



# Marine Safety Management System Policy

Date	Reviewed by	Notes	Version
May 2024	D McHardie	Draft Policy development	Draft 0.1
Nov 2024	CMAL Board	Final draft version presented for approval	Draft 0.2
Nov 2024	CMAL Board	Approved and published	1.0
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# 1. Introduction

This Marine Safety Management System Policy constitutes one of the principal documents in the Marine Safety Management System (MSMS) for the 27 locations consisting of statutory ports and harbours, slipways and non-statutory marine facilities (hereafter collectively referred to as “Harbours”) under the ownership and/or responsibility of Caledonian Maritime Assets Limited (CMAL).

At all times, CMAL aims to ensure a safe environment for the public, users of the Harbour facilities, operators and CMAL employees. This includes operations within the areas of navigational responsibility and the shore-side facilities.

As a Statutory Harbour Authority (SHA) and owner of non-statutory marine facilities, CMAL will also ensure that the operation of its undertakings is achieved with due consideration for conservancy and environmental requirements, and its ongoing commitment to maintaining the Harbour function without compromising the local flora and fauna.

The MSMS clearly defines the roles of duty holders, designated persons, and other key personnel within CMAL Harbours; it also clarifies the interfaces, responsibilities, and operational boundaries with the contracted Harbour Operator, other stakeholders, and users of the Harbour facilities.

The CMAL Harbours Safety Management System consists of four levels.

These are:

- CMAL Marine Safety Management System Policy (this document)
- CMAL Marine Safety Management System Manual
- CMAL IT and Asset Management Systems & Processes
- Harbour Operator’s Safety Management System

The MSMS also ensures CMAL, as the Duty Holder under the Ports and Marine Facilities Safety Code (PMSC), remains fully compliant with all legal requirements and, where possible, realises its aspirations for the attainment of good practice and continued improvement.

CMAL has developed policies in accordance with the standards set out in the PMSC. The policies and complementary plans developed by CMAL and the Harbour Operator are based upon a full assessment of the requirements of the PMSC and the hazards that must be managed to provide and maintain safe Harbours.

This document is intended to be read in conjunction with CMAL’s MSMS Manual, which outlines the implementation of the policies outlined in this document. These documents, along with other Company policies, processes, and asset management systems, as well as the Harbour Operator’s processes and procedures, are key components of the CMAL MSMS.

## 2. Accountability for Marine Safety

Caledonian MacBrayne Ltd previously provided the majority of Clyde and Hebrides ferry services and owned the associated vessels and a number of the Harbour facilities. The company was wholly owned by Scottish Ministers, with these services requiring an annual revenue deficit grant from the Scottish Executive to maintain lifeline service levels.

On 1 October 2006, Caledonian MacBrayne Ltd was divided into two companies:

- An asset-owning company, Caledonian Maritime Assets Ltd (CMAL)
- A new operating company, CalMac Ferries Ltd (CFL)

This was achieved by Caledonian MacBrayne Ltd transferring its operations—but not its assets—to CFL.

CMAL is the Statutory Harbour Authority for the following 16 statutory Harbours, and the asset owner or lessee for 11 other non-statutory Harbours across the West of Scotland and the Clyde Estuary.

Arran: Brodick Ferry Terminal \*

Islay: Port Ellen Ferry Terminal \*

Arran: Lochranza Ferry Terminal \*

Kennacraig Ferry Terminal \*

Barra: Castlebay Ferry Terminal \*

Kilchoan Pier & Ferry Slipway

Bute: Rhubodach Ferry Slipway

Largs Bay & Ferry Terminal \*

Claonaig Ferry Slipway

Lochaline Ferry Terminal \*

Coll: Loch Eatharna & Arinagour Ferry Terminal \*

Mull: Fishnish Ferry Slipway

Colintraive Ferry Terminal

Mull: Tobermory Mishnish Ferry Terminal

Colonsay: Scalasaig Ferry Terminal \*

Oban: Railway Pier Ferry Terminal \*

Cumbræ: Tattie Pier Ferry Slipway

Portavadie Ferry Slipway

Gallanach Ferry Slipway

Skye: Armadale Bay & Ferry Terminal \*

Gourock Ferry Terminal \*

Kerrera Ferry Slipway

Harris: Tarbert Ferry Terminal \*

South Uist: Lochboisdale Ferry Terminal \*

Eilean nam Ban: Bullhole

Tiree: Gott Bay Ferry Terminal \*

Wemyss Bay \*

\* CMAL is the statutory harbour authority

The main functions of CMAL as Harbour Authority and marine facility owner are as follows:

- a. A duty of care to all Harbour users;
- b. An obligation to conserve and promote the safe use of the Harbours;
- c. Responsibility for efficiency, economy and safety of operation, in respect of the services and facilities provided;
- d. A duty to take necessary action for the maintenance, operation and improvement of the Harbours.
- e. Nature conservation and the prevention of pollution.

