



NEWLYN PIER AND HARBOUR COMMISSIONERS

MARINE SAFETY MANAGEMENT SYSTEM LEAD DOCUMENT



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REVISION RECORD

Date	Description	Approved by
01.09.25	Staff signatures of recognition added.	AH
11.11.25	Vessel General Terms and Conditions added	AH
02.12.25	3 year review undertaken	AH

DISTRIBUTION LIST

Copy No.	Holder
01	Chairman (Internal)



02	Harbour Master (Internal)
03	MCA (External)
04	Designated Person

1 The Background of Newlyn Harbour

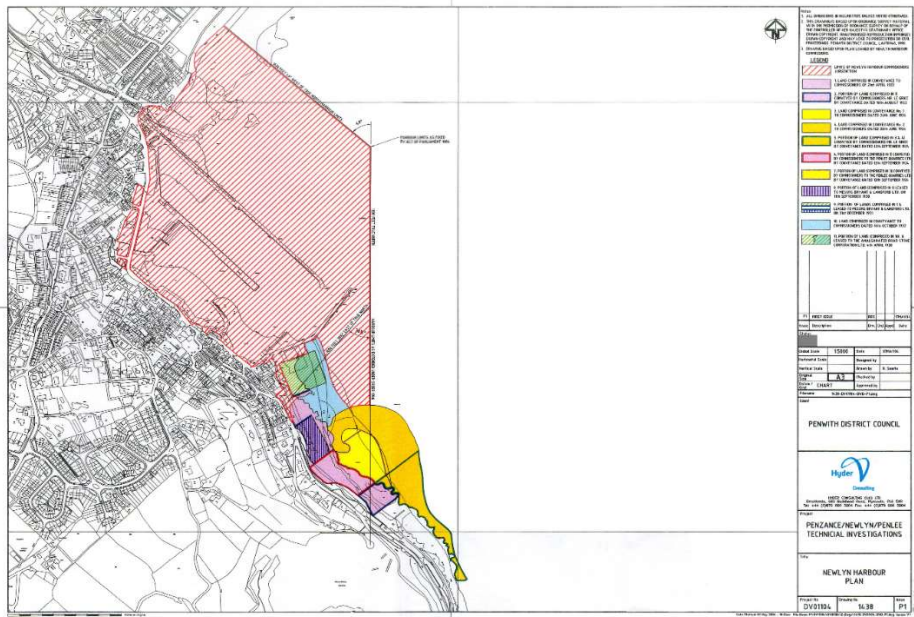
Newlyn Pier and Harbour Commissioners (NPHC) has jurisdiction over the harbour areas shown below. Its authority as a Statutory Harbour Authority (SHA) is derived from the Newlyn Pier and Harbour Order 1906, and its authority as a Competent Harbour Authority (CHA) comes from the Penzance and Newlyn (Pilotage) Harbour Revision Order 1988 however, there is no compulsory pilotage at this time.

Harbour operations in Newlyn are focussed around fishing with over 250 vessels up to 42m LOA using the port. A healthy number of visiting yachts are catered for too in the warmer months. Other activities you might expect to see within the harbour are RNLI operations, slipway manoeuvres, vessel repair and maintenance and recreation.

The seaward limits of the harbour are described and shown on the diagram below:

The seaward limits of Newlyn Harbour are:

- A line drawn from Point A, 2612ft in the direction of 000 degrees then;
- A line drawn 1638ft in the direction of 311 degrees to Point B where
- Point A is a point on the beach 1410ft along SE from the double headed arrow marked in the wall of the South Quay (26 ft from the root of the quay) and;
- Point B is a point on the beach 917ft NNW of the double headed arrow marked in the wall of the North Quay (158ft from the root of the quay)





1.2 The Requirements of the Port Marine Safety Code

This document, the Newlyn Pier and Harbour Commissioners Marine Safety Management System (MSMS) has been produced to deliver the requirements of the Port Marine Safety Code (PMSC) and has been developed in conjunction with the PMSC Guide to Good Practice (GTGP). The requirements of the Code are as follows:

- **Formally identify and designate the Duty Holder, in the case the Board of Trustees, who are collectively and individually accountable for compliance to the Code**
- **Identify a Designated Person to provide independent assurance that the requirements of the Code are being met through the operation of this NSMS**
- **Be aware of, and periodically review, the existing powers based on local and national legislation, and seek to improve these if required. Comply with powers of existing legislation**
- **Ensure all marine risks are formally assessed and are eliminated or reduced to ALARP**
- **Monitor, review and audit the risks assessment and this MSMS on a regular basis**
- **Use competent, trained and qualified personnel in positions of responsibility for managing marine safety**
- **Publish a Marine Safety Plan showing how the standards of the Code will be met and publish a report against the Plan every three years**
- **Comply with directions given from the General Lighthouse Authority (Trinity House Lighthouse Service)**

1.3 Marine Safety Management System Components

This document is supported by a number of other documents and records, which together make up the Marine Safety Management System. These documents are:

