



SHETLAND
ISLANDS COUNCIL

**Sullom Voe - Marine Safety
Management System
(2026)**

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The Shetland Islands Council (SIC) 'Marine Safety Management System' provides the foundation for ensuring individual SIC ports consistently and appropriately address the requirements of the Department for Transport (DfT) 'Port Marine Safety Code' (the Code). This document has been prepared using the latest version of the Code published in April 2025 and the accompanying Guide to Good Practice (the Guide).

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

Issue	Date	Prepared By	Checked By	Checked by
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4	October 2019	S Skinner Port Safety Officer	R Gordon Deputy Harbour Master	G Maitland Harbour Master
5	April 25	Not issued – New PMSC		
6.0	June 2026	R. Gordon	J. Milne	M. Davidson

Contents

Introduction.....	1
Sullom Voe – Misson Statement.....	1
Introduction to Sullom Voe	1
Sullom Voe Description	2
Sullom Voe Harbour Act and Amendments.....	5
The Sullom Voe, Shetland, Pilotage (Amendment) Order	5
Key Measure 1: Duty Holder.....	7
1.1 SIC as Harbour Authority & Duty Holder	7
1.2 Key Officers	7
Key Officers - Chief Executive	7
Key Officers – Director of Place	8
Key officers – Executive Manager – Harbour Master.....	8
Key Officers – Deputy Harbour Masters	9
Key Officers – Port Safety Officers	9
1.1.1 Key Officers – Vessel Traffic Service Operator.....	9
Key Officers – The Authorities Officers.....	9
Key Measure 2: Designated Person	11
2.1 Designated Person.....	11
Key Measure 3: Legislation	12
3.1 Statutory Duties.....	12
3.2 Existing Powers Duties and Responsibilities.....	12
Key Measure 4: Duties and Powers	13
4.1 Sullom Voe Bye Laws	13
4.2 Special Directions.....	14
4.3 General Directions.....	14
4.4 Dangerous Vessels	14
4.5 Pilotage	15
Pilotage Directions	15
Passage Plan.....	16
4.6 Towage.....	16
4.7 Vessel Traffic Services	16
4.8 Fishing and Recreational Navigation	16
4.9 Environmental Duty	17
4.10 Civil Contingencies Duty	18
4.11 Collection of Dues	18
Key Measure 5: Risk Assessment.....	19
5.1 Formal Risk Assessment	19
Key Measure 6: Marine Safety Management System	20
6.1 Incident Investigation.....	20
6.2 Consensus	20
Key Measure 7: Review and Audit.....	21
Key Measure 8: Competence.....	22
Key Measure 9: Plan	23
Key Measure 10: Conservancy Duty	24
10.1 Conservancy	24
Aids to Navigation	24
Wrecks and Abandoned Vessels	24

Glossary

ABPmer	ABP Marine Environmental Research Ltd
AIS	Automatic Identification System
ALARP	As Low As Responsibly Practicable
AtoN	Aids to Navigation
CCTV	Closed Circuit Television
CEO	Chief Executive Officer
CHA	Competent Harbour Authority
CPD	Continuous Professional Development
“the Code”	Port Marine Safety Code
COPFS	Crown Office and Procurator Fiscal Service
DfT	Department for Transport
FSA	Formal Safety Assessment
GLA	General Lighthouse Authority
“the Guide”	Guide to Good Practice on Port Marine Operations
Health Check	Intelligence led investigation to test compliance with the Code
HRO	Harbour Revision Order
HSE	Health and Safety Executive
IALA	International Association of Lighthouse Authorities
IHO	International Hydrographic Organisation
IMO	International Maritime Organization
Incident	Refers to accident or near miss
ISO	International Standards Organization
ISPS	International Ship and Port Facility Security
KPI	Key Performance Indicators
LLA	Local Lighthouse Authority
MAIB	Marine Accident Investigation Branch
MarNIS	Maritime Navigation and Information Services
“Marine Operations”	Moving, berthing and unberthing of ships and other marine craft within the limits and approaches of a Harbour Authority
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MSMS	Marine Safety Management System
NLB	Northern Lighthouse Board
NtM	Notice to Mariners
“Organisations”	CHA, Municipal Port or Harbour Authority, Trust Port or Harbour Authority, Private Port or Harbour Authority, and Marine Berths, Terminals or Jetties
PANAR	Ports Aids to Navigation Availability Reporting
PEC	Pilot(age) Exemption Certificate
PMSC	Port Marine Safety Code
POLREP	Pollution Report
RCO	Risk Control Option
QMS	ISO 9001 – Quality Management System
SHA	Statutory Harbour Authority
SIC	Shetland Islands Council
SMS	Safety Management System
SOSREP	Secretary of States Representative
SOTEAG	Shetland Oil Terminal Environmental Advisory Group
SVA	Sullom Voe Association
SVHA	Sullom Voe Harbour Authority

TWG Technical Working Group
UK United Kingdom
UKHO United Kingdom Hydrographic Office
VTS Vessel Traffic Services
VTSO Vessel Traffic Services Operator
VHF Very High Frequency (Radio)
ZCC Zetland County Council

Cross Reference Table

PMSC - Section Name	PMSC – Subject Heading	PMSC Paragraph Reference	SV MSMS Section SV MSMS Section
Background	Compliance	17-23	Introduction
	Health Checks	24-26	SIC MSMS
1 Duty Holder	Duty Holder	1.1-1.3	1.1
	Responsibilities	1.4-1.7	1.1; 1.2
	Reporting Compliance	1.8-1.10	SIC MSMS
2 Designated Person	Designated Person	2.1-2.4	2.1
3 Legislation	National Legislation	3.3-3.6	3.1
	Local Acts & Orders	3.7-3.12	Introduction; 3.1
	Review	3.13-3.14	SIC MSMS
	Revising Statutory Powers	3.15-3.18	SIC MSMS
4 Duties and Powers	Safe and Efficient Marine Operations	4.3-4.8	3.2
	Open Port Duty	4.9	SIC MSMS
	Appointment of a Harbour Master	4.10-4.11	1.2; SIC MSMS
	Byelaws	4.12-4.14	4.1
	Special Directions	4.16-4.18	4.2
	General Directions	4.19	4.3
	Harbour Directions	4.20	-
	Dangerous Vessel Directions	4.23-4.24	4.4
	Pilotage	4.25-4.30	4.5
	Towage	4.31-4.33	4.6
	Regulation of Marine Craft	4.34	4.7; 4.8
	Environmental Duty	4.35-4.36	4.9
	Emergency Preparedness and Response	4.37-4.38	SV Emergency Plan
	Civil Contingencies Duty	4.39-4.41	4.10
	Collecting Dues	4.42-4.46	4.11
5 Risk Assessment	Risk Assessment	5.1-5.7	5.1
	Formal Safety Assessment	5.8-5.9	5.1
	Reviewing Risk Assessments	5.10-5.12	5.1; SIC MSMS
	Dynamic Risk Assessment	5.13	5.1
6 Marine Safety Management System	Marine Safety Management System	6.1-6.3	SIC MSMS
	Implementation	6.4-6.7	SIC MSMS
	Accountability for Marine Safety	6.8-6.13	1.1; 1.2
	Stakeholder Engagement and Consultation	6.14-6.18	6.2
	Incident Reporting and Investigation	6.19-6.23	6.1
	Enforcement	6.24-6.25	SIC MSMS
7 Review and Audit	Review and Audit	7.1-7.3	7; SIC MSMS
	Marine Safety Management System	7.4-7.6	7; SIC MSMS
	Plan – Do – Check – Act	7.7-7.8	7; SIC MSMS
8 Competence	Competence	8.1-8.4	8; SIC MSMS
9 Plan	Publication	9.1-9.2	9; Marine Safety Plan

	Format	9.3	9; Marine Safety Plan
	Review	9.4-9.5	9; Marine Safety Plan
	Timing	9.6-9.7	9; Marine Safety Plan
10 Conservancy Duty	Harbour Authorities	10.2-10.5	10.1
	Aids to Navigation	10.6-10.9	10.1
	Wrecks and Abandoned Vessels	10.10- 10.17	10.1

Introduction

Sullom Voe – Misson Statement

SIC as Harbour Authority is committed to operating to the standard required in the Port Marine Safety Code and in accordance with the guidance provided in the Guide to Good Practice for Port Marine Operations. The Port provides outstanding port facilities and services, making use of the Port's physical advantages and key location in relation to the North Sea Oil and Gas industry and world trade routes.

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

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

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

Introduction to Sullom Voe

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

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

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

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

Sullom Voe Description

Sullom Voe Port and Harbour provides berthing and handling facilities for a range of commercial operations. Predominantly, the commercial vessels using Sullom Voe is tanker traffic using the four berth Oil Terminal. Sullom Voe accepts vessels up to 365 metres LOA as a matter of routine, with larger vessels being accepted on a case-by-case basis. Tankers can load to a maximum draught of 16.8m at Jetty 1, 22.1m at Jetty 2, 24m at Jetty 3 and 22.6m at Jetty 4. Sullom Voe also has a construction berth, which is used by a range of vessel types up to 120 metres, delivering material for building work, aggregates or machinery and operates as a Lift-on, Lift-off (LoLo) berth and Roll-on, Roll-off (RoRo) berth.

The Port Administration Building, from which all marine operations are monitored and controlled, is located on Sella Ness. From this location, a second port area has been established for service craft which include harbour towage, workboats and pilot boats. All of these craft are owned and operated by SIC as Harbour Authority.

The Zetland County Council (ZCC) 1974 Act (as amended) identifies the Statutory Harbour Area (SHA) boundary in Schedule 1 (as amended by the 1980 HRO):

‘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° 38' 18n north, longitude 01° 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°38'14" north, longitude 01° 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° 29' 09" north, longitude 01° 05' 48" west on the line of low water mark at the southeastern extremity of the Ness of Copister, thence in a southerly direction to a point in latitude 60° 28' 41" north, longitude 01° 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° 27' 44" north, longitude 01° 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° 27' 45" north, longitude 01° 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 Sullom Voe SHA boundary, Competent Harbour Authority (CHA) and Vessel Traffic Services (VTS) boundary are identical. These are shown on Figure 1 (Sullom Voe Port and South East Approach) and Figure 2 (Sullom Voe Harbour area and North Approach).



Figure 1. Sullom Voe South East Approach

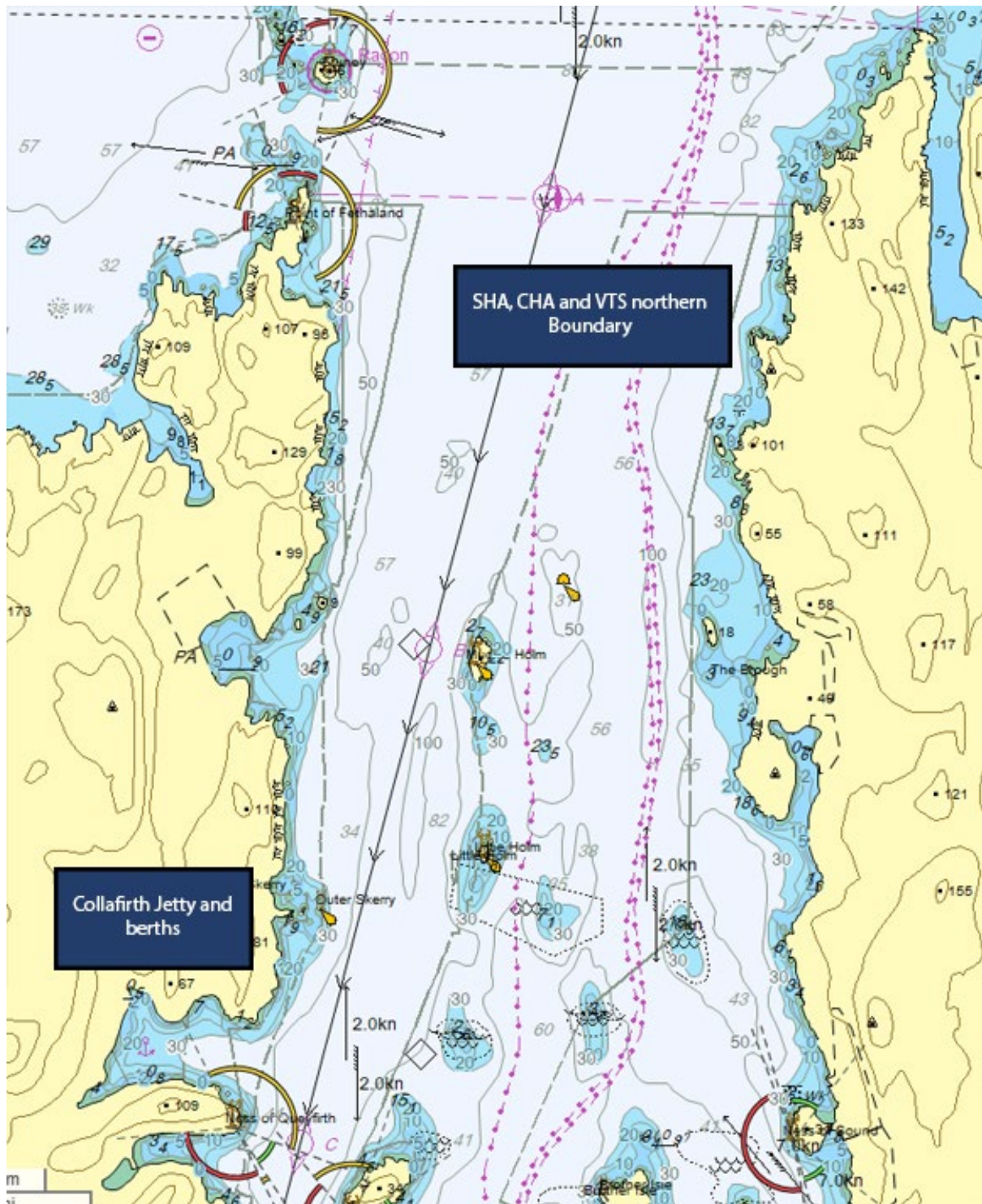


Figure 2. Sullom Voe North Approach

The Sullom Voe Harbour boundary includes all of Yell Sound, but excludes direct traffic control over vessels passing through (transitory vessels). This is specified in the extension of Sullom Voe's Harbour boundary in the Section 63 of the ZCC 1974 Act (as amended), see Table 1 for more details. Other port locations within the Sullom Voe Harbour area include the Pier at Colla Firth which is owned and operated by SIC providing berths for small day fishing boats, leisure craft and one berth for a larger vessel, which is usually used by aquaculture vessels. Two

further Piers are located within the harbour boundary for the Toft to Ulsta ferry (see Figure 1). Additionally, there is a defined anchorage within Colla Firth which is available to commercial non-tanker traffic by prior notification and arrangement with VTS.

Sullom Voe Harbour Act and Amendments

SIC is the Harbour Authority for the Sullom Voe as identified through the ZCC Act 1974 and subsequent Acts, Orders and Statutory Instruments which have amended the original Act. The enabling ZCC Act references other established Acts of Parliament which provide overarching legislation, including the 'Harbours Docks and Piers (Clauses) Act 1847' and the 'Harbours Act 1964'. Subsequently, the 'Pilotage Act 1987', and the 'Docks Regulations 1988' also provide key duties and powers to Harbour Authorities. The Acts shown in Table 1 are of key importance in relation to the SIC's duties and powers as Harbour Authority in respect of Sullom Voe.

Act Year	Act Name	Description of Powers
1974	Zetland County Council Act (ZCC)	Established the Sullom Voe and Baltasound Harbour Areas, and provision regarding Harbour Authority duties and powers. This is the establishing (Special) Act creating the Statutory Harbour Authority area.
1980	Sullom Voe Harbour Revision Order (HRO)	Extended the Statutory Harbour Area of Sullom Voe within which the SIC exercise jurisdiction as harbour authority and within which the powers of the Harbour Master shall be exercised, to include the entirety of Yell Sound, Sullom Voe and adjacent inlets and amends Schedule 1 of the ZCC 1974 Act. However, it should be noted that Section 63 of the ZCC Act (as amended) states that: 'This Act shall not extend to [subject any person to liability for charges] in respect of vessels which merely pass through the limits of a harbour area without making use of any facilities provided by the Council or by a licensee'.
1987	The Sullom Voe, Shetland, Pilotage (Amendment) Order	This order came into force on 3rd June 1987; established a two part Pilotage District, in which pilotage is compulsory in Part 1 (Yell Sound/Sullom Voe). Part 2 is the area of Yell Sound to the east of a line drawn between North Western extremity of the Ness of Sound to the Northern extremity of Uynarey Isle. Note: not considered to have any legal effect; see explanation in text in report Section 2.3.1.
1994	The Shetland Islands Council Harbour Revision Order (HRO)	Repeal (removal) of Clause 68 from the ZCC Act which stipulated the formation of a 'Harbour Advisory Committee'.

The Sullom Voe, Shetland, Pilotage (Amendment) Order

Under powers granted pursuant to the Pilotage Act 1983, pilotage districts 1 and 2 (First Part and Second Part) were established by 'The Sullom Voe, Shetland, Pilotage (Amendment) Order' 1987, and used the same Northern boundary for the harbour area, with an extended eastern boundary. In 1987 the Pilotage Act 1983 was repealed in full. It does not automatically follow that Orders made pursuant to an Act are also repealed. However, the effect of the Pilotage Act 1987 (which repealed the Pilotage Act 1983) was to replace the 'former pilotage districts' (pilotage districts within the meaning of the Pilotage Act 1983) with a new mechanism for determining the areas for which pilotage services should be provided.

Through Section 1(1) of the Pilotage Act 1987, SIC fulfils the requirements of sub-sections (a) and (b) to be considered a CHA within its SHA. Section 2 of the Pilotage Act 1987 imposes general duties on the CHA to consider whether any and, if so, what pilotage services need to be provided to secure the safety of ships navigating 'in or near the approaches to its harbour', whether any services should be compulsory, and to provide such pilotage services as it considers need to be provided. The CHA can therefore impose pilotage services over the area of the harbour and in the approaches to the harbour. It was this latter provision which allowed SIC to extend the CHA beyond the usual limits of the SHA jurisdiction. Legally, the 'former pilotage district' is no longer valid and so neither is the 'The Sullom Voe, Shetland, Pilotage (Amendment) Order' 1987.

SIC is the Statutory Harbour Authority for the Sullom Voe and its approaches as identified through the ZCC 1974 Acts (as amended). SIC is also the Local Lighthouse Authority within the meaning of the Merchant Shipping Act 1995, and by virtue of the Pilotage Act 1987, is the CHA responsible for the provision of pilotage services. In all three capacities it is governed by Acts of Parliament, and answerable to Parliament should it exceed its powers or fail in its duty. It is subject (as a Statutory Authority), to the full range of review procedures.

The Harbour Authority has developed policies and plans in accordance with the standards set out in the Code. The policies and plans are based upon a full assessment of the hazards that have to be managed to ensure the safety of the port. Sullom Voe has adopted all the policies published by SIC in the Marine Safety Policy Document (which should be read in conjunction with this document).

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

Key Measure 1: Duty Holder

1.1 SIC as Harbour Authority & Duty Holder

The Harbour Board of SIC, as Harbour Authority, will support the commercial activities of the port through the provision of pilotage (at CHA Ports) and conservancy services and through the regulation of shipping within harbour limits.

SIC will also ensure the safety at work of employees and other persons who may be affected by the Authority's activities as far as is reasonably practicable to do so.

This commitment is identified within the SIC Marine Safety Policy and confirms the Authority's commitment to the Code. Harbour Board members are collectively the 'Duty Holder' and as such accept the responsibility for ensuring the Authority discharges its duties and powers to that standard. The role of Duty Holder includes:

- Statutory and non-statutory duties as conferred by local Acts, Empowerment Orders and general legislation;
- Duties and obligations to conserve and facilitate the safe use of their harbours, and a duty of care against loss caused by the authority's negligence; and
- Duties to ensure the safety of marine operations are matched with general and specific powers to enable the authority to discharge these duties.

SIC is also the Competent Harbour Authority (CHA) for Sullom Voe.

The SIC Harbour Board, as a Harbour Authority, is therefore the 'Duty Holder' as defined by the Code for all of the SIC Ports listed above. A full structure diagram is shown in Appendix A. The Duty Holder identifies the executive and operational responsibilities for marine safety with the appointment of key officers. Whilst the operation of the Harbour Authority's Ports and Harbours are delegated to appointed professionals; the Duty Holder cannot assign or delegate its accountability for compliance with the Code.

The Harbour Board of SIC, as Harbour Authority, is accountable for the discharge of its duties and powers to the standard laid down in the Code. To demonstrate this commitment, SIC publishes a Marine Safety Policy.

The SIC Marine Safety Policy demonstrates the Harbour Authority's commitment to the safe and responsible operation of SIC Ports and Harbours by detailing areas of primary concern (which are closely based on the requirements of the Code).

1.2 Key Officers

Key Officers - Chief Executive

The Chief Executive is accountable for the operational and financial control of the authority. The Chief Executive (CE) has authority on all matters related to duties and powers. This role includes the following responsibilities under the Code:

- Oversee the implementation of SIC policies and decisions;
- Have overall executive responsibility for the safety of operations and staff; and
- Oversee the recruitment and training policy for staff and key officers.

Key Officers – Director of Place

The Director of Infrastructure is answerable to the CE for the commercial operation of the Ports and Harbour department. In addition, they are responsible to the CE for:

- Implementing the SIC Marine Safety Policy;
- Health, Safety and Environmental Policies relevant to SIC Port and Harbour operations, and ensuring compliance with relevant reporting duties to agencies such as the Health and Safety Executive (HSE), MAIB and MCA;
- Dealing with disciplinary measures according to the Policies when appropriate; and
- Providing SIC's key officers (such as the Executive Manager - Harbour Master, Deputy Harbour Master and Port Engineer) and other Port and Harbour staff with appropriate support and resources to fulfil their responsibilities as required under the Code.

Key officers – Executive Manager – Harbour Master

The Executive Manager – Harbour Master reports to the Director of Place and is a member of the Directorate Management Team.

The Executive Manager – Harbour Master :

- Leads, directs and manages an efficient and effective Ports & Harbours Operation in accordance with the Council's values, objectives, targets and statutory obligations;
- Provides professional advice to the Council, Chief Executive and Director and ensures the Council fulfils all statutory requirements and implements policies in respect of Ports & Harbours Operations;
- Advises on the strategic direction and developments required in the Ports and Harbours, to meet the Council's statutory and legal duties in delivering the Council's priorities and plans; and

Leads the setting of budgets for services, maintains effective budgetary control to achieve cost reduction targets and ensures the most cost effective delivery of services within the statutory duties and policies of the Council.

The Harbour Master has day-to-day responsibility for the safe operation of navigation and other marine activities in SIC's Ports and Harbours. The post holder must be competent and a suitably qualified person with sufficient experience for the role. Furthermore, the post holder must also be competent to undertake other relevant duties, in relation to Health & Safety at Work and Merchant Shipping legislation.

The Harbour Master:

- Has powers of direction to regulate the time and manner of any vessel's entry to, departure from and movement within the harbour waters, and related marine safety purposes;
- Has overall responsibility for the provision and maintenance of Aids to Navigation in relation to the authority's conservancy duties.
- Has the responsibility for developing and implementing emergency plans and procedures for regulating dangerous goods in transit on ships and for counter-pollution and waste disposal plans.

The Harbour Master's powers are determined by the ZCC Act 1974 and are further strengthened by Harbour Byelaws.

Key Officers – Deputy Harbour Masters

The Deputy Harbour Masters report to the Executive Manager - Harbour Master and is a member of the management team. The Deputy Harbour Master provides information and advice to the Executive Manager – Harbour Master and management team, to support service and directorate decision taking.

The Deputy Harbour Masters have the delegated powers of authority of the Harbour Master.

Key Officers – Port Safety Officers

The Port Safety Officers report to the Deputy Harbour Masters and are responsible for the day-to-day safety issues of Ports & Harbours Operations personnel and for ensuring safety inspections and audits are carried out.

1.1.1 Key Officers – Vessel Traffic Service Operator

VTSOs report to the Deputy Harbour Master and are responsible for providing vessels with timely and relevant information, monitoring and management of ship traffic and responding to developing unsafe situations in the VTS area. VTSOs have the appropriate delegated authority to enable them to provide these functions.

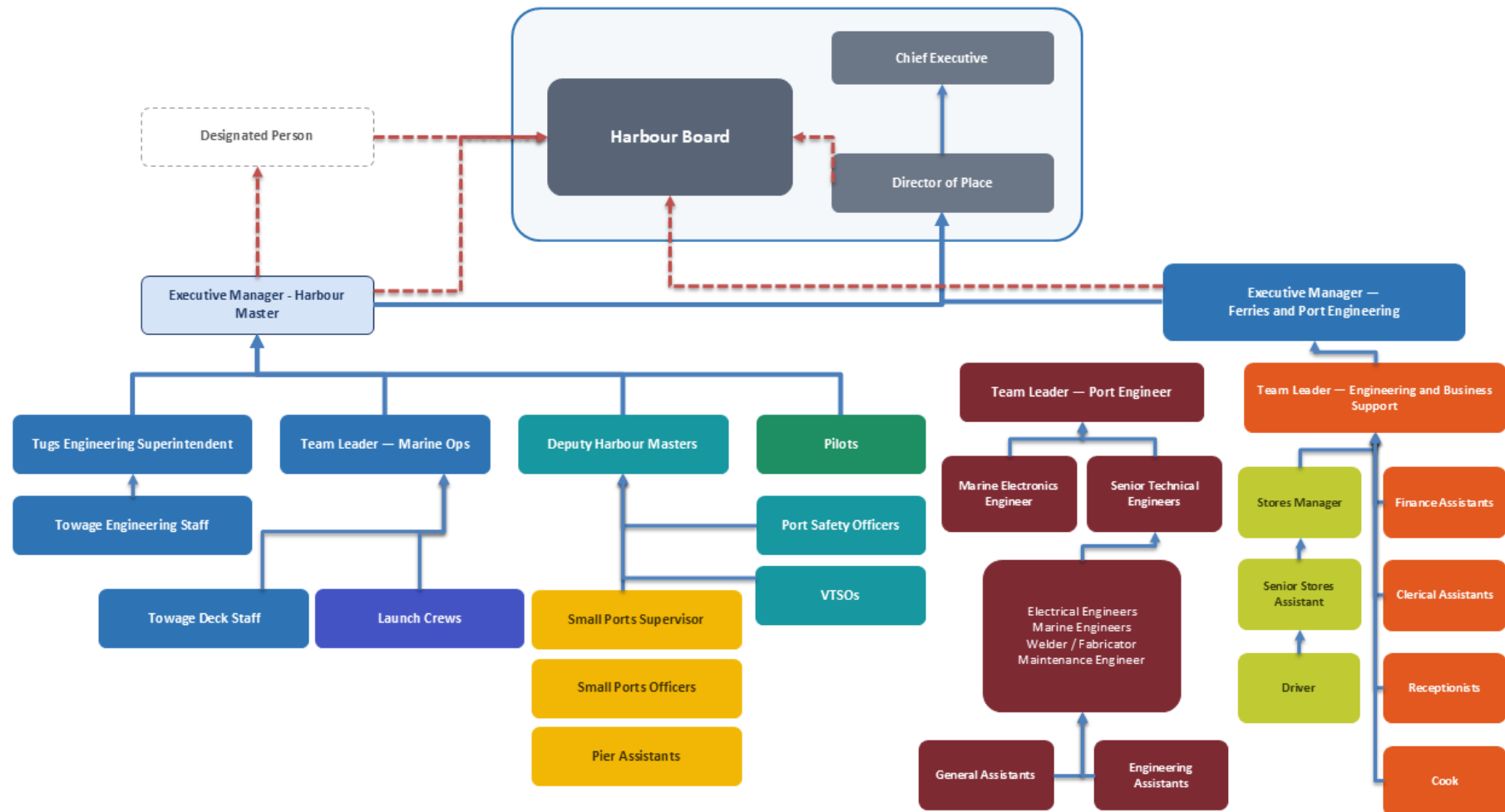
Key Officers – The Authorities Officers

The appointment of officers is a matter for the Organisation, with delegations being clear and 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.

Figure 3. SIC Duty Holder and Designated Person Structure



Key Measure 2: Designated Person

2.1 Designated Person

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

The Designated Person's contact information is:

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

Key Measure 3: Legislation

3.1 Statutory Duties

Sullom Voe has statutory duties of both a general and specific nature in respect of:

- a) The observation of Section 33 of the Harbours, Docks and Piers Clauses Act 1847 in respect of maintaining Open Port Duty;
- b) Regulating the activities of other persons using its Ports and Harbours, in particular, regulating the movement and berthing of vessels by means of directions and Bye-laws;
- c) The conservancy of the SHA areas including marking navigation channels, the removal of wrecks and other obstructions and maintenance dredging of navigational channels;
- d) The provision and maintenance of harbour facilities, including; quays, wharves, piers, etc;
- e) The provision of a pilotage service. The general duties for the provision of pilotage services are contained in Section 2 of the Pilotage Act 1987;
- f) The prevention of pollution and the nature conservation its Ports and Harbours and adjacent coastline;
- g) Ensuring as far as reasonably practicable, the safety at work of its employees and other persons who may be affected by its activity; and
- h) Local measures for compliance with the Code detailed within this MSMS.

3.2 Existing Powers Duties and Responsibilities

The Code requires Harbour Authorities to review their powers to ensure they discharge their duties correctly, and do not exceed their powers. SIC, as Harbour Authority, has reviewed its powers and duties, and these are detailed within the SIC MSMS. The following headings are addressed in the SIC MSMS and apply directly to Sullom Voe:

Powers and Duties	PMSC Reference	SIC MSMS Reference
Statutory Harbour Authority Powers	3.7	2.1
Review of Harbour Authority Powers	3.13 – 3.15	3.1
Appointment of Harbour Master	4.10	5.1
Competent Harbour Authority Powers	4.25	5.8
Local Lighthouse Authority Responsibilities	10.6	5.12
Powers to remove Wrecks	10.10-10.17	5.13

Key Measure 4: Duties and Powers

4.1 Sullom Voe Bye Laws

A Harbour Authority has a number of powers designed to regulate areas of marine activity, some of these powers will be supported through Byelaws. The ZCC Act 1974 (as amended) provides Byelaw powers in Sections 44, 45 and 46. Section 44 'General Byelaws.' states that:

(1) The Council may from time to time by byelaws make provision for any matter falling within their duties under section 5 (General duties) of this Act and in particular, but without prejudice to the generality of the foregoing, for any of the following purposes:

- a) for securing the conservation and improvement of any harbour area as a navigable waterway and for promoting the ease and convenience of navigation;
- b) for the regulation of vessels in a harbour area and their entry into and departure from the area and, without prejudice to the generality of the foregoing, for prescribing rules for navigation and the lights and signals to be exhibited or made by or for the benefit of vessels navigating in a harbour area;
- c) for regulating the use and for preventing the misuse of services and facilities provided by the Council at port premises;
- d) for promoting the safety of persons and vessels at port premises;
- e) for regulating the conduct of persons using a harbour area or its banks or shores whether for business, recreation, training or any other purpose;
- f) for the prevention of nuisances in or beside a harbour area.

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

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

Section 45 'Byelaws as to dangerous goods' states:

(1) The Council may make byelaws as to the loading and discharging by vessels within a harbour area of dangerous goods and generally as to the precautions to be observed with respect to vessels carrying dangerous goods while in a harbour area and such byelaws may in particular provide:

- a) for regulating places at which vessels are to load and discharge dangerous goods and the time and mode of, and the precautions to be taken on, such loading and discharging;
- b) for regulating the places at which vessels carrying dangerous goods are to be moored.

(2) If a person is charged with an offence against a byelaw in force under this section it shall be a defence for him to prove that the offence was not caused or facilitated by any act or neglect on his part, or on the part of any person engaged or employed by him and, if the person so charged is the owner or master of a vessel, that all reasonable steps were taken by the master to prevent the commission of the offence.

(3) Byelaws made under subsection (1) of this section may provide for imposing on persons offending against them fines not exceeding one hundred pounds.

(4) This section does not apply to dangerous goods to which byelaws made by the Council under the Explosives Act 1875 or the Petroleum (Consolidation) Act 1928 for the time being apply.

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

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

The current Sullom Voe Harbour General Bye-laws 2002 are divided into various parts, namely:

- Part 1 - Preliminary;
- Part 2 - Navigation;
- Part 3 - Berthing and Mooring;
- Part 4 - Goods and Road Traffic; and
- Part 5 - General (Schedule of Harbour Area and Map).

4.2 Special Directions

The Harbour Master is empowered to give Special Directions under Section 39 'Special directions to vessels' of the ZCC Act 1974 (as amended). The SIC SMS provides more detail. The power to give Special Directions is also exercised by the Harbour Master's appointed deputies.

Those persons authorised by the Port Authority to act as Vessel Traffic Service Operator, in circumstances where Masters of vessels are required to follow directions for matters specific only to the Sullom Voe Harbour Area, can exercise the delegated authority of the Harbour Master to give Directions Special Directions for the purposes of navigational safety or traffic regulation. These powers are given to cover situations which may occur at any time when immediate action may be required.

4.3 General Directions

SIC, as Harbour Authority, may issue General Directions under Section 38 of the ZCC Act 1974 (as amended). In respect of Sullom Voe, SIC has issued the 'Sullom Voe General Directions and Pilotage Directions 2021'. The issuing of General Directions is subject to prior consultation with Harbour users.

4.4 Dangerous Vessels

Under the powers prescribed in the Dangerous Vessels Act 1985 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 or risk that the vessel may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other vessels.

4.5 Pilotage

SIC is the Competent Harbour Authority (CHA) for the provision of pilotage services in Sullom Voe under the provisions of the Pilotage Act 1987, and covers the same area as defined for the SHA area (see Figure 1 and 2).

Pilotage Directions

Sullom Voe Pilotage Directions are contained within the 'Sullom Voe General Directions and Pilotage Directions 2021'.

Pilotage is compulsory for all ships navigating within the Sullom Voe Harbour area except those specified in Section 7(3) of the Pilotage Act 1987 and direction 6 of the 'Sullom Voe Pilotage Directions 2021'.

Direction 6 of the 'Sullom Voe Pilotage Directions 2021 states;

Without prejudice to the generality of the foregoing, the following ships shall be exempt from compulsory pilotage within the Sullom Voe Harbour Area unless as may otherwise be directed by the Harbour Master:

- (a) All vessels that are operated and certified under the Maritime and Coastguard Agency "Workboat Code" to be in compliance with the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998 as amended, which do not have on board any cargo classified under the International Maritime Dangerous Goods Code (IMDG) as Class 1 explosives.
- (b) All fishing vessels and vessels primarily engaged in supply, operations or harvesting of farmed fish/farmed shellfish up to a maximum of 80m LOA unless specifically required to take a Pilot by the Harbour Master.
- (c) All tugboats operating as such exclusively within Sullom Voe Harbour Area.
- (d) All ships in transit through the Sullom Voe Harbour Area that do not pass south of a line joining the most northerly point of Gluss Isle and the most northerly point of Calback Ness.
- (e) All ships engaged in hydrographic survey work, pipe laying, trenching, inspection or similar operations unless specifically required to take a Pilot by the Harbour Master.
- (f) All ships belonging to His Majesty.
- (g) Ferries operated by the Shetland Islands Council.
- (h) Lights buoy tenders operated by the General Lighthouse Authority.

Pilotage Act 1987, Section 7(3) states;

A pilotage direction shall not apply to ships of less than 20 metres in length or to fishing boats of which the registered length is less than 47.5 metres.

Passage Plan

Passage planning is a primary risk control for regulating the movement of vessels within harbour waters.

Passage planning for the Sullom Voe is carried out on forms;

- SV-01 Sullom Voe Passage Plan – Inbound
- SV-02 Sullom Voe Passage Plan - Outbound

For all vessel moves with an embarked Pilot, a Passage Plan is provided in advance, which addresses the specific transit. The Pilot to Master exchange is recorded on the Passage Plan and Pilotage chit with Pilot and Master retaining a copy each on completion of the act of pilotage. The Pilot files their copy of the signed passage plan in the VTS upon their return.

4.6 Towage

Towage is mandatory for all crude oil tankers upto and including 200m Length Overall (LOA) when entering or departing the Harbour.

In addition, two extra tugs are mandatory for crude oil tankers exceeding 200m LOA, during any berthing operation. The safe operation of harbour towage is detailed within the separate Sullom Voe Harbour Towage SMS.

For vessel types not detailed above, the need for towage will be identified in the passage plan, and agreed in advance with the Pilot and Harbour Master's department.

The Harbour Master, in the instance of controlling marine risk, may direct a vessel to take towage through powers of Special Direction.

4.7 Vessel Traffic Services

Harbour Authorities have the power to establish Vessel Traffic Services (VTS) to mitigate risk, enhance vessel safety and to protect the environment.

To be recognised as a VTS, the service must conform to IMO and National standards, and be operated by personnel trained to the appropriate standard.

In considering the need to establish VTS, guidance is available from the MCA as issued in the MCA's Marine Guidance Note (MGN 401) 'Navigation: Vessel Traffic Services (VTS) and Local Port Services (LPS) in the United Kingdom'.

SIC currently run a VTS for the Sullom Voe Harbour area within the boundaries identified in Figures 1 and 2.

4.8 Fishing and Recreational Navigation

Good management use of appropriate powers and stakeholder consultation are all needed to strike a balance between the recreational and commercial use of the port. Recreational

navigation in Sullom Voe is limited; however pleasure boats do use pier and jetty facilities at Collafirth and Ulsta. The predominant traffic is small day-fishing boats, with yachting and small craft (kayaks) in the summer months.

The Sullom Voe Bye-laws provide the main formal statutory mechanism for managing recreational navigation.

Potential conflicts between commercial, fishing and recreational users have been identified through the risk assessment process, Control measures are in place to minimise conflicts.

These include regular consultation with user groups and a number of formal marine traffic controls:

- Buoys and lights mark the principal channels;
- Sullom Voe VTS provides 24-hour monitoring; and
- Website information for Port and Harbour users.

Recreational event organisers should consult with the Harbour Master at the earliest opportunity. Moreover, formal approval will generally only be given in the light of a proper risk assessment to be conducted by the event organiser.

Before approving the event the Harbour Master satisfies himself that any risk to navigation or other port users has been effectively mitigated and reduced to levels which are ALARP.

Any requirement for additional Harbour Authority resources (for example, additional navigational marks, escort craft, marine event officers etc) would normally be made available at the expense of the event organiser.

Having conducted a risk assessment and following any advice or requirement of the Harbour Master, the event organiser is required to promulgate clear details of the event, including where appropriate:

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

In order that the co-operation of recreational users is best assured, the Harbour Authority regularly consults with them through liaison meetings and participation in working groups and committees.

4.9 Environmental Duty

The SIC Marine Safety Policy document sets out and acknowledges SIC's duty to exercise its functions as a Harbour Authority with due regard to nature conservation and environmental

best practice. This statement takes into account SIC's duties in relation to National, European and International requirements as a statutory undertaker, including the requirements of the Nature Conservation (Scotland) Act 2004 which places the duty on every public body and office holder in Scotland to further the conservation of biodiversity.

To enforce and monitor SIC's policy on Environmental Duties, Sullom Voe uses a range of measures which include active monitoring by VTS using CCTV and the vigilance of Marine Staff who are trained to report pollution within the Harbour.

Any pollution or other events likely to affect the port environment are reported as necessary, and the Harbour Authority will take action according to its responsibilities as described in the following two plans:

- Sullom Voe Harbour Oil Contingency Spill Plan
- Shetland Islands Council – Marine Pollution Contingency Plan

Reportable oil spills, following the Sullom Voe Oil Spill Contingency Plan, are reported using the POLREP form and sent to the MCA. Advice on environmental issues is also available from the Shetland Oil Terminal Environmental Advisory Group (SOTEAG).

Sullom Voe also recognises the requirement to give sanctuary to vessels, under the direction of the Secretary of State's Representative for Maritime Salvage and Intervention (SOSREP), where there is a risk to safety or pollution by hazardous substances. This power is exercised by the Secretary of State, through the office of SOSREP. The Secretary of State also has wide powers to take action, or authorise others to take action, where it is considered that issuing directions alone would be insufficient.

4.10 Civil Contingencies Duty

Shetland Islands Council, as Harbour Authority, addresses Civil Contingencies as a centralised function, and has prepared contingency plans as laid out in the "Major Emergency Plan".

The Harbour Authority as a Category 2 responder takes part in the multi-agency Local Resilience Forum, chaired by the SIC's Emergency Resilience Officer, to maintain regular contact with the local Category 1 responders.

4.11 Collection of Dues

SIC have the power through the Harbours Act 1964 to collect dues from users of the Harbour.

The collection of dues forms an important aspect of safety management, by providing the necessary resources to discharge Harbour Authority duties in respect of the Code.

SIC's power to levy and collect dues also extends to any vessel using pilotage services through the Pilotage Act 1987.

SIC's power to levy dues and pilotage charges are subject to the statutory right of objection to the relevant Scottish Minister.

Key Measure 5: Risk Assessment

5.1 Formal Risk Assessment

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

Key Measure 6: Marine Safety Management System

6.1 Incident Investigation

Following an incident involving a collision, grounding, close-quarter or any other reportable incident within the Sullom Voe Harbour area, a Marine Report Form G-OF-01 is raised and submitted together with any supporting evidence to the Harbour Master.

The process followed by the Harbour Master for accident and incident investigation is described in the SIC MSMS. Where relevant, links will be made with risk assessments to ensure the process of incident investigation is reflective.

In the event of an incident which could call into question the capability of a pilot under Section 3(5) of the Pilotage Act 1987, the Harbour Master will, on a formal basis, investigate the circumstances, collect reports, statements and other evidence, and report the facts with a recommendation to the Harbour Authority.

Accidents and incidents are required to be reported to the MAIB under the provisions of MGN 564 Marine Casualty and Marine Incident Reporting.

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

6.2 Consensus

The Harbour Master carries out a range of consultation on behalf of Sullom Voe Port and Harbour. This consultation includes port operatives, port users and stakeholders.

These meetings include the TWG, Tug and Pilot boat Meetings and liaison group meetings with Fishing, Leisure, Major Port Users, Environment and Emergency Response. All meetings are minuted and recorded.

Key Measure 7: Review and Audit

The review and audit of the marine safety management system is undertaken at the overarching level. Refer to Key Measure 7 (Review and Audit) of the Shetland Islands Council Marine Safety Management System.

Key Measure 8: Competence

The competence, qualification and training requirements for personnel are managed at the overarching level. Refer to Key Measure 8 (Competence) of the Shetland Islands Council Marine Safety Management System.

Key Measure 9: Plan

The marine safety plan and the assessment of performance against it are published at the overarching level. Refer to Key Measure 9 (Plan) of the Shetland Islands Council Marine Safety Management System.

Key Measure 10: Conservancy Duty

10.1 Conservancy

SIC outsources hydrographic survey service as required; which, in addition to the dredging programme and maintenance for aids to navigation are overseen by the Port Engineer.

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

Aids to Navigation

SIC acts as the Local Lighthouse Authority for the Sullom Voe Harbour Area.

SIC has the power to carry out and maintain the marking or the lighting of any part of the harbour. The characteristics of all aids to navigation will be in accordance to the Guidelines and Recommendations of the International Association of Lighthouse Authorities (IALA)

The Northern Lighthouse Board acts as the General Lighthouse Authority. The GLA has a duty inspect all lighthouses, buoys, beacons and other navigational aids belonging to SIC.

SIC will not;

- Erect
- Remove
- Vary the character

of any lighthouse, buoy or beacon without the Northern Lighthouse Board's consent.

SIC will maintain all aids to navigation in accordance with the availability criteria as laid down by the Northern Lighthouse Board. Information and periodic returns on Navigation Aid availability will be provided annually to the Northern Lighthouse Board and, prior to each harbour board meeting, to the Designated Person.

Wrecks and Abandoned Vessels

Section 16 of the ZCC Act 1974 (as amended) provides powers to remove or destroy wrecks, and states:

(1) In their application to the Council sections 530 and 532 of the Merchant Shipping Act 1894 (which confer powers on the Council with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in the harbour area or in or near any approach thereto) shall have effect:

(a) subject to the provisions of the next following section; and

(b) in relation to a vessel sunk, stranded or abandoned before, as well as after, the passing of this Act

.

(2) Subject to subsection (3) of this section, and to any enactment for the time being in force limiting his liability, the Council may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under the said section 530 any expenses reasonably incurred by them under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

(3) Except in a case which is in the opinion of the Council a case of emergency, subsection (2) of this section shall not apply in relation to any vessel unless before exercising in relation to that vessel any of the powers conferred on them by the said section 530, other than the power of lighting and buoying, the Council have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires they receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the next following section, he shall be at liberty to do so, and the Council shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Council.

(4) Notice under the last foregoing subsection to the owner of any vessel may be served by the Council either by delivering it to him or by sending it to him by the recorded delivery service addressed to him at his last known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to the Council, by displaying the notice at the office of the Council for the period of its duration.

(5) In this section the expression "owner" in relation to any vessel means the person who was the owner of the vessel at the time of the sinking, stranding or abandoning thereof.'

This power is further strengthened by Section 252 of the Merchant Shipping Act 1995. Wrecks may also be lit and buoyed, until they are raised, removed or destroyed. SIC exercises its powers in respect of wrecks to mark and remove wrecks which in their opinion are a danger, or likely to become a danger to navigation.

In addition Section 18 provides further powers to 'Removal of obstructions other than vessels':

'(1) The Council may remove:

(a) anything which is neither a vessel nor (within the meaning of Part IX of the Merchant Shipping Act 1894) wreck, causing or likely to become an obstruction or impediment in any part of a harbour area;

(b) anything, other than a vehicle, causing or likely to become an obstruction or impediment to the proper use of any port premises'.

