



SHETLAND
ISLANDS COUNCIL

**Scalloway and Small Ports Marine
Safety Management System
(2026)**

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The Shetland Islands Council (SIC) ‘Scalloway Harbour and Small Ports Marine Safety Management System’ (MSMS) provides the system by which Scalloway Harbour complies with the requirements of The Ports & Marine Facilities Safety Code, referred to as ‘the Code’ within this document. The Code has been released by the Department of Transport (DfT) and is a supplemented by the Code’s Guide to Good Practice. This document has been prepared using the latest version of the Code published in April 2025, and the accompanying Guide to Good Practice, published in April 2025

The Scalloway Harbour and Small Ports Marine Safety Management System (MSMS) document is supported by a ‘SIC Marine SMS’, which describes how SIC’s marine policies are designed and implemented across all SIC Ports and Harbours. SIC also publish an SIC Marine Safety Policy which provides a public statement of the Harbour Authority’s policies and confirmation of the Code’s adoption

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Glossary

ABPmer	ABP Marine Environmental Research Ltd
AIS	Automatic Identification System
ALARP	As Low As Reasonably Practicable
CCTV	Closed Circuit Television
CEO	Chief Executive Officer
CHA	Competent Harbour Authority
Code	Ports & Marine Facilities Safety Code
CPD	Continuous Professional Development
DfT	Department for Transport
FSA	Formal Safety Assessment
GLA	General Lighthouse Authority
HRO	Harbour Revision Order
IHO	International Hydrographic Office
IMO	International Maritime Organization
ISO	International Standards Organization
ISPS	International Ship and Port Facility Security
KPI	Key Performance Indicators
LLA	Local Lighthouse Authority
LOA	Length Overall
LoLo	Lift-on, Lift-off
MAIB	Marine Accident Investigation Branch
MarNIS	Maritime Navigation and Information Services
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MSMS	Marine Safety Management System
NLB	Northern Lighthouse Board
NtM	Notice to Mariners
PANAR	Ports Aids to Navigation Availability Reporting
PEC	Pilot(age) Exemption Certificate
PMSC	Ports & Marine Facilities Safety Code
POLREP	Pollution Report
QMS	ISO 9001 – Quality Management System
RCO	Risk Control Option
RNLI	Royal National Lifeboat Institution
RoRo	Roll-on, Roll-off
RT	Radio Telephony
SHA	Statutory Harbour Authority
SIC	Shetland Islands Council
SOSREP	Secretary of State’s Representative for Maritime Salvage and Intervention

SOTEAG	Shetland Oil Terminal Environmental Advisory Group
SPO	Small Ports Officer
SVA	Scalloway Harbour Association
TWG	Technical Working Group
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VHF	Very High Frequency
VTS	Vessel Traffic Services
VTSO	Vessel Traffic Services Officer
ZCC	Zetland County Council

A PMSC cross-reference table for Scalloway and Small Ports is maintained separately and aligned with the overarching SIC Marine Safety Management System. Refer to the SIC Marine SMS for the full cross-reference of Code paragraphs to documented arrangements.

Introduction

Scalloway – Mission Statement

Scalloway Harbour, Small Ports and SIC as Harbour Authority is committed to operating to the standard required in the Ports & Marine Facilities 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 Fishing and Aquaculture Industries, North Sea Oil and Gas industry and the wet renewable industry developing around the Scottish Outer Isles.

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

Scalloway 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

Scalloway Harbour and Small Ports Description

Scalloway Harbour

Scalloway Harbour provides a sheltered natural Harbour protected by hills on either side, there is minimal tidal movement within the Harbour. The minimum depth of water in the approach channel is 8.7 meters above Chart Datum. The Harbour is the base for the local fishing fleet, and provides facilities for visiting fishing vessels using the fishing grounds West of Scotland. The net mending area is the largest in Scotland, with other services such as a Fish Market, ice, water, bunkering and stores.

Scalloway Harbour also has a Commercial Quay providing berthing for a range of commercial craft. Typically, offshore supply, survey and construction vessels use the berth for bunkering, crew transfer, stores and ship maintenance periods. There are several berths available, which are detailed in Table 1.

Scalloway Harbour handles a range of general cargo vessels, aggregate and small tankers. Vessels in excess of 90 meters LOA may be accepted at the discretion of the Harbour Master. All vessels in excess of 70 meters or 2,000 tonnes loaded displacement must be fitted with at least one fully operational bow-thruster in addition to fully operational main engines and steering control. There are also marina facilities at East Voe and Scalloway, which are both within the Harbour boundary and provide berthing for locally based recreational craft and visiting yachts and powerboats.

Table 1. Scalloway Harbour Berths, Depths and Quay Length

Berth	Minimum Depth	Berth Length
West Face, Commercial Quay	7.0m	120m
South Face, Commercial Quay	6.5m	120m
South East Face, Commercial Quay	6.5m	133m
East Jetty, North	4.6m	100m
East Jetty, South	4.9m	130m
Fish market	4.8m	120m

West Pier, inside	5.4m	60m
West Pier, outside	6.7m	67m
West Quay (Low level quay)	3.5m	85m

The Port Administration Building, from which all marine operations are monitored and controlled, is located at the Commercial Quay. The Scalloway Harbour is manned on a shift basis by Small Ports Officers, covering on week-days 0700 to 1830 hrs., and morning cover over weekends. Outside these hours the port can be monitored on CCTV and on VHF by the VTS at Sullom Voe. Scalloway Harbour has a dedicated Pilot Launch which is used for a range of Harbour tasks, but is primarily for the boarding and landing of Pilots.

Sella Ness is the main operational centre for SIC's Ports & Harbours Operations and the location at which pilotage provision, Harbour towage, workboats and additional pilot boats are deployed. 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 (area inserted by Shetland Islands Council Order Confirmation Act 1979, April 4, 1979) for Blacksness Pier area to be:

'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 Cliff 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.'

The Shetland Pilotage Order 1987 came into force on 21st December 1987, and established a Competent Harbour Authority (CHA) area which states that:

"There shall be a pilotage district to be known as the Scalloway (Shetland) Pilotage District, the limits of which shall be:

(a) bounded in the north by the parallel of latitude 60°09'.34 N between the Mainland of Shetland and the south west extremity of Sanda Stour (latitude 60°09'.34 N longitude 001°22'.68 W);

(b) bounded on the west by a line drawn from the south west extremity of Sanda Stour as described via the rock in latitude 60°07'.75 N longitude 001°22'.78 W and thence to the north west extremity of Steggies (latitude 60°06'.49 N longitude 001°22'.39 W); and

(c) bounded in the south and east by a line drawn from the southern extremity of Steggies (latitude 60°06'.44 N longitude 001°22'.36 W) to the south western extremity of Pundsar (latitude 60°06'.06 N longitude 001°20'.60 W) and thence commencing in a northerly direction following the coastline of West Burra to the Burra/Trondra bridge (latitude 60°06'.35 N longitude 001°18'.51 W), thence along the northern side of the bridge to the island of Trondra, thence in a generally northerly and north easterly direction along the coast of Trondra to the Trondra/Mainland bridge (latitude 60°07'.78 N longitude 001°16'.30 W), thence along the northern side of the bridge to the Mainland of Shetland, and thence north along the coastline of Mainland to the point of origin.'

The boundaries for the Scalloway Harbour SHA and CHA are shown on Figure 1.