- Newlyn Harbour Policies
- Byelaws
- The Marine Safety Plan and Marine Safety Plan Reports
- Standard Operating Procedures
- The Navigational Risk Assessment Register
- Emergency Response Procedures
- Incident and Near Miss Report Forms
- Oil Spill Contingency Plans – Approved by MCA
- Port Waste Management Plans – Approved by MCA
- A Permit to Work system



- Staff Job Descriptions
- Staff Training Matrix
- Periodic Maintenance Schedule Records
- Slipway Management Plan and Terms and Conditions of Use
- Pilotage Directions and Procedures

2. Policy

2.1 Policy Development and Review

The following policies set out the intentions of NPHC insofar as meeting its obligations. The objective of this MSMS is to demonstrate the application of the noted policies. These policies are reviewed every three years and are available on the NPHC website as well as being directly promulgated to harbour staff and stakeholders. The policies are as follows and can be found in annex A:

- Marine Safety Policy
- Health and Safety Policy
- Environmental Policy
- Training Policy
- Consultation Policy
- Enforcement Policy
- Pilotage Policy

2.2 Reporting Compliance to the MCA

The Duty Holder is responsible for reporting their organisation's compliance with the Code to the MCA on a three-yearly basis. The MCA will announce and publicise when the next compliance statement is due and explain the process for responding in a Marine Information Note.

2.3 The Signed Statement of Commitment

Newlyn Pier and Harbour Commissioners (the Duty Holder) is committed to complying with the requirements of the Port Marine Safety Code. In undertaking its responsibilities NPHC will:

- Ensure the provision of viable harbour facilities
- Ensure the safety of those who use the harbour for any means
- Carry out its responsibilities in a manner which safeguards the environment, maintaining pollution prevention at all times
- Facilitate safe navigation within the harbour and its approaches
- Ensure that all Policies are adhered to
- Adhere to the Health and Safety at Work Act when conducting operations



- Ensure applicable laws and byelaws are enforced
- Review their performance against the Code and publish a written commitment every three years.

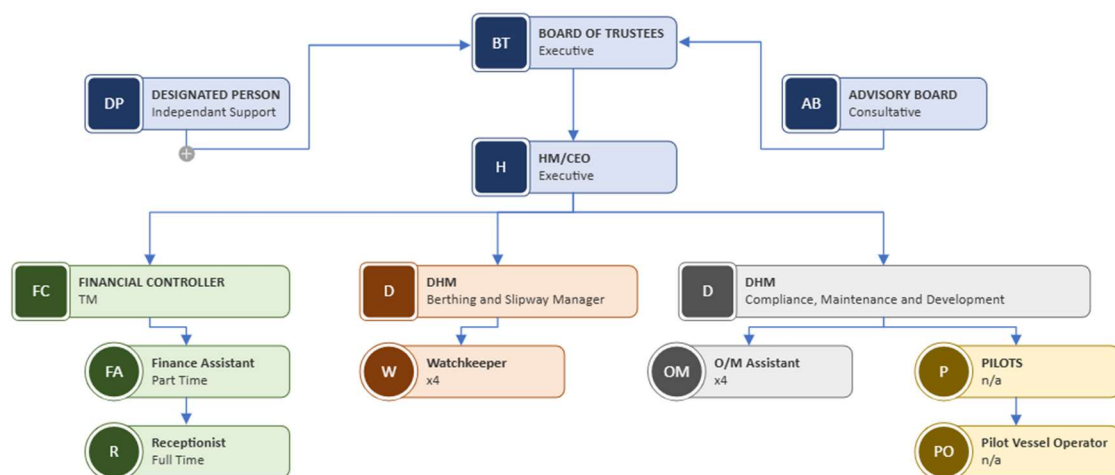
Signed..... Date.....

CEO on behalf of Newlyn Pier and Harbour Board of Commissioners

3. Organisation

3.1 Structure

Below is an organogram depicting the functional structure for the management of navigational safety.





3.2 Responsibilities

The responsibilities of those running Newlyn Pier and Harbour Commissioners as they relate to the management of harbour marine safety and the Port Marine Safety Code are described below.

The Board of Trustees – The Duty Holder

Newlyn Pier and Harbour Commissioners are the Harbour Authority and its Commissioners the Duty Holder as defined by the Port Marine Safety Code. The Duty Holder is accountable for marine safety and compliance with the Code.

Board members are made aware that they are collectively and individually responsible for meeting the requirements of the PMSC, and that they cannot assign their accountability for compliance on the grounds that they do not have particular skills.

The Designated Person

In meeting its obligations under the PMSC, the Duty Holder (NPHC Board of Trustees) will appoint a 'Designated Person', whose role it is to provide professional advice to the Duty Holder, consider the effectiveness of the MSMS through assessment and audit, and when satisfied, provide a written assurance that the requirements of the Code are being met. The role of the designated person does not obscure the accountability of the Duty Holder. The details and credits of the Designated Person can be found in Annex B of this document.

The Newlyn Pier and Harbour Commissioners Advisory Board

The Advisory Board meet monthly and provide advice to the Board of Trustees on any matter pertaining to the Harbour and Harbour operations. They have no obligation under the PMSC however, the Advisory Board will have a appropriate understanding of the PMSC.

