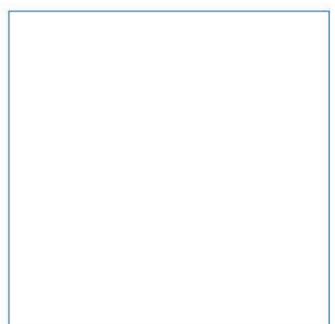
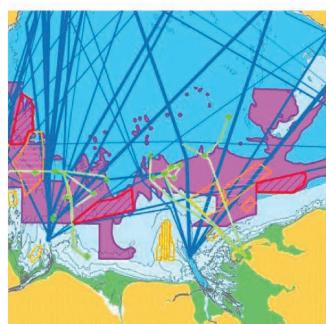
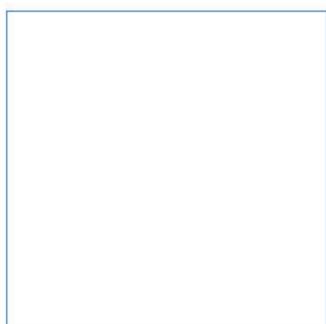
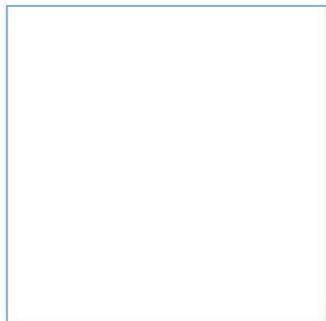


## Briefing Note

# Ports & Marine Facilities Safety Code

What has changed between the 2016 and 2025 PMSC?

April 2025



Innovative Thinking - Sustainable Solutions

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# Ports & Marine Facilities Safety Code

## What has changed between the 2016 and 2025 PMSC?

April 2025



## History of the Port Marine Safety Code (PMSC)

The Port Marine Safety Code (PMSC) (commonly referred to as 'The Code') was first published in 2000 in response to lessons learned from the grounding of the Sea Empress, and the 26 recommendations made by Lord Donaldson of Lymington, all of which were accepted by Government. Re-issue of The Code has occurred in the intervening years, with a major update in 2016 to widen The Code's scope to include all Marine Facilities alongside Harbour Authorities under the title 'Organisation'.

The Code is owned by the Department of Transport (DfT), with the Maritime and Coastguard Agency (MCA) overseeing its delivery. The Code remains, as it always has been, the UK national standard for safe port marine operations.

## The updated 'Ports & Marine Facilities Safety Code' (PMSC)

The Code is newly refreshed and relaunched as the 'Ports & Marine Facilities Safety Code', still abbreviated to PMSC. The 2025 update is the culmination of a review initiated in 2023, extensive industry consultation and review by the PMSC Working Group who represented a cross-section of Government, associations, maritime interest groups and ports.

## The purpose of the Ports & Marine Facilities Safety Code

The Code sets out the UK National standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses or works in the UK port marine environment, including those in marinas, boatyards and other marine facilities. It is authored by UK Government, supported by the devolved administrations, and representatives from across the maritime sector.



Whilst the PMSC is not mandatory, these bodies have a strong expectation that all harbour authorities and marine facilities will comply. The Code is applicable both to Statutory Harbour Authorities and to other Marine Facilities which may not have statutory powers; these are collectively referred to throughout The Code as 'Organisations' (DfT, 2025).

The 2025 PMSC update, like the 2009 and 2016 iterations, does not contain any new legal obligations but includes, amongst other things, references to the main legal duties which exist in the maritime and ports sector. Although failure to comply with The Code is not an offence, The Code represents good practice. If an Organisation declared compliance with The Code but is subsequently found to have failed to meet that standard, it may suffer significant reputational damage.

## Changes to the Ports & Marine Facilities Safety Code 2025

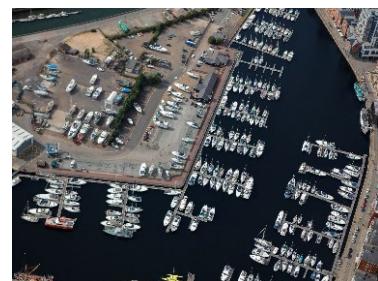
The main changes to the 2025 Code relate to its **structure and clarity of wording**. The 2016 Code had four chapters; the 2025 Code has been restructured into ten chapters to match the ten key measures for successful implementation of The Code. **Table 1** sets out the ten chapters of the 2025 Code.

**Table 1. PMSC 2025 chapter titles**

Number	Chapter
1	Duty Holder
2	Designated Person
3	Legislation
4	Duties and Powers
5	Risk Assessment
6	Marine Safety Management System
7	Review and Audit
8	Competence
9	Plan
10	Conservancy Duty

The ten key measures from the 2016 Code are unaltered, with the exception of measure number 10 which is now 'Conservancy Duty'. In the 2016 Code, this was 'Aids to Navigation'. The 2025 Code's ten key measure still includes Aids to Navigation but this now resides as a sub-section in Chapter 10, 'Conservancy Duty'.

The 2025 Code has received several **drafting changes** include wording intended to reinforce the application of The Code to all Ports and Marine Facilities as 'Organisations'. This is not new, as the change was introduced in the 2016 version of The Code. To reinforce The Code's wide application, the title has been updated to reflect both Ports and Marine Facilities. The 2025 Code puts greater emphasis on 'proportionality' as a key concept for The Code's implementation.



## Detailed comparison of wording changes

ABPmer has worked through The Code, to prepare a line-by-line comparison of the 2016 and 2025 versions. The review tables (**Table 2** to **Table 11**) are presented using the **paragraph number** of the **2025 Code**. Text from the 2016 Code has been shown for comparison but is not in paragraph number order.

The following tables documenting the content of the ten Chapters, as set out in the 2025 Code. To aid identification, modal verbs (those that express an action) including 'should', 'must', 'may', have been highlighted **red**, along with words carrying importance such as 'vital', 'ensure' and 'encouraged'.

**Blue, bold** text identifies where a new statement or new information has been introduced to The Code.

We have also presented a commentary on the differences, drawing out changes, new text and updated statements. This Briefing Note does not review differences in the associated 'Guide to Good Practice (GtGP) on port marine operations'.



Table 2. Chapter 1. Duty Holder

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C1	Duty Holder		
1.1	All organisations <b>must</b> have a Duty Holder which is accountable for compliance with The Code.	Organisations <b>must</b> have a "duty holder" who is accountable for their compliance with The Code and their performance in ensuring safe marine operations.	Shortened statement, emphasising 'accountable'.
1.2	The Duty Holder <b>may</b> be different depending on the size, duties and responsibilities of an organisation. For larger organisations, the Duty Holder is likely to be members of the management team or board who are, both individually and collectively, accountable for marine safety. However, if accountability or decision-making powers of these bodies is limited, such as in a municipal port where safety is overseen by a local authority committee, it is acceptable for the role to reside elsewhere. For smaller organisations, which may not have such formal structures, the role may be performed by an individual.	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. If however, the management team or board is not directly accountable for marine safety, or has limited decision-making powers in this respect, it is acceptable for the role of duty holder to reside elsewhere. This might be the position in some municipal ports for example, where accountability for marine safety is overseen by a local authority committee. If so, the organisation should publish and confirm who the duty holder is.	Minor changes made to wording for clarity.
1.3	Given these differences, Organisations <b>should</b> publish information explaining who their Duty Holder is and how they can be contacted.	Formally identify and designate the duty holder.	Use of 'should' suggests advisory rather than an obligation.
1.4	The Duty Holder is responsible for <b>ensuring</b> compliance with the relevant parts of The Code. To ensure they are effective, the Duty Holder <b>must</b> : <ul style="list-style-type: none"> <li>▪ Be <b>aware</b> of the organisation's powers, duties and responsibilities relating to marine safety;</li> </ul>	The duty holder is responsible for <b>ensuring</b> that the organisation complies with The Code. In order to effectively undertake this role they <b>should</b> : <ul style="list-style-type: none"> <li>▪ Be <b>aware</b> of the organisation's powers and duties related to marine safety;</li> </ul>	Change to 'must' which makes the Duty Holder list a mandatory set of requirements. <p>Additionally, the following have been added to the Duty Holder's list of requirements:</p>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C1	Duty Holder		
	<ul style="list-style-type: none"> <li>▪ Ensure that a suitable MSMS, which employs formal safety assessment techniques, is in place;</li> <li>▪ Appoint a suitable Designated Person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety;</li> <li>▪ Appoint competent people to manage marine safety;</li> <li>▪ Ensure that appropriate resources are made available for discharging their marine safety obligations;</li> <li>▪ Ensure that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set; and</li> <li>▪ Report on the organisation's compliance with the relevant parts of The Code to the MCA every three years.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensure that a suitable MSMS, which employs formal safety assessment techniques, is in place;</li> <li>▪ Appoint a suitable designated person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety;</li> <li>▪ Appoint competent people to manage marine safety;</li> <li>▪ Ensure that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set; and</li> <li>▪ Report compliance with The Code to the MCA every 3 years.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensure that appropriate resources are made available for discharging their marine safety obligations;</li> <li>▪ Changed the reporting requirements (compliance exercise) to report on the organisation's compliance with the 'relevant parts' of The Code to the MCA every three years.</li> </ul> <p>It is speculated that the additions to the final bullet point have been added to support proportionate compliance.</p>
1.5	<p>Some organisations will have the power to appoint a Harbour Master and may entrust the operation of their facilities to such professionals. However, the Duty Holder cannot assign or delegate its accountability for compliance with The Code.</p>	<p>Harbour authorities have powers to appoint a harbour master and may properly entrust the operation of the harbour to such professional people; but the duty holder cannot assign or delegate its accountability for compliance with The Code.</p>	<p>Minor changes made to wording for clarity.</p>
1.6	<p>The Duty Holder should take time to gain an appropriate insight and understanding of their organisation's marine activities, MSMS and supporting policies and procedures. This can be accommodated through briefings and</p>	<p>All duty holders should take time to gain an appropriate insight and understanding of their organisation's port marine activities, MSMS and supporting policies and procedures. This</p>	<p>Removal of the word 'Port' from marine operations to clarify its application to all relevant Organisations.</p>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C1	Duty Holder		
	operational visits. If the organisation has a board, consideration should be given to appointing a board member who has relevant maritime experience and can act as the initial point of contact for the Designated Person (see Chapter 2).	can be accommodated through briefings and operational visits.	Minor changes made to wording for clarity.
1.7	<p>The Duty Holder <b>should</b> also be aware of any other specific powers and duties which the organisation may have such as:</p> <ul style="list-style-type: none"> <li data-bbox="332 600 887 655">▪ Powers to direct vessels to support safe navigation;</li> <li data-bbox="332 663 887 774">▪ Dangerous vessels and dangerous substances (including pollution) which must be effectively managed;</li> <li data-bbox="332 782 887 838">▪ Provision of a pilotage service if required in the interests of safety; and</li> <li data-bbox="332 846 887 1013">▪ Any responsibilities as a local lighthouse authority including provision and proper maintenance of aids to navigation and management of any danger to navigation.</li> </ul>	<p>The duty holder <b>should</b> also be aware of other specific duties and powers which are relevant to port safety, and usually applicable to harbour authorities, including the following:</p> <ul style="list-style-type: none"> <li data-bbox="909 632 1464 727">▪ Those powers to direct vessels which are available and should be used to support safe navigation.</li> <li data-bbox="909 735 1464 838">▪ Dangerous vessels and dangerous substances (including pollution) which must be effectively managed.</li> <li data-bbox="909 846 1464 917">▪ Provision of a pilotage service if required in the interests of safety.</li> <li data-bbox="909 925 1464 1108">▪ Harbour authority duties and powers as local lighthouse authorities: provision and proper maintenance of aids to navigation as necessary and effective management of any danger to navigation from wrecks or obstructions.</li> </ul>	<p>Minor changes made to wording for clarity.</p> <p>This section now includes bullet point requirements that were previously in The Code as Section 4.1.</p> <p>Replacement of the reference to Harbour Authorities with Organisation to broaden its application.</p>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C1	Duty Holder		
1.8	<p>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.</p>	<p>Previously included at Paragraph 2.30 and 2.31 under monitoring compliance.</p>	<p>Changes to wording clarifies this as a Duty Holder responsibility. 2016 Code said the Duty Holder 'should' sign a statement</p> <p>Wording has additional clarity around the process.</p> <p>Paragraph 2.30 (2016 Code) does refer to a statement and part compliance. The 2025 Code goes further by saying that the statement should also name any other facilities for which its declaration covers. .</p>
1.9	<p>The Duty Holder must submit a statement describing their organisation's compliance with the relevant parts of The Code. The statement should include a reference to the areas of The Code the organisation has identified as not being applicable to them and explain why. If the organisation is non-compliant, or not fully compliant, with the relevant provisions of The Code, the statement should also describe what the organisation is doing to achieve compliance, including indicative timescales. The statement should also name any other facilities for which it covers compliance.</p>	<p>Every three years, the duty holder should sign a statement describing their organisation's compliance with the Code. If the organisation is not compliant, or not fully compliant, the statement should also describe the organisation's intentions for achieving compliance, including planned timescales</p>	<p><b>New text to The Code.</b></p> <p>Wording provides commentary on what 'should' be included in the response to the MCA, noting that this might be changed by subsequent information issued when the reporting window opens. Section 1.9 embraces the principles of non-statutory Organisations and proportionate compliance.</p>
1.10	<p>A list of all organisations which have reported compliance is published on gov.uk</p>	<p><b>No previous equivalent.</b></p>	<p><b>New text to The Code.</b></p> <p>Confirmation that the list of Organisations complying with The Code will be published by Government.</p>

