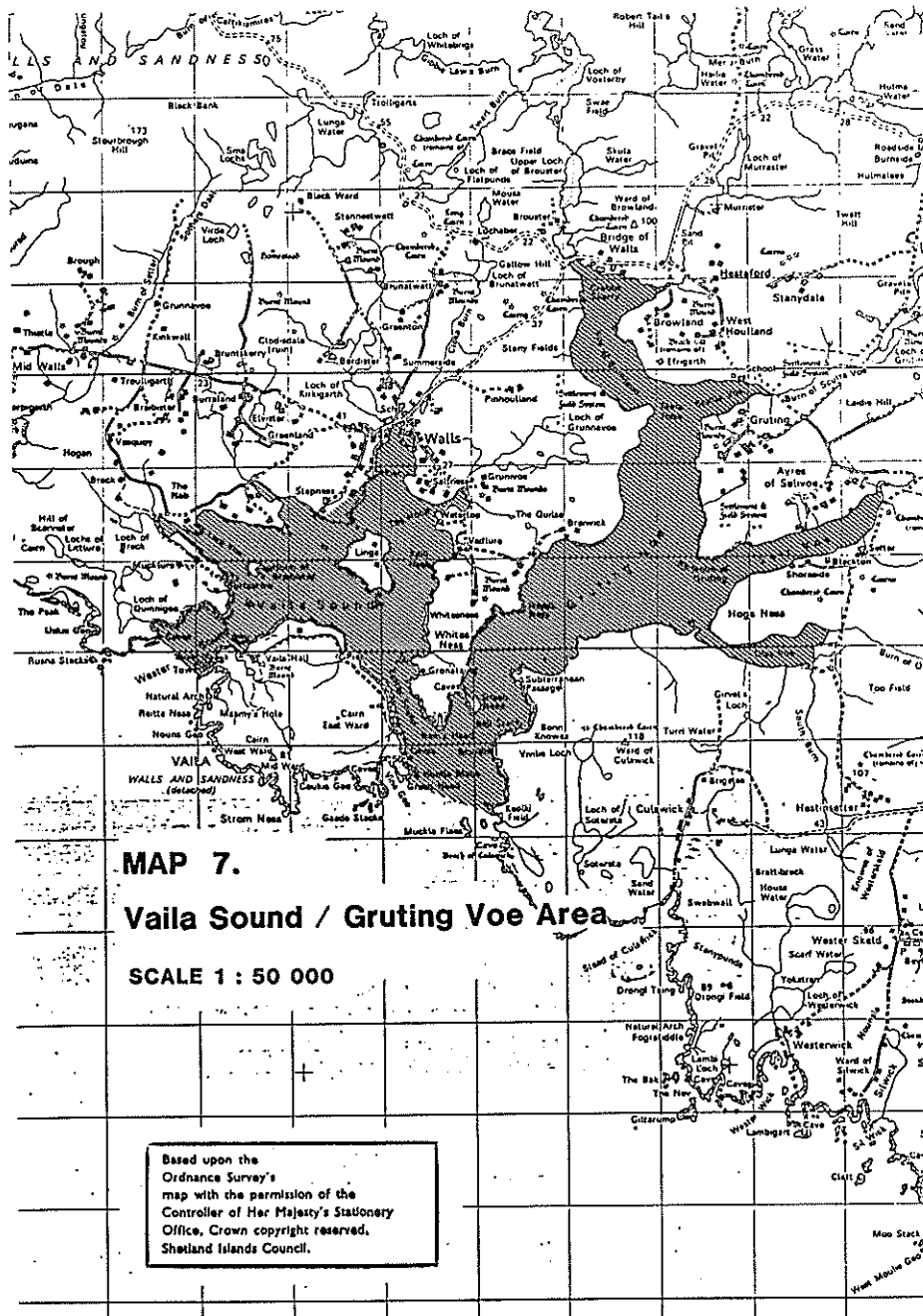
Based upon the
Ordnance Survey's
map with the permission of the
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MAP 6.