The Harbour Master and Chief Executive Officer

Responsible to the Board for the operational and financial control of the harbour. He will advise the Board on all matters related to its duties and powers. He will oversee the implementation of the Board's policies and decisions and has overall responsibility for the safety of all harbour operations. The Harbour Master is responsible for the safety of navigation within the harbour and exercising the authorities operational powers with respect of all marine activities in the harbour and its approaches.



4. Implementation and Supporting Documents

In order for this MSMS to be effective, NPHC have developed a system of risk assessment and operating procedures, which run alongside specific documents pertaining to particular parts of harbour operations, some of which require outside approval. This section offers a brief description of each of these required documents and where they can be found.

4.1 Policies

See Section 2 and Annex A

4.2 Byelaws

The NPHC Byelaws are the original ones published in 1908 updated last in 2009. These are to be reviewed in the future. NPHC are aware of the extended timeframe to update byelaws and are also aware of other tools available. They can be found in the PMSC folder.

4.3 Vessel and Vessel Activity General Terms and Conditions of Use

NPHC have developed general terms and conditions of use which apply to all vessels using the port and any activity related to such. They are sent out via email to designated berth holders and to regular users of the port and are available to the public through this document on the NPHC website. They can be found in Section 2 Annex D.

4.4 Standard Operating Procedures

To ensure that vessels can use a safe and well managed harbour, NPHC has developed a number of Standard Operating Procedures (SOPS) to guide staff through the tasks expected of them. The SOPS are reviewed regularly and new ones added where required.

4.5 The Marine Safety Plan and Report

NPHC will publish a Marine Safety Plan every three years which will outline the major aspects of marine safety within the port and a parallel running report will comment on how NPHC are adhering to this plan.

NPHC will periodically review the targets published in the Marine Safety Plan. This document can be found in the PMSC folder.



4.6 The Risk Assessment Database

The purpose of a risk assessment is to assess the risk of a given hazard developing its potential for harm, in terms of consequence to life, property, the environment, or the Harbour business.

The risk assessment process identifies the hazards and consequences which may arise and the scope is all encompassing, including both navigational and operational related activities.

NPHC have created two registers, one to address marine navigational operations and for operations not associated with marine operations i.e shore based work.

Risk assessments must be completed by competent persons, familiar with both the risk assessment process and the operation being assessed. To complete a risk assessment the one should reference the applicable Standard Operating Procedure but in brief, these steps should be followed:

1. Identify the hazards through experience, consultation and incident review
2. Evaluate who or what is at risk and the potential but realistic consequences
3. Identify risk control mitigations which will prevent or reduce the probability of an occurrence
4. Implement the selected risk control measures to bring the risk in the operation to ALARP
5. Monitor

A partially complete example of the risk assessment form is shown below.



		CONSEQUENCE				
		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
		1	2	3	4	5
		2	4	6	8	10
		3	6	9	12	15
		4	8	12	16	20
		5	10	15	20	25

Assessment Reference Number		Work Activity Being Assessed	
Revision Number		Last Review Date	
Current Review Date		Reviewer	
		Navigation with Visual Aids to Navigation	
1			

Hazards	Persons at Risk	Hazard Effect Description	Initial Risk Rating			Mitigating Actions	Action By	Residual Risk Rating		
			Likelihood	Impact	Risk Rating			Likelihood	Impact	Risk Rating
Unavailability of leading lights	Vessel crews, Vessel Pass, Dock Workers, Other persons on dock	Injury, Fatality, Grounding, Environmental damage, Asset Damage, Asset Loss,	3	4	12	Active monitoring, Planned maintenance Programme, restriction on vessel movements	Appointed Supervisor/HM	1	4	4
Unavailability of leading marks (daylight)		3	3	9	Active monitoring, Planned maintenance Programme, restriction on vessel movements	1		3	3	
Unavailability of Lateral Light		3	3	9	Active monitoring, Planned maintenance Programme.	1		3	3	
Unavailability of Lateral Mark (daylight)		3	3	9	Active monitoring, Planned maintenance Programme.	1		3	3	
Unavailability of Special Mark & Light		3	2	6	Active monitoring, Planned maintenance Programme.	1		2	2	
Unavailability of Pier End Lights		3	2	6	Active monitoring, Planned maintenance Programme.	1		2	2	

CONSEQUENCE RATING	
HIGH 16 - 25	DO NOT PROCEED WITH TASK. Immediate management action is required
MEDIUM 8 - 15	Task can be managed, by Risk Assessment & Safe work Method Statements, and Permits To Work
LOW 1 - 7	Task can be managed, by Safe work instructions, Inspections & correct PPE

Authors Signature	Date	Accepted By	Signature	Date	Residual Risk Rating
					3

4.7 The Emergency Response Procedures

This document addresses the recognition of the common emergencies which one might find in a port. It addresses each emergency individually and specifically and as a quick reference guide, describes the immediate actions to be taken by Harbour staff during an event. This document is reviewed every three years and can be found in the PMSC folder.

4.8 The Incident and Near Miss Database

When an incident or near miss occurs the details are recorded on the NPHC Incident and Near Miss Report Form. The form identifies and records any onward reporting requirements (MAIB/RIDDOR etc.) and enables NPHC to record and address any trends that may form.

Reporting incidents is actively encouraged in order to meet the authorities' objective of continuously improving safety.

An example of the incident and near miss reporting form is shown below, and instructions on how to complete the form are detailed in the relevant Standard Operating Procedure.



Newlyn Pier and Harbour Commissioners

Incident and Near Miss Report Form

REPORT NUMBER	
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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>NAME OF REPORTING PERSON</td><td> </td></tr> <tr><td>CAPACITY OF REPORTING PERSON</td><td> </td></tr> <tr><td>DATE</td><td> </td></tr> <tr><td>WIND DIRECTION AND SPEED (bf)</td><td> </td></tr> <tr><td>SEA CONDITIONS</td><td> </td></tr> <tr><td>TIDAL HEIGHT RISING/FALLING</td><td> </td></tr> </table>	NAME OF REPORTING PERSON		CAPACITY OF REPORTING PERSON		DATE		WIND DIRECTION AND SPEED (bf)		SEA CONDITIONS		TIDAL HEIGHT RISING/FALLING		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>LOCATION</td><td> </td></tr> <tr><td>SEA WITHIN LIMITS</td><td> </td></tr> <tr><td>NORTH PIER</td><td> </td></tr> <tr><td>MARY WILLIAMS PIER</td><td> </td></tr> <tr><td>PONTOON</td><td> </td></tr> <tr><td>SLIP</td><td> </td></tr> <tr><td>OLD QUAY</td><td> </td></tr> <tr><td>SOUTH PIER</td><td> </td></tr> </table>	LOCATION		SEA WITHIN LIMITS		NORTH PIER		MARY WILLIAMS PIER		PONTOON		SLIP		OLD QUAY		SOUTH PIER	
NAME OF REPORTING PERSON																													
CAPACITY OF REPORTING PERSON																													
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MARY WILLIAMS PIER																													
PONTOON																													
SLIP																													
OLD QUAY																													
SOUTH PIER																													

MARINE	
INCIDENT	
NEAR MISS	
COLLISION	
CONTACT	
GROUING	
POLLUTION	
FIRE	
OTHER	
REPORT TO	
MAIB	
RIDDOR	

NON-MARINE	
INCIDENT	
NEAR MISS	
POLLUTION	
FIRE	
PERSONAL INJURY	
OTHER	
REPORT TO	
HSE	
RIDDOR	

DESCRIPTION OF EVENTS

CONCLUSIONS AND ACTIONS

4.8 The Oil Spill Contingency Plan

This plan aims to reduce the likelihood of, and speed up the reaction to, an oil spill within the port. A significant undertaking within port operations, the Maritime and Coastguard Agency require specific qualifications, exercises and equipment to be in place owing to the high level of all round risk that these incidents present. A five year approval of the plan is required alongside annual training, exercises and audit. This substantial document is found in the PMSC folder.

4.9 The Port Waste Management Plan

To adhere to strict guidelines, NPHC is required to provide adequate waste disposal services to the vessels which use the port. As well as the waste reception facilities provided, the MCA requires a written plan which describes how the need for this facility is met, and how the facility is managed. This document requires approval from the MCA every three years and can be found in the PMSC folder. **In 2024, the MCA stopped approving new plans.**



4.10 Permit to Work

NPHC requires a permit to work system to be developed to keep on site security in mind, and to ensure that activities undertaken by those who use the port are done so safely, and within legislative limits. The permit to work is issued via a largely self-explanatory form which can be seen below and once complete, scrutinised, and signed off, is filed on the NPHC computer. For more in depth instructions on how to use the form, a Standard Operating Procedure is available.

Newlyn Pier and Harbour Commissioners - Permit to Work			
Permit Number (office only)			
Company Name			
Employee Name			
Start Date		Proposed Start Time	
End Date		Expected End Time	
Location	North Pier	Works	Metalwork inc. welding
	South Pier		Crane Operations
	Mary Williams Pier		Warp Changes
	Pontoons		Blasting
	Ice Berth		Work at Height
	Market Berths		
	Other		
Description of Works			
Please ensure the following are understood and marked			
The public liability insurance certificate for the Company is available upon request			
The permit holder will ensure that PPE is available for all tasks where it might be required			
All machinery and tools used by the permit holder are in good working order and meet the requirements of any legislation that applies to them			
The permit holder will undertake all works to the standards of any legislation that applies to it			
The permit holder will manage access to the work site, with attention paid to other harbour users and the public			
I will ensure that all persons instructed to work for them are competent and qualified for the tasks expected			
For hot work – Appropriate fire-fighting equipment is immediately available in the work area			
For hot work – There is adequate ventilation in the work area			
For hot work – All areas adjacent to the work area are free from flammable or combustible materials			
Authorisation of Permit to Work			
Contractor Signature			
NPHC Signature			

4.11 The Periodic General Maintenance Plans and Records

The assets held by NPHC are subject to periodic inspection and maintenance to ensure that they remain fit for purpose, safe for use and in good condition for ourselves and our customers. They also ensure that any legislative requirements such as LOLER or COSHH are met. These inspections also serve to realise a long lifespan and maximum value for money from NPHC assets. These assets range from fork-lift trucks to ladders, and cranes



and boats to electric points. The database is held within the 'Harbour Assist' software on the NPHC computer and whilst the software will guide users through the tasks, a Standard Operating Procedure is available too.