## 2.1. The Duty Holder

The CMAL Board has an executive management team and supporting staff at headquarters in Port Glasgow. The directors of CMAL, while acting in their capacity as Harbour Authority and marine facility owners, are the “Duty Holder” as defined by the Ports and Marine Facilities Safety Code.

CMAL accepts responsibility for ensuring that its duties and powers are discharged to the standard set out in the PMSC and recognises that it is the Duty Holder who is accountable for compliance with the PMSC, and while they will appoint appropriate officers (see sections hereafter) to assist in the discharge of their duties, the Duty Holder recognises that they may not assign or delegate their responsibilities on the grounds that they do not individually have particular skills.

CMAL will ensure that adequate resources are provided to its officers to enable them to operate its policies, plans and systems effectively, recognising that proper discharge of CMAL’s duties will otherwise be compromised.

Likewise, CMAL will ensure the contracted Harbour Operator also assigns adequate resources to fulfil the requirements of the Harbour Operating Agreement, and thereby both organisations will operate in a collaborative manner to ensure CMAL’s Harbours remain fully compliant with the PMSC.

## 2.2. The Designated Person

CMAL will appoint an appropriately qualified individual as the ‘Designated Person’ to provide assurances that both CMAL’s and the Harbour Operator’s safety-management systems are working effectively at each harbour.

The Designated Person will have access to report directly to the Duty Holder, and regularly attend Board meetings (or similar).

## 2.3. Chief Executive

The Chief Executive Officer of CMAL is accountable to CMAL for operational and financial control. The CEO will advise CMAL on all matters related to its duties and powers, with appropriate advice from the Designated Person, Harbour Master and others. The CEO will

oversee the implementation of CMAL's policies and decisions and will have overall executive responsibility for the safety of its operations and staff.

## **2.4. Director of Port Infrastructure and Planning**

The Director of Port Infrastructure & Planning is responsible for the overall governance of CMAL Harbours, advising the Board on all matters concerning the areas and facilities within CMAL's ownership and responsibility, as well as the performance of the Harbour Operator.