West Burra (Hamnavoe) Area

SCALE 1 : 10 000



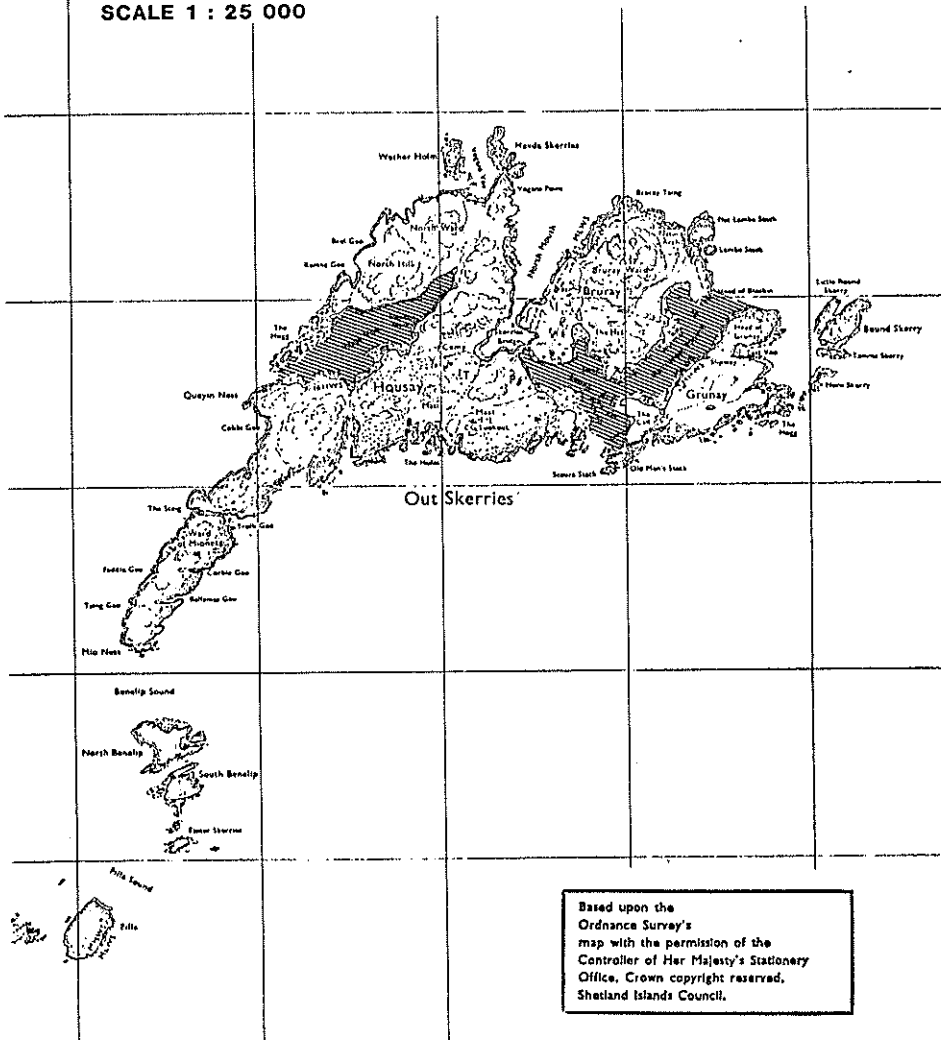


Map 8.

Out Skerries (West Voe) Area

Out Skerries (South and Northeast Mouth) Area

SCALE 1 : 25 000





Meeting(s):	Harbour Board	06 March 2024
Report Title:	Harbour Board Business Programme – 2023/2024 & 2024/25.	
Reference Number:	PH-01-24F	
Author / Job Title:	Andrew Inkster – Executive Manager Ferry & Airport Operations and Port Infrastructure.	

1.0 Decisions / Action required:

That the Harbour Board:

- 1.1 CONSIDERS the business planned for Harbour Board 2023/2024 shown in Appendix One;
- 1.2 CONSIDERS the business planned for Harbour Board 2024/2025 shown in Appendix Two;
- 1.3 ADVISES the Director of Infrastructure Services of any changes required and new items to be included on the Business Programme.

2.0 High Level Summary:

- 2.1 The purpose of this report is to facilitate discussion on the Business Programme of the Board for the financial year 1st April 2023 to 31st March 2024, and financial year 1st April 2024 to 31st March 2025, including items where the date is still to be determined in Appendices One and Two.
- 2.2 The Business Programme is presented to the Harbour Board at least quarterly to ensure that it is kept up to date incorporating new items as work programmes across the Council are taken forward.

3.0 Corporate Priorities and Joint Working:

- 3.1 Planning and Performance Management are key aspects of Best Value and features of the Councils Corporate Plan, “Our Ambition – 2021 – 2026”.
- 3.2 “Our Ambition” - SECTION 4 - MONITORING AND REPORTING

"We will monitor and report progress on this plan through our Change Programme and Performance Management Framework". Business Planning is part of that framework.

