



## Smaller Marine Facilities PMSC Compliance

The Port and Marine Facility Safety Code (the PMSC - or simply the Code) was recently re-published by the Department for Transport (DfT) in April 2025. *“The Code is applicable to anyone who operates any form of port or marine facility including those which do not otherwise have defined statutory powers and/or duties.”*

Organisations expected to comply include *“non-statutory port and harbour facilities; and all other marine berths, marinas, terminals, piers and jetties.”*

*“The Code does not contain any new legal obligations but includes, amongst other things, references to the main legal duties which exist and are relevant to many organisations.”*

*“Although failure to comply with the Code is not an offence, it represents good practice as recognised by industry stakeholders. An organisation may suffer significant reputational damage if it has publicly stated compliance with the Code and subsequently fails to meet its requirements.”*

In implementing the PMSC *“an MSMS [Marine Safety Management System] – which manages the hazards and risks along with any preparations for emergencies – must be developed, implemented, maintained and reviewed periodically. The MSMS should also capture any customs and/or practices which have become the standard approach to marine operations.”*

An MSMS should *“include a bridging document, where adjoining or interfacing with another organisation, setting out key communication lines and interactions, deconflicting application of policies and procedures within both MSMS and emergency response”.*

This aide memoire is designed to assist smaller facilities and clubs in complying with the Code. It is not intended to be entirely comprehensive but can be used as a starting point for smaller marine facilities, berths and terminals when assessing compliance against the Code.

This aide memoire is provided for general awareness and information only. It does not constitute legal, regulatory, or professional advice, nor is it intended to be relied upon as a definitive statement of compliance with the Ports and Marine Facilities Safety Code or any other legislation. Responsibility for understanding, interpreting, and complying with applicable legal and safety obligations remains solely with the facility operator. Peel Ports does not review, verify, approve, or certify responses to this aide memoire, and no assurance is given or implied as to the adequacy or suitability of any arrangements identified.

### Aide Memoire for PMSC Compliance

<b>Compliance Area</b>	<b>Explanation/Application</b>	<b>Steps for compliance - Questions to ask</b>
<b>Duty Holder</b>	<p><i>Whose members are, individually and collectively, accountable for compliance with the Code, and their organisation's performance in ensuring safe marine operations.</i></p> <p>In a Port the Duty Holder is usually a Board which the Harbour Master is accountable to for the management of marine safety.</p> <p>"For most organisations, the role of duty holder is undertaken by members of the management team or a board who are (both collectively and individually) publicly accountable for marine safety under The Code."</p>	<p>Who is our Duty Holder?</p> <p>Where do we record this?</p> <p>What are the things our Duty Holder must do to ensure compliance with the Code?</p> <p>Have we declared our compliance (or non-compliance) with the Code?</p>
<b>Designated Person</b>	<p><i>Provides independent assurance about the operation of the organisation's marine safety management system and must have direct access to the Duty Holder.</i></p> <p>"All organisations must appoint a suitably qualified individual as their Designated Person."</p> <p>The role of the Designated Person (DP) can be thought of a similar to an auditor for marine safety.</p>	<p>Who is our DP?</p> <p>Are they suitably qualified, and capable of giving independent assurance?</p> <p>And how can they be contacted by our users/members and by our Duty Holder?</p>
<b>Legislation</b>	<p><i>The Duty Holder must be aware of and review the organisation's legal powers, duties and responsibilities based on applicable local and national legislation and seek additional powers if necessary to improve marine safety.</i></p>	<p>What national legislation applies to us?</p> <p>What local acts apply in our area?</p> <p>What are our responsibilities under the HSAWA?</p>

	<p>National legislation such as the Health and Safety at Work Act (1974) and the Marine and Coastal Access Act (2009) applies to all facilities. Local Byelaws may also apply within Statutory Harbour Areas.</p> <p>“Organisations must identify and understand any applicable local legislation. This might include harbour acts, harbour orders, harbour directions and byelaws as well as any related procedures and systems that are in place to support implementation.”</p> <p>In many harbour areas environmental legislation such as The Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017, and the Marine and Coastal Access Act 2009 may also apply.</p>	<p>Do LOLER regulations apply to any lifting we do?</p> <p>Do we have any environmental obligations? Are we in or near a Site of Special Scientific Interest (SSSI)?</p> <p>Are we subject to local byelaws, directions, or procedures issued by a Harbour Authority?</p>
<p><b>Duties and Powers</b></p>	<p><i>Organisations must comply with any statutory duties and responsibilities they have.</i></p> <p>“Marine berth, marina, terminal, pier or jetty operators may not have any statutory powers or duties but will need to consider the appropriate interpretation and applicability of, for example, the conservancy duty, environmental duty and their common law duty of care to all harbour users, etc.”</p> <p>You may also have duties as an employer, and powers under Torts legislation etc.</p> <p>“Organisations without statutory powers to appoint a Harbour Master</p>	<p>In what way do we discharge our statutory duties for conservancy, the environment, and our duty of care?</p> <p>Do we have procedures for using any powers such as those provided by Torts legislation?</p> <p>Who is our marine manager or superintendent?</p>

	should consider the appointment of an individual with an equivalent role, such as a marine manager or superintendent.”	
<b>Risk Assessment</b>	<p><i>Organisations must ensure that risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice.</i></p> <p>“Organisations must risk assess routine towage operations and, in consultation with stakeholders, should develop specific towage guidelines”</p> <p>“All organisations must identify the hazards they manage, complete risk assessments and incorporate these within their MSMS.”</p> <p>“Organisations must provide a framework for the delivery of both types of assessment. The fundamental principles of risk assessment in the marine environment are similar for all organisations.”</p>	<p>Do we have risk assessments in place?</p> <p>Are these reviewed regularly?</p> <p>How do we share our risk assessments?</p> <p>Do they cover all our activities or services provided (lift out, lone working, fire afloat etc. etc.)?</p> <p>What are our procedures for towage?</p>
<b>Marine Safety management System (MSMS)</b>	<p><i>Organisations must operate an effective MSMS which is based on formal risk assessment.</i></p> <p>“All organisations must have a MSMS which is key to the effective discharge of the functions described in The Code. The type and content of that MSMS will be proportionate to an organisation’s size and operations.”</p> <p>“The MSMS must state the review frequency [of risk assessments] as</p>	<p>Where is our MSMS? (policies, codes of conduct, plans, SOPs etc.)</p> <p>What policies does our Duty Holder need to publish (health and safety, training)?</p> <p>What codes of conduct do we have?</p> <p>What plans do we have (including emergency plans)?</p>

	<p>well as any related procedures or processes. The MSMS should also refer to a procedure which ensures that risk assessments are reviewed appropriately.”</p> <p>“Where other marine facilities are situated within the jurisdiction of a SHA, organisations should engage with one another to ascertain the scope and extent of the SHA’s MSMS and whether, or how, it incorporates or interacts with other facilities operating within that area. This engagement can be led by but it is not the sole responsibility of, the SHA and will assist consideration of whether it is necessary for other marine facilities to develop their own MSMS.”</p>	<p>Do we have standard operating procedures for certain operations or events?</p> <p>How do we log, investigate and report incidents? (To HSE, MAIB, or the local Harbour Authority?)</p>
<b>Review and Audit</b>	<p><i>Organisations must review and audit performance against applicable requirements of the Code.</i></p> <p>“The MSMS must incorporate a regular and systematic review of its performance. This should be based on information from monitoring the system itself and from independent external audits of the system.”</p>	<p>When was our PMSC compliance last reviewed?</p> <p>When did we last report our compliance with the Code?</p> <p>How do we report compliance with the Code?</p>
<b>Competence</b>	<p><i>Organisations must use people who are appropriately trained, qualified and experienced to manage marine safety.</i></p> <p>“Organisations must assess the fitness and competence of all persons appointed to positions with responsibility for marine and navigation safety on a regular basis.”</p>	<p>Do we require specific training for our operations or services?</p> <p>How do we record this?</p> <p>How do we monitor the need for refresher training?</p>
<b>Planning</b>	<p><i>Organisations must publish a marine safety plan showing how the standards</i></p>	<p>Do we have a marine safety plan?</p>

	<p><i>in the Code will be met and produce a report assessing performance against that plan at least every 3 years.</i></p> <p>“The Duty Holder must publish an assessment of the organisation’s performance against its plan.”</p> <p>Contingency planning for marine incidents, fire, injury and pollution should also be considered.</p>	<p>Do we have emergency plans?</p> <p>What would we do in the event of marine pollution?</p>
<p><b>Conservancy</b></p>	<p><i>Organisations must ensure their facilities are fit for purpose and have a duty of reasonable care to ensure that any vessel can utilise them safely.</i></p> <p>“All organisations which have responsibility for the operation and maintenance of marine facilities should ensure that these are in good repair and are fit for purpose. This is vital to ensure that any vessels using them can do so safely but also makes good business sense since regular maintenance supports continued effective and efficient operations, reduces costs in the long term and assets in better condition retain greater intrinsic value.”</p> <p>You have a general duty of care for anyone accessing your marine facility.</p>	<p>Does our marine infrastructure (pontoons, access gangways, quaysides etc.) meet the relevant safety standards?</p> <p>Do we carry out any dredging and are any Marine Licences in place?</p> <p>Do we carry out surveys and how do we share this information?</p> <p>Do we have responsibility to maintain any aids to navigation (AtoN)?</p> <p>Do we have a waste management plan?</p> <p>What do we do about wrecks or end-of-life vessels?</p>

## Guides to Best Practice and Resources

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- A Code of Practice for the Design and Construction of Marinas and Yacht Harbours in conjunction with The Marina Operations Manual  
<https://www.britishmarine.co.uk/news/2024/November/tyha-code-practice-collaboration-marina-projects-ltd>
- Port marine operations: good practice guide  
<https://assets.publishing.service.gov.uk/media/67b35bd6421271d7e45f584a/a-guide-to-good-practice-on-port-and-marine-facilities.pdf>
- The British Ports Association also provides regular online briefings on the Code for Duty Holders, which will be displayed here:  
<https://www.britishports.org.uk/events/>