

PORTS AND MARINE FACILITIES SAFETY CODE (PMSC)

1.0 INTRODUCTION

- 1.1 This report provides Members with an update on the status of Argyll and Bute Council as Harbour Authority and its compliance with the PMSC.
- 1.2 It follows from the Designated Person's annual report (appendix 4) and presents a reviewed Marine Safety Management System (appendix 1) with Policies for approval (appendix 2).
- 1.3 It also presents the Marine Safety Plan with updates for 2025 for noting (appendix 3).

2.0 RECOMMENDATIONS

- 2.1 Members are asked to consider and approve the reviewed Marine Safety Management System with Policies (MSMS).
- 2.1 Members are asked to consider the updated Marine Safety Plan.

3.0 DETAIL

- 3.1 The last approved MSMS version was dated November 2024 and since then the Port Marine Safety Code has been updated to the new Ports and Marine Facilities Safety Code, with important changes highlighted in the report to Harbour Board on 22 September 2025.

- 3.2 Since then our own MSMS and supporting documentation has been reviewed to reflect the changes and is now presented at appendix 1 and appendix 2 for approval.
- 3.3 There are several small text and format changes throughout which update terms and expressions, however for convenience a summary of the more important changes is included here.
- 3.3.1 Table 1 “PMSC Duty Holder Responsibilities” has been redrawn and edited to better reflect the chapters of the PMSC and the new cross reference sections and the text matches the language used in the new Code.
- 3.3.2 At “3.1 National Legislation” the Civic Government (Scotland) Act 1982 has been added to the list.
- 3.3.3 at “3.2 Local Legislation for Ports (Act and Orders)” the list of local Acts and Orders has been organised alphabetically but with no other changes.
- 3.3.4 “4.2 Local Port Services” updates the reference to the Marine Guidance Note (MGN) 401 which provides guidance on Vessel Traffic Management assessments to be carried out and kept at each harbour.
- 3.3.5 There is an added section “4.3.2 Passage Planning” advising vessels using our Ports, Harbours and slipways of the relevant regulation and guidance they are expected to follow.
- 3.3.6 There is now a new section “4.3.3 Towage”, which explains requirements for both Routine and Non-Routine towage at our ports.
- 3.3.7 Directions and regulation of Marine Craft and Marine Activities are addressed in Sections 4.10, 4.11 and 4.12.
- These sections clarify and explain the powers and authority the Council has and has not regarding vessels operating within our Harbour Authority areas and the various activities they may engage in.
- The definitions help clarify the expectations and responsibilities the Harbour Authority has with respect to these activities like refuelling and diving.
- 3.3.8 There is a reference at Section 4.13 to the Council’s Environmental Duty and the link to the respective approved Policy.
- 3.3.9 Sections “6.2 Adjoining and Interfacing Organisations” and “6.3 Stakeholder Engagement and Consultation” emphasise the Council’s commitment to formal agreements with our partners within the Ports and Harbours as well as the formal user engagement and the options to how those relationships might look in practice.
- 3.3.10 Section “10.4 Wrecks and Abandoned Vessels” clarifies the powers held by Harbour Masters when dealing with abandoned or unserviceable vessels that pose a safety risk.

- 3.4 The Council's Marine Safety Plan 2024 – 2026 has been updated and is attached as appendix 3 for noting.
- 3.4.1 Duty Holder Training will remain amber until 100% of Harbour Board Members complete the Duty Holder Training. We will endeavour to ensure all opportunities for attending the training are explored and this is supported by the training being considered mandatory.
- 3.4.2 Duty Holder operational tour / Business Day was planned for Craignure and Fionnphort / Iona, however weather disrupted the opportunity. The intention is to organise the same locations when weather settles so that Members can see the Iona breakwater, discuss plans for Fionnphort and see the proposed site for the new ferry terminal at Craignure.
- 3.4.3 Audits are planned for Oban, Achnacroish Pier / Slip, Lismore Point and Port Appin. The external audit by our DP will be preceded by internal audits carried out by a Harbour Master from one of our other locations.
- 3.4.4 Review of legal duties and powers are covered by the ongoing Oban HRO and the Craignure Ferry Terminal project, which will likely require a works HRO.

As Members will be aware it remains the intention to review and renew the remaining larger ports and harbours legislation in a consolidated order in due course.

- 3.5 Following the verbal report, the Designated Person's written Report is attached at appendix 4 and provides Members with an update on Argyll and Bute Council's responsibilities and performance as Harbour Authority, outlining its current compliance with the Ports and Marine Facilities Safety Code (PMSC).

4.0 CONCLUSION

- 4.1 This report provides Members with an update on the status of Argyll and Bute Council as Harbour Authority and its compliance with the PMSC.
- 4.2 It presents a reviewed Marine Safety Management System (appendix 1) with Policies for approval (appendix 2).
- 4.3 It presents the Marine Safety Plan updated for 2025 (appendix 3).

5.0 IMPLICATIONS

- 5.1 Policy – Policies aid in the understanding of our customers and visitors as to the expectations of our Ports and facilities.
- 5.2 Financial - None directly arising from this report
- 5.3 Legal - Failure to comply with the PMSC could have legal consequences

following a marine incident.

- 5.4 HR – None.
- 5.5 Customer Service - Compliance with the PMSC assures customers and port users and assists council staff with safe operations.
- 5.6 Risk - Compliance with the PMSC will minimise the risk of port operations.
- 5.7 Climate Change - Due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.
- 5.8 Fairer Scotland Duty - None directly arising from this report.
- 5.9 Equalities - protected characteristics – None arising from this report
- 5.10 Consumer Duty - None directly arising from this report
- 5.11 Island Communities - Compliance with the PMSC will help ensure safe and effective port operations.
- 5.12 Children’s Rights and Wellbeing - None directly arising from this report.

Kirsty Flanagan - Executive Director with responsibility for Roads and Infrastructure

Councillor Ross Moreland - Harbour Board Chair

Councillor John Armour - Policy Lead for Roads, Transport and Infrastructure

March 2026

For further information contact:

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APPENDICES

Appendix 1 MSMS March 2026

Appendix 2 Policy Documents March 2026

Appendix 3 Safety Plan 2025 update

Appendix 4 Designated Person (PMSC) Annual Report 2026