4.0 Key Issues:	
4.1	A range of business scheduled or to be scheduled over the coming year in consultation with the Board is attached at Appendix One and Appendix Two.
4.2	The Harbourmasters Report, Quarterly Performance Report and Business Programme reporting will be brought to the Board periodically so that the Board's oversight role can be effectively discharged.
4.3	Any other reports needing Board decision will be scheduled as required in consultation with the Chair. At this stage only a limited number of matters requiring Board decision beyond the review of annual charges for 2023/24 and 2024/25 budget setting have been identified.
4.4	Members are also asked to consider any other particular items of business that should be added to the programme.
5.0 Exempt and/or confidential information:	
5.1	None
6.0 Implications :	
6.1 Service Users, Patients and Communities:	<p>The Business Programme provides the community and other stakeholders with important information regarding the planned business for the coming year.</p> <p>The Business Programme complements the Council's Corporate and Directorate Plans and the Shetland Partnership Plan.</p>
6.2 Human Resources and Organisational Development:	None arising directly from this report. Any implications for staff arising from individual reports in the Business Programme will be addressed through the work on those reports.
6.3 Equality, Diversity and Human Rights:	None arising directly from this report. Any implications in this regard arising from individual reports in the Business Programme will be addressed through the work on those reports.
6.4 Legal:	The Business Programme supports the governance framework of the Council which is underpinned by statute.
6.5 Finance:	None arising directly from this report. Any financial implications arising from individual reports in the Business Programme will be addressed through the work on those reports.
6.6 Assets and Property:	None arising directly from this report. Any implications in this regard arising from individual reports in the Business Programme will be addressed through the work on those reports.
6.7 ICT and new technologies:	None arising directly from this report. Any implications in this regard arising from individual reports in the Business

	Programme will be addressed through the work on those reports.	
6.8 Environmental:	None arising directly from this report. Any implications in this regard arising from individual reports in the Business Programme will be addressed through the work on those reports.	
6.9 Risk Management:	The risks associated with setting the Business Programme are around the challenges for officers meeting the timescales required, and any part of the business programme slipping and causing reputational damage to the Council. Equally, not applying the Business Programme would result in decision making being unplanned and haphazard; aligning the Council's Business Programmes with the objectives and actions contained in its corporate plans could mitigate against those risks.	
6.10 Policy and Delegated Authority:	<p>Maintaining a Business Programme ensures the effectiveness of the Council's Planning and Performance Management Framework.</p> <p>The Business Programme supports each Committee/Board's role, as set out in paragraph 2.3 of the Council's Scheme of Administration and Delegations.</p>	
Previously considered by:	N/A	

Contact Details:

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Email: andrew.inkster@shetland.gov.uk

Appendices:

Appendix One – Harbour Board Business Programme 2023/24

Appendix Two – Harbour Board Business Programme 2024/25

Background Documents:

None



Appendix One - Harbour Board Meeting Dates and Business Programme 2023/24

Date / Type of Meeting	Agenda Item	Referred/Delegated
24 May 2023 Ordinary	Harbour Masters Report	D
	22/23 Q4 Performance Report	D
	Business Programme Update	D
12 September 2023 Ordinary	Harbour Masters Report	D
	Sella Ness Tug Jetty – Strategic Outline Case.	
	23/24 Q1 Performance Report	D
	Business Programme Update	D
22 November 2023 Ordinary	Harbour Masters Report	D
	Scalloway West Pier Developments – Strategic Outline Case	
	23/24 Q2 Performance Report	D
	Business Programme Update	D
06 March 2024 Ordinary and Budget Setting	2024/25 Budget Proposals	R
	Harbour Masters Report	D
	Harbour Bye-Law Revisions	D
	23/24 Q3 Performance Reports	D
	Business Programme Update	D

Planned Business still to be scheduled

None

End.



Appendix Two - Harbour Board Meeting Dates and Business Programme 2024/25

Date / Type of Meeting	Agenda Item	Referred/Delegated
22 May 2024 Ordinary	Harbour Masters Report	D
	23/24 Q4 Performance Report	D
	Business Programme Update	D
04 September 2024 Ordinary	Harbour Masters Report	D
	24/25 Q1 Performance Report	D
	Business Programme Update	D
20 November 2024 Ordinary	Harbour Masters Report	D
	24/25 Q2 Performance Report	D
	Business Programme Update	D
05 March 2025 Ordinary and Budget Setting	2025/26 Budget Proposals	R
	Harbour Masters Report	D
	24/25 Q3 Performance Report	D
	Business Programme Update	D

Planned Business still to be scheduled

None

End.