

APCL

A&P FDEC

Falmouth Docks and Engineering Company

FDEC Marine Policies

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A&P FDEC.

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Contents

Introduction	3
Duty Holder Responsibility	4
Designated Person Responsibility	4
Chief Executive Responsibility	5
Legislative Compliance	5
Risk Assessment.....	5
Safe Marine Operations	6
Enforcement	6
Harbour Master’s Powers	7
Pilotage	8
Local Port Services	8
Conservancy and Environment.....	8
Dangerous Substances in the Harbour Area	9
Dangerous Vessels	10
Compliance and Continuous Improvement	10

Introduction

Falmouth Docks and Engineering Company (FDEC) is committed to upholding the highest standards of marine safety, environmental protection and navigational assurance across the Statutory Harbour Area. This Marine Policy sets the context for FDECs Marine Safety Management System (MSMS) and aligns with the ten sections of the 2025 Ports and Marine Facilities Safety Code (PMSC) and the principles outlined in the Guide to Good Practice (GtGP). The MSMS works alongside the A&P Falmouth Integration Management System that is certified by LRQA to comply with ISO 45001:2015 Occupational Health and Safety Management System, ISO 14001:2015 and ISO 9001:2015. The policies and procedures commit FDEC to undertake and regulate marine operations in a way that safeguards the port, its stakeholders, users and the environment.

FDEC commits to:

Safe and Regulated Marine Operations

FDEC is committed to undertaking and regulating marine operations in a manner that safeguards the port, all users, the public and surrounding environment. This commitment is embedded in the MSMS which ensures all marine activities are conducted in accordance with the PMSC and relevant legislation. FDEC recognises its duty to maintain safe harbours and to continuously assess and manage risks to prevent incidents and protect life, property and the environment.

Integration of Commercial Activities and Operational Efficiency

FDEC operations are structured to support the timely and effective regulation of vessel movements, including proactive reporting and investigation of near misses and incidents. There are clear procedures for pilotage, towage and navigational safety. The MSMS includes mechanisms for monitoring performance and learning from incidents to drive continuous improvement.

Duty Holder Responsibility

In accordance with the PMSC, FDEC has appointed the Managing Director, A&P Falmouth; Chief Financial Officer, APCL Group; Group Chief Operating Officer, APCL Group; Chief Executive Officer, APCL Group and the APCL Group Board of Directors as the Duty Holder. The Duty Holders are responsible for ensuring FDECs compliance with its obligations under the PMSC by undertaking the following tasks:

- To review and be aware of its existing powers based on local and national legislation;
- Comply with the duties and powers under existing legislation, as appropriate;
- Attend as regularly as necessary, PMSC awareness training to understand the organisation's powers and duties related to marine safety;
- Ensure that a suitable MSMS, which employs formal safety assessment techniques, is in place;
- Ensure adequate resources and support is available for the discharge of duties and responsibilities relating to marine safety;
- Appoint a suitable Designated Person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety;
- Appoint competent people to manage marine safety;
- Ensure that the management of marine safety continuously improves by publishing a 'Marine Safety Plan' (MSP) for marine operations and report performance against the plan's objectives;
- Report compliance with the Code to the MCA in line with the 'Compliance Exercise' timescale promulgated by the MCA.
- That notwithstanding the Duty Holder ability to appoint professional people to operate the harbour the Duty Holder cannot assign out accountability. The Duty Holder may not abdicate accountability on the grounds that the Duty Holder, severally or collectively, do not have particular skills.

Designated Person Responsibility

In accordance with the PMSC, FDEC has appointed the APCL Group Training Development and Apprentice Director as the Designated Person (DP) to provide independent assurance to the Duty Holder that the MSMS is working effectively.

While the DP is an internal appointment with the APCL Group, the role is carried out with full commitment to functional independence, impartiality and transparency. The DP has direct access to the Duty Holder and operates independently of day-to-day decision-making when discharging DP responsibilities. The DP is required to have working knowledge of the Code, and the GtGP for Port Marine Operations and any accompanying Competency Standards.

To ensure the integrity of the assurance process:

- The DPs activities are clearly split from operational functions;

- o All findings and recommendations are documented and reported without influence;
- o Independent/external audits and reviews are commissioned where appropriate.

Chief Executive Responsibility

FDEC has appointed the Director of Port Development and General Manager of FDEC to the role of Chief Executive. The Chief Executive is accountable for the operational and financial control of FDEC. They are required to have a working knowledge of the PMSC and GtGP. The Chief Executive will advise the Duty Holder on all matter related to its duties and powers, with appropriate advice from the Port Manager & Harbour Master, or other Port Operations Managers.