4.12 Staff Job Descriptions and Training

NPHC must be a successful and safe port and to manage this undertaking NPHC recognise that it is imperative to employ persons with the required marine and other skills. To ensure this requirement is met NPHC have developed individual job descriptions as well as an overarching training schedule, scrutinised annually, to ensure all staff at all levels remain as well qualified and trained as possible for the task expected of them. The job descriptions and staff training spreadsheet can be found on the NPHC computer.

4.13 The Slipway Management Plan

NPHC operate a slipway with harbour limits and whilst not strictly a navigational aspect of harbour operations, it is prudent to mention here, The slipway has its own management plan, operational permit and terms and conditions of use all of which can be found in 'Assets-Slipway' on the NPHC computer.

5. Marine Conservancy

NPHC have a duty to:

- Conserve the harbour so that it is fit to use as a harbour and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it; and to
- Provide users with adequate information about conditions in the harbour.

In order to meet these duties and responsibilities, NPHC has the following in place:

- A bathymetric survey and maintenance dredging programme;
- An inspection and maintenance programme for Local Aids to Navigation;
- A Local Notice to Mariners publication structure.

5.1 Survey and Maintenance Dredging Programme

The maintenance of the charted depth within the harbour and its approaches is of paramount importance. The need for dredging must remain under constant review and will be assessed by hydrographic surveys conducted at five yearly intervals or as deemed required. Survey data will be made available to the UKHO and through the Harbour website. This is detailed in the relevant Standard Operating Procedure.

5.2 Local Aids to Navigation

NPHC have five Local aids to navigations within the harbour limits, a diagram of which can be found in the maintenance folder. The LAtN are inspected annually by Trinity House Lighthouse Service and any recommendations or repairs are dealt with at the earliest opportunity. The LAtN are also included on the 'Harbour Assist' monthly maintenance



schedule where the same applies. Faults will be recorded on the THLS software PANAR and Local Notice to Mariners issued.

NPHC will keep under review the need for existing or new LAtN.

5.3 Local Notice to Mariners

The Harbour Master shall ensure that all relevant stakeholders are kept informed, as soon as possible, of any changes, restrictions or events within harbour limits that may affect safe navigation through the promulgation of Local Notice to Mariners. These may include, but will not be limited to the following:

- Adverse weather conditions;
- Vessel movements;
- Changes in charted water depths;
- Damaged or malfunctioning Aids to Navigation;
- New or amended Aids to Navigation;
- Wrecks or abandoned vessels;
- New or temporary exclusion areas;
- Works in harbour areas; and
- Miscellaneous safety warnings.

The Local Notice to Mariners will be published on the harbour office notice board and will also be issued to stakeholders via email. Instructions for the issue of LNTM can be found in the Standard Operating Procedures.

5.4 Wrecks and Salvage

NPHC has powers under Section 252 of the Merchant Shipping Act 1995 to mark or remove wreck or abandoned vessels, which in their opinion is, or is likely to become, an obstruction or danger to navigation. This power is exercised by use of the established risk assessment procedure with the aim of reducing the risk to ALARP. In the event of a vessel becoming a wreck the harbour authority will exercise their wreck marking and removal powers where a risk assessment indicates the wreck is likely to present an obstruction or a danger to navigation.

6. Training

NPHC will ensure that harbour personnel are suitably trained and qualified for the roles expected of them in line with the training policy. After identifying the operational and safety training needs of harbour personnel, competency will be established and records of training will be kept in the staff folder in a 'training matrix'. The training matrix and subsequent ongoing requirements will be inspected annually.

New staff, regardless of role, will be subject to an induction prior to commencing work.



7. Audit and Review

7.1 External Audit

External audits will provide feedback to NPHC and will play a pivotal role in determining compliance with the PMSC for the Duty Holder. They will be undertaken every three years in line with the reviews of the associated documents and immediately prior to notification of compliance to the MCA.

The Designated Person will conduct an external audit during which a systematic review process will be carried out to:

1. To determine if the Marine Safety Management System meets the requirements of the Port Marine Safety Code.
2. To monitor and measure the effectiveness of the Safety Management System.
3. To identify and implement ways of improving overall performance
4. Determine whether harbour procedures, in respect of marine operations and navigational safety, remain appropriate and effective

7.2 Internal Audit

Internal audits of the documents which make up the MSMS will be done periodically, in line with both the requirements of the particular document (i.e PWMP) and in line with NPHC operating procedures (i.e monthly maintenance inspections). After significant change or incident, it is recommended that NPHC undertake a full internal audit of the MSMS to consider compliance with the PMSC.

Internal audits of compliance with the Code will be undertaken annually.

7.3 MCA Health Check

Each year the Maritime and Coastguard Agency perform a number of 'health checks' on ports within the UK. Where required, the MCA will give notice of the health check and will offer corrections after audit.



Newlyn Pier and Harbour Commissioners

Marine Safety Policy

NPHC, in its role as Statutory Harbour Authority, has a responsibility to facilitate the safe navigation within Newlyn Harbour Limits and its approaches. To this end NPHC is committed to:

- Complying with all legal requirements and the Port Marine Safety Code
- Managing its marine assets safely and efficiently
- Maintaining relevant harbour assets to agreed industry standards
- Recruiting and training operational staff to relevant competence standards
- Ensuring that staff are properly trained for enforcement, emergencies and contingencies
- Developing and maintaining an effective Marine Safety Management System
- Regularly reviewing the effectiveness of its legal powers, seeking amendments where necessary.
- Provide effective plans, management and coordination in response to emergency situations
- Maintain safe, navigable and properly marked channels for vessel use
- Regulate the safe arrival, departure and movement of all vessels
- Protect the public from dangers arising from marine activities within the port



Newlyn Pier and Harbour Commissioners

Health and Safety Policy

NPHC is committed to ensuring the safety of its employees, visitors and anyone else affected by its activities. NPHC will ensure that:

- They make available the necessary people, facilities, funds and equipment in order to comply with all relevant health and safety legislation
- Protect the safety and welfare of all persons affected by NPHC workplace activities
- Strive for continuous improvement in health and safety with the jurisdiction of Newlyn Harbour
- Mitigate identified risks to a level which is as low as practical for the individual task
- Safe systems of work are developed and implemented
- Promote communication about workplace safety
- That incidents, near misses or safety issues are recorded, investigated and where required, reported
- They provide adequate insurance cover for all operations
- Undertake an annual internal Health and Safety audit

In maintaining this policy all employees, contractors or others working on site will do so:

- By conforming to all written or verbal instructions, processes and procedures given to them to ensure their personal safety and the safety of others
- with due care for their own safety and that of others who may be affected by their acts or omissions in the work place.
- By co-operating as far as is necessary to enable NPHC to perform any duty or to comply with any requirements as a result of any health and safety legislation which may be in force
- By correctly using all work equipment and PPE provided in accordance with the training and instructions they have received enable them to work safely.



Newlyn Pier and Harbour Commissioners Environmental Policy

In working to protect the Harbour and the wider environment NPHC agree to:

- Reducing their environmental impact of their operations
- Complying with relevant environmental legislation
- Increasing employee awareness on environmental matters



Newlyn Pier and Harbour Commissioners

Training Policy

All employees of NPHC should be trained to the appropriate standards required to undertake the harbour operations assigned to them. To this end NPHC will:

- Train staff to undertake the tasks assigned to them, to appropriate industry standard where available
- Maintain a record of staff qualifications
- Renew staff qualifications as required
- Appoint or train personnel to meet the standards of the Port Marine Safety Code



Newlyn Pier and Harbour Commissioners

Consultation Policy

In meeting the requirements of the Port Marine Safety Code, NPHC agree to:

- Maintain a consultation mechanism with stakeholders on operational and safety matters through attendance at meetings such as the 'small vessel group'
- Provide regular feedback through the Marine Safety Plan on the navigational safety of the Harbour
- Use available means, such as email, social media and website for the dissemination of information where required



Newlyn Pier and Harbour Commissioners

Pilotage Policy

NPHC is a Competent Harbour Authority its policy is:

- To properly assess the risks and need for Pilotage within the Penzance and Newlyn Pilotage District
- To keep applicable national legislation under review to ensure, should they be needed, that its pilotage directions and procedures are compliant
- To provide, if required, a fully supported pilotage service



Newlyn Pier and Harbour Commissioners

Enforcement Policy

NPHC recognises that it has statutory powers to regulate the conduct of vessels within the harbour limits to safely manage the risks involved with marine operations. NPHC is committed to enforcing those powers and using the systems of prosecution where necessary.

NPHC will:

- 1) Provide information and advice in plain language on the rules that apply and will disseminate them as widely as possible.
- 2) Take into account the circumstances of the case and the risks involved. All reports of incidents that may require enforcement action will be investigated.
- 3) Carry out its duties in a fair and consistent manner and will liaise with other authorities and enforcement bodies as appropriate.
- 4) Will act in the wider public interest with a primary aim of ensuring the harbour is operated safely and efficiently.

Enforcement action can take the form of a verbal warning, a formal written caution or in extreme cases, prosecution.

NPHC will take into account the following; (a) The risk of harm to the public and others. (b) What is in the public interest? (c) The seriousness of the complaint. 8 (d) The explanation of the offender. (e) Whether the matter is a recurrence. (f) Whether there have been other contraventions of Bye-laws or legislation. (g) The willingness of the alleged offender to



prevent a recurrence of the incident. (h) The availability of witnesses. (i) The reliability of witnesses. (j) The sufficiency of evidence.

Annex B Designated Person

In compliance with the Port Marine Safety Code, the following has been appointed as Designated Person:

Mr Peter Haddock,
Tel 07760752630,
email Peter.Haddock@btconnect.com.



Annex C Recognition of Requirements – Staff Signatures

By placing my signature below I consider that I have understood this document, have been properly inducted and informed of the requirements and standards expected of me whilst representing NPHC, and that I will undertake my work in accordance with, and promote the Port and Marine Facilities Safety Code and the relevant parts of the Health and Safety at Work Act.