Table 3. Chapter 2. Designated Person

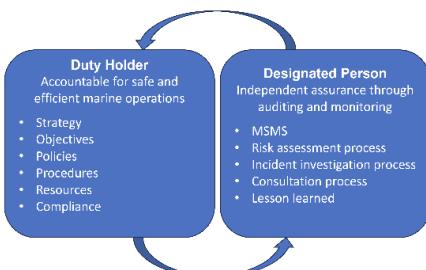
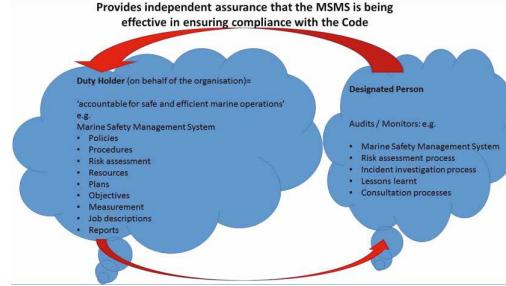
Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary	
C2	Designated Person			
2.1	All organisations <b>must</b> appoint a suitably qualified individual as their Designated Person.	Each organisation <b>must</b> appoint an individual as the "designated person".	Introduced the wording 'suitably qualified'.	
2.2	The main responsibility of the Designated Person is to provide independent assurance directly to the Duty Holder that the MSMS, for which the Duty Holder is responsible, is working effectively in ensuring compliance with The Code.	To provide independent assurance directly to the duty holder that the MSMS, for which the duty holder is responsible, is working effectively. Their main responsibility is to determine, through assessment and audit, the effectiveness of the MSMS in ensuring compliance with The Code.	Minor changes made to wording for clarity.  Reinforced the main responsibility is to provide <b>independent assurance</b> directly to the Duty Holder.  Removal of 'Their main responsibility is to determine, through assessment and audit, the effectiveness of the MSMS in ensuring compliance with The Code'.	
2.3	To fulfil this function, the Designated Person <b>must</b> have a thorough knowledge and understanding of the requirements of The Code (and the GtGP) and associated marine legislation.	In order to fulfil this function the designated person <b>must</b> have a thorough knowledge and understanding of the requirements of this Code (and supporting Guide to Good Practice) and associated port and marine legislation.	Removed the 'port legislation' as a requirement.	
2.4	The role of the Designated Person does not obscure the accountability of the Duty Holder and respective roles are summarised below.	Their role does not obscure the accountability of the organisation's duty holder.	Minor changes made to wording for clarity.    	Updated diagram.  Duty Holder responsibilities set out at a strategic and high level.

Table 4. Chapter 3. Legislation

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C3	Legislation		
3.1	<p>Many organisations will have important legal duties relating to the safety of people who work at, or use, their facilities, and to the wellbeing of the port marine environment and community. It <b>is vital</b> that organisations are aware of these duties and responsibilities as well as their own powers. Effective application and management can significantly improve marine safety and new powers can be obtained if these might further enhance performance.</p>	<p>Many of the organisations to which this Code applies will have important legal duties relating to the safety of people who work at, or use, their harbours or facilities, and to the wellbeing of the port marine environment and community.</p>	<p>Text moved from the 2016 Code's Introduction section to the Legislation section.</p> <p>Text changes have been made for technical accuracy and for applicability to all Organisations.</p> <p>Second paragraph added to reinforce the principle of obtaining additional powers.</p>
3.2	<p>Note that The Code is not legal advice and does not purport to cover all of the wider legal duties, responsibilities or powers that organisations may have. It is recommended that organisations seek their own legal advice on these issues..</p>	<p>The Code is not legal advice, and it is recommended that individual ports seek their own legal advice on the powers and duties which are applicable to them.</p>	<p>New paragraph concisely framing the legal standing of The Code. Incorporating wording from the 2016 Code's Introduction.</p>
3.3	<p>Responsibility for marine safety is governed by a wide range of national legislation. A map of the most relevant national legislation to organisations is available from the British Ports Association. However, key duties and responsibilities are contained in the:</p> <ul style="list-style-type: none"> <li>▪ Harbours Act 1964 (or the Harbours Act (Northern Ireland) 1970);</li> <li>▪ Dangerous Vessels Act 1985;</li> <li>▪ Pilotage Act 1987; and</li> <li>▪ Merchant Shipping Act 1995</li> </ul>	<p>Other duties and powers are in general legislation – for example, the Harbours Act 1964, the Dangerous Vessels Act 1985, the Pilotage Act 1987 and the Merchant Shipping Act 1995.</p>	<p>New Paragraph framing the main marine primary legislation previously in Section 1 under 'Duties and Powers'.</p>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C3	Legislation		
3.4	A summary of the main duties and powers organisations may have, or obtain, can be found in Chapter 4.		<b>New text</b> cross referencing to Chapter 4.
3.5	Other national legislation may also be applicable including, for example, the Health and Safety at Work etc. Act 1974 and the Corporate Manslaughter and Corporate Homicide Act 2007.	Introduction to The Code states, 'The responsibility for maintaining port marine safety is governed not only by marine legislation, such as the Pilotage Act 1987 and Merchant Shipping Act 1995 referred to in The Code, but also by general legislation, such as the Health and Safety at Work Act 1974 and the Corporate Manslaughter and Corporate Homicide Act 2007'.	Linking/cross referencing to the Health and Safety at Work etc Act 1974, which was previously included in the 2016 Code's Introduction.
3.6	The specific application of national legislation is dependent upon where the port or facility is geographically located, and the activities being undertaken.	<b>No previous equivalent.</b>	<b>New text to The Code.</b>
3.7	Many organisations' powers, and some duties, are contained in local Acts and Orders. Although they are likely to be similar in many cases, with most being taken from the model provisions in the Harbours, Docks and Piers Clauses Act 1847, the precise detail is likely to vary from organisation to organisation.	Some duties, and each harbour authority's powers, are contained in local Acts and Orders and, although they have much in common, the detail varies from port to port. Most are established by the incorporation or transposition into local Acts and Orders of model provisions in the Harbours, Docks and Piers Clauses Act 1847.	Moved from Section 1 'Duties and Powers'. Replacement of 'Harbour Authority' with 'organisations' and changes to wording to make it applicable to organisations which are non-statutory.
3.8	Organisations <b>must</b> 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.	The duty holder <b>must</b> review and be aware of their existing powers based on local and national legislation.	New paragraph replacing a section of the 2016 Code's Executive Summary. 'Review and be aware' has become 'identify and understand', broadening the scope to include directions, byelaws, procedures and systems. Use of the term 'must' reinforces that this is a mandatory requirement.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C3	Legislation		
3.9	Organisations <b>should</b> seek additional powers if a risk assessment concludes this would be the best means of meeting their marine safety obligations.	Contents section of 2016 Code. This may include the need to seek additional powers if a risk assessment determines that these are required.	Changes to wording from 'This may include' to 'Organisations should' clarifies that it is now an advisory action and applies to all organisations as well as ports or harbours.
3.10	Where relevant, organisations should secure powers of general direction or harbour direction to support the effective management of vessels if they do not already have these.	In particular, harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already.	Minor changes made to wording for clarity.
3.11	Conversely, there may be circumstances where a risk assessment concludes that an organisation should relinquish its powers, for example its status as a Competent Harbour Authority (CHA), if they are no longer required.	Conversely, there may be circumstances where a risk assessment concludes that a harbour authority should relinquish powers, for example pilotage functions, or its status as a statutory harbour authority. The Marine Navigation Act 2013 has provided simplified processes for this to be achieved.	Simplified wording and minor changes made for clarity.
3.12	More information about byelaws, general and harbour directions can be found in Chapter 4.		Linking/cross referencing to Chapter 4.
3.13	All organisations <b>should</b> keep their duties under review to avoid any possibility of failing to discharge them effectively. This process should include consideration of the organisation's legal powers and the extent of its jurisdiction to determine whether these are sufficient to enable it to manage marine safety effectively.	The harbour authority <b>should</b> keep its powers and jurisdiction under review and take account of the various mechanisms, such as harbour orders, which are available to amend statutory powers in an authority's local legislation. Each harbour authority should keep their powers, and the extent of their jurisdiction, under review. A harbour empowerment order can be sought by an organisation that wishes to secure the statutory powers of a harbour authority.	Change of wording from 'Harbour Authority' to 'Organisation'.  Use of the word 'should' makes this advisory.  Simplified wording and minor changes made for clarity.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C3	Legislation		
3.14	The legislative landscape is changing all the time, and it is important that organisations identify the implications of any new legislation being developed on their operations. Where that legislation creates any new duties or responsibilities on organisations, these should be incorporated into their MSMS.	<b>No previous equivalent.</b>	<b>New text to The Code.</b>
3.15	Several routes are available to organisations whose risk assessments indicate that additional legal powers are desirable to assist them in managing marine safety or that existing powers are no longer needed.	<b>No previous equivalent.</b>	<b>New text to The Code.</b>
3.16	These include: <ul style="list-style-type: none"> <li>▪ Harbour empowerment orders can be used to create a new harbour and secure the statutory powers of a harbour authority;</li> <li>▪ Harbour revision orders can be used to amend statutory powers in a harbour authority's local legislation and to achieve a variety of other outcomes including, for example, the power to make General Directions or restructure a port's governance. They can also be used to change harbour limits or extend compulsory pilotage beyond the harbour; and</li> </ul>	A harbour revision order can be used to amend statutory powers in a harbour authority's local legislation. It can be used to achieve various outcomes, one of which is to impose or confer additional duties or powers on a harbour authority (including powers to make byelaws). It can also be used in the context of The Code to substitute or amend existing duties and powers. The following are some examples of the purposes for which duties and powers may be imposed or conferred, substituted or amended by a harbour revision order: <ul style="list-style-type: none"> <li>▪ Improving, maintaining or managing the harbour;</li> </ul>	Moved and simplified several paragraphs from Section 3 of the 2016 Code.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C3	Legislation		
	<ul style="list-style-type: none"> <li>▪ Harbour closure orders can be sought when an organisation wishes to relinquish its statutory powers in cases where a harbour is no longer commercially viable or necessary.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Marking or lighting the harbour, raising wrecks or otherwise making navigation safer; and</li> <li>▪ Regulating the activities of other individuals and groups in connection with the harbour and the marine/shoreside interface.</li> </ul>	
3.17	Guidance on applying for the different types of harbour order and the process for decision making is available from the relevant national administration including the Marine Management Organisation (MMO), Transport Scotland, the Welsh Government's Ports Policy Team and the Northern Ireland Assembly's Department for Infrastructure.	<p>Harbour revision orders can also be used to change the harbour limits and to extend compulsory pilotage beyond the harbour. Harbour revision orders are made by the Secretary of State or the Marine Management Organisation ("MMO") to whom order-making powers have been delegated (or to the Scottish Ministers or the Welsh Ministers where the order-making powers have been devolved). The order can only be made if the person making it is satisfied that the order would be desirable:</p> <ul style="list-style-type: none"> <li>▪ To secure the improvement, maintenance or management of the harbour in an efficient and economical manner; or</li> <li>▪ To facilitate the efficient and economic transport of goods by sea; or</li> <li>▪ Be in the interests of the use of sea-going ships for leisure purposes.</li> </ul>	<p>Moved and simplified several paragraphs from Section 3 of the 2016 Code.</p> <p>Removal of details considered guidance and signposted to the source guidance, including devolved administrations.</p>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C3	Legislation		
3.18	The introduction of any new legislation is a lengthy process, and it is likely that a significant amount of time will be required to implement the desired change. The process is likely to involve development, consultation and approval stages as well as, in some cases, a public inquiry. If an organisation is considering an application, early engagement with the relevant decision-making authority is advised, including via any pre-application process.	<b>No previous equivalent.</b>	<b>New text to The Code.</b>