Legislative Compliance

FDEC complies with its statutory duties, including the Harbours Act 1964, Merchant Shipping Acts, and relevant international conventions. This includes statutory duties under the Merchant Shipping (Oil Pollution Preparedness, Response and Cooperation Convention) Regulations, ensuring capabilities to deal with marine pollution incidents.

FDEC recognises its Open Ports duty, allowing unrestricted access to Falmouth Docks while maintaining control over safety, security and environmental protection. FDEC's powers, derived from the Harbours, Docks and Piers Clauses Act 1847, Falmouth Docks Act 1959 and The Harbours Act 1964, include:

- o The ability to regulate navigation and vessel movements within port limits;
- o Authority to impose harbour dues and charge for services;
- o Powers to undertake dredging and maintain navigational channels;
- o The right to issue Harbour Revision Orders to improve port efficiency;
- o Enforcement capabilities to ensure compliance with safety and environmental regulations;
- o These powers are kept under review to ensure they remain effective in supporting safe, efficient and sustainable port operations.

Risk Assessment

FDEC's risk assessments ensure marine risks are mitigated to As Low as Reasonably Practicable (ALARP). Task based risk assessments are managed via the A&P Falmouth Integrated Management System. Marine Risk Assessments are derived via workshop with local stakeholders and are regularly updated following near miss or incident reports. Risk assessments are embedded in operational decision-making and change control, ensuring:

- o Safe movement of vessels and craft within the port;

- Safety at work for employees and other persons that may be affected by FDEC's activities;
- Protection of the environment by assessing operational impacts;
- Promotion of safety and environmental awareness among employees and stakeholders.

Safe Marine Operations

FDEC is committed to ensuring the safety of all port users. The MSMS governs safe marine operations, including:

- Vessel traffic management, towage, pilotage and emergency preparedness;
- Ensure the provision of necessary Aids to Navigation for the harbour based on formal risk assessment and in consultation with Trinity House, in its role as the General Lighthouse Authority. Trinity House audits the Navigation Aids provided by FDEC and those within the FDEC SHA;
- Promulgate navigational, tidal and weather information to harbour users;
- Proactive engagement with commercial and recreational users to ensure compliance.

Enforcement

FDEC has statutory duties, powers and legal responsibilities in enforcing safe navigation. FDEC uses a graduated and proportionate model designed to prevent marine incidents, support continuous improvement, and protect life, property and the marine environment. The legal background to FDECs Rights of Enforcement are derived from:

- Falmouth Docks Act 1959;
- Falmouth Docks Byelaws 1934;
- Harbours Act 1964;
- Harbour Docks and Piers Clauses Act 1847;
- Merchant Shipping Act 1995;
- Marine Navigation Act 2013;
- International regulations (including SOLAS and COLREGS);
- Dangerous Goods in the Harbours Area Act 2016;
- Dangerous Vessels Act 1985;
- Civil Contingencies Act 2004;
- ISPS and Maritime Security Regulations;
- Environment Act 2021;
- Conservation of Habitats and Species Regulations 2017;
- Marine and Coastal Access Act 2009;
- Marine Licencing (Exempted Activities) Order 2011;
- Health and Safety at Work Act 1974;
- Railways and Transport Safety Act 2003.

FDEC will apply enforcement measures in accordance with the following principles:

- o Proportionality - Actions will be commensurate with the seriousness of the breach and associated risk;
- o Consistency – Similar circumstances will attract similar enforcement responses;
- o Transparency – Decisions will be documented and communicated clearly;
- o Accountability – Enforcement actions will be subject to internal review and external scrutiny where appropriate.

FDEC adopts a graduated enforcement approach:

- o Education and Advice - Promote voluntary compliance through guidance and information;
- o Verbal Warning - Issued for minor, first-time breaches;
- o Written Warning - Formal notification of non-compliance, recorded in enforcement logs;
- o Harbour Master's Directions / Notices to Mariners - Mandatory instructions to rectify unsafe practices;
- o Referral to Statutory Authorities - Engagement with MCA, MMO, or Police for serious breaches;
- o Prosecution - Initiated for repeated or severe offences, in accordance with the Code for Crown Prosecutors.

FDEC reserves the right to proceed immediately to the appropriate enforcement approach should the situation require a speedy or proportionate approach. All alleged breaches will be investigated promptly and impartially, taking into account the risk of harm to the public, the public interest, statements from the complaint and offender, reoccurrence, availability and reliability of witnesses, additional contraventions of other bye-laws or legislations and gather evidence including statements from AIS Data, Metocean Data, VHF Voice Recording, CCTV and other relevant records.

Data will be managed in compliance with UK GