



SHETLAND
ISLANDS COUNCIL

MARINE SAFETY POLICY

2026

Marine Safety Policy

The 'Shetland Islands Council Marine Safety Policy' provides the assurance that Shetland Islands Council (SIC) as the Harbour Authority consistently and appropriately addresses the requirements laid out in the Department for Transport (DfT) 'Ports & Marine Facilities Safety Code'. The Marine aspects of this Policy have been prepared using the latest version of the Ports & Marine Facilities Safety Code (the Code) published in April 2025 and the Guide to Good Practice on Port and Marine Facilities (the Guide).

The Marine Safety Policy describes how the Harbour Authority's overarching responsibilities in respect of the Code are designed and implemented across all SIC Ports and Harbours.

This Policy document is delivered at Port and Harbour level through the 'Shetland Islands Council Marine Safety Management System', which provides the foundation for ensuring individual SIC Ports and Harbours address the requirements of the Code.

The 'Shetland Islands Council Marine Safety Management System' is supplemented with local Marine Safety Management Systems (MSMS) for Sullom Voe, Scalloway Harbour and SIC Small Ports.

These separate MSMS documents incorporate port specific operational procedures and plans.

Signature of Approval and Authority

The following signatories agree and approve the Shetland Islands Council Marine Safety Policy:

Role	Name	Signature	Date
Chair of Harbour Board (Duty Holder Representative)	Robert Thomson		31/03/26
Executive Manager - Harbour Master	Ross Gordon		20/01/26
Director of Infrastructure	John Smith		31/3/26
Deputy Harbour Master	James Milne		20/01/26
Designated Person	Richard Vaughan		17/04/26

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Revision History

Issue	Date	Prepared By	Checked By	Revision Approved by Duty Holder
1	Jan-13	ABPmer M Smedley	ABPmer C Brown	Review
1.1	Sep-13	P Morgan DHM	C Reeves HM	11-Oct-13
2	Jun-15	S Skinner PSO	P Morgan AHM	28-Aug-15
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3.1	Dec-18	S Skinner PSO	P Bryant DHM	27-May-19
4	Oct-19	S Skinner PSO	R Gordon DHM	Oct-19
5	Dec-22	R Gordon DHM	G Maitland HM	23-Mar-23
6	Jan-26	R Gordon HM	J Milne DHM	17-Mar-26

Background

On 3 April 2025, the Department for Transport and the Maritime and Coastguard Agency released an updated version of the Ports & Marine Facilities Safety Code.

This version expands the scope to explicitly include all ports, harbours, marine facilities, berths and terminals in the UK, whether statutory or non-statutory.

The Code provides national standards for port and marine facility safety.

Although compliance is not mandatory, there is a strong expectation from government, regulators and industry that all organisations with responsibility for port and marine facility safety will comply with the relevant requirements. Although failure to comply is not an offence in itself, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties.

The Code sets out 10 key measures critical to the management of port and marine facility safety.

This Policy document is structured around these 10 key measures to demonstrate SIC's compliance with the Code:

- Duty Holder: identified and accountable for compliance with the Code
- Designated Person: provides independent assurance about the MSMS
- Legislation: review existing powers and seek additional powers if required
- Duties & Powers: comply with statutory duties and responsibilities
- Risk Assessment: ensure risks are formally assessed and reduced to ALARP
- Marine Safety Management System: operate an effective MSMS based on risk assessment
- Review & Audit: monitor, review and audit performance
- Competence: use appropriately trained, qualified and experienced personnel
- Plan: publish a marine safety plan and performance report every 3 years
- Conservancy Duty: ensure facilities are fit for purpose and vessels can use them safely

This Marine Safety Policy has been published by SIC to demonstrate its commitment to undertake and regulate marine operations and the functions of the Harbour Authority in a way that safeguards all of its ports and harbours, their users and the environment in an auditable manner.

The main functions of the Harbour Authority may generally be classified as follows:

- The provision and maintenance of harbour facilities, i.e., quays, wharves, piers, etc.
- Navigational safety functions, including lighting and buoying the harbour, the removal of wrecks and other obstructions and maintenance dredging of navigational channels.
- Regulating the activities of other persons at the harbour including, in particular, the movement and berthing of ships in the harbour, by means of directions and byelaws, and licensing dredging and the construction of works in the harbour by other persons.
- Carrying out harbour operations including cargo-handling activities.
- The provision of a pilotage service - the general duties for the provision of pilotage services are contained in section 2 of the Pilotage Act 1987.
- Nature conservation and the prevention of pollution.

This document details the policies adopted to achieve the PMSC requirements. These policies and plans are based upon a full assessment of the required standards of the PMSC and the hazards to be managed to provide for the safety of SIC's Ports, Harbours and their users.

Key Measure 1: Duty Holder

1.1 Identification and Appointment

The Harbour Board provides the Duty Holder function for the Shetland Islands Council. The Board Members are collectively accountable for marine safety under the Code. The Harbour Board is composed of eight elected Councillors.

The Duty Holder cannot assign or delegate its accountability for compliance with the Code.

The Chair of the Harbour Board acts as the initial point of contact as Duty Holder for the Designated Person.

1.2 Accountability and Responsibilities

The Shetland Islands Council (SIC), as Harbour Authority, is accountable for the discharge of its duties and powers to the standard laid down in the Ports & Marine Facilities Safety Code. The Duty Holder is responsible for ensuring that the organisation complies with the Code. To effectively undertake this role the Duty Holder will:

- 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
- appoint competent people to manage marine safety
- ensure that appropriate resources are made available for discharging marine safety obligations
- ensure continuous improvement by publishing a marine safety plan and reporting performance
- report compliance with the Code to the MCA every three years

1.3 Executive Manager – Harbour Master

Harbour authorities have powers to appoint a Harbour Master and may properly entrust the operation of the harbour to such professional people; but the duty holder cannot assign or delegate its accountability for compliance with the Code.

The Executive Manager – Harbour Master is accountable for the operational and financial control of the organisation. The Executive Manager – Harbour Master will:

- oversee the implementation of SIC policies and decisions
- have overall executive responsibility for the safety of operations and staff
- oversee the recruitment and training for staff

SIC has exercised its enabled powers to appoint a Harbour Master for its Ports and Harbours as required. The Harbour Master is defined in Section 2 of the Harbours, Docks and Piers Clauses Act 1847.

The Executive Manager - Harbour Master has day-to-day responsibility for the safe operation of navigation and other marine activities in SIC's Harbours and their approaches and:

- has powers of direction to regulate vessel movements within harbour waters
- has overall responsibility for the provision and maintenance of Aids to Navigation

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- has responsibility for developing and implementing emergency plans and procedures

1.4 The Authority's Officers

The Harbour Authority ensures that:

- executive and operational responsibilities are appropriately assigned to properly trained people
- if some functions are combined, a proper separation of safety and commercial activities is maintained
- all employees have training that is appropriate for their level of responsibility

Key Measure 2: Designated Person

2.1 Appointment

All organisations must appoint a suitably qualified individual as their Designated Person. SIC has selected and appointed an independent marine professional as the Designated Person to provide assurances that SIC's MSMS is working effectively.

2.2 Independence and Reporting

The Designated Person is independent from SIC's management structure and reports directly to the Harbour Board, as Duty Holder, at regular Board meetings.

The Designated Person has direct access to the Board's Chairperson should this be required.

2.3 Responsibilities

The main responsibility of the Designated Person is to provide independent assurance directly to the Duty Holder that the MSMS is working effectively in ensuring compliance with the Code.

SIC's Designated Person must have thorough knowledge and understanding of the requirements of the Code and associated marine legislation. The Designated Person provides:

- independent monitoring and audit of the MSMS
- review of risk assessment processes
- assessment of incident investigation processes
- review of consultation processes
- analysis of lessons learned
- determination, through monitoring and audit of agreed Key Performance Indicators (KPIs), of the effectiveness of the MSMS

Key Measure 3: Legislation

3.1 National Legislation

Responsibility for marine safety is governed by a wide range of national legislation. SIC recognises its duties and responsibilities under the following key legislation (non-exhaustive):

- Harbours Act 1964 - provides powers for harbour development, revision and closure orders
- Dangerous Vessels Act 1985 - powers to control dangerous vessels
- Pilotage Act 1987 - framework for pilotage services and Competent Harbour Authorities
- Merchant Shipping Act 1995 - general duties relating to shipping safety
- Health and Safety at Work etc. Act 1974 - general duties for workplace safety
- Civil Contingencies Act 2004 - framework for emergency preparedness and response
- Environment Act 2021 - duties regarding biodiversity, air quality, water and waste
- Marine (Scotland) Act 2010

3.2 Local Acts and Orders

The SIC is the Statutory Harbour Authority (SHA) for fourteen (14) Ports and Harbours as identified in the Zetland County Council (ZCC) Act 1974 (as amended), namely:

- Sullom Voe
- Blacksness (Scalloway)
- West Burra (Hamnavoe)
- West Burrafirth
- Housa Voe, Papa Stour
- Mid Yell, Yell
- Cullivoe, Yell
- Baltasound, Unst
- Uyeasound, Unst
- Hamars Ness, Fetlar
- Symbister, Whalsay
- Out Skerries (West Voe and South and North-East)
- North Haven, Fair Isle
- Vaila Sound and Gruting Voe (Walls)

SIC is also a Competent Harbour Authority (CHA) with Sullom Voe and Scalloway Harbour having published Pilotage Directions under section 7 of the Pilotage Act 1987.

SIC also has a number of marine facilities constructed and maintained under the Harbours, Piers and Ferries (Scotland) Act 1937 containing infrastructure for the Inter-Island Ferry fleet. These facilities are managed and maintained by SIC Ferries (the inter-island ferry service department), not by the Ports and Harbours department;

- Ham Voe, Foula
- Grutness Peir, South Mainland
- Laxo Ferry Terminal
- Vidlin Ferry Terminal
- Gutcher Ferry Terminal, Yell
- Belmont Ferry Terminal, Yell
- Lerwick Ferry Terminal (Located within Lerwick Port Authority SHA)

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- Maryfield Ferry Terminal (Located within Lerwick Port Authority SHA)

At Lerwick and Maryfield Ferry Terminals SIC acts as facility owner/operator; harbour authority functions are exercised by Lerwick Port Authority under its own MSMS. SIC engages with Lerwick Port Authority to confirm the respective scopes of the two MSMS arrangements and the allocation of responsibility.

3.3 Review of Powers and Jurisdiction

All organisations should keep their duties under review to avoid any possibility of failing to discharge them effectively.

SIC keeps its powers and extent of its jurisdiction under review to ensure that they are appropriate for maintaining the overall safety of its Ports and Harbours.

Additional powers will be sought if a risk assessment concludes that this would be the best means of meeting the safety obligation.

3.4 Revising Statutory Powers

Routes available to SIC for revising statutory powers include:

- Harbour Empowerment Orders - to create a new harbour and secure statutory powers
- Harbour Revision Orders - to amend statutory powers in local legislation
- Harbour Closure Orders - to relinquish statutory powers when no longer required

Key Measure 4: Duties and Powers

4.1 Safe and Efficient Port Marine Operations

SIC has powers and duties to manage vessel traffic within harbour limits. The organisation demonstrates that it:

- ensures the safe and efficient use of the harbour by those who have a right to use it
- conserves and promotes the safe use of the harbour and prevents loss or injury
- has regard to efficiency, economy and safety of operation
- takes action necessary for the maintenance, operation, improvement or conservancy

4.2 Open Port Duty

SIC recognises its responsibility to maintain 'open port duty' as defined in Section 33 of the Harbours, Docks and Piers Clauses Act 1847, incorporated into the enabling ZCC Act 1974.

The harbour must be open to anyone for the shipping and unshipping of goods and the embarking and landing of passengers, on payment of the rates set in accordance with local legislation.

4.3 Appointment of a Harbour Master

SIC exercises its powers to appoint a Harbour Master for its Ports and Harbours. The Harbour Master is accountable to the Harbour Authority for the safety of marine operations. The Harbour Master is defined in Section 2 of the Harbours, Docks and Piers Clauses Act 1847.

The duly appointed Harbour Master has statutory powers to regulate the time and manner of ships' entry to, departures from, movement within and for related purposes in the Harbour Area. Specific powers are also delegated to authorised Deputies and Officers.

4.4 Byelaws

SIC seeks to make best use of powers conferred within local enabling Acts to make Byelaws where appropriate. SIC has the power to create Byelaws as identified in section 44 of the ZCC Act 1974.

Byelaws are used to regulate activities in the harbour, reflecting local circumstances. Users are consulted before making byelaws which must be confirmed by the Scottish Ministers before they are brought into force.

4.5 Directions

4.5.1 Special Directions

The Harbour Master is responsible for enforcing local Byelaws and General Directions, and can issue Directions to the Master of any ship within the jurisdiction for the purposes of navigational safety or traffic regulation.

4.5.2 General Directions

SIC ensures that powers of General Direction are used appropriately to manage the safety of SIC's Ports and Harbours. SIC is able to issue General Directions under Section 38 of the ZCC Act 1974. General Directions are only made after harbour user stakeholders have been consulted.

4.5.4 Dangerous Vessel Directions

The Harbour Master may give directions prohibiting the entry into, or requiring the removal from, the harbour of any vessel if the condition of that vessel, or the nature or condition of anything it contains, is such that its presence in the harbour might involve grave and imminent danger to the safety of persons or property.

SIC recognises that the Secretary of State's Representative for maritime salvage and intervention (SOSREP) may override such directions.

4.6 Vessel Traffic Services

SIC has considered and evaluated the need for Vessel Traffic Services (VTS).

SIC operates a VTS Service within the Yell Sound and Sullom Voe Harbour area. For other SIC Ports and Harbours, the need for VTS has been considered following published guidance issued by the MCA in Marine Guidance Note (MGN 401).

SIC will periodically review its level of harbour information, monitoring and control to ensure the service provided meets the needs of its Ports and Harbours.

4.7 Pilotage

4.7.1 Pilotage Services and Directions

SIC keeps the pilotage service as a whole, including the existing and potential pilotage areas, under consideration through risk assessment, as required by section 2 of the Pilotage Act 1987. Where, after risk assessment and due consultation with ship owners and other interested parties, SIC considers that pilotage should be compulsory in the interests of safety it will issue Pilotage Directions detailing how and to which vessels they apply.

SIC recognises that a vessel's Master who is not subject to Pilotage Directions has a right to request a pilot.

4.7.2 Authorisation of Pilots

SIC determines the requirements for the authorisation of its pilots in respect of qualifications, time of service, physical fitness, local knowledge, skill, character and otherwise.

SIC reviews pilot competence and medical fitness standards and makes these details available to applicants applying to become pilots.

SIC will suspend or revoke a pilot's authorisation if it considers that a pilot is incompetent, their qualifications and/or fitness have lapsed or misconduct has affected their capability to conduct their role.

4.7.3 Pilotage Exemption Certificates

SIC recognises that CHAs must grant a 'Pilotage Exemption Certificate' (PEC) to a ship's deck officer (including the Master) who applies for one if they demonstrate they have sufficient skill, experience and local knowledge to pilot the ship within the compulsory pilotage area.

The requirements for granting a PEC must not exceed or be more onerous than those needed for an authorised pilot.

The granting of PECs does not apply to Sullom Voe Harbour area because it is exempt from the need to issue a PEC under Section 8.3 of the Pilotage Act 1987 and by direction of Scottish Ministers and Head of Maritime Policy of Transport Scotland - 19 November 2024

Applicants for Scalloway PECs will be expected to complete training as per the SIC pilots assessment for Scalloway and would require 12 trips per annum to maintain competence.

4.8 Towage

Procedures for towage are developed, managed and regularly reviewed by SIC, tug operators, pilots and vessel owners, to ensure a safe and efficient service and include emergency response.

SIC risk assesses routine towage operations and, in consultation with stakeholders, develops specific towage guidelines. Where towage is non-routine, this is subject to a specific risk assessment and approval process.

SIC maintains oversight of towage operations to ensure they meet safety standards and remain appropriate for the types of vessels using the harbours.

4.9 Environmental Duty

SIC acknowledges its duty to exercise its functions with due regard to nature conservation and related environmental best practice. SIC has obligations where International and National designated areas exist directly within, or adjacent to, port boundaries.

Harbour authorities must, in exercising their functions, have regard to the purpose of conserving biodiversity.

The Environment Act 2021 sets out four priority areas of air quality, biodiversity, water and waste. SIC will seek advice from relevant Government Agencies, if necessary, regarding environmental duties in respect of marine operations.

4.10 Emergency Preparedness and Response

SIC ensures that appropriately detailed emergency plans are prepared in conjunction with other relevant authorities, and that such plans are published and periodically exercised.

The Dangerous Goods in Harbour Areas Regulations 2016 set a requirement for the creation of emergency plans by harbour authorities.

SIC also has 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.

4.11 Civil Contingencies

The Civil Contingencies Act 2004 provides a framework for civil protection in the event of an emergency. Harbour authorities are classified as Category 2 responders and must cooperate and share relevant information with Category 1 (emergency services and local authorities) and other Category 2 responders.

Under the Civil Contingencies Act 2004, SIC (as a local authority) is a Category 1 Responder. Separately, SIC is a Category 2 Responder insofar as it exercises harbour authority functions.

SIC maintains regular contact with the local Category 1 responders which are formed into multi-agency partnerships known in Scotland as Regional Resilience Partnerships and Local Resilience Partnerships (the PMSC refers to these collectively as the Local Resilience Forum).

4.12 Collecting Dues

SIC levies harbour dues within its ports and harbours under its enabling legislation: Part V of the Zetland County Council Act 1974 to raise sufficient resources to enable the discharge of its statutory duties. Pilotage charges are a separate matter, levied under section 10 of the Pilotage Act 1987

The Duty Holder is responsible for ensuring that adequate resources are provided to officers to enable them to operate policies, procedures and systems effectively.

Where SIC is the Pilotage Authority, it may make reasonable charges in respect of vessels subject to Pilotage Directions.

These pilotage charges apply to vessels with an embarked pilot, or those being piloted by the holder of a Pilotage Exemption Certificate (PEC) in Ports where PECs are granted.

Key Measure 5: Risk Assessment

5.1 Formal Risk Assessment

All organisations must identify the hazards they manage, complete risk assessments and incorporate these within their MSMS. SIC has undertaken a formal and documented marine risk assessment of each of its Ports and Harbours, and has established systems designed to review the findings of the assessments.

SIC acknowledges that the process of port marine safety assessment is continuous and hazards to navigation and marine operations need to be properly identified and addressed.

The SIC MSMS embodies a formal safety assessment (FSA) approach which is designed to identify new hazards and changing risks.

5.2 ALARP Principle

Risk assessments are undertaken by people who are qualified and appropriately skilled to do so.

SIC endeavours to manage marine risks to ensure that they are kept as low as reasonably practicable (ALARP) and will take measures to eliminate any risks identified through the assessment and review process.

5.3 Outcome Criteria

Risks and the impact of identified outcomes are assessed against four outcome-criteria; consequences to:

- Life - potential for loss of life or serious injury
- Environment - potential for environmental damage
- Operations - potential disruption to port and port user operations
- Infrastructure - potential damage to port and shipping infrastructure

5.4 Review of Risk Assessments

Risk assessments are reviewed on a planned periodic basis. The MSMS states the review frequency and related procedures.

Risk assessments are also reviewed following:

- a substantive change to operations
- an incident or accident
- review of relevant marine accident or Health Check report
- introduction of new vessel types or operations

Risk assessment reviews are conducted with the assistance of user groups or representatives who use the harbour regularly to ensure practical and relevant experience is captured.

5.5 Dynamic Risk Assessment

Dynamic risk assessment (DRA) involves observation, assessment and analysis of an active work environment while work is ongoing, to identify and manage risk.

SIC provides a form of DRA, suited to its size and operations and complementary to formal risk assessment processes. This allows for real-time assessment and response to changing conditions.

Key Measure 6: Marine Safety Management System

6.1 Implementation

An MSMS which manages the hazards and risks along with any preparations for emergencies has been developed and is implemented, maintained and reviewed periodically.

The MSMS also captures any customs and practices which have become the standard approach to marine operations.

6.2 SIC MSMS Structure

SIC has provided a tiered approach to developing the MSMS which includes:

- SIC Marine Safety Policy (this document) - overarching policy framework
- SIC Marine Safety Plan - strategic objectives and performance measures
- SIC Marine SMS - system-wide procedures and protocols
- Local Port Marine SMS Documents - port-specific operational procedures for Sullom Voe, Scalloway and SIC Small Ports

6.3 Safety Policies and Procedures

The MSMS incorporates safety policies and procedures to:

- ensure proper control of vessel movements
- protect the general public from dangers arising from marine activities
- allow functions to be carried out with regard to environmental impact
- prevent acts or omissions that may cause injury

6.4 Accountability for Marine Safety

An MSMS assigns 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.

The Executive Manager - Harbour Master is accountable for operational and financial control. The Harbour Master has day-to-day responsibility for managing the safe operation of navigation and other marine activities.

6.5 Stakeholder Engagement and Consultation

SIC seeks to consult with harbour users and relevant interested parties when considering safe navigation and applicable matters. The Local Port MSMS documents identify the main consultation groups established at individual SIC Ports and Harbours.

Where SIC's marine facilities are situated within the jurisdiction of another SHA — notably Lerwick Ferry Terminal and Maryfield Ferry Terminal, which lie within Lerwick Port Authority's harbour area — SIC engages with the host SHA to ascertain the scope of the host SHA's MSMS and to clarify the allocation of responsibility between SIC (as facility owner/operator) and the host SHA (exercising its harbour authority functions). The same approach is taken with any other third-party facilities with which SIC interfaces.

Stakeholder engagement includes:

- regular harbour user consultation meetings
- engagement with relevant government agencies
- coordination with emergency services and responders

-
- collaboration with other marine facility operators

6.6 Incident Reporting and Investigation

However effective the MSMS system is, marine incidents and accidents may still occur. A clear process of incident recording, investigation, follow up and closure has been established, and all stages of this process are recorded. The process recognises the essential purposes of an investigation:

- to determine the cause with a view to preventing recurrence
- to determine if an offence has been committed and whether enforcement action is appropriate
- to identify lessons learned and distribute these across the organisation

The Harbour Authority will report any accident which meets the criteria established by the Marine Accident Investigation Branch (MAIB) to the Chief Inspector and any other appropriate authorities, by the quickest means available, in accordance with The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012.

6.7 Enforcement

SIC monitors and, where appropriate, actively enforces compliance with its Byelaws and directions in line with the published Enforcement Policy.

Any apparent contravention of such Byelaws or directions may result in the prosecution of the offender. Enforcement actions are proportionate and fair, with consideration given to the circumstances of each case.

Key Measure 7: Review and Audit

7.1 Systematic Review Process

Organisations should have a regular and systematic process to review and audit all their requirements for marine safety. The Duty Holder and Designated Person both have a vital role in this process.

The MSMS must incorporate a regular and systematic review of its performance. This should be based on information from monitoring the system itself including testing, exercises and independent external audits.

7.2 Performance Assessment

Performance of the MSMS is assessed against internal key performance indicators and, where appropriate, by benchmarking against other similar organisations that have adopted good practice. The Designated Person presents findings from audits to the Duty Holder as part of the auditing and review process.

Key performance indicators include:

- incident and accident rates
- compliance with procedures and directions
- timeliness of risk assessment reviews
- training and competence records
- stakeholder feedback

7.3 Plan, Do, Check, Act Cycle

SIC utilises the Plan, Do, Check, Act cycle as an approach for effective review and audit:

- Plan - recognise an opportunity or challenge and plan change
- Do - test the change on a small scale
- Check - review the test, analyse results and identify learning
- Act - take appropriate action based on findings
-

This cycle ensures continuous improvement of the MSMS and allows for responsive adaptation to changing circumstances.

7.4 Internal and External Audits

SIC conducts both internal and external audits of its MSMS. Internal audits are conducted by suitably qualified personnel, while external audits are performed by the Designated Person and may include periodic Health Checks carried out by the MCA. Audit findings are systematically addressed and tracked to closure.

Key Measure 8: Competence

8.1 National Standards

Under the Code, all persons involved in the management and execution of marine services should be competent, qualified and trained to the appropriate national standard.

To ensure that SIC employs competent personnel, it must:

- use published national occupational standards as a basis for recruiting and developing staff
- 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
- ensure personnel have enough relevant experience to be effective

8.2 Assessment and Validation

SIC assesses the fitness and competence of all persons appointed to positions with responsibility for marine and navigation safety on a regular basis. This includes:

- initial competence assessment upon appointment
- periodic revalidation of qualifications
- assessment of continuing professional development
- medical fitness assessments where required

8.3 Training and Development

A policy on revalidation or maintenance of qualifications and continuing professional development is maintained. SIC ensures that:

- all personnel receive appropriate induction training
- ongoing training needs are identified and addressed
- records of training and qualifications are maintained
- personnel are provided with opportunities for professional development

8.4 Specific Competence Requirements

The appointment of officers is a matter for the Harbour Authority, with delegations being clear, formal and will not obscure the accountability of the organisation and its duty holder.

The Harbour Authority ensures that:

- executive and operational responsibilities are appropriately assigned to properly trained people;
- if some functions are combined, a proper separation of safety and commercial activities is maintained; and
- all employees will have training that is appropriate for their level of responsibility.

Delegations are no substitute for the duty holder being directly involved in safety management.

Key Measure 9: Plan

9.1 Marine Safety Plan

To demonstrate commitment to marine safety and to ensure the involvement of harbour users, SIC produces a marine safety plan. The marine safety plan illustrates how policies and procedures will be developed to satisfy the requirements of the Code.

The marine safety plan:

- commits SIC to undertake and regulate marine operations safely
- refers to commercial activities and efficient provision of services
- explains how commercial pressures will be managed without undermining safety
- sets out strategic objectives for the planning period
- identifies key performance indicators

9.2 Performance Assessment and Reporting

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

The performance assessment includes:

- review of achievement against stated objectives
- analysis of KPI trends
- summary of incidents and corrective actions
- identification of lessons learned
- forward look to next planning period

9.3 Publication and Review Cycle

At minimum, plans and assessments are reviewed and published every three years. SIC aligns this review period to inform the Code compliance self-certification exercise that must be submitted to the MCA.

The marine safety plan and performance assessment are published and made available to harbour users, stakeholders and the public through appropriate channels.

Key Measure 10: Conservancy Duty

10.1 Duty to Conserve

SIC endeavours to conserve each of its Harbours so that they are fit for use as a port, taking reasonable care to ensure that each is in a fit condition for a vessel to utilise it safely. This duty covers several specific requirements.

10.2 Hydrographic Surveys

SIC conducts hydrographic surveys using appropriate specifications based on international standards to:

- find and mark the best navigable channels
- keep a vigilant watch for any changes in the sea- or river-bed
- keep proper hydrographic and hydrological records
- ensure hydrographic information is published in a timely manner

SIC supplies the UK Hydrographic Office (UKHO) with information that may be needed for updating and ensuring safe official Admiralty charts and publications. Users are provided with adequate information about conditions in the harbour including timely notification of any changes.