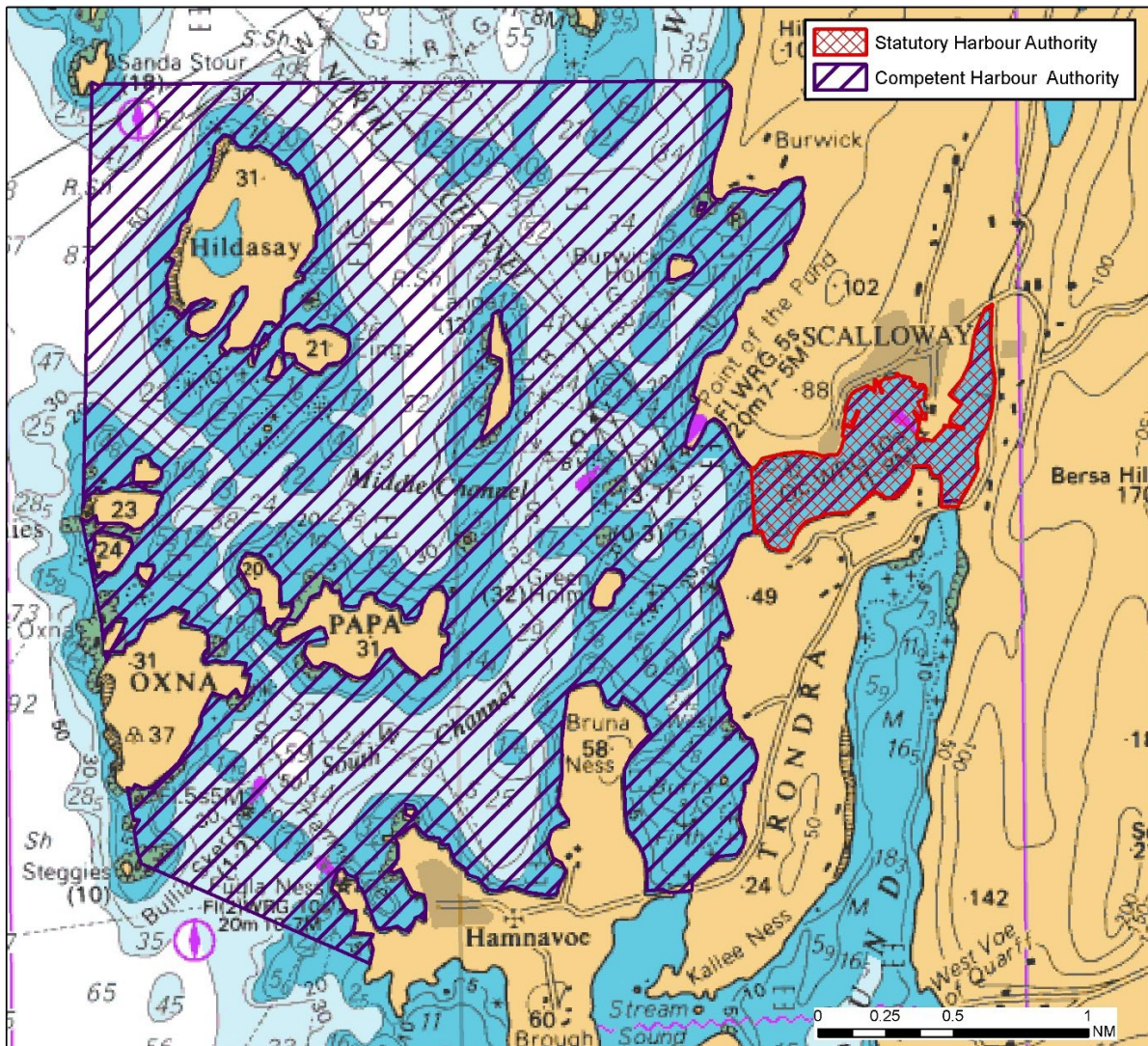
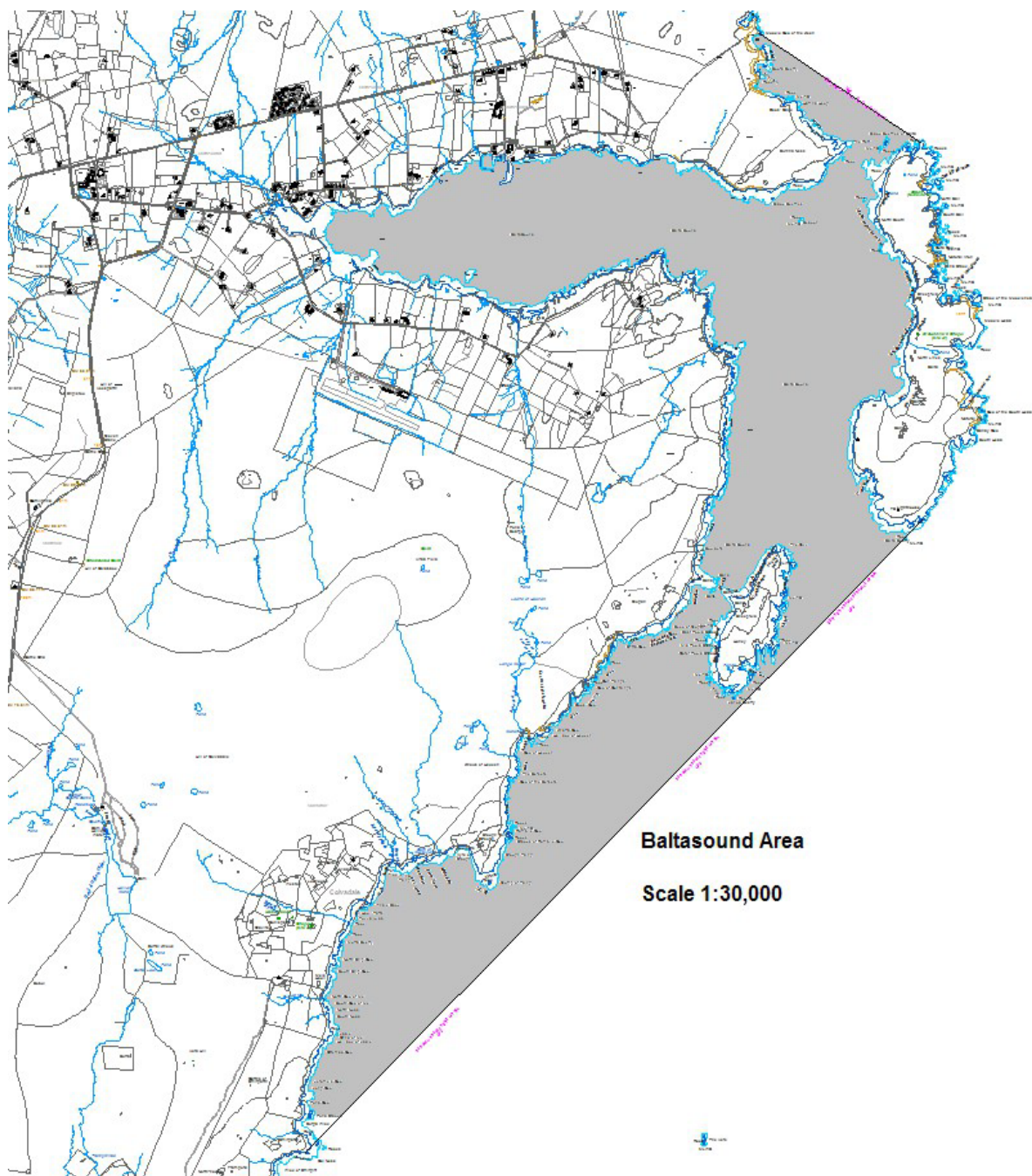


Figure 1. Scalloway Harbour SHA and CHA

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.

Map 1. Baltasound Area



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Symbister/North Voe Area

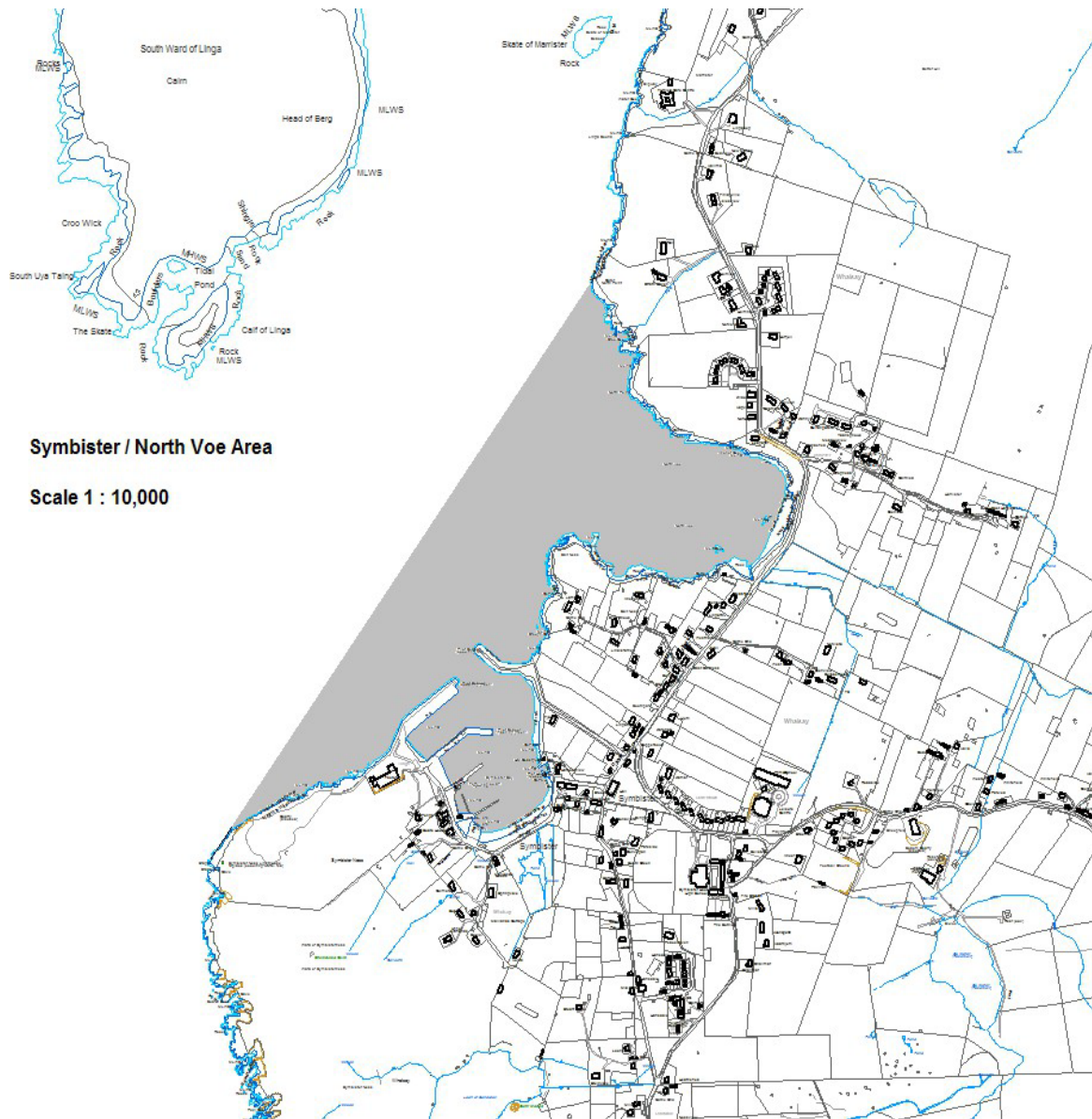
The area bounded as follows:

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.

Map 2. Symbister/North Voe Area



Symbister / North Voe Area

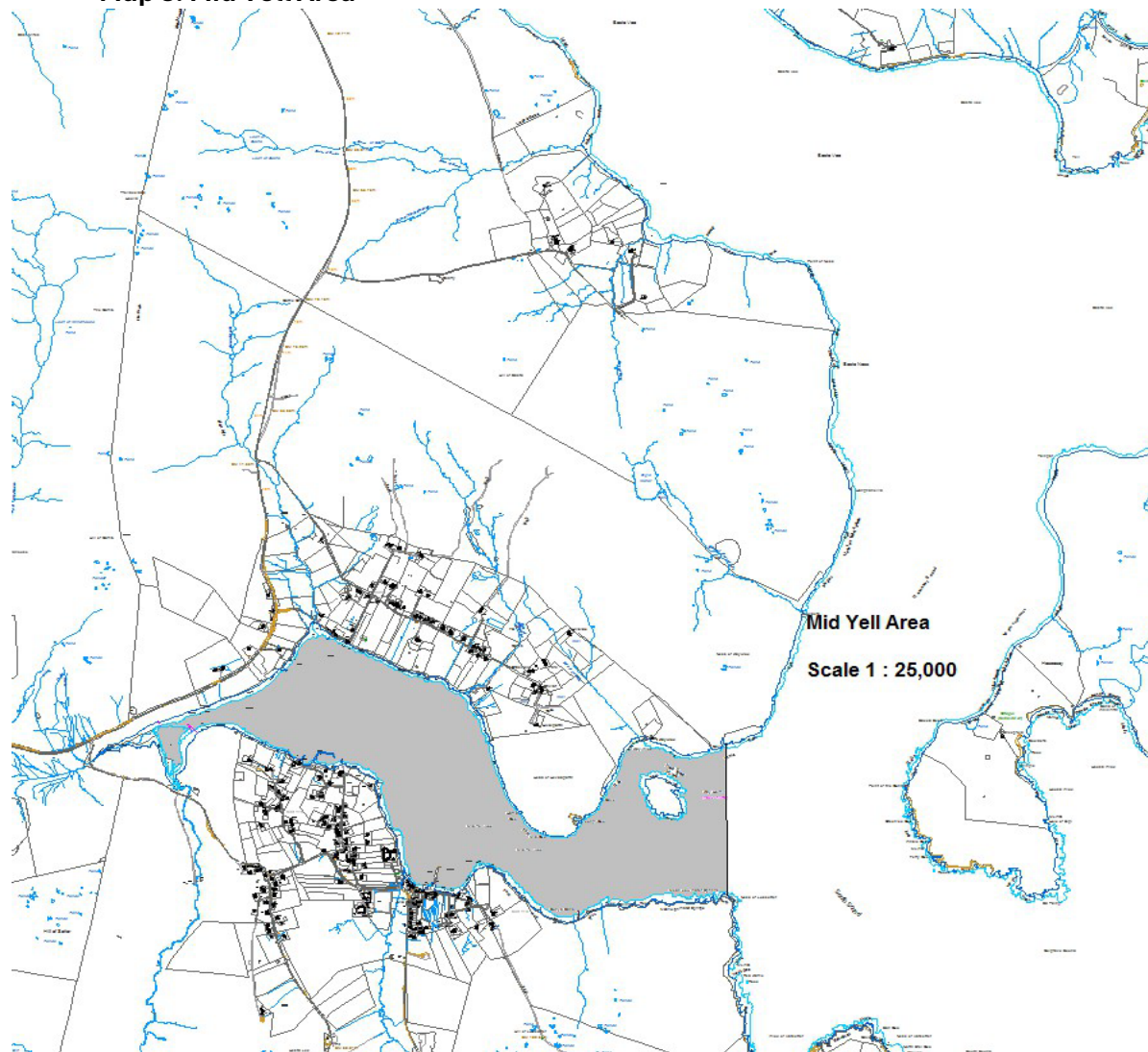
Scale 1 : 10,000

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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)

Map 3. Mid Yell Area



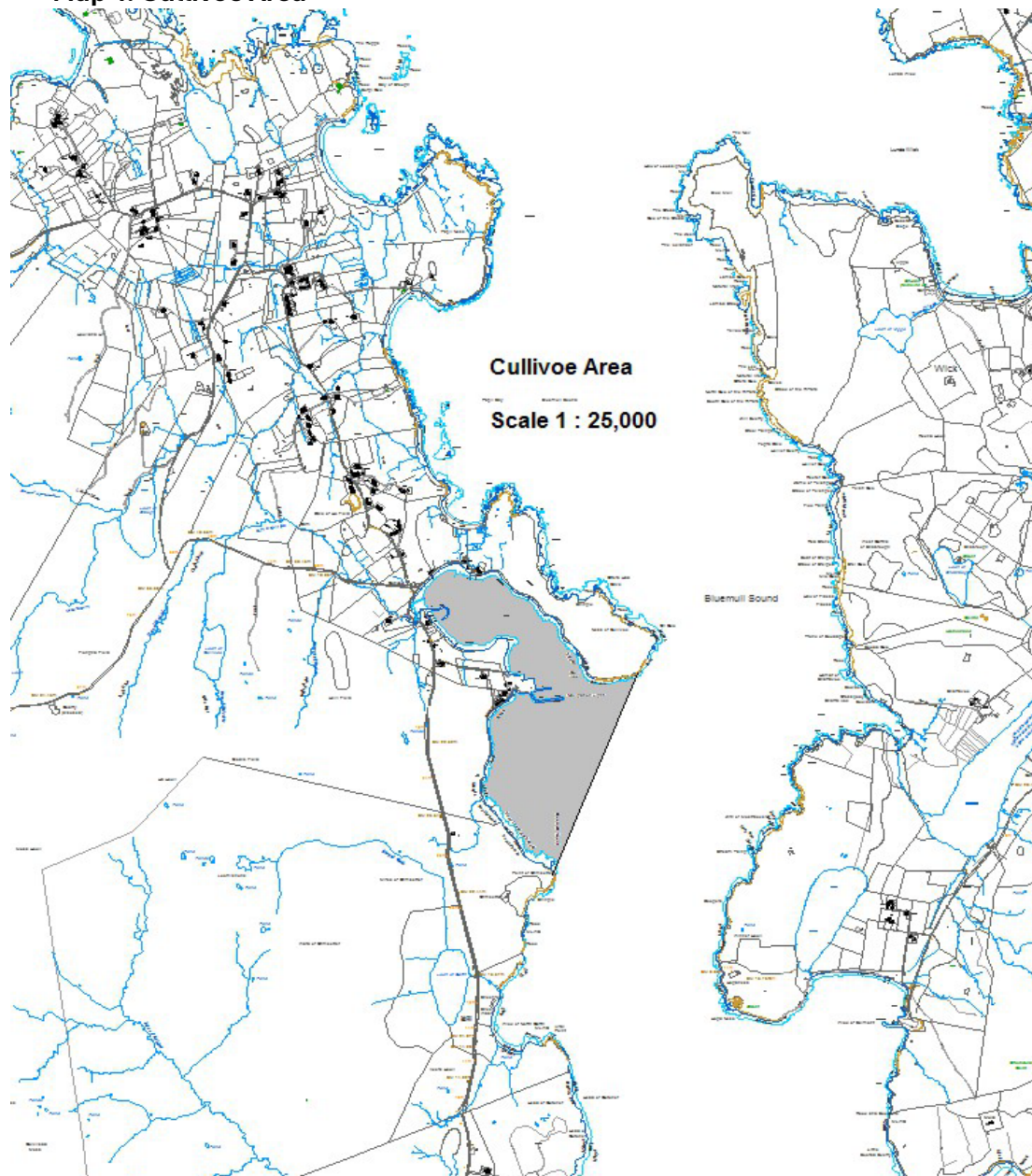
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Cullivoe Area

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 northeasterly direction in a straight line to low-water mark on the southeastern extremity of the Ness of Cullivoe (latitude 60 degrees 41' .950N, longitude 00 degrees 59' .183W); Thence in a generally north-westerly and then southeasterly direction by the line of low water to the point of commencement.

Map 4. Cullivoe Area



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West Burra (Hamna Voe) Area

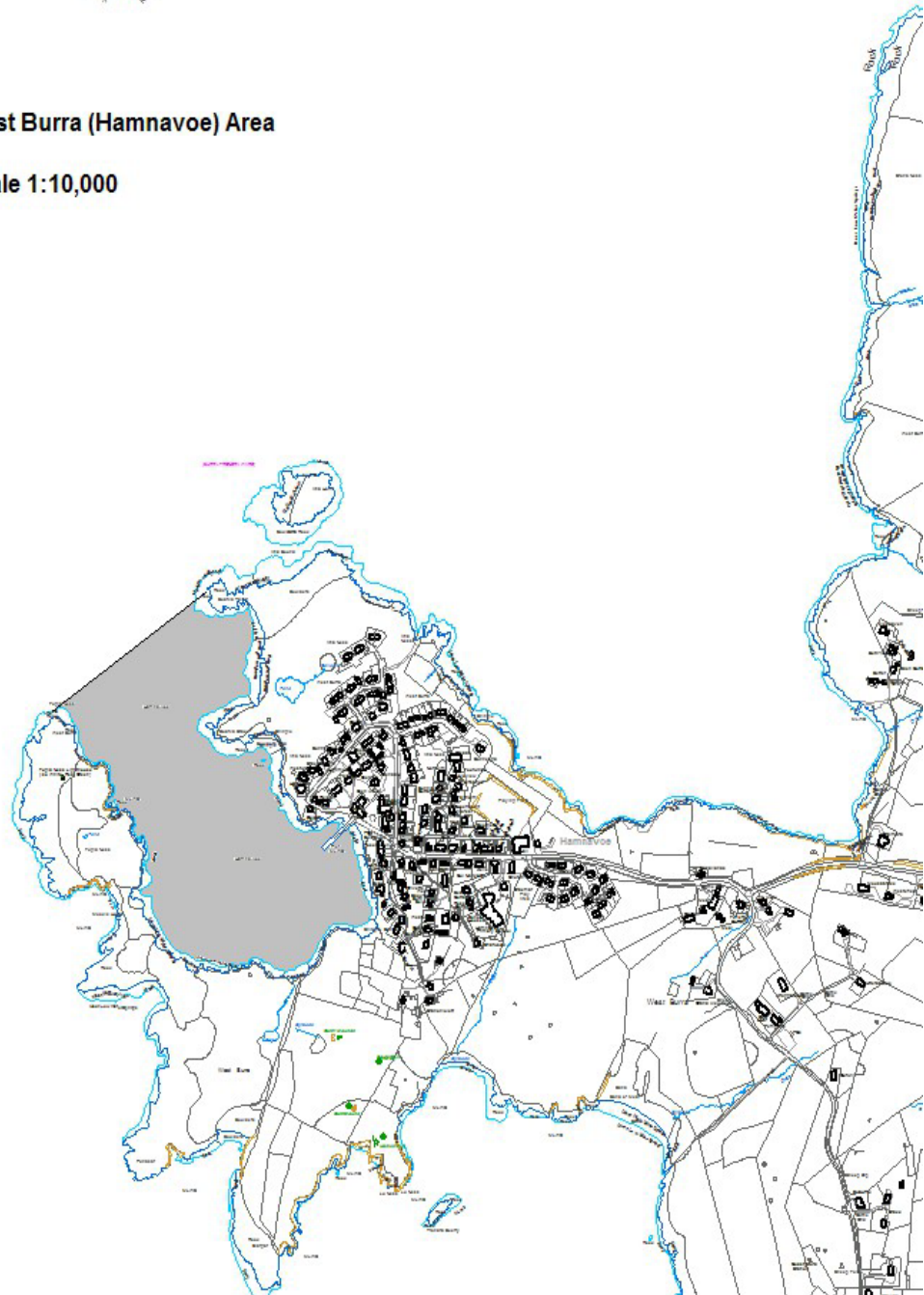
The tidal waters of Hamna Voe, the seaward boundary whereof is a straight line in a generally east-north- easterly direction from low-water mark on the northern extremity of Fugla Ness on the island of West Burra (latitude 60 degrees 06' .467N, longitude 01 degree 20' .717W) to low-water mark on the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

Map 5. West Burra (Hamnavoe) Area



West Burra (Hamnavoe) Area

Scale 1:10,000



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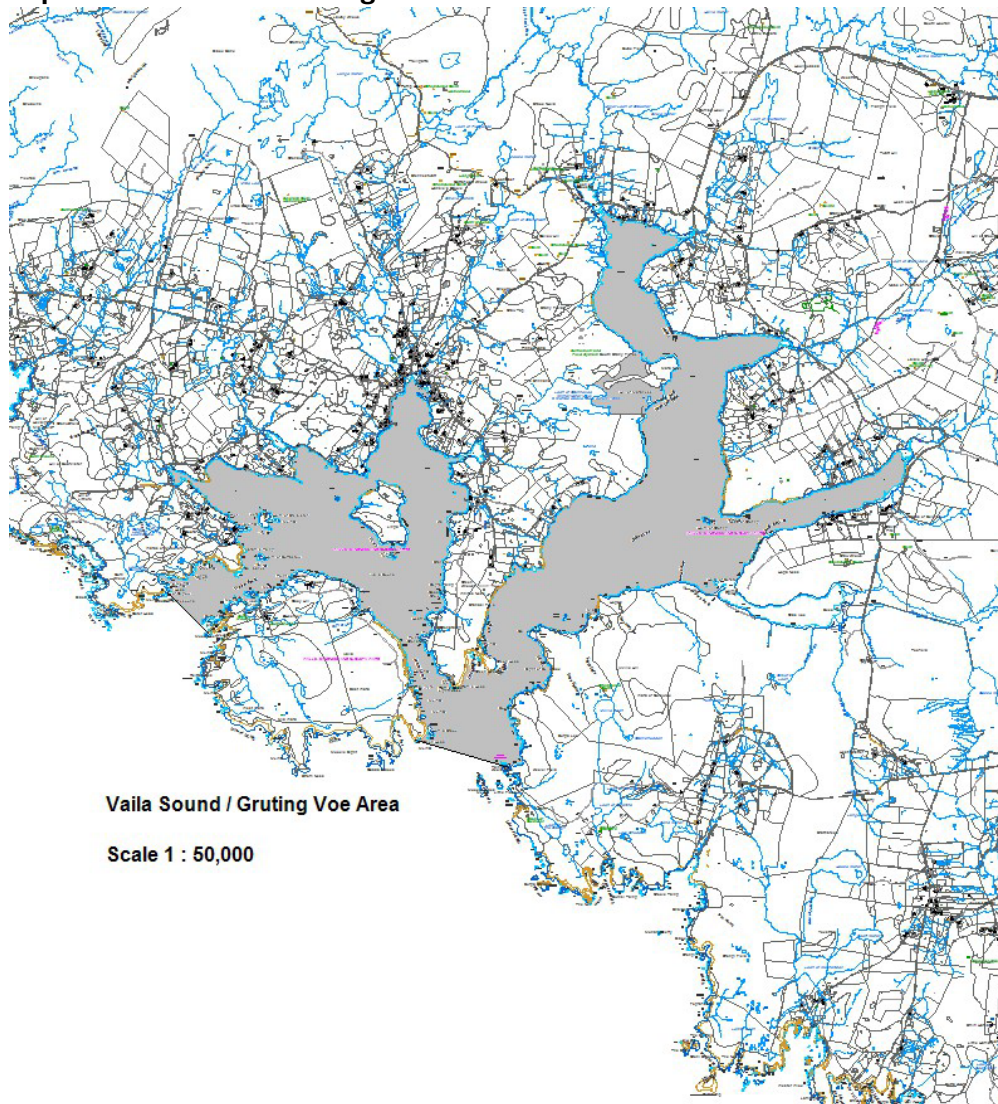
Vaila Sound/Gruting Voe Area

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

- 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);
- 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).

Map 6. Vaila Sound / Gruting Voe Area



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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 northeasterly 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' .635 N, 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);

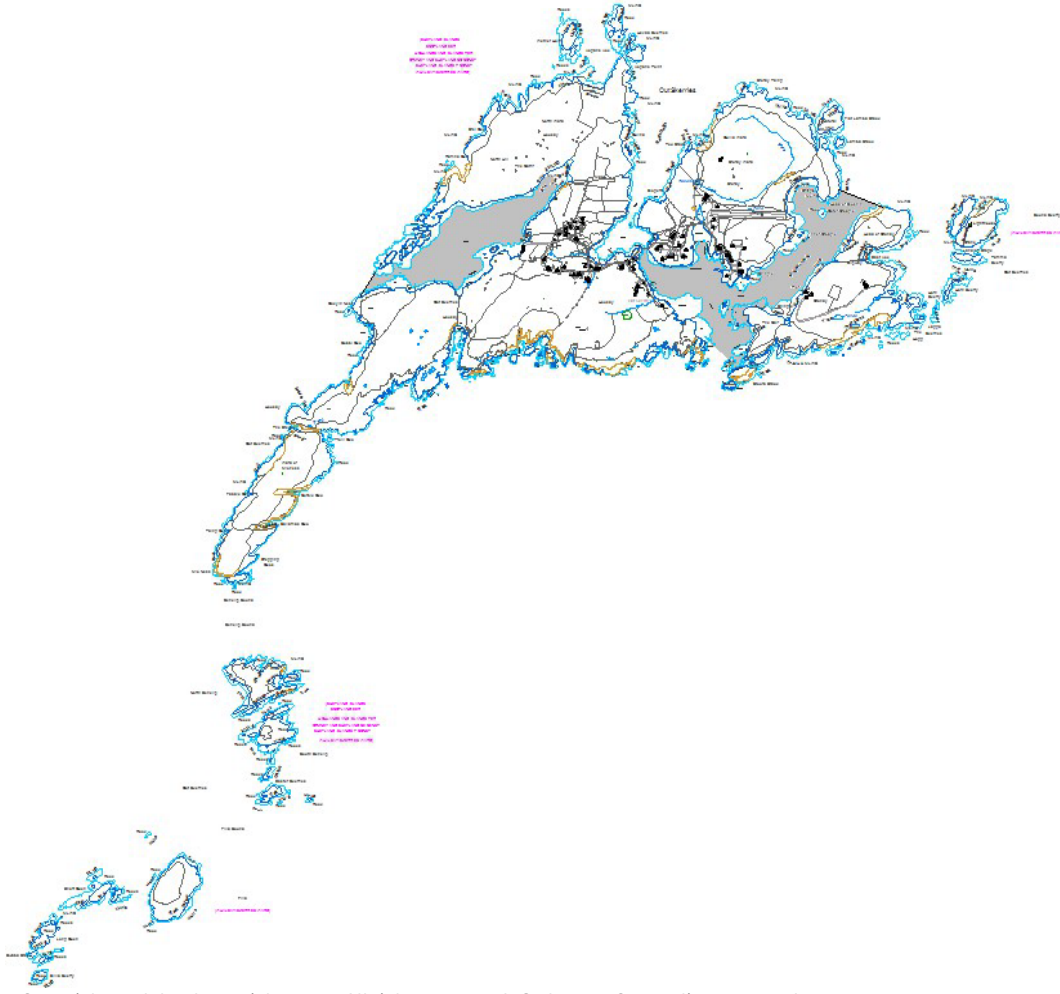
Thence in a generally south-easterly direction by the line to low water to low-water mark on the north- east tip of Bessi Holm (latitude 60 degrees 25' .267N, longitude 00 degrees 45' .100W); Thence in a generally south-easterly direction in a straight line to the point of commencement.

Map 7.Out Skerries (West Voe) Area

Out Skerries (South and Northeast Mouth) Area

Out Skerries (West Voe) Area
Out Skerries (South and Northeast Mouth) Area

Scale 1 : 25,000

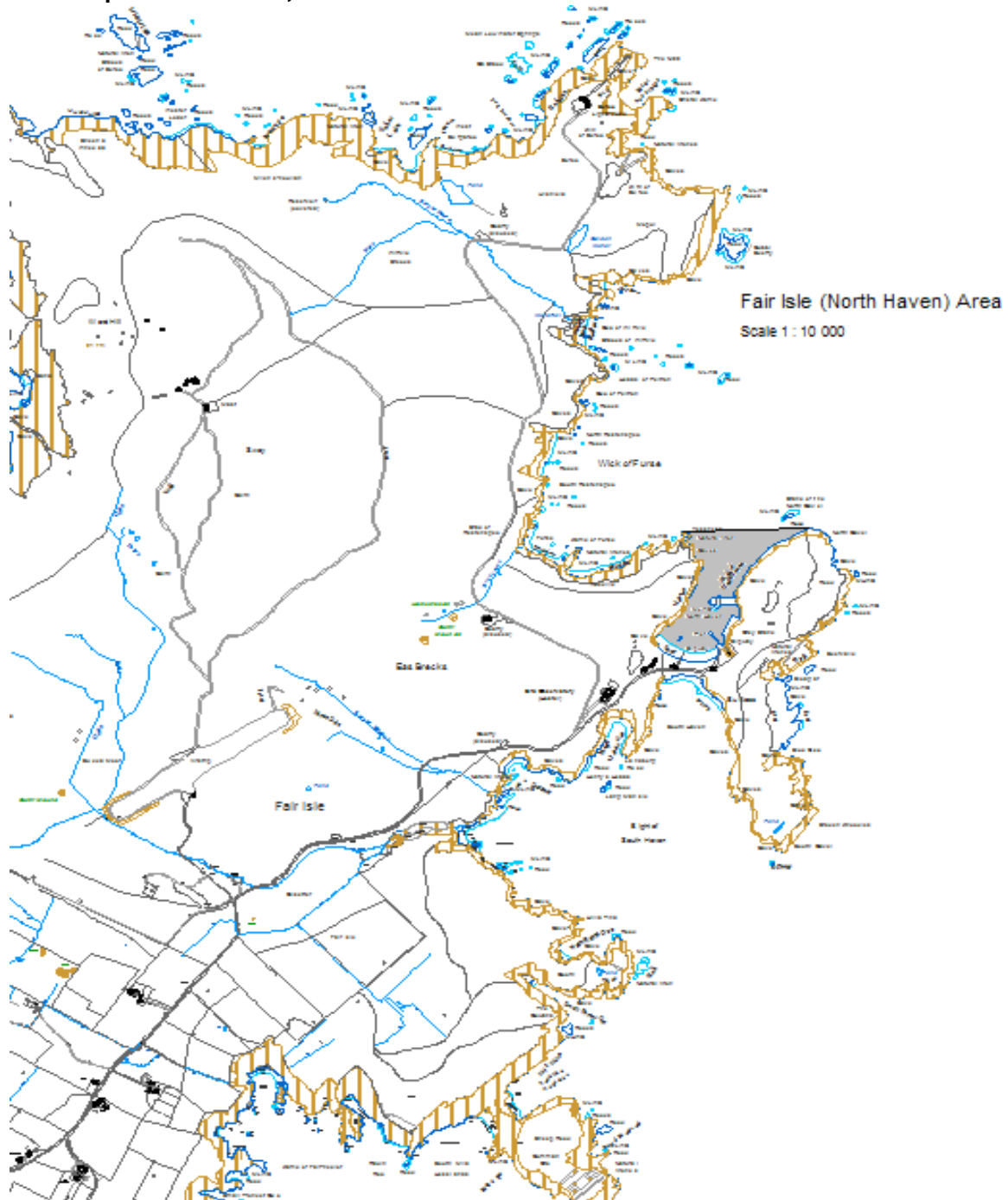


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North Haven, Fair Isle

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").

Map 8. North haven, Fair Isle

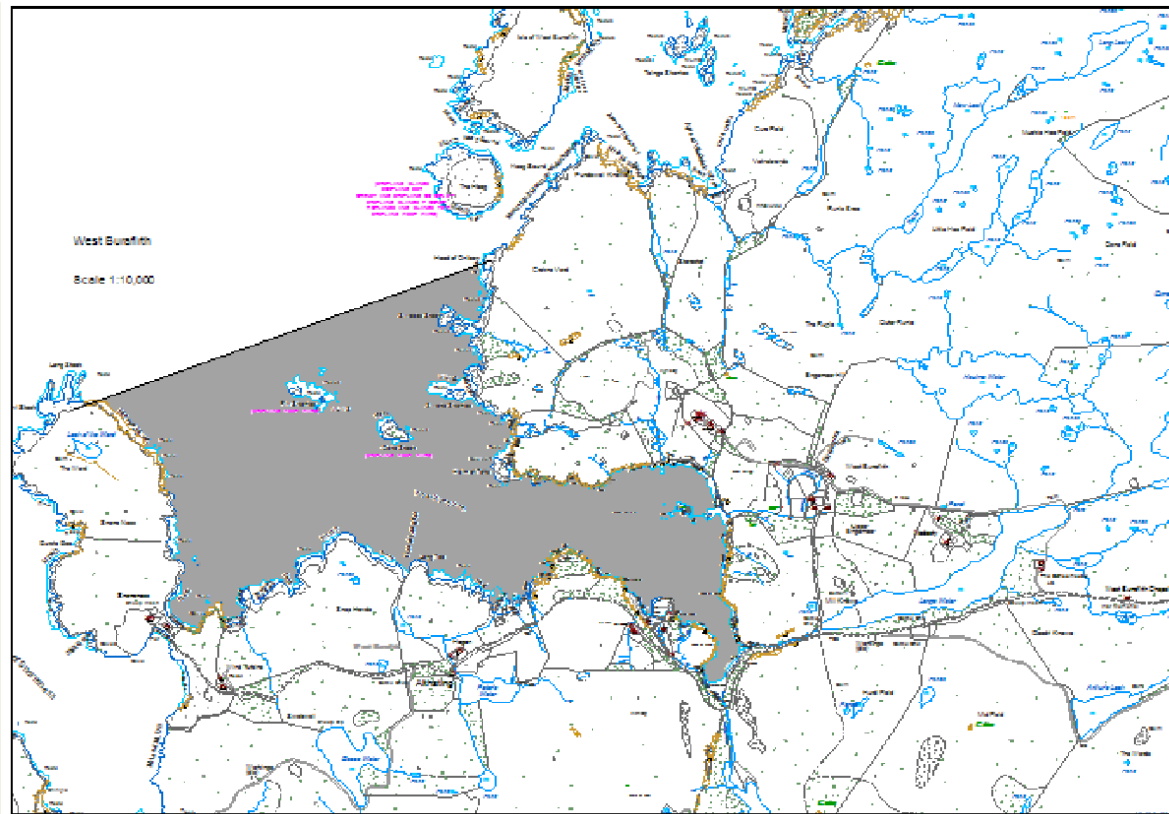


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West Burrafirth Area

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).”.

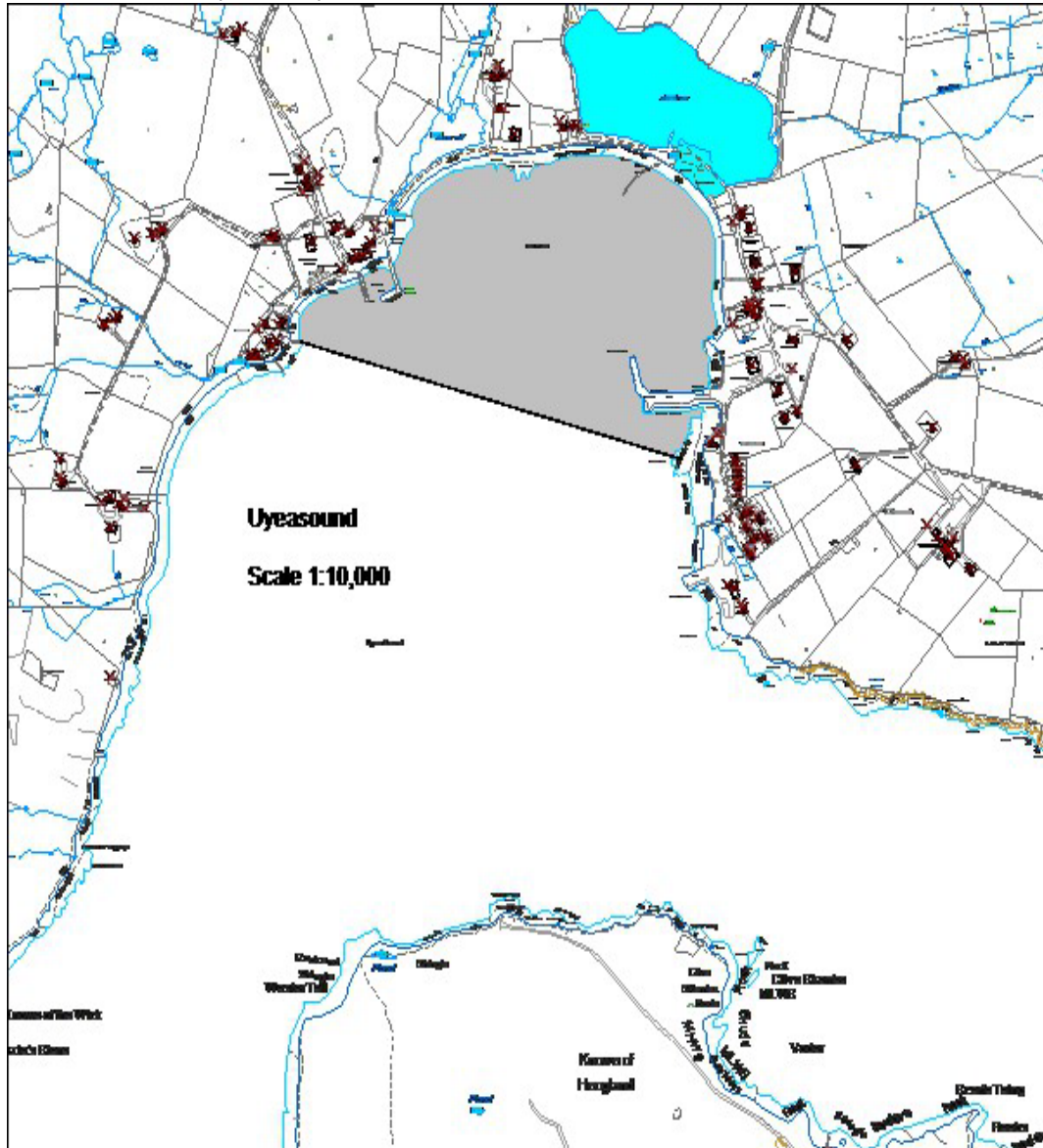
Map 9. West Burrafirth Area



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Uyeasound, Unst Area

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 (ETRS89) datum.



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Housa Voe, Papa Stour Area

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.

Hamars Ness, Fetlar Area

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".

Council Owned Small Piers

In addition to those noted above the SIC also owns and operates pier facilities in the following areas but is not identified as the Statutory Harbour Authority under the ZCC Act:

- Toogs (West Burra)
- Billister

Ferry Piers & Terminals

The SIC also owns, operates and maintains 16 Ferry Terminals & Piers inside and outside the Statutory Harbour Authority areas of jurisdiction:

- Belmont (Ro/Ro) - Unst
- Hamars Ness (Ro/Ro) - Fetlar
- Gutcher (Ro/Ro) - Yell
- Ulsta (Ro/Ro) - Yell
- Toft (Ro/Ro) - North Mainland
- Vidlin (Ro/Ro) - North Mainland
- Out Skerries (Ro/Ro) - Out Skerries
- Symbister (Ro/Ro) - Whalsay
- Laxo (Ro/Ro) - North Mainland
- Lerwick (Ro/Ro) - East Mainland
- Bressay (Ro/Ro) - Bressay
- Grutness - South Mainland
- Foula - Foula
- Walls - West Mainland
- Housa Voe (Ro/Ro) - Papa Stour
- West Burrafirth (Ro/Ro) - West Mainland

Scalloway and Small Ports Harbour Acts and Amendments

SIC is the Harbour Authority for the Scalloway Harbour as identified through the ZCC Act 1974 (as amended) and subsequent Acts, Orders and Statutory Instruments which have amended the original Act. The 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 2 are of key importance in relation to the SIC's duties and powers as Harbour Authority in respect of Scalloway Harbour and Small Ports

Table 2. Scalloway Harbour and Small Ports.

Act Year	Act Name	Description of Powers
1961	Zetland County Council (Symbister Harbour) Order Confirmation. 1961	Established the Symbister Harbour Area, and provision regarding Harbour Authority duties and 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.
1979	Shetland Islands Council Order Confirmation Act 1979	Blacksness Pier Area inserted into the Zetland County Council Act (ZCC) by Shetland Islands Council Order Confirmation Act 1979 c. v Sch.1 para.1 (April 4, 1979)
1985	The Scalloway, Shetland, Pilotage Order 1987	Provisional Order to extend the provisions of the Zetland County Council Act 1974 to certain areas in the Shetland Islands Area; to repeal enactments relating to piers and Harbours in the said Area; and for other purposes.
1987	The Scalloway, Shetland, Pilotage Order 1987	This order came into force on 21st December 1987 and established the Scalloway Pilotage District.
1992	The Shetland Islands Council (North Haven, Fair isle) Harbour Revision Order 1992	Established the North Haven, Fair isle Harbour Area, and provision regarding Harbour Authority duties and powers.
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'.
1995	The Shetland Islands Council (West Burrafirth) Harbour Revision Order 1995	Established the West Burrafirth Harbour Area, and provision regarding Harbour Authority duties and powers.
2003	The Shetland Islands Council (Papa Stour and Fetlar) Harbour Revision Order 2003	Established the Papa Stour and Fetlar Harbour Area, and provision regarding Harbour Authority duties and powers.
2007	The Shetland Islands Council (Uyea Sound) Harbour Revision Order 2007	Established the Uyea Sound Harbour Area, and provision regarding Harbour Authority duties and powers.

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 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 (referred to as 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 (two separate areas: West Voe and the South and North-East Mouths); and
- North Haven, Fair Isle.
- Vaila Sound and Gruting Voe, known as Walls;

A number of legacy marine facilities are owned by SIC and are inspected / maintained as such.

- Billister
- Melby
- Toogs
- Mail
- Gutcher (old pier)

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

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.

Ferry Terminals are operated by the SIC Ferry Services who carry out the marine operations at these facilities. For the purposes of this document marine operations have been taken to mean the moving, berthing and un-berthing of ships and other marine craft at these terminals. Marine

operations within the Ferry Service use a formal risk assessment approach and Safety Management System (ISM). For the purposes of compliance with the code this is considered as an alternative similar standard applicable to their sector.

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.
- Oversee the recruitment and training policy for staff and key officers.

Key Officers – Director of Infrastructure

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 Infrastructure 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 Health & Safety Officer – Assistant Harbour Master

The Port Safety Team 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.

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 – Small Ports Supervisor

The Small Ports Supervisor, Scalloway is responsible, through the Team Leader – Deputy Harbour Master, for the day-to-day management of all Scalloway and Small Ports harbour operations and services.

Key Officers – Small Ports Officer

The Small Ports Officer, Scalloway is responsible to the Small Ports Supervisor for the day to day operation of Scalloway Harbour and Small Ports.

Key Officers – Pier Assistants

The Pier Assistant is responsible to through the Small Ports Supervisor. They will provide a first line check, inspection, maintenance support and reporting service to Council port and harbour facilities.

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

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 Designated Person is identified in each local Port Marine SMS document. The inter-relationship between the SIC Duty Holder, Designated Person and Port/Marine staff within SIC is shown at the end of this document.