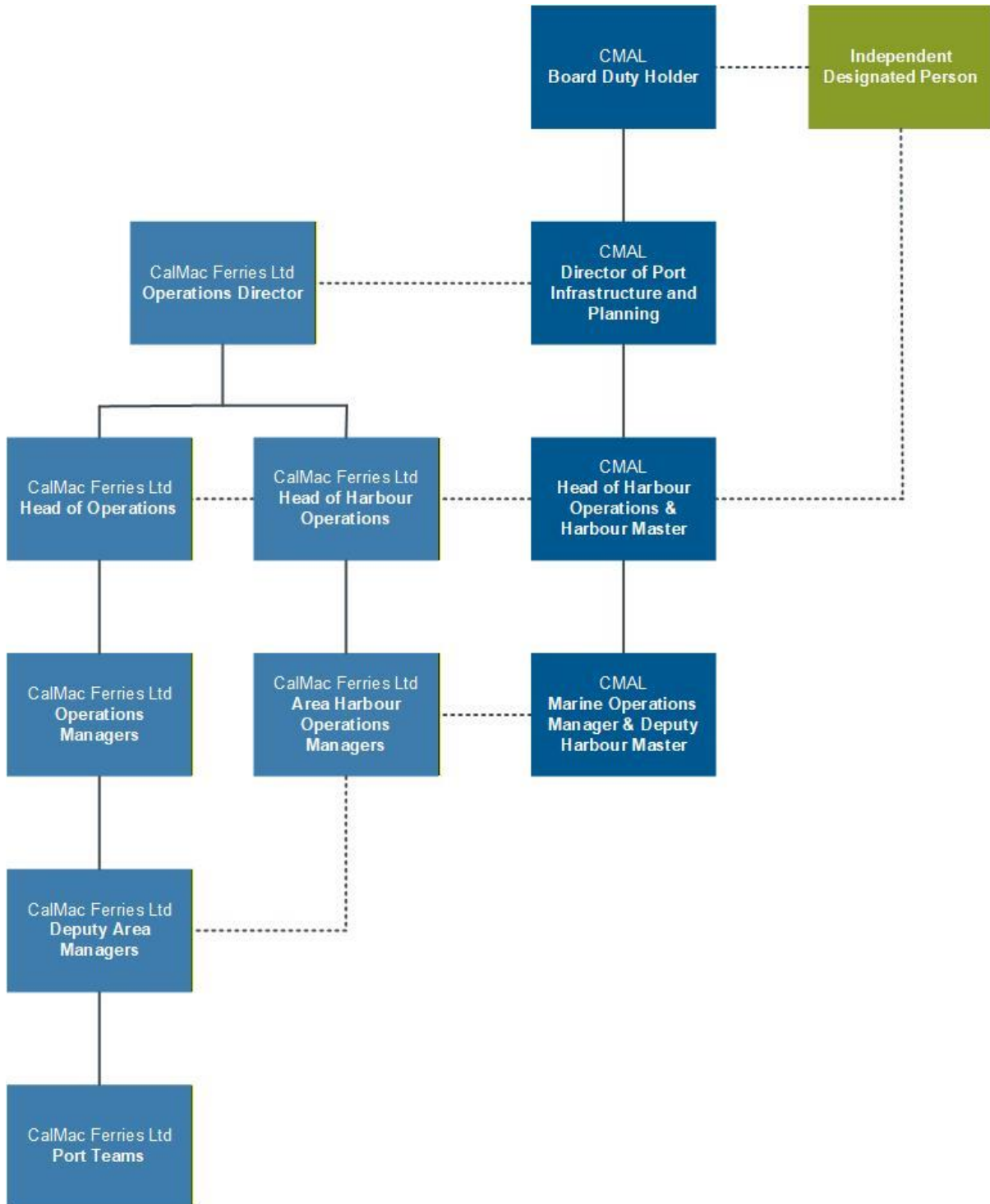
## **2.5. Head of Harbour Operations and Harbour Master**

CMAL will, where necessary, exercise its powers to appoint Harbour Masters for its Harbours. The Head of Harbour Operations is the Harbour Master as defined in Section 2 of the Harbour Docks and Piers Clauses Act 1847. The expression includes any person authorised by CMAL to act in the capacity of Harbour Master. The Harbour Master is responsible for the safety of navigation and other related activities in the Harbours, approaches and other areas within the limits of the CMAL's jurisdiction by maintaining an overview of harbour activities and the performance of the Harbour Operator. The Harbour Master is responsible for all matters related to conservancy.

## **2.6. The Organisation's Officers**

CMAL will ensure that executive and operational responsibilities are assigned to appropriately trained personnel, with clear and formal delegations. The harbour operations and management chart on the following page illustrates the lines of responsibility between CMAL in its capacity as Harbour Authority and marine facility owner, its Harbour Masters and how these relate to key operational roles within the Harbour Operator's organisational structure to create a collaborative harbour management structure.

### 3. Harbour Operations and Management Structure



## **4. Key Measures to Secure Marine Safety**

### **4.1. Review Existing Powers**

CMAL will keep its powers—and the extent of its jurisdiction—under review to ensure that they are appropriate for maintaining the overall safety of its Harbours, promoting changes where necessary.

### **4.2. Use Formal Risk Assessment**

The Harbour Operator, on behalf of CMAL, has undertaken a formal, documented marine risk assessment of each of CMAL's ports and harbours and established processes to regularly review the findings of the assessments.

CMAL acknowledges that the process of port marine safety assessment is continuous, so that new hazards and changing risks are properly identified and addressed. CMAL will supplement the continuous review process with formal reviews and audits at suitable intervals.

CMAL, in collaboration with the Harbour Operator, will, so far as is practicable, take measures to eliminate any risks identified through the assessment and review process.

### **4.3. Implement a Marine Safety Management System**

CMAL will implement a Marine Safety Management System in order to manage marine hazards, risks and emergency preparedness. The MSMS will be prepared at Harbour Authority level and supplemented by the Harbour Operator's MSMS documents, processes and procedures for each of CMAL's Harbours.

The Duty Holder is responsible for ensuring that adequate resources are provided by both CMAL and the Harbour Operator to manage marine operations effectively and to adhere to the stated marine and navigation policies, procedures, and systems, recognising that without which proper discharge of CMAL's duties will otherwise be compromised. This includes adequate resources for training.