10.3 Aids to Navigation

The Northern Lighthouse Board (NLB) is the General Lighthouse Authority (GLA) for Scotland and the Isle of Man. SIC, in its role as a Local Lighthouse Authority (LLA), maintains applicable Aids to Navigation (AtoN) in accordance with the availability criteria laid down by the NLB.

SIC as LLA will not, without the GLA's consent, erect, remove, or vary the character of any lighthouse, light, buoy or beacon. All aids to navigation maintained by SIC must be:

- placed and maintained in optimum positions
- maintained in accordance with availability criteria laid down by the GLAs
- subject to periodic review
- reported to the GLA through regular returns as may be required

SIC will make arrangements for NLB inspections and comply with any directions from the NLB concerning the provision and positioning of AtoN.

10.4 Wrecks and Abandoned Vessels

Harbour Authorities have a duty of care under common law to those who reasonably and foreseeably are within the harbour area. The SIC MSMS requires a risk assessment to be undertaken where there is a wreck in or near the approaches to a SIC Port or Harbour which may cause a danger to navigation.

Where SIC considers a wreck is, or likely to become an obstruction or danger to navigation, they will exercise their wreck-marking and removal powers through a range of measures including:

- lighting and marking of the wreck
- deployment of appropriate buoyage
- possession, removal or destruction of the wreck where necessary

In dealing with wrecks, SIC recognises their duty to have regard to the environment in exercising their powers. Environmental impact assessments are conducted where appropriate before wreck removal operations.

10.5 Marine Environment Management

While related, the conservancy duty and broader marine environment management are distinct. The conservancy duty is principally concerned with the safety of navigation. SIC also discharges related but distinct duties and powers in respect of marine environment management. SIC:

- monitors water quality and environmental conditions
- manages dredging and disposal activities
- coordinates with environmental agencies on designated areas
- ensures compliance with environmental legislation and best practices

References

- Department for Transport. (DfT), 2025. 'Ports & Marine Facilities Safety Code', April 2025.
- Department for Transport. (DfT), 2025. 'A Guide to Good Practice on Port and Marine Facilities', April 2025.
- His Majesty's Government, 'Zetland County Council Act' (ZCC) Act 1974 (as amended)
http://www.legislation.gov.uk/ukla/1974/8/pdfs/ukla_19740008_en.pdf
- His Majesty's Government 'The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012'. http://www.legislation.gov.uk/uksi/2012/1743/pdfs/uksi_20121743_en.pdf
- Maritime and Coastguard Agency (MCA), 2022. 'Navigation: Vessel Traffic Services (VTS) and Local Port Services (LPS) in the United Kingdom'. Marine Guidance Note - MGN 401 (M+F) Amendment 3. March 2022
- His Majesty's Government 'Pilotage Act' 1987
<https://www.legislation.gov.uk/ukpga/1987/21/contents>
- His Majesty's Government 'Harbours Act' 1964
<https://www.legislation.gov.uk/ukpga/1964/40/contents>
- His Majesty's Government 'Dangerous Vessels Act' 1985
<https://www.legislation.gov.uk/ukpga/1985/22/contents>
- His Majesty's Government 'Merchant Shipping Act' 1995
<https://www.legislation.gov.uk/ukpga/1995/21/contents>
- His Majesty's Government 'Health and Safety at Work etc. Act' 1974
<https://www.legislation.gov.uk/ukpga/1974/37/contents>
- His Majesty's Government 'Civil Contingencies Act' 2004
<https://www.legislation.gov.uk/ukpga/2004/36/contents>
- His Majesty's Government 'Environment Act' 2021
<https://www.legislation.gov.uk/ukpga/2021/30/contents>
- His Majesty's Government 'Dangerous Goods in Harbour Areas Regulations' 2016
<https://www.legislation.gov.uk/uksi/2016/1117/contents>
- His Majesty's Government 'Merchant Shipping (Oil Pollution Preparedness Response and Co-operation Convention) Regulations' 1998
<https://www.legislation.gov.uk/uksi/1998/1056/contents>