Table 5. Chapter 4. Duties and Powers

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
4.1	<p>Each organisation will have a different range of statutory and non-statutory duties, powers and responsibilities depending on their status and the type of facility they are responsible for. For example:</p> <ul style="list-style-type: none"> <li>▪ Harbour authorities have a range of statutory and non-statutory duties and powers relating to marine operations;</li> <li>▪ Other organisations may not have access to the same range of statutory powers but will still have duties under general legislation and non-statutory provisions; and</li> <li>▪ Marine berth, marina, terminal, pier or jetty operators may not have any statutory powers or duties but <b>will need to</b> 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.</li> </ul>	<p>From Section 1 - An organisation has a range of statutory and non-statutory duties</p> <p>From Section 1.3 - Harbour authorities have a range of statutory and non-statutory duties and powers relating to marine operations; other organisations may not have access to the same range of powers but will still have duties under general legislation and non-statutory provisions</p>	<p><b>New text to The Code</b>, has been added to provide clarity on 'marine berth, marina, terminal, pier or jetty operators'.</p> <p>Wording summaries Harbour Authorities and other Organisations.</p> <p>Duty of Care principle to all harbour users emphasised.</p>
4.2	All organisations are therefore <b>encouraged</b> to consider this section to determine what guidance may be relevant to them.	<b>No previous equivalent.</b>	<b>New text to The Code.</b>
4.3	Duties to ensure marine safety <b>should</b> be matched with general and specific powers to enable an organisation to discharge those duties.	Duties to ensure the safety of marine operations <b>are</b> matched with general and specific powers to enable the authority to discharge these duties.	Wording has changed from 'authority' to 'organisation' putting emphasis that it applies to all organisations including marinas and facilities. Subtle change from 'are' to 'should' introduces an advisory element.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
4.4	<p>Under local and national legislation, most harbour authorities have powers and duties to manage vessel traffic within their limits. In the context of vessel traffic management <b>there is a requirement to assess</b> if Vessel Traffic Services (VTS) should be established in the interests of marine safety, and if not, what level of Local Port Service (LPS) is required. This must be completed with reference to MGN 401.</p>		<p><b>New text to The Code</b>, this information was previously in the GtGP.</p> <p><b>Inclusion of this requirement provides a need to demonstrate than an assessment has been conducted into requirements for a VTS or LPS with reference to the extant Marine Guidance Note (MGN) 401 (MCA, 2022)</b></p>
4.5	<p>Assessment of vessel traffic management <b>is determined by means of a Formal Risk Assessment (FRA)</b> into the safety of navigation. Harbour authorities <b>must</b> demonstrate that they:</p> <ul style="list-style-type: none"> <li>▪ <b>Ensure</b> the safe and efficient use of the harbour by those who have a right to use it and navigate in its waters;</li> <li>▪ Conserve and promote the safe use of the harbour/facility and prevent loss or injury through the organisation's negligence;</li> <li>▪ Have regard to efficiency, economy and safety of operation as respects the services and facilities provided; and</li> <li>▪ Take such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the facility.</li> </ul>	<p>For the purposes of The Code, the duty holder should ensure that the organisation discharges its responsibilities in respect of the following areas:</p> <p><b>Take reasonable care, so long</b> as the harbour/facility is open for public use, that all who may choose to navigate in it may do so without danger to their lives or property. Conserve and promote the safe use of the harbour/facility and prevent loss or injury through the organisation's negligence. Have regard to efficiency, economy and safety of operation as respects the services and facilities provided. Take such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the harbour/facility.</p>	<p>Text moved from the 2016 Code's Section 3 and presented in terms of FRA for traffic management which Harbour Authorities 'must' demonstrate.</p> <p><b>This creates a requirement for Harbour Authorities to undertake an FRA for 'Vessel Traffic Management'.</b></p>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
4.6	In addition, the Duty Holder <b>must</b> ensure that sufficient resources are available to discharge its marine safety obligations and set the level of dues accordingly.	In addition, the duty holder <b>must</b> ensure that sufficient resources are available to discharge its marine safety obligations and set the level of dues accordingly.	No change.
4.7	In some cases, actions may require a marine licence or a marine licence exemption notification. Advice should be sought from the relevant marine licence regulator for England, Wales, Scotland or Northern Ireland, with reference to the relevant legislation for each devolved administration.	Such actions will in some cases – for example the erection of works or the placing of aids to navigation – be subject to consents or other authorisations.	Change of wording to include relevant marine regulators from devolved administrations.
4.8	Where an aid to navigation requires establishment, removal or alteration, this may require consent from the relevant General Lighthouse Authority (GLA).	Such actions will in some cases – for example the erection of works or the placing of aids to navigation – be subject to consents or other authorisations.	Clear reference added to the GLA.
4.9	Most harbour authority's statutory powers are subject to the open port duty. This means that the harbour, dock, or pier must be open to anyone for the shipping and unshipping of goods and the embarking and landing of passengers, on payment of the rates and other conditions set in accordance with local legislation.	Almost every harbour authority's statutory powers are subject to what is known as the 'open port duty'. This means that the harbour, dock, or pier must be open to anyone for the shipping and unshipping of goods and the embarking and landing of passengers, on payment of the rates and other conditions set by the local legislation for that port.	Minor changes made to wording for clarity.
4.10	A harbour authority is likely to have powers in its local legislation to appoint a Harbour Master, to make byelaws relating to their powers and duties and the duties of harbour users. The Harbour Master is accountable to the organisation and should familiarise themselves with the extent of their legal powers, including those set out in general and local legislation, byelaws and any applicable general directions.	A harbour authority is likely to have the power in its local legislation to appoint a harbour master. The authority may have the power to make byelaws relating to the powers and duties of the harbour master and the duties of harbour users in relation to the harbour master. The harbour master is accountable to the authority for the safety of marine operations in the harbour. The harbour master should familiarise themselves with the extent of his or her legal powers,	Minor changes made to wording for clarity.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
		including those set out in general and local legislation, byelaws and any applicable general directions.	
4.11	Organisations without statutory powers to appoint a Harbour Master <b>should consider</b> the appointment of an individual with an equivalent role, such as a marine manager or superintendent.	<b>No previous equivalent.</b>	<p><b>New text to The Code.</b></p> <p>Note also that this requirement is stated in Section 6.12.</p>
4.12	Byelaws can be made by any organisation that has the powers to do so, as laid down in its local Acts and Orders. The procedure for making and confirming byelaws is modelled on the procedure for local authority byelaws.	Byelaws can be made by any authority that has the powers to do so, as laid down in its local Acts and Orders. The procedure for making and confirming byelaws is modelled on the long-established procedure used for local authority byelaws.	Change of 'authority' to 'organisation'.
4.13	Byelaws <b>must</b> be within the scope of the organisation's byelaw-making powers. They are used to regulate activities in the harbour, reflecting local circumstances and enabling the operation of the harbour to be conducted efficiently and safely. They are generally available to regulate rather than prohibit and can be used to create criminal offences punishable on conviction in the courts through fines.	Byelaws <b>must</b> be within the scope of the harbour authority's byelaw-making powers. They are used to regulate activities in the harbour, reflecting local circumstances and enabling the operation of the harbour to be conducted efficiently and safely. They are generally available to regulate rather than prohibit: therefore, an activity cannot be banned from the entire harbour unless the appropriate byelaw-making power so specifies. Byelaw-making powers go beyond simple management to include a power to create criminal offences for breach of the bye-laws punishable on conviction in the courts by fines.	Simplification of wording, but no substantive change to the detail.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
4.14	Harbour authorities <b>need</b> to consult users before making byelaws which must be confirmed by the relevant Minister before they are brought into force.	Harbour authorities <b>need</b> to consult users before advertising sealed byelaws and byelaws must be confirmed by the relevant Minister.	Minor changes made to wording for clarity.
4.15	A SHA may find it more straightforward and efficient to utilise one of the directions detailed below but it should establish that there are no overriding local regulatory conflicts before doing so.		<b>New text to The Code.</b>
4.16	A Harbour Master generally has powers of direction to regulate the time and manner of vessels' entry to, departure from and movement within harbour waters, and for related purposes. These powers are provided not for setting general rules but to enable specific directions to be given to specific vessels for specific movements, although the powers may be expressed to allow directions to be given to a class of vessels, or all vessels, in an emergency.	The harbour master duly appointed by a harbour authority generally has, under local legislation, powers of direction to regulate the time and manner of ships' entry to, departure from and movement within harbour waters, and for related purposes. These powers are provided not for setting general rules but for the purpose of giving specific directions to specific vessels for specific movements, although the powers may be expressed to allow directions to be given to a class of vessels, or all vessels, in an emergency.	Minor changes made to wording for clarity.  Removal of the 'duly appointed by a Harbour Authority' statement, noting that Section 4.10 details Harbour Master appointment.
4.17	Harbour Masters' directions are generally referred to as 'special directions' to distinguish them from 'general directions' which are given by the organisation itself.	A harbour master's directions may be referred to as 'special directions' to distinguish them from 'general directions' given by the authority itself. Directions may include the use of tugs and other forms of assistance.	Separated into two paragraphs and the replacement of 'authority' with 'organisation'.
4.18	If permitted under the legislation, the powers of direction may also be exercisable by a Harbour Masters' assistant, vessel traffic services operator, or any other person designated for the purpose. Legislation may	If permitted under local legislation, the powers of direction may also be exercisable by a harbour master's assistant, vessel traffic services operator, or any other person designated for the purpose. Local legislation	Change of wording from 'shipping in the harbour' to 'vessels in the facility'.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
	provide that it is an offence not to comply with directions but may add a qualification that the master – or pilot – of a vessel is not obliged to obey directions if they believed compliance would endanger the vessel. It is the duty of a Harbour Master, in exercising these powers, to consider the interests of all vessels in the facility.	usually provides that it is an offence not to comply with directions but may add a qualification that the master – or pilot – of a vessel is not obliged to obey directions if they believe that compliance would endanger the vessel. It is the duty of a harbour master in exercising these powers to consider the interests of all shipping in the harbour.	
4.19	Many harbour authorities have powers, through their local enabling legislation, to give 'general directions' to regulate the movement and berthing of ships. These are in addition to the powers of a Harbour Master to give 'special directions' although some authorities have a combined power to give special and general directions. The power is exercisable by the authority itself, although they are for the Harbour Master to enforce. General directions may only be made after users have been consulted. This is not a requirement for the Harbour Master's 'special directions', which are more appropriate for emergencies or temporary use.	Some harbour authorities (but not all) have powers, through their local enabling legislation, to give 'general directions' to regulate the movement and berthing of ships. These are in addition to the powers of a harbour master to give 'special directions'; although some authorities have a combined power to give special and general directions. The power is exercisable by the authority itself, although they are for the harbour master to enforce, and thereby regulate the movement of vessels. General directions may only be made after users have been consulted. This is not a requirement for the harbour master's 'special directions', which are more appropriate for emergencies or short-term use.	Minor changes made to wording for clarity.  Removed the wording 'and thereby regulate the movement of vessels'.
4.20	Those SHAs which do not have powers to set general directions are recommended to consider acquiring them, typically through a harbour revision order (see Chapter 3).		<b>New text to The Code.</b>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
4.21	Harbour authorities may obtain powers to issue harbour directions. These are similar to general directions in that they can be used to regulate the movement, mooring, equipment and manning of vessels within the harbour. Consultation with users must be undertaken before harbour directions are introduced.	The Marine Navigation Act 2013 created a new procedure for harbour authorities to obtain powers to issue harbour directions, similar to general directions in that they can be used to regulate the movement, mooring, equipment and manning of ships within the harbour. They also must be consulted on before being made. To obtain this power, harbour authorities must be designated in an Order made by the relevant Minister. A non-statutory Code of Conduct on the use of this power has been agreed between representatives of the ports, commercial shipping and recreational sailing sectors.	Minor changes made to wording for clarity.
4.22	To obtain this power, harbour authorities must be designated in an order made by the relevant Minister. A non-statutory Code of Conduct on the use of this power has been agreed between representatives of the ports, commercial shipping and recreational sailing sectors. Any SHA interested in applying for this power should contact their relevant port administration.	To obtain this power, harbour authorities must be designated in an Order made by the relevant Minister. A non-statutory Code of Conduct on the use of this power has been agreed between representatives of the ports, commercial shipping and recreational sailing sectors.	Addition of wording to confirm the requirement to seek these powers through the relevant port administration..
4.23	A Harbour Master <b>may</b> give directions prohibiting the entry into, or requiring the removal from, the harbour of any vessel. These may be used if, in their opinion, the condition of that vessel, or the nature or condition of anything it contains, is such that its presence might involve a grave and imminent danger to the safety of persons or	A harbour master <b>may</b> give directions prohibiting the entry into, or requiring the removal from, the harbour of any vessel if, in their opinion, the condition of that vessel, or the nature or condition of anything it contains, is such that its presence in the harbour might involve a grave and imminent danger to the safety of persons or property or	Minor changes made to wording for clarity. Reinforcement in the avoidance or reduction of risks from pollution.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
	property or risk that the vessel may, by sinking or foundering, prevent or seriously prejudice use by other vessels. The Harbour Master must have regard to all the circumstances and to the safety of any person or vessel which may include to avoid or reduce risks from pollution.	risk that the vessel may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other vessels. They must have regard to all the circumstances and to the safety of any person or vessel.	
4.24	Such directions may be over-ridden by the Secretary of State's Representative (SOSRep) for maritime salvage and intervention who may issue contrary directions to the Harbour Master in the interests of safety.	Such directions may be over-ridden by the Secretary of State's representative for maritime salvage and intervention who may issue contrary directions to the harbour master in the interests of safety.	Addition of the acronym SOSRep.
4.25	Under the Pilotage Act 1987, a Competent Harbour Authority (CHA) <b>has a duty</b> to assess what, if any, pilotage services are required to secure the safety of ships, and to provide such services as it has deemed necessary.	Under the Pilotage Act 1987, a Competent Harbour Authority ("CHA") <b>has a duty</b> to assess what, if any, pilotage services are required to secure the safety of ships, and to provide such services as it has deemed necessary. CHAs should determine these matters through risk assessment.	The sentence 'CHAs should determine these matters through risk assessment has been removed.
4.26	CHAs <b>must</b> issue pilotage directions if they decide, based on their assessment of the risks, that pilotage should be compulsory. The pilotage directions must specify to which ships, area and circumstances they are applicable.	CHAs <b>must</b> issue pilotage directions if they decide, based on their assessment of the risks, that pilotage should be made compulsory. The pilotage directions must specify to which ships they apply and the area and circumstances in which they apply.	Minor changes made to wording for clarity.
4.27	A CHA <b>may</b> authorise suitably qualified pilots in its area. Authorisations may relate to ships of a particular description and to particular parts of the harbour. The CHA is responsible for determining the qualifications, medical fitness standards, local knowledge, skill, and	A CHA <b>may</b> authorise suitably qualified pilots in its area. Authorisations may relate to ships of a particular description and to particular parts of the harbour. The CHA determines the qualifications for authorisation in respect of medical fitness standards, time of service,	Minor changes made to wording for clarity.  Removal of the references to EEA State Nationals.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
	other attributes that a pilot must have. The CHA may also – after giving notice and allowing a reasonable opportunity to make representations – suspend or revoke a pilot's authorisation.	local knowledge, skill, character and otherwise. Qualifications of EEA State nationals must be recognised. The CHA may also – after giving notice and allowing a reasonable opportunity to make representations – suspend or revoke an authorisation in certain circumstances.	
4.28	CHAs are <b>encouraged</b> to implement the recommendations on training, certification and operational procedures for pilots contained within International Maritime Organization (IMO) Resolution A960.	CHAs are <b>encouraged</b> to implement the international recommendations on the training and certification and operational procedures for pilots contained within International Maritime Organisation Resolution A960.	No change.
4.29	CHAs <b>must</b> grant a Pilotage Exemption Certificate (PEC) to a vessel's deck officer if they demonstrate they have sufficient skill, experience and local knowledge to pilot a vessel within the compulsory pilotage area. The requirements for granting a PEC must not exceed, or be more onerous than, those for an authorised pilot.	CHAs <b>must</b> grant a 'Pilotage Exemption Certificate' ("PEC") to a ship's deck officer (including the Master) who applies for one if they demonstrate they have sufficient skill, experience and local knowledge to pilot the ship within the compulsory pilotage area. The requirements for granting a PEC must not exceed or be more onerous than those needed for an authorised pilot.	Wording updated to include 'vessel's deck officer' to include the change introduced by the Marine Navigation Act 2013.
4.30	A CHA <b>may</b> suspend or revoke a PEC if it ceases to be satisfied that the holder possesses the required skill, experience and local knowledge, where there is professional misconduct or the provision of false information.	A CHA <b>may</b> suspend or revoke a PEC if it ceases to be satisfied that the holder possesses the required skill, experience and local knowledge, or in cases of professional misconduct or the provision of false information	No change.
4.31	Procedures for towage <b>need to be developed</b> , managed and regularly reviewed by organisations, tug operators, pilots and vessel	<b>No previous equivalent</b>	<b>New text to The Code</b> , however, this information was previously in the GtGP.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
	owners, to ensure a safe and efficient service and should include emergency response.		
4.32	Organisations <b>must</b> risk assess routine towage operations and, in consultation with stakeholders, <b>should</b> develop specific towage guidelines	<b>No previous equivalent</b>	<b>New text to The Code</b> , however, this information was previously in the GtGP.  <b>Its introduction as a 'must' makes this a mandatory requirement.</b>
4.33	Where towage is non-routine, this <b>must</b> be subject to a specific risk assessment and approval processes.	<b>No previous equivalent</b>	<b>New text to The Code</b> , but was previously in the Guide to Good Practice.  <b>Its introduction as a 'must' makes this a mandatory requirement.</b>
4.34	Local legislation <b>may</b> empower organisations to register, inspect and licence commercially operated craft. Where this is not the case, the organisation's risk assessments <b>should</b> show some form of agreement with commercial operators about the maintenance and proper use of these vessels. It may be appropriate for the organisation to consider seeking these powers following a risk assessment.	<b>No previous equivalent</b>	<b>New text to The Code</b> , however, this information was previously in the GtGP.  Advisory and best practice to run a registration scheme for commercial operated craft using the harbour. Clear link to powers for registration, inspection and licensing.
4.35	<b>Harbour authorities have</b> specific environmental duties under Section 48A of the Harbours Act 1964, as well as under other environmental legislation. They may also have an obligation where, for example, Marine Conservation Zones, Marine Protected Areas, Highly Protected Marine Areas, Special Protection Areas for Birds or a Special Area of Conservation have been designated, to have regard to the requirements of any laws which implemented the Habitats Directive so far as	<b>Harbour authorities have</b> a general duty to exercise their functions with regard to nature conservation and other related environmental considerations. They may now seek additional powers for these purposes. They also have an obligation, where a Special Protection Area for Birds or a Special Area of Conservation has been designated under the Wild Birds or Habitats Directives, to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of	Some legislative requirements moved to a new paragraph (4.36).