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)Scalloway and Small Ports Management Detail

Key Measure 3: Legislation

3.1 Statutory Duties

Scalloway Harbour has statutory duties of both a general and specific nature in respect of:

- The observation of Section 33 of the Harbours, Docks and Piers Clauses Act 1847 in respect of maintaining Open Port Duty;
- 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 Byelaws;
- The conservancy of the SHA areas including marking navigation channels, the removal of wrecks and other obstructions and maintenance dredging of navigational channels;
- The provision and maintenance of harbour facilities, including; quays, wharves, piers, etc;
- 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;
- The prevention of pollution and the nature conservation its Ports and Harbours and adjacent coastline;
- Ensuring as far as reasonably practicable, the safety at work of its employees and other persons who may be affected by its activity; and
- Local measures for compliance with the Code detailed within this Marine SMS.

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

Key Measure 4: Duties and Powers

4.1 Scalloway Harbour Byelaws 1987

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 SIC 'Scalloway Harbour Byelaws 1987 are divided into various parts, namely:

- Part 1 Preliminary;
- Part 2 Navigation;
- Part 3 Berthing and Mooring;
- Part 4 Goods and Road Traffic;
- Part 5 General; and
- Part 6 Schedule of Harbour Areas.

4.2 Special Directions

The Harbour Master is empowered to give Special Directions under Section 52 of the Harbours, Docks and Pier Clauses Act 1847 and Section 39 'Special directions to vessels' of the ZCC Act 1974 (as amended). The SIC MSMS provides more detail in Section 5.3.

The power to give Special Direction is also exercised by the Harbour Master's appointed deputies of the Deputy Harbour Master and the Team Leader Port and Marine Operations. Special Directions may be passed from the Harbour Master via VTS at Sullom Voe to vessels within the Harbour Authority areas of jurisdiction.

4.3 General Directions

SIC, as Harbour Authority, may issue General Directions under Section 38 of the ZCC Act 1974 (as amended). The SIC MSMS provides more detail in Section 5.4. In respect of Scalloway Harbour, SIC has issued the 'Scalloway Harbour Area General Directions and Pilotage Directions 2007'. The issuing of General Directions is subject to prior consultation with Harbour users. Scalloway Harbour General Directions identify that requirement for carriage of VHF/RT Equipment, in-bound and out-bound requirements, and navigational requirements are met. The General Directions identify 50 Gross Registered tonnes as a threshold for compliance with in-bound, out-bound and navigation within the Harbour Area.

4.4 Pilotage

SIC is the CHA for the provision of pilotage services in Scalloway Harbour under the provisions of the Pilotage Act 1987, and covers the SHA and CHA areas. Details of pilotage are given in the SIC MSMS. The following headings are also addressed in the SIC MSMS and apply to Pilotage in Scalloway Harbour:

Pilotage Directions

Scalloway Harbour Pilotage Directions are contained within the 'Scalloway Harbour Area General Directions and Pilotage Directions 2007'. Pilotage is compulsory for all ships navigating within the Scalloway Harbour Area which carry passengers or have on board dangerous goods to which the provisions of the Dangerous Goods in Harbour Areas Regulations 2016 (as amended) apply. Pilot boarding and landing areas are identified within the Pilotage Directions.

SIC also acknowledges that the Pilotage Act 1987, Section 7 (3) identifies that:

'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 Scalloway Harbour is carried according to the port operating procedures laid out in SY-F-01 contained within the Scalloway Harbour Procedures Manual (see Appendix A for reference). For all vessel movements with an embarked Pilot, a Passage Plan is provided in advance, which addresses the specific transit. The Pilot to Master exchange is recorded on a Pilotage form 'SY-F-01

4.5 Towage

Tug assistance is not deemed necessary for the size and type of vessel which berth at Scalloway Harbour and therefore no harbour tugs are based at Scalloway. Where tug assistance is requested by the vessel's master, or deemed prudent by the Harbour Master (or appointed Deputy) such request should be routed to VTS in Sullom Voe where arrangements for tug attendance may be made. The Harbour Master, in the instance of controlling marine risk, may direct a vessel to take towage through powers of Special Direction. Details of towage arrangements are provided in SY-PP-05 contained within the Scalloway Harbour Procedures Manual (see Appendix A for reference).

4.6 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 Scalloway Harbour is an important aspect of Harbour activities. Two marinas are located within the Harbour Area and private recreational and fishing vessels use port berthing facilities. The predominant traffic is small day-fishing boats, with recreational yachting, power boating and small craft (kayaks) in the summer months. The Scalloway Harbour Byelaws 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, and 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.
- Scalloway Harbour monitoring and onsite harbour staff; and
- Website information for Port and Harbour users.

Recreational event organisers are requested to consult with the Harbour Master at the earliest opportunity, where 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) are normally 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. Details of established consultation groups are provided in 'Consensus'.

4.7 Environmental Duty

The SIC Marine Safety Policy document sets out and acknowledges the 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. These measures, as applied by SIC across all its Ports and Harbours, are detailed within the SIC MSMS document.

To enforce and monitor SIC's policy on Environmental Duties, Scalloway Harbour uses a range of measures which include active monitoring by 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:

- Shetland Islands Council - Marine Pollution Contingency Plan; and
- Scalloway Harbour Oil Spill Contingency Plan.

The Scalloway Harbour website contains contact information, and provides details of how to contact the Harbour Authority for routine and emergency matters. Reportable oil spills, following the Scalloway Harbour Oil Spill Contingency Plan, are reported using the POLREP form and sent to the MCA. If necessary, advice on environmental issues is also available from the Shetland Oil Terminal Environmental Advisory Group (SOTEAG). Scalloway Harbour 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 act, or authorise others to act, where it is considered that issuing directions alone would be insufficient.

4.8 Civil Contingencies, Dangerous Vessels and Substances

SIC, as Harbour Authority, addresses Civil Contingencies as a centralised function, and has prepared contingency plans as laid out in the "Major Emergency Plan", with Appendix E-9 and 10 'Action List' detailing the expected response by the Team Leader - Harbour Master and their Deputy under the Civil Contingencies Act (as amended). See Section 4.5 and 5.6 of the SIC MSMS for detail on Harbour Master's powers for Dangerous Vessels and Substances.

4.9 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

Scalloway Harbour 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 (potential incident) or any other reportable incident within the Scalloway Harbour area, a Marine Report Form (MRF) on the SIC website contained within the SIC MSMS Procedures Manual 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 Section 3.5 and following sub-sections. 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 now required to be reported to the MAIB. Additionally, where appropriate, 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 it 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 Scalloway Harbour. This consultation includes port operatives, port users and stakeholders. Figure 3 provides a schematic layout of the involvement of the Technical Working Group (TWG) and liaison groups; that include both SIC internal meetings and public facing consultation with stakeholders. 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 the SIC Marine Safety Management System (the overarching, council-wide MSMS) for the review and audit arrangements, Key Performance Indicators (KPIs), and the internal audit and external verification programme that apply to Scalloway and Small Ports.

Key Measure 8: Competence

The competence, qualification and training requirements for personnel are managed at the overarching level. Refer to the SIC Marine Safety Management System for the competence standards, training matrices and competence-assurance process that apply to Scalloway and Small Ports staff.

Key Measure 9: Plan

The marine safety plan, and the assessment of performance against it, are published at the overarching level. Refer to the SIC Marine Safety Management System and the SIC Marine Safety Plan for the publication of plans and reports relating to Scalloway and Small Ports.

Key Measure 10: Conservancy Duty

10.1 Conservancy

SIC outsources hydrographic survey services as required; which, in addition to the dredging programme and maintenance for aids to navigation are overseen by the Port Engineer and detailed in Section 4.3 of the SIC MSMS document.

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.

Appendix A Structure Diagram – Shetland Islands Council (SIC) Ports and Harbours