By signing below I also agree to work within the boundaries of my own expertise and agree to seek advice and training from NPHC where I feel it is required.



Annex C Recognition of Requirements - Staff Signatures

By placing my signature below I consider that I have understood this document, have been properly inducted and informed of the requirements and standards expected of me whilst representing NPHC, and that I will undertake my work in accordance with, and promote the Port and Marine Facilities Safety Code and the relevant parts of the Health and Safety at Work Act.

By signing below I also agree to work within the boundaries of my own expertise and agree to seek advice and training from NPHC where I feel it is required.

Jonathan Poynter

Date 19/9/25

Alan Hartwell

Date 19/9/25

Jedna Hall

Date

Fiona Taylor

Date 19/9/25

Johnathan Hasken

Date 19-9-25

David Bates

Date 22-9-25

Stephen Thomas

Date 22-9-25

Lionel Washer

Date 23/9/25

David Osborne

Date 12-10-25

Simon Collard

Date 10/10/25

Simon Russell

Date 11-10-25

Teresa May

Date

Lauren Gibbins

Date 10/10/2025



Annex D. Vessel and Vessel Activity General Terms and Conditions of Use

NEWLYN PIER AND HARBOUR COMMISSIONERS.

North Pier, South Pier and Mary Williams Pier Berths, and visitor use of the Pontoons

Terms and Conditions of Use

The issuer of these terms and conditions Newlyn Pier and Harbour Commissioners referred to herein as 'NPHC'.

These terms and conditions apply to any vessel granted use of any berth on the North Pier, South Pier and Mary Williams Pier, as well as visitor use of the pontoons.

The term 'Berth' or 'Berths' refers to any position alongside NPHC quays, piers or pontoons, or any position rafting alongside a vessel moored alongside NPHC quays, piers or pontoons, or any running line or fore/aft mooring within the jurisdiction of NPHC Harbour limits.

General

1. Any users of facilities provided within NPHC harbour limits for whatever purpose do so at their own risk unless any injury or damage to person or property resulted from an act or omission of NPHC.
2. The placing of a vessel within the jurisdiction of NPHC constitutes an unconditional acceptance of these terms and conditions and of an obligation to pay the applicable fees as stated in the current NPHC schedule of charges within 30 days of the date of invoice.

The Vessel

3. Vessel owners and operators will provide vessel and contact details to NPHC at the earliest opportunity upon arrival within the port and will agree not to leave the port unless NPHC hold such details.
4. The owner or operator of the vessel will ensure that their vessel is in a reasonable and seaworthy condition and will notify NPHC of any defect which affects the integrity of the vessel or its ability to navigate in a normal manner before entry to the port.
5. The owner or operator will insure his/her vessel against loss or damage howsoever caused and will maintain third party insurance of a minimum of £3 million in respect of themselves, their crew, agents, visitors, guests and subcontractors in respect of each and every accident as well as salvage insurance. Proof of insurance is to be made available to NPHC upon request.



6. The owner or operator of the vessel will seek verbal permission from NPHC prior to each and every occasion of works or incident that will disable the vessel for any reason.
7. The vessels owners and operators will be responsible for the conduct of their vessel and will indemnify NPHC for any loss, damage, expense, injury or nuisance caused or committed within the Harbour by the skipper, crew, agents, guests or their invitees.
8. The vessel owners and operators shall ensure that the crew of the vessel act in the best interest of themselves and the port in regard to alcohol consumption and other personal activities when staying aboard.
9. Vessel crews are to be aware that traditional methods of accessing vessels (gangways and linkspans) are typically not adopted by the fishing industry owing to the different requirements for quayside areas, and therefore must make themselves familiar with the increased risk of using access ladders which can be slippery and subject to marine growth, and be confident in their ability prior to use.
10. Where it is necessary for the better operation of the Harbour or the safety of others, NPHC may, at the sole risk of the owner/operator, moor, lift out, board or carry out emergency repairs as is deemed necessary, and the vessel owner shall pay NPHC reasonable charges for such work.

Vessel Activities

11. Vessels shall call NPHC with reasonable notice on VHF ch 12, call sign 'Newlyn Harbour' prior to entering the harbour limits, or when moving between, or leaving berths, notifying NPHC of their intentions.
12. Where the vessel is a registered fishing vessel, they shall agree to declare their catch to NPHC via email within 24 hours of entry into the port.
13. Vessels shall only moor in the market berths for as long as is required for the landing of fish. Vessels are not to be left unattended at any time in these berths.
14. Vessels shall only moor in the ice plant berth for as long as is required to load ice. Vessels are not to be left unattended at any time in this berth.
15. Vessels shall only moor across the end of the Mary Williams Pier for as long as is required to land fish or carry out gear changes by previous arrangement with NPHC. Vessels are not to be left unattended at any time in this berth.
16. The owner or operator will notify NPHC on every occasion where they are required to use a significant surface area of the quays and piers for the maintenance of the vessel or it's fishing gear, or the loading and unloading of any freight or cargo.



17. When alongside, vessels owners and crew shall keep the landing adjacent to their berth clear and free from debris at all times when vessel or gear maintenance is not being undertaken, and shall not use the quays, piers or pontoons for storage at any time.
18. The vessel owner or operators will ensure that any shore-based operation related to the vessel will be undertaken within the scope of any legislation which applies to it, or any equipment related to it, and will ensure that such operations are undertaken responsibly.
19. The vessel owner or operators will ensure that any vehicle used upon NPHC land, and any person operating such a vehicle, meets the standards of the same being used on the public highway where applicable. In the case of vehicles with lifting capacity, a current LOLER certificate must be made available to NPHC upon request.
20. Vessels shall notify NPHC immediately of any discharge into the water of oils, either accidental or deliberate, and will undertake their best efforts to stem any flow of and recover as far as is possible such contaminants.
21. Vessel owners and operators will ensure that the facilities within the jurisdiction of NPHC are used in the correct manner and only for the use intended. Users of NPHC facilities agree to do so only in connection with maritime business.



NEWLYN PIER AND HARBOUR COMMISSIONERS

Pontoon Berth, Running Line Berth and Alongside Berth Licence

Terms and Conditions of Use

The Licensee is the party named within the Harbour Office as the berth holder.

The Licensor is Newlyn Pier and Harbour Commissioners referred to herein as 'NPHC'.

The term 'Berth' or 'Berths' refers to any position alongside NPHC quays, piers or pontoons, or any position rafting alongside a vessel moored alongside NPHC quays, piers or pontoons, or any running line or fore/aft mooring within the jurisdiction of NPHC Harbour limits.

General

1. This Licence is granted for the personal use of the Licence holder and will exist on a rolling basis subject to the terms herein unless terminated by NPHC or by the Licensee subject to the following provisions:

By the Licensee: By immediate notice given to NPHC without prejudice to the obligation to fulfil the terms herein.

By the Licensor: By immediate effect on giving notice upon any breach of the terms and conditions herein or in general by giving not less than one months' notice in writing to the Licensee.

2. Any users of facilities provided within NPHC harbour limits for whatever purpose do so at their own risk, unless any injury or damage to person or property resulted from an act or omission of NPHC.
3. The placing of a vessel on a berth constitutes an unconditional acceptance of these terms and conditions and of an obligation to pay the applicable fees.
4. The Licensee will notify NPHC when the assigned berth is not being used for a period of longer than one week and will agree that NPHC may authorise a third party to use the berth, and that NPHC will be entitled to any income arising. The Licensee will agree to give reasonable notice of the intention to return their vessel to the berth.
5. The Licensee will not sublet or lend, for a charge or otherwise, the berth to another person.
6. The Licensee shall keep the landing adjacent to their berth clear and free from debris at all times when vessel or gear maintenance is not being undertaken and shall



report to NPHC any damage or excessive wear and tear to the infrastructure of the berth.

7. Grinding and hot works shall not take place on the pontoons and in any case shall be subject to the issue of a hot works permit.
8. The terms and conditions of this licence may be altered by NPHC by notice of change being served on the Licensee at any time.
9. The Licensee will ensure that the facilities within the jurisdiction of NPHC are used in the correct manner and only for the use intended. Users of NPHC facilities agree to do so only in connection with maritime business.

The Vessel

10. The Licensee will notify NPHC of any change of address or other contact details to those held on their account.
11. Where the vessel is a registered fishing vessel, they shall agree to declare their catch to NPHC via email within 24 hours of entry into the port.
12. The Licensee shall discuss with NPHC any proposed change of vessel to be placed on NPHC berths other than such which details are held by NPHC, and shall not place any other vessel upon their assigned berth without the prior consent of NPHC.
13. The Licensee will ensure that their vessel is kept in a reasonable and seaworthy condition and that it is used periodically for its intended purpose. The Licensor reserves the right to revoke this licence where it is considered that the vessel is no longer used or usable for its planned intent.
14. The Licensee will ensure that the name of the vessel is displayed clearly on the bow and stern of the vessel.
15. The Licensee will ensure that the vessel is not used for residential purposes.
16. The Licensee will be responsible for the conduct of their vessel and will indemnify NPHC for any loss, damage, expense, injury or nuisance caused or committed within the Harbour by the skipper, crew, agents, guests or their invitees.
17. Where it is necessary for the better operation of the Harbour or the safety of others, NPHC may, at the sole risk of the Licensee, moor, lift out, board or carry out emergency repairs as is deemed necessary, and the Licensee shall pay NPHC reasonable charges for such work.
18. Where the vessel is sold without replacement, the berth will be returned to NPHC and the licence surrendered. Berths may not be sold alongside vessels.



Fees

19. The Licensee agrees to pay a fee for the berth in accordance with the current NPHC schedule of charges. Fees are payable irrespective of whether a vessel is placed on the berth or not and are due within 30 days from the date of invoice. Failure to pay the sums due in the specified time may result in the revocation of this licence. The revocation of this licence does not absolve the holder of the obligation to settle any outstanding charges.
20. The Licensee will insure his/her vessel against loss or damage howsoever caused and will maintain third party insurance of a minimum of £3 million in respect of themselves, their crew, agents, visitors, guests and subcontractors in respect of each and every accident as well as salvage insurance. Proof of insurance is to be made available to NPHC upon request.