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
	they may be affected by the exercise of those functions..	those functions. Harbour authorities also have to comply with The Natural Environment and Rural Communities Act 2006 which strengthened the requirement for public bodies, including statutory undertakers, to have regard for bio-diversity in undertaking their activities	
4.36	Harbour authorities <b>must</b> , in exercising their functions, have regard to the purpose of conserving biodiversity 45. This requirement is supplemented by the Environment Act 2021 which sets out four priority areas of air quality,	<b>No previous equivalent</b>	<b>New text to The Code,</b> Referencing the Environment Act 2021
4.37	The Dangerous Goods in Harbour Area Regulations 2016 include <b>provisions</b> for the marking and navigation of vessels, handling of dangerous substances, bulk liquids, packaging and labelling, storage and explosives. They also set a requirement for the creation of emergency plans by harbour authorities. Guidance is available in an Approved Code of Practice and Harbour Masters have the power to prohibit the entry of dangerous goods to the harbour area.	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.	Dangerous Goods in Harbour Area Regulations 2016 were previously included in the 2016 Code in Section 1.15 as a Harbour Master duty.  This requirement now forms a new paragraph, referencing emergency plans and Harbour Master powers to prohibit entry of dangerous goods to the harbour area.
4.38	Organisations may also have a duty under the Merchant Shipping (Oil Pollution Preparedness Response and Co-operation Convention) Regulations 1998, to prepare a plan to respond to oil spills in their waters for approval by the MCA. Guidance on plan preparation is available from the MCA	<b>No previous equivalent</b>	<b>New text to The Code,</b> however, this information was previously in the GtGP.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
4.39	The Civil Contingencies Act 2004 provides a framework for civil protection in the event of an emergency that threatens serious damage to human welfare, the environment or security	The Civil Contingencies Act 2004 provides a framework for civil protection in the event of an emergency that threatens serious damage to human welfare, the environment or security	No change.
4.40	Harbour authorities are classified as Category 2 cooperating bodies. They will be involved in planning work and in incidents that affect their sector. They must cooperate and share relevant information with Category 1 (emergency services and local authorities) and other Category 2 responders	Harbour authorities are classified as Category 2 “cooperating bodies”. They will be involved in the associated planning work, and heavily involved in incidents that affect their sector. They are responsible for cooperating and sharing relevant information with Category 1 (emergency services and local authorities) and other Category 2 responders.	Minor changes made to wording for clarity.
4.41	It is <b>recommended</b> that all organisations maintain regular contact with their local Category 1 responders which are formed into multi-agency partnerships known as Local Resilience Forums. Each Forum covers a defined geographic area and contact details are available on gov.uk. Organisations should also make themselves aware of the Joint Emergency Services Interoperability Principles (JESIP).	<b>No previous equivalent</b>	<b>New text to The Code.</b>
4.42	Harbour authorities and CHAs have powers to collect harbour dues and pilotage charges from users. These <b>should</b> raise sufficient revenue to enable them to pay for the discharge of any statutory functions. The level of dues and charges <b>should</b> be properly accounted for and brought to the notice of those persons likely to be interested.	Harbour authorities and CHAs have powers to collect harbour dues and pilotage charges from users and <b>should</b> raise enough to provide resources to enable them to pay for the discharge of their statutory functions. The level of dues and charges <b>should</b> be properly accounted for and brought to the notice of those persons likely to be interested.	Minor change in wording. 2016 Code states ‘raise enough’. New Code states ‘raise sufficient’.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C4	Duties and Powers		
4.43	Members of the harbour board and/or the Duty Holder <b>are responsible for ensuring</b> that adequate resources are provided to its officers to enable them to operate their policies, procedures and systems effectively and safely. This includes adequate resource for training. There should be no presumption that dues levied on a specific group or type of user should be exclusively reinvested in improving the services and facilities on offer to those users.	Harbour authorities and CHAs have powers to collect harbour dues and pilotage charges from users and should raise enough to provide resources to enable them to pay for the discharge of their statutory functions. The level of dues and charges should be properly accounted for and brought to the notice of those persons likely to be interested	Changed wording to refer to harbour board and/or Duty holder.  Wording changed and added to include functions required to operate effectively and safely, whilst also making the connection with dues being raised to fund these functions.
4.44	A CHA <b>may</b> make reasonable charges in respect of any pilotage services it provides. Such charges may be applied to vessels with an authorised pilot aboard and to vessels where the deck officer holds a PEC in respect of the area and vessel in question.	A CHA <b>may</b> make reasonable charges in respect of the pilotage services it provides. Such charges may be applied to vessels with an authorised pilot aboard and to vessels where the deck officer holds a pilotage exemption certificate in respect of the area and vessel in question.	Minor changes made to wording for clarity.
4.45	The harbour authority's power to levy dues and pilotage charges is subject to a statutory right of objection to the relevant Minister.	The harbour authority's power to levy dues and pilotage charges is subject to a statutory right of objection to the relevant Minister.	No change.
4.46	Organisations <b>can</b> charge fees for the use of services and facilities they provide and make access subject to such terms and conditions as they believe appropriate (noting that some fees may be subject to statutory control).	Every authority has the power to make the use of services and facilities provided by them at a harbour subject to the terms and conditions that they think fit (although any fees charged by may be subject to statutory control).	Changed wording removing 'authority' and replacing with 'Organisation'.

Table 6. Chapter 5. Risk Assessment

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C5	Risk Assessment		
5.1	All organisations <b>must</b> identify the hazards they manage, complete risk assessments and incorporate these within their MSMS.	Powers, policies, plans and procedures should be based on a formal assessment of hazards and risks and organisations should have a formal MSMS.	Clear change of emphasis to all organisations.  <b>Use of 'must' makes this a mandatory requirement.</b>
5.2	The risks associated with marine operations <b>need to be</b> assessed and a means of controlling them deployed.	The risks associated with marine operations <b>need to be</b> assessed and a means of controlling them needs to be deployed. The aim of this process is to eliminate the risk or, failing that, to reduce risks as low as reasonably practicable.	No change to preceding text first paragraph, removal of the wording related to as low as reasonably practicable
5.3	The tolerability threshold for marine operational risk <b>should</b> be determined and set by <b>all organisations</b> . This will define and set the level for all marine-related risk assessments falling under the organisation's duties and responsibilities.	<b>No previous equivalent</b>	<b>New text to The Code</b> , however, this information was previously in the GtGP.
5.4	There are two types of risk assessment: <ul style="list-style-type: none"> <li>▪ Formal risk assessment (often called Operational Risk Assessments) which are written down and provide the framework to describe how hazards are assessed and managed. This could also include risk assessments for specific operations (often called Specific or Task Risk Assessments); and</li> <li>▪ Dynamic risk assessment which helps individuals to assess a situation which is constantly changing.</li> </ul>	<b>No previous equivalent</b>	<b>New text to The Code</b> , however, this information was previously in the GtGP.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C5	Risk Assessment		
5.5	<p>Organisations <b>must</b> 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>	No previous equivalent	<p><b>New text to The Code.</b> Use of 'must' makes this a mandatory requirement for setting out a framework for delivering Formal and Dynamic Risk Assessment.</p>
5.6	<p>Risks and the impact of identified outcomes are typically assessed against four outcome-criteria with consequence to:</p> <ul style="list-style-type: none"> <li data-bbox="359 595 437 627">■ Life;</li> <li data-bbox="359 627 640 659">■ The environment;</li> <li data-bbox="359 659 909 722">■ Port and port user operations (business, reputation etc); and</li> <li data-bbox="359 722 797 794">■ Port and shipping infrastructure (damage).</li> </ul>	No previous equivalent	<p><b>New text to The Code</b>, however, this information was previously in the GtGP.</p>
40, (Note: Potential numbering error in updated PMSC)	<p>Risks may be identified which are intolerable. Measures <b>must</b> be taken to eliminate these using ALARP and ensure they become tolerable by the end of the process. The greater the risk, the more likely that it will be reasonable to go to the expense, trouble and invention to reduce it. There is a hierarchy of risk control principles:</p> <ul style="list-style-type: none"> <li data-bbox="359 1103 887 1198">■ Eliminate risks – by avoiding a hazardous procedure or substituting a less dangerous one;</li> <li data-bbox="359 1198 887 1270">■ Combat risks – by taking protective measures to prevent risk; and</li> <li data-bbox="359 1270 887 1325">■ Minimise risks – by suitable systems of working</li> </ul>	<p>Risks <b>should</b> be judged against objective criteria, without being influenced by the financial position of the authority, to ensure they are reduced to the lowest possible level, so far as is reasonably practicable (that is such risks must be kept as low as reasonably practicable or "ALARP"). The greater the risk, the more likely it is that it is reasonable to go to the expense, trouble and invention to reduce it. There is a hierarchy of risk control principles:</p> <ol style="list-style-type: none"> <li data-bbox="932 1198 1459 1262">a. Minimise risks – by suitable systems of working;</li> <li data-bbox="932 1262 1459 1325">b. Combat risks – by taking protective measures to prevent risk; and</li> </ol>	<p>Simplified and focussed the wording and reordering of the risk control hierarchy principles.</p>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C5	Risk Assessment		
		c. Eliminate risks – by avoiding a hazardous procedure, or substituting a less dangerous one.	
5.7	Risk assessments should be undertaken by competent people especially when deciding which techniques to use and interpreting the results.	Risk assessments should be undertaken by people who are competent especially when deciding which techniques to use and when interpreting the results.	Minor changes made to wording for clarity.
5.8	<p>Formal Safety Assessments are undertaken when risk assessments result in risk controls that may be subject to cost benefit assessment. This process will typically follow the International Maritime Organization's Formal Safety Assessment process of which the five stages are:</p> <ol style="list-style-type: none"> <li>1. Identification of hazards;</li> <li>2. Assessment of risks;</li> <li>3. Risk control options;</li> <li>4. Cost benefit assessment; and</li> <li>5. Recommendations for decision-making.</li> </ol>	<b>No previous equivalent</b>	<p><b>New text to The Code</b>, however, the GtGP did contain information on five stages 'typically involve' in risk assessment. The 2025 Code's working on five sections is taken from the IMO's Formal Safety Assessment.</p>
5.9	This process has been developed to enable a balance to be drawn between the various technical and operational issues, including the human element, and between safety and costs.	<b>No previous equivalent</b>	<b>New text to The Code</b>
5.10	The process of assessment is continuous so that both new hazards and changed risks are properly identified and addressed. Where appropriate, organisations <b>should</b> exchange details of their risk assessments, especially where more than one organisation is	The process of assessment is continuous so that both new hazards to navigation and marine operations and changed risks are properly identified and addressed. Where appropriate organisations <b>should</b> publish details of their risk assessments	Changed wording to include 'organisations should exchange details of their risk assessments'. Adds emphasis to the sharing of information with regards to risk where organisations operate in the same area or are adjacent to SHAs.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C5	Risk Assessment		
	operating in the same area, for example where a terminal or other facility operates in, or adjacent to, a SHA.		
5.11	<p>Risk assessments should be reviewed on a planned periodic basis. The MSMS <b>must</b> state the review frequency as well as any related procedures or processes. The MSMS <b>should</b> also refer to a procedure which <b>ensures</b> that risk assessments are reviewed appropriately in the following circumstances:</p> <ul style="list-style-type: none"> <li>▪ Following a substantive change to operations;</li> <li>▪ Post-incident/accident; and</li> <li>▪ Post-review of relevant marine accident or Health Check report</li> </ul>	<p>Risk assessments should be reviewed on a planned periodic basis. The MSMS <b>should</b> prescribe the organisation's policy on review frequency as well as any related procedures or processes. The MSMS should also refer to a procedure which <b>ensures</b> that risk assessments are reviewed appropriately in the following circumstances:</p> <ul style="list-style-type: none"> <li>▪ On a planned periodic basis;</li> <li>▪ Post-incident/accident; and</li> <li>▪ Post-review of relevant marine accident or health check trend report.</li> </ul>	<p>Change in requirement. <b>The MSMS must state the review frequency, making this a mandatory requirement.</b></p>
5.12	<p>Risk assessment reviews are best conducted by utilising user groups or representatives who use the harbour or facility regularly. This helps to <b>ensure</b> that practical and relevant experience <b>is</b> captured and promotes good consultation demonstrates a commitment to user engagement</p>	<p>Risk assessment reviews are best conducted by utilising user groups or representatives who use the harbour or facility regularly. This helps to <b>ensure</b> that practical and relevant experience <b>can be</b> captured, promotes good consultation and demonstrates the organisation's commitment to engaging with users.</p>	<p>Minor changes made to wording for clarity.</p>
5.13	<p>Dynamic risk assessment (DRA) involves observation, assessment and analysis of an active work environment while work is ongoing, to identify and manage risk. DRA builds on the work of existing risk assessments, and are usually conducted during the task, often by the worker.</p>	<p><b>No previous equivalent</b></p>	<p><b>New text to The Code</b>, however, this information was previously in the GtGP.</p>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C5	<b>Risk Assessment</b>		
	<p>Organisations must provide a form of DRA, suited to their size, operations and complementary to their formal risk assessment processes.</p>		

Table 7. Chapter 6. Marine Safety Management System

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C6	Marine Safety Management System		
6.1	All organisations <b>must</b> 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	It is <b>strongly recommended</b> that organisations or facilities which are not a statutory harbour authority, such as marine berths and terminals, seek a proportionate compliance with this Code through the adoption of a formal risk assessment process and the implementation of a marine safety management system ("MSMS") which complies with this Code or any alternative similar standard applicable to their sector.	Inclusion of the word 'must' makes this a mandatory requirement..  A clear link is made between the MSMS as informed by policies approved by the Duty Holder.
6.2	An effective MSMS is formed from clear policies, approved by the Duty Holder, and implemented by the organisation's officers. It will enact policy requirements through a range of methods including, but not limited to, standard operating procedures, processes, plans, forms, permits/permissions and systems. Clear assignment of relevant executive and operational responsibilities to staff is vital.	<b>No direct comparison</b>	Some similar sections can be located in the 2016 Code, in Section 2. Simplified and focussed of wording.  A clear link is made between the MSMS as informed by policies approved by the Duty Holder.
6.3	To inform the evolution of their MSMS, organisations <b>should</b> regularly reflect on their own operational practices and review documents which might be relevant to failures in the management of risk to drive continuous improvement. The latter might include: <ul style="list-style-type: none"> <li>▪ The GtGP;</li> <li>▪ MAIB reports and Safety Digests;</li> </ul>	Organisations <b>should</b> monitor, review and audit the MSMS on a regular basis.	Expands and adds detail to the requirement for reviewing the MSMS.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C6	Marine Safety Management System		
	<ul style="list-style-type: none"> <li>▪ Sector/industry alerts and best practice guidance; and</li> <li>▪ MCA Health Check Reports.</li> </ul>		
6.4	<p>An MSMS – which manages the hazards and risks along with any preparations for emergencies – <b>must be developed</b>, implemented, maintained and reviewed periodically. The MSMS should also capture any customs and/or practices which have become the standard approach to marine operations. By formalising and documenting these practises, organisations can place themselves and their staff in a more accountable position as well as ensuring that there is continuity following the recruitment of new staff.</p>	<p>An MSMS – which manages the hazards and risks along with any preparations for emergencies – <b>must be developed</b>, implemented and maintained. This should be operated effectively and revised periodically. The MSMS should also document and capture any custom and practices which may have become the standard approach to various port marine operations. By formalising and documenting these practises, organisations can place themselves and their staff in a more accountable position as well as ensuring that there is continuity when new staff are recruited to an organisation.</p>	<p>Minor changes made to wording for clarity.</p>
6.5	<p>An MSMS <b>should</b> incorporate safety policies and procedures to:</p> <ul style="list-style-type: none"> <li>▪ Ensure there is proper control of vessel movements by regulating the safe arrival, departure and movement within the harbour of all vessels;</li> <li>▪ Protect the general public from dangers arising from marine activities within the harbour;</li> <li>▪ Allow functions to be carried out with special regard to the possible environmental impact; and</li> <li>▪ Prevent acts or omissions that may cause injury to employees or others.</li> </ul>	<p>The MSMS <b>should</b> incorporate safety policies and procedures to:</p> <ul style="list-style-type: none"> <li>▪ Ensure there is proper control of vessel movements by regulating the safe arrival, departure and movement within the harbour of all vessels;</li> <li>▪ Protect the general public from dangers arising from marine activities within the harbour;</li> <li>▪ Allow functions to be carried out with special regard to the possible environmental impact; and</li> </ul>	<p>No change.</p>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C6	Marine Safety Management System		
6.6	An MSMS <b>should</b> also:	<ul style="list-style-type: none"> <li>■ Prevent acts or omissions that may cause personal injury to employees or others.</li> </ul>	
6.6	<p>An MSMS <b>should</b> also:</p> <ul style="list-style-type: none"> <li>■ Confirm roles and responsibilities of key personnel;</li> <li>■ Recognise the requirement for a Designated Person to be appointed who is responsible for auditing and reporting on compliance to the Duty Holder;</li> <li>■ Outline procedures for marine safety within the facility and its approaches;</li> <li>■ Measure performance against targets (the organisation must have a database or system to record incidents, including near misses);</li> <li>■ 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;</li> <li>■ Refer to emergency plans that would need to be exercised; and</li> <li>■ Be internally audited on an annual basis or following reviews of the sources noted at Paragraph 6.3.</li> </ul>	<p>The MSMS <b>should</b> also:</p> <ul style="list-style-type: none"> <li>■ Confirm the roles and responsibilities of key personnel at the organisation;</li> <li>■ Outline present procedures for marine safety within the harbour or facility (including the port approaches);</li> <li>■ Measure performance against targets (organisation must have a database or system to record incidents, including near misses);</li> <li>■ Refer to emergency plans that would need to be exercised;</li> <li>■ And, be audited (internally) on an annual basis.</li> </ul>	<p><b>New text to The Code</b>, introducing the requirement for bridging documents for adjoining or interfacing Organisations. This was previously covered, partly, by the GtGP as 'consider seeking advice from, and sharing best practice with other ports. The exchange of risk information is encouraged'. Introduces the recognition of the requirement for a Designated Person to be appointed.</p> <p>Reaffirmed that the MSMS should be internally audited on an annual basis (linking back to triggers that might prompt a review (Paragraph 6.3)).</p>
6.7	A statement about the standard of the organisation's performance against its MSMS	A statement about the standard of the organisation's performance <b>should</b> be included in the duty holder's annual report.	Minor changes made to wording for clarity with inclusion of 'against its MSMS'.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C6	Marine Safety Management System		
	should be included in the Duty Holder's annual report.		
6.8	Where appropriate, an MSMS should assign responsibility for associated matters – such as the safety of berths; maintaining channels; marking dangers; hydrographic surveys; environmental monitoring; and the provision of appropriate engineering and environmental advice. Key roles should also be defined in the MSMS.	Where appropriate, the MSMS should assign responsibility for associated matters – such as the safety of berths; maintaining channels; marking dangers; hydrographic surveys; environmental monitoring; and the provision of appropriate engineering and environmental advice.	Minor changes made to wording for clarity.  Addition of 'Key roles should also be defined in the MSMS'.
6.9	The Chief Executive (or equivalent) is accountable for the operational and financial control of the organisation. They will advise on all matters related to the organisation's duties and powers, with appropriate advice from the Harbour Master and other officers. In particular, the Chief Executive will: <ul style="list-style-type: none"> <li>▪ Oversee the implementation of its policies and decisions;</li> <li>▪ Have executive responsibility for the safety of operations and staff; and</li> <li>▪ Will oversee the recruitment and training of staff.</li> </ul>	The Chief Executive, or equivalent, is accountable for the operational and financial control of the organisation. They will advise the organisation on all matters related to its duties and powers, with appropriate advice from the harbour master and other officers. They will: <ul style="list-style-type: none"> <li>▪ Oversee the implementation of its policies and decisions;</li> <li>▪ Have overall executive responsibility for the safety of operations and staff; and</li> <li>▪ Will oversee the recruitment and training of staff.</li> </ul>	Minor changes made to wording for clarity.
41 (Note: Potential numbering error in updated PMSC)	The Harbour Master is a statutory role – although some harbour orders can be drafted in other terms for a harbour authority to use its powers relating to the direction of vessels, typically a Harbour Master must be appointed. The Harbour Master, or occasionally an appropriate person or organisation, has day-to-day responsibility	The Harbour Master has day-to-day responsibility for managing the safe operation of navigation and other marine activities in the harbour and its approaches. The post holder must be competent and a suitably qualified person with sufficient experience for the role. They must also be competent to undertake other relevant	Reinforces the message that the Harbour Master can only be appointed if the Organisation has the powers to do so.  Removal of the reference to Harbour Masters qualifications (which is covered in Section 8).

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C6	Marine Safety Management System		
	for managing the safe operation of navigation and other marine activities as well as undertaking other relevant duties particularly in relation to the Health & Safety at Work etc. Act 1974 and Merchant Shipping legislation.	duties particularly in relation to the Health & Safety at Work etc. Act 1974 and Merchant Shipping legislation. A rigorous assessment process leading to the award of a Harbour Master Certificate, endorsed by the MCA, is available in the UK which mirrors the content of the National Occupational Standards for Harbour Masters.	
6.10	<p>Whilst the specific role of the Harbour Master will vary dependant on the size and type of the harbour, the following are examples of some of the roles they are likely to undertake:</p> <ul style="list-style-type: none"> <li data-bbox="370 738 887 817">■ Regulation of the time and manner of vessel movements;</li> <li data-bbox="370 817 887 1024">■ 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; and</li> <li data-bbox="370 1024 887 1087">■ Responsibility for the management of any aids to navigation.</li> </ul>	<p>Whilst the specific role of the Harbour Master will vary dependant on the size and type of the harbour, the following are examples of some of the roles they are likely to undertake:</p> <ul style="list-style-type: none"> <li data-bbox="932 738 1448 817">■ Regulation of the time and manner of vessel movements</li> <li data-bbox="932 817 1448 1024">■ 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.</li> <li data-bbox="932 1024 1448 1111">■ Responsibility, where appropriate, for the provision and maintenance of any aids to navigation.</li> </ul>	Provision and maintenance of' is replaced by 'management of'.
6.11	Organisations without statutory powers to appoint a Harbour Master should ensure that responsibility for this function is delegated to an officer with an equivalent role, such as a marine manager	No previous equivalent.	<p><b>New text to The Code.</b></p> <p>Note also that this requirement is stated in Section 4.11.</p>

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C6	Marine Safety Management System		
6.12	<p>The appointment of any officers is a matter for the organisation. Delegations must be clear, formal and must not obscure the accountability of the organisation and its Duty Holder. It is <b>vital</b> that:</p> <ul style="list-style-type: none"> <li>▪ Executive and operational responsibilities are appropriately assigned to properly trained people;</li> <li>▪ If some of the functions are combined, a proper separation of safety and commercial activities needs to be maintained; and</li> <li>▪ All employees have appropriate training for their level of responsibility.</li> </ul>	<p>The appointment of officers is a matter for the organisation. Delegations must be clear, formal and must not obscure the accountability of the organisation and its duty holder. It is <b>important</b> that:</p> <ul style="list-style-type: none"> <li>▪ Executive and operational responsibilities are appropriately assigned to properly trained people;</li> <li>▪ If some of the functions are combined, a proper separation of safety and commercial activities needs to be maintained; and</li> <li>▪ All employees must have training that is appropriate for their level of responsibility.</li> </ul>	Change of the word 'important' to 'vital'.
6.13	<p>Delegations are no substitute for the Duty Holder being directly involved in safety management. At least one principal officer, holding delegated responsibilities for safety, should therefore attend Duty Holder meetings.</p>	<p>Delegations are no substitute for the duty holder being directly involved in safety management. At least one principal officer, holding delegated responsibilities for safety, should therefore attend duty holder meetings.</p>	No change.
6.14	<p>Organisations should consult, as appropriate, those likely to be involved in, or affected by, their MSMS. However, within that process there must be recognition that ultimate responsibility for safety will always rest with the Duty Holder.</p>	<p>Organisations should consult, as appropriate, those likely to be involved in or affected by the MSMS they adopt. The opportunity should be taken to develop a consensus about safe navigation in the harbour or facility.</p>	Removal of the sentence requiring harbours and facilities to develop a consensus. Recognition of the Duty Holder ultimate responsibility.
6.15	<p>Notwithstanding stakeholder engagement requirements as part of the risk assessment and review process, organisations <b>should also strive to reach</b> consensus on matters of</p>	<p>Notwithstanding the duties and powers an organisation may have, it <b>should seek to maintain</b> a consensus about safe navigation</p>	Change in wording to 'strive to reach consensus'. Additionally, wording added that 'Where this is not possible, an organisation

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C6	Marine Safety Management System		
	marine safety in its facilities and approaches with users and service providers. Where this is not possible, an organisation <b>should</b> provide stakeholders with the reasoning behind their decision. Regular stakeholder engagement should be undertaken in the form of user groups and forums	in its harbour or facility with users and service providers as far as possible.	should provide stakeholders with the reasoning behind their decision'.  Also that regular stakeholder engagement should be undertaken.
6.16	Where other marine facilities are situated within the jurisdiction of a SHA, organisations <b>should</b> 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 <b>can be</b> 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.	Where a marine terminal or jetty is situated within the jurisdiction of a Statutory Harbour Area ("SHA"), <b>it is important</b> for both parties to engage with one another to ascertain the scope and extent of the SHA's MSMS and whether it incorporates any of the terminals or jetties marine operations. This engagement will help to define whether it is necessary for the terminal or jetty to develop their own MSMS. If it is decided that an additional system is required then the above engagement should focus on ensuring that the two MSMS complement each other and avoid any duplication of effort.	Refocussed wording to make the text applicable to facilities.  Introduces the principle that the SHA can lead, but is not solely responsible for the engagement on MSMS provision with other marine facilities.
6.17	If an additional MSMS is required, engagement <b>should</b> focus on ensuring that the two systems are complementary and avoid any duplication of effort. The organisations' Duty Holders <b>should</b> confirm their own compliance as required under The Code unless it is agreed with the SHA that the marine facility will be reflected within the SHA's compliance statement.	If it is decided that an additional system required, then the above engagement <b>should</b> focus on ensuring that the two MSMS complement each other and avoid any duplication of effort.	Minor changes to the first paragraph dealing with complementary MSMS for clarity.  <b>New text to The Code</b> , stating that the organisations' Duty Holders should confirm their own compliance as required under The Code unless it is agreed with the SHA that the marine facility will be reflected within the SHA's compliance statement.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C6	Marine Safety Management System		
6.18	Where a facility is located outside the jurisdiction of a SHA, the organisation <b>should</b> assess whether its operations require additional controls through a risk-based decision process. Engagement with the MCA, as the competent authority for marine safety in this situation, is advised.	<b>No previous equivalent.</b>	<p><b>New text to The Code.</b></p> <p>New requirement recognising that some marine facilities may be located outside of an SHA.</p>
6.19	However effective the MSMS regime is, marine incidents and accidents may still occur. These may involve deaths, serious injuries, near misses, pollution and other undesirable outcomes and may have resulted from breaches of national or local laws	However effective the safety management regime is, marine incidents do occur. Such incidents may involve death, serious injury, pollution and other undesirable outcomes and they may involve breaches of national or local laws.	Minor changes made to wording for clarity, plus the introduction of near misses in the context of incident reporting and investigation.
6.20	It is <b>essential</b> that the MSMS addresses the potential for incidents and accidents to occur and provides instruction and guidance on the process for reporting and recording and any investigations and enforcement action that may be required as a result	It is, therefore, <b>essential</b> that the MSMS addresses the potential for incidents to occur and provides instruction and guidance on the reporting and recording of incidents and any investigations and enforcement action that may be required as a result.	Minor changes made to wording for clarity.
6.21	<p>Investigations of marine incidents have two essential purposes:</p> <ul style="list-style-type: none"> <li>▪ To determine the cause with a view to preventing recurrence; and</li> <li>▪ To determine if an offence has been committed: if so, there may be the need, on the part of the organisation, to initiate enforcement action that may lead to prosecution in their own right or through an agency of another authority such as the Police or the MCA.</li> </ul>	<p>Investigations of marine incidents have two essential purposes:</p> <ul style="list-style-type: none"> <li>▪ To determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar); and</li> <li>▪ To determine if an offence has been committed: if so, there may be the need, on the part of the organisation, to initiate enforcement action that may lead to prosecution in their own right or through an agency of another authority such as the Police or the MCA.</li> </ul>	No change.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C6	Marine Safety Management System		
6.22	The Duty Holder <b>may</b> require a robust, rigorous, independent investigation to be carried out in cases where it is desirable to obtain external assurance that an organisations' obligations for compliance have been addressed. It <b>may</b> also be appropriate to consider the contents of the Police and Criminal Evidence Act 1984.	The duty holder <b>may</b> require a robust, rigorous, independent investigation to be carried out in cases where it is desirable to obtain external assurance that their obligations for compliance have been addressed. It <b>may</b> also be appropriate to consider the contents of the Police and Criminal Evidence Act 1984.	No change.
6.23	Organisations should report any accident which meets the criteria established by MAIB to the Chief Inspector of Marine Accidents and any other appropriate authorities, by the quickest means available. The Health & Safety Executive should be contacted to report any shore-side safety issues under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.	Organisations <b>should</b> report any accident which meets the criteria established by the MAIB, to the chief inspector and any other appropriate authorities, by the quickest means available.	<b>New text to The Code</b> , stating that 'The Health & Safety Executive should be contacted to report any shore-side safety issues under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.
6.24	Organisations <b>must ensure</b> that all policies and procedures are properly and effectively enforced and that adequate resources are available for this purpose.	Organisations <b>must ensure</b> that all policies and procedures are properly and effectively enforced and that adequate resources are available for this purpose.	No change.
6.25	Byelaws and directions adopted to manage identified marine safety risks <b>must be</b> backed by an appropriate policy on enforcement. Organisations should have a clear policy on prosecution, which is consistent with the risk assessment on which its local legislation is based.	Byelaws and directions adopted in order to manage identified marine risks <b>must be</b> backed by an appropriate policy on enforcement. Organisations should have a clear policy on prosecution, which is consistent with the risk assessment on which its directions are based.	No change.

Table 8. Chapter 7. Audit and Review

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C7	Audit and Review		
7.1	Organisations <b>should</b> have a regular and systematic process to review and audit all their requirements for marine safety. These will assist in understanding current levels of compliance, highlighting areas for improvement, enhance credibility through independent verification, and deliver wider benefits through better planning and budgeting.	The MSMS <b>must</b> incorporate a regular and systematic review of its performance. This should be based on information from monitoring the system itself and from independent audits of the whole system. Performance of the MSMS should be assessed against internal performance indicators and, where appropriate, by benchmarking against other similar organisations that have adopted good practice.	Change of requirement from 'must' to 'should'. Redrafting of this section identifies specific benefits of a regular and systematic review process.
7.2	The Duty Holder and Designated Person both have a <b>vital</b> role in this process which will be proportionate to the organisation's size and scale	<b>No previous equivalent.</b>	<b>New text to The Code.</b>
7.3	Organisations <b>should ensure</b> they review and audit their plans, MSMS, documents and reports to ensure they remain current and fit for purpose. The trigger for a review might be, for example, in response to the regular review cycle, an incident or accident, a MAIB report, a Code self-compliance statement, a change in procedures or any other amendment.	Organisations <b>should</b> monitor, review and audit the MSMS on a regular basis.	Significantly expands scope, referencing additional trigger points.
7.4	The MSMS <b>must</b> incorporate a regular and systematic review of its performance. This <b>should</b> be based on information from monitoring the system itself and from independent external audits of the system.	The MSMS <b>must</b> incorporate a regular and systematic review of its performance. This <b>should</b> be based on information from monitoring the system itself and from independent audits of the whole system.	Emphasis the need to have independent external audits of the system.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C7	Audit and Review		
7.5	Performance of the MSMS <b>should</b> be assessed against internal key performance indicators and, where appropriate, by benchmarking against other similar organisations that have adopted good practice.	Performance of the MSMS <b>should</b> be assessed against internal performance indicators and, where appropriate, by benchmarking against other similar organisations that have adopted good practice.	Minor changes made to wording for clarity.
7.6	The Designated Person should present any findings from audits to the Duty Holder as part of the auditing and review process	<b>No previous equivalent.</b>	<b>New text to The Code.</b>
7.7	Organisations should utilise a variety of methods to ensure their review and audit cycles are effective. Plan, Do, Check, Act is one approach that has proved simple and effective.  <b>Plan</b> Recognise an opportunity or challenge and plan change <b>Do</b> Test the change <b>Check</b> Review the test, analyse the results and identify learning <b>Act</b> Take appropriate action	<b>No previous equivalent.</b>	<b>New text to The Code.</b>
7.8	Duty Holders and Designated Persons <b>should ensure</b> it is clear how the organisation's plans, procedures and other documents are reviewed and audited.	<b>No previous equivalent.</b>	<b>New text to The Code.</b>

Table 9. Chapter 8. Competence

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C8	Competence		
8.1	Under The Code, all persons involved in the management and execution of marine services <b>should</b> be competent, qualified and trained to the appropriate national standard	Under The Code, all persons involved in the management and execution of marine services <b>should</b> be qualified and trained to the appropriate national standard.	Additional requirement that all persons should be 'competent'.
8.2	To ensure that organisations employ competent personnel, they <b>must</b> : <ul style="list-style-type: none"> <li>▪ Use published national occupational standards (or an equivalent set of standards) as a basis for recruiting and developing staff and as part of their training strategy;</li> <li>▪ Apply an agreed assessment methodology to enable those standards to be applied;</li> <li>▪ Review whether existing staff meet those standards;</li> <li>▪ Ensure personnel have the necessary professional qualifications, certificate of competency (or are working towards them); and</li> <li>▪ Ensure personnel have enough relevant experience to be effective in their posts.</li> </ul>	<b>No previous equivalent</b>	<b>New text to The Code</b> , however, this information was previously in the GtGP (in summary and in detail).
8.3	Organisations <b>must</b> assess the fitness and competence of all persons appointed to positions with responsibility for marine and navigation safety on a regular basis	Organisations <b>must</b> assess the fitness and competence of all persons appointed to positions with responsibility for marine and navigation safety.	Addition of 'on a regular basis'.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C8	Competence		
8.4	A policy on revalidation or maintenance of qualifications and continuing professional development <b>should</b> also be considered.	A policy on revalidation or maintenance of qualifications <b>should</b> also be considered. Achieving port marine safety is a team operation and people in these roles must be competent and adequately trained, qualified and experienced.	Removal of the final paragraph which is now included in Section 8.2.  Addition of 'continuing professional development'.

Table 10. Chapter 9. Plan

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C9	Plan		
9.1	To demonstrate commitment to marine safety and to ensure the involvement of harbour users, all organisations <b>should</b> produce a marine safety plan.	To demonstrate the organisation's commitment to marine safety and to ensure the involvement of harbour users, a safety plan for marine operations <b>should</b> be published at least once every three years.	Name of the plan changed from 'a safety plan for marine operations' to 'Marine Safety Plan'.  Inclusion of 'at least once every three years' reworded in Section 9.6.
9.2	The marine safety plan <b>should</b> illustrate how policies and procedures will be developed to satisfy the requirements of The Code. It <b>should</b> : <ul style="list-style-type: none"> <li>▪ Commit the organisation to undertake and regulate marine operations in a way that safeguards the harbour/facility, its users, the public and the environment;</li> <li>▪ Refer to commercial activities, the efficient provision of specified services and the effective regulation of vessels including near miss reporting; and</li> <li>▪ Explain how commercial pressures will be managed without undermining the safe provision of services and the efficient discharge of its duties.</li> </ul>	The plan <b>should</b> illustrate how the policies and procedures will be developed to satisfy the requirements under The Code. It <b>should</b> <ul style="list-style-type: none"> <li>▪ Commit the organisation to undertake and regulate marine operations in a way that safeguards the harbour/facility, its users, the public and the environment.</li> <li>▪ It should refer to commercial activities; the efficient provision of specified services and the effective regulation of vessels including near miss reporting.</li> <li>▪ It should also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.</li> </ul>	No change.
9.3	The form of each organisation's plan and report is for it to determine so long as it covers all if the relevant requirements of The Code.	The form of each organisation's plan and report will be for it to determine so long as it covers all the relevant requirements of The Code. Organisations are increasingly seeing the benefits of using web sites to publish their plans and reports.	Removal of the final sentence.
9.4	The Duty Holder <b>must</b> publish an assessment of the organisation's performance against its plan.	The duty holder <b>must</b> also publish an assessment of the organisation's performance against the plan.	Minor changes made to wording for clarity.