### **4.4. Competence Standards**

The Duty Holder will ensure that individual Board members receive an introduction to their duties under the PMSC. All Board members will subsequently receive PMSC refresher training at regular intervals.

CMAL and the Harbour Operator will maintain a role-specific training matrix and will provide training to their own employees where such persons have been appointed to positions with responsibility for the safety of harbour navigation, and ensure any persons appointed with the delegated powers of the Harbour Master are suitably trained in relation to their powers.

CMAL will regularly assess, using the most appropriate means available, the competence of all persons appointed to such positions.

## 4.5. Incident Reporting and Investigation

CMAL recognises that, however effective the safety regime is, incidents, including “near misses”, will still occur. Significant incidents and potential incidents will be investigated in accordance with a process, and all stages of that process will be recorded. The process will recognise the often-conflicting essential purposes of an investigation:

- to determine the cause of the incident, with a view to preventing a recurrence,
- to determine if an offence has been committed and whether enforcement action is appropriate.

CMAL considers that the principal requirement of a marine accident or incident investigation should be to determine the probable causes and contributing factors, so that precautions can be put in place to ensure known risks are managed to “As Low As Reasonably Practicable” (ALARP). By identifying the “what” and “why” of an incident, CMAL and Harbour Operator will be better equipped to prevent a recurrence. In meeting this objective, if an investigation determines an offence has been committed, CMAL will seek the assistance of another authority, such as the Police, Maritime and Coastguard Agency (MCA) or other regulatory body as necessary.

Details of any statutorily reportable marine accident or incident will be sent to the Marine Accident Investigation Branch (MAIB) and or the Maritime and Coastguard Agency (MCA) as soon as possible following the occurrence.

## 4.6. Monitoring Performance and Auditing

In considering the safe operation and management of its Harbours, CMAL will monitor, review and audit the performance of both CMAL and the Harbour Operator against a number of predetermined indicators. The results of such reviews or audits will be recorded and, where appropriate, information will be made available to users and other interested parties.

## 4.7. Enforcement

Enforcement underpins navigational safety by ensuring compliance with legislation and regulations; it requires effective surveillance, incident investigation, and, where appropriate, leads to sanctions imposed either by CMAL or, when necessary, by the Courts.

CMAL will ensure that any enforcement action taken is proportional to the risks posed by the breach of legislation or regulation and the seriousness of the offence.

The objective of enforcement is to ensure that preventative or remedial steps are taken to protect public safety, the environment, and to prevent or minimise future breaches of legislation/regulations. Prosecution of offences under relevant legislation is one way of achieving that objective. Neither CMAL nor its Harbour Operator will knowingly ignore any criminal or negligent act by any individual or organisation that damages or threatens the environment, or that flouts the law.

Should CMAL or their Harbour Operator decide the situation warrants consideration of prosecution under the relevant legislation, they will report incidents to the Police, MCA, MAIB or HSE to enable preparation of cases to the Procurator Fiscal.

When it is in the interest of safety and the circumstances of the incident dictate, enforcement action will not interfere with the paramount requirement to determine the cause of the incident.

## **4.8. Publication of Plans and Reports**

CMAL's policies and procedures commit them to undertake and regulate marine operations in a way that safeguards all its Harbours, their users and the environment.

The specific way relevant policies are observed at each of the Harbours may vary according to local circumstances.

CMAL will make reports available on its performance against its plans and against the standards set out in the PMSC.

## **4.9. Consensus**

CMAL and their Harbour Operator will consult with harbour users and relevant interested parties and communities when reviewing powers or considering key changes to port marine safety-related matters.

## **4.10. Monitoring Compliance**

CMAL will ensure that a prompt and verified response is made to the MCA's PMSC compliance programme, every three years. The statement will reflect the compliance status as assessed at the date of response.

CMAL and the Harbour Operator will assist the MCA in every regard, should a verification visit be required at any CMAL Harbour.

Should internal audits reveal potential compliance issues which cannot be resolved internally, CMAL will immediately seek the advice of their Designated Person and the MCA to assist in gaining confirmation of compliance.

## **5. Duties and Powers**

### **5.1. Open Port Duty**

Where CMAL is the SHA, it recognises the duty to ensure the harbour is open to everyone, as regulated by the local legislation governing each Harbour.

### **5.2. Environmental Duty**

CMAL acknowledges that it has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations, in particular the requirements of the Habitats Directive. If considered necessary, CMAL will seek additional powers for these purposes.

CMAL will ensure that its Harbour Operator has contingency plans in place to deal with oil spills, and that local resources are sufficient to ensure that any Tier 1 pollution incident is reported and responded to as necessary. A contract will also be maintained with an approved provider of Tier 2 oil spill response.

CMAL will ensure that all reporting requirements for Dangerous Substances are complied with, and that Harbour Masters and those persons appointed with the delegated powers of the Harbour Master make use of their powers when necessary to prevent any risk to health and safety within harbour areas.

### **5.3. Civil Contingencies Duty**

CMAL will ensure that its Harbour Operator has appropriately detailed emergency plans, prepared in conjunction with other relevant authorities, and that such plans are published and periodically exercised.

### **5.4. Harbour Authority Powers**

For its facilities where CMAL is the SHA, it will keep its powers—and the extent of its jurisdiction—under review to ensure that they are appropriate for maintaining the overall safety of its Harbours.

Where powers are considered outdated or insufficient, CMAL will promote any necessary changes.

### **5.5. Appointment of Harbour Master**

CMAL will, where necessary, exercise its powers to appoint Harbour Masters for its Harbours.

### **5.6. Directions (Usually Referred to as Special Directions)**

At facilities that CMAL is the SHA, it will ensure that appropriate use is made of the power to give Special Directions, and that these powers are fully understood by Harbour Masters and those persons appointed with the delegated powers of the Harbour Master

## **5.7. General Directions and Harbour Directions**

Where the ability to give General or Harbour Directions is available, CMAL will ensure that they are appropriately devised and implemented at each Harbour. CMAL will regularly review the need for General Directions or Harbour Directions at those Harbours where they are not currently available.

## **5.8. Dangerous Vessel Directions**

CMAL will ensure that due notice is provided to the directions that may need to be given in relation to a dangerous vessel that may wish to enter a CMAL Harbour. CMAL will always work with, and have due regard to, advice and direction given by the Secretary of State's representative for maritime salvage and intervention (SOSREP).

## **5.9. Pilotage and Pilotage Directions**

CMAL, supported by the Harbour Operator, will keep under consideration whether any and, if so, what pilotage services need to be provided to secure the safety of ships navigating in, or in the approaches to, its Harbours. It will also consider whether, in the interests of safety, pilotage should be compulsory for ships navigating in any part of that Harbour or its approaches.

At present, it is assessed that there is no requirement for pilotage within any CMAL Harbours.

CMAL will ensure that the risks associated with vessels navigating within its jurisdiction are adequately managed and regularly reviewed.

## **5.10. Authorisation of Pilots**

As assessed, there is currently no requirement for pilotage within any CMAL Harbours; therefore, this section is not applicable.

## **5.11. Pilotage Exemption Certificates**

As assessed, there is currently no requirement for pilotage within any CMAL Harbours; therefore, this section is not applicable.

## **5.12. Collecting Harbour Dues**

CMAL dues and charges will be kept under review and properly accounted for.

## **6. Conservancy Duty**

### **6.1. Harbour Authority**

CMAL shall endeavour to conserve each of its Harbours to ensure they are reasonably fit for use as a harbour, taking reasonable care to ensure that each is in a fit condition for a vessel to use it, whether they are SHA or not.

CMAL will use all appropriate means to find, mark and monitor the best navigable channel or channels in its Harbours. It will promulgate, as appropriate, relevant hydrographic information associated with its Harbours, including information relating to navigational hazards.

CMAL will work closely with the UK Hydrographic Office to ensure that relevant information required for inclusion within Admiralty charts and publications is made widely available.

### **6.2. Aids to Navigation**

CMAL, in its role as a local lighthouse authority (LLA), will seek to maintain applicable aids to navigation in accordance with the availability criteria laid down by the General Lighthouse Authorities (GLA).

CMAL will comply with any directions arising from the GLA inspections concerning aids to navigation.

CMAL, supported by the Harbour Operator, will determine, through a process of formal risk assessment, circumstances in which a vessel traffic service should be established and operated in accordance with internationally agreed recommendations and guidelines. In those staffed Harbours where a VTS is not appropriate, a Local Port Service will be operated by the Harbour Operator.

### **6.3. Wrecks and Abandoned Vessels**

CMAL will ensure that its safety management systems require a risk assessment to be undertaken of any wreck in, or in the approaches to, a CMAL Harbour which may cause a danger to navigation.

**Kevin Hobbs**

Chief Executive Officer

Caledonian Maritime Assets Ltd