Ref	2025 Code Wording	2016 Code Wording	ABPmer Commentary
C9	Plan		
9.5	Information gathered from the monitoring and auditing of the MSMS <b>should</b> be used to support the analysis and conclusions of that assessment.	Information gathered from the monitoring and auditing of the MSMS <b>should</b> be used to support the analysis and conclusions.	Minor change, with the words 'of that assessment' added.
9.6	At minimum, plans and assessments <b>should</b> be reviewed and published every three years.	At minimum plans and reports <b>should</b> be published every three years.	Wording changed from 'reports' to 'assessments' and the word 'reviewed' added.
9.7	If organisations wish, this review period can be aligned to ensure they inform The Code compliance self-certification exercise.	<b>No previous equivalent.</b>	<b>New text to The Code.</b>

Table 11. Chapter 10. Conservancy Duty

Ref	2024 Code Wording	2016 Code Wording	ABPmer Commentary
C10	Conservancy Duty		
10.1	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.	<b>No previous equivalent.</b>	<b>New text to The Code.</b>  Noting that the expectation is that all organisations operating marine facilities should ensure that they are in good repair and fit for purpose.
10.2	Harbour authorities have a <b>legal duty</b> to conserve their harbours to <b>ensure</b> that it is fit for use and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to utilise it safely. This duty covers several specific requirements to: <ul style="list-style-type: none"> <li>▪ Survey, using appropriate specifications based on international standards, as regularly as necessary in accordance with good practice guidance;</li> <li>▪ Find and mark the best navigable channels;</li> <li>▪ Place and maintain navigation marks in the optimum positions which are suitable for all conditions;</li> <li>▪ Have a risk-based approach and keep a vigilant watch for any changes in the sea- or river-bed affecting the channel or channels and move or renew navigation marks as appropriate;</li> </ul>	A harbour authority has a <b>duty</b> to conserve the harbour so that it is fit for use as a port and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to utilise it safely. This duty covers several specific requirements: <ul style="list-style-type: none"> <li>▪ To survey as regularly as necessary and find and mark the best navigable channels;</li> <li>▪ To place and maintain navigation marks in the optimum positions which are suitable for all conditions;</li> <li>▪ To keep a 'vigilant watch' for any changes in the sea or river bed affecting the</li> <li>▪ Channel or channels and move or renew navigation marks as appropriate;</li> <li>▪ To keep proper hydrographic and hydrological records;</li> </ul>	Several changes to wording to clarify the duty of conservancy for harbour authorities.  New wording highlighting the requirement to survey with international standards and good practice guidance.  Addition specific requirement to 'have a 'risk-based approach'.

Ref	2024 Code Wording	2016 Code Wording	ABPmer Commentary
C10	Conservancy Duty		
	<ul style="list-style-type: none"> <li>Keep proper hydrographic and hydrological records;</li> <li>Ensure hydrographic information is published in a timely manner; and</li> <li>Provide regular returns and other information about the authority's local aids to navigation as the relevant GLA may require.</li> </ul>	<ul style="list-style-type: none"> <li>To ensure that hydrographic information is published in a timely manner; and</li> <li>To provide regular returns and other information about the authority's local aids to navigation as the relevant General Lighthouse Authority may require.</li> </ul>	
10.3	Where a harbour authority establishes that there is a certain depth of water at a part of the harbour over which vessels may be obliged to pass, it <b>must</b> use reasonable care to provide that the approaches to that part are sufficient, under normal conditions, or give warning that the advertised depth has not been maintained.	Where a harbour authority establishes that there is a certain depth of water at a part of the harbour over which vessels may be obliged to pass, it <b>must</b> use reasonable care to provide that the approaches to that part are sufficient, under normal conditions, or give warning that the advertised depth has not been maintained.	No change.
10.4	Harbour authorities should supply the UK Hydrographic Office (UKHO) with information in accordance with good practice that may be needed for updating and <b>ensuring safe</b> official Admiralty charts and publications.	Harbour authorities should supply the UK Hydrographic Office with information that may be needed for their Admiralty charts and other publications.	Inclusion of acronym 'UKHO'. New wording to state that supply of information is 'good practice'.
10.5	Users <b>should</b> also be provided with adequate information about conditions in the harbour including timely notification of any changes.	They <b>should</b> provide users with adequate information about conditions in the harbour.	Addition of the wording 'including timely notification of any changes'.
10.6	Each harbour authority is a local lighthouse authority for their area. They have the power to carry out and maintain the marking or lighting of any part of the harbour, or other facility or off-shore structure, within the authority's area.	Each harbour authority is a local lighthouse authority for their area. They have the power to carry out and maintain the marking or lighting of any part of the harbour within the authority's area.	Addition of the wording 'or other facility or off-shore structure'.

Ref	2024 Code Wording	2016 Code Wording	ABPmer Commentary
C10	Conservancy Duty		
10.7	The GLAs are responsible for the superintendence and management of all lighthouses, buoys or beacons within their respective areas. They have a duty to inspect all lighthouses, buoys, beacons and other navigational aids belonging to, or under the management of, a local lighthouse authority. They have the power to give directions to local lighthouse authorities concerning the provision and positioning of aids to navigation.	The General Lighthouse Authorities are responsible for the superintendence and management of all lighthouses, buoys or beacons within their respective areas. They have a duty to inspect all lighthouses, buoys, beacons and other navigational aids belonging to, or under the management of, a local lighthouse authority. They may also give directions concerning the provision and positioning of aids to navigation.	Inclusion of acronym 'GLA' and addition of the wording 'they have the power'.
10.8	A local lighthouse authority <b>shall not</b> , without the relevant GLA's consent, erect, remove or vary the character of any lighthouse, buoy or beacon.	A local lighthouse authority <b>shall not</b> , without the General Lighthouse Authority's consent, erect, remove or vary the character of any lighthouse, buoy or beacon.	No change.
10.9	All aids to navigation maintained by harbour authorities and any other existing local lighthouse authorities must be maintained in accordance with the availability criteria laid down by the GLAs and <b>must</b> be subject to periodic review. The characteristics of these aids to navigation <b>must</b> comply with the International Association of Lighthouse Authorities Guidelines and Recommendations. Information and periodic returns <b>must</b> be supplied, when required, to the appropriate GLA.	All aids to navigation maintained by harbour authorities and any other existing local lighthouse authorities must be maintained in accordance with the availability criteria laid down by the General Lighthouse Authorities, and must be subject to periodic review. The characteristics of these aids to navigation <b>must</b> comply with the 'International Association of Lighthouse Authorities Guidelines and Recommendations'. Information and periodic returns <b>must</b> be supplied, when required, to the appropriate General Lighthouse Authority.	Inclusion of acronym 'GLA'.

Ref	2024 Code Wording	2016 Code Wording	ABPmer Commentary
C10	Conservancy Duty		
10.10	Where there is a wreck in, or near, the approaches to a harbour which is or is likely to become a danger to navigation the harbour authority <b>may</b> take possession of, remove or destroy it. They <b>may</b> mark the location of the wreck until it is raised, removed or destroyed.	Where there is a wreck in, or near, the approaches to a harbour which is or is likely to become a danger to navigation the harbour authority <b>may</b> take possession of, remove or destroy it. They <b>may</b> mark the location of the wreck until it is raised, removed or destroyed.	No change.
10.11	Harbour authorities <b>must</b> exercise their wreck-marking and removal powers where, in their opinion, a wreck is – or is likely to become – an obstruction or danger to navigation. They have a duty to have regard to the environment in the exercise of this and all other duties and powers.	Harbour authorities <b>must</b> exercise their wreck-marking and removal powers where, in their opinion, a wreck is – or is likely to become – an obstruction or danger to navigation. They have a duty to have regard to the environment in the exercise of this and all other duties and powers.	No change.
10.12	Harbour Masters <b>may</b> also have powers, under the Harbour, Docks and Piers Clauses Act 1847 (as incorporated into local harbour legislation) in particular under Sections 52, 56 and 57, to remove any unserviceable vessel located within the harbour and <b>should do so</b> wherever these present a risk to safety. The expense of removing such vessels may be charged to the owner.	Harbour Masters <b>may</b> also have powers, under the Harbour, Docks and Piers Clauses Act 1847 (as incorporated into local harbour legislation) in particular under Sections 52, 56 and 57, to remove any unserviceable vessel located within the harbour and <b>should do so</b> wherever these present a risk to safety. The expense of removing such vessels may be charged to the owner.	No change.
10.13	A Harbour Master <b>may</b> give a direction to remove a vessel from a harbour if, in their opinion, its condition is such that it poses a grave and imminent danger to the safety of any person or property.	Under Section 1 of the Dangerous Vessels Act 1985 (directions by harbour master concerning dangerous vessels etc.), a Harbour Master <b>may</b> give a direction to remove a vessel from a harbour if in his opinion the condition of the vessel is such that it poses a grave and imminent danger to the safety of	Removal of the detail about the Dangerous Vessels Act 1985 which is now a footnote.  Removal of '(note that the powers under this section are subject to limitations).'

Ref	2024 Code Wording	2016 Code Wording	ABPmer Commentary
C10	Conservancy Duty		
		any person or property (note that the powers under this section are subject to limitations).	
10.14	Where discretionary powers are granted by legislation, Harbour Masters and harbour authorities <b>have a duty</b> to exercise them in the public interest and they <b>may</b> impose a duty to take action where there is a threat to life.	Where discretionary powers are granted by legislation, Harbour Masters and harbour authorities <b>have a duty</b> to exercise these powers in the public interest and they <b>may</b> impose a duty to take action where there is a threat to life.	Minor changes made to wording for clarity.
10.15	Harbour authorities and their employees (including the Harbour Master) owe a duty of care under common law to those who reasonably and foreseeably are within the harbour area.	Harbour authorities and their employees (including the Harbour Master) owe a duty of care under the common law to those who reasonably and foreseeably are within the harbour area.	No change.
10.16	The Secretary of State (through his representative, SOSRep) also has powers to intervene and give directions. If it is considered that it may be more appropriate for SOSRep to act in the circumstances, they should be contacted directly or via the MCA.	The Secretary of State (through his representative, SOSRep) also has powers to intervene and give directions <b>under Section 108A and Schedule 3A Merchant Shipping Act 1995</b> . If it is considered that it may be more appropriate for SOSRep to act, he should be contacted directly or via the MCA	Removal of the detail about the Merchant Shipping Act 1995 Section 108A, which is now a footnote.  Addition of the wording 'in the circumstances'.
10.17	Where harbour authorities, or Harbour Masters, are uncertain of their powers, appropriate legal advice <b>should</b> be sought to confirm their scope and extent.	Where harbour authorities or Harbour Masters are uncertain of their powers, they <b>should</b> seek appropriate legal advice.	Minor changes made to wording for clarity.

## Here to help

We have a wealth of experience providing support to all kinds of port operations. Our Master Mariners, marine scientists, policy advisors, software developers and PMSC auditors provide a total risk assessment solution tailored to the needs of the port sector. For more information, visit our [dedicated port risk management website](#).

Our in-depth knowledge of the PMSC, combined with our understanding of the port industry, make us the first choice for undertaking **PMSC audits**, providing **Designated Person** and **MSMS** services, and delivering Navigational Risk Assessments and training that reflect the updated 2025 Code.

If you require any assistance in PMSC compliance, please contact our maritime specialists on +44 (0) 2380 711 892 or [email us](#).

## References

Port Marine Safety Code (DfT, 2016)

Ports & Marine Facilities Safety Code (DfT, 2025)

Government Legislation, Acts, Regulations, Statutory Instruments, etc are available from:

<https://www.legislation.gov.uk/>

## Abbreviations/Acronyms

ABPmer	ABP Marine Environmental Research Ltd
ALARP	As Low As Is Reasonably Practicable
CHA	Competent Harbour Authority
DfT	Department for Transport
DRA	Dynamic Risk Assessment
EEA	European Economic Area
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GtGP	Guide to Good Practice
IMO	International Maritime Organization
JESIP.	Joint Emergency Services Interoperability Principles
LPS	Local Port Service
MAIB	Marine Accident Investigation Branch
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MMO	Marine Management Organisation
MSMS	Marine Safety Management System
PEC	Pilotage Exemption Certificate
PMSC	Port Marine Safety Code
PMSC	Ports & Marine Facilities Safety Code (The Code update 2025)
SHA	Statutory Harbour Area
SOSRep	Secretary of State's Representative
The Code	Port Marine Safety Code
UK	United Kingdom
UKHO	UK Hydrographic Office
VTS	Vessel Traffic Services

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

# Document Information

Document History		
Title	Ports & Marine Facilities Safety Code	
	What has changed between the 2016 and 2025 PMSC?	
Commissioned by	Briefing Note	
Issue date	April 2025	
Date	Version	Revision Details
15/04/2025	1	Issued for circulation
17/04/2025	2	Issued for circulation - Minor corrections in Table 3
23/04/2025	3	Issued for circulation – Minor corrections and Table 2 update

## Suggested Citation

ABPmer, (2025). Ports & Marine Facilities Safety Code, What has changed between the 2016 and 2025 PMSC?, ABPmer Briefing Note, April 2025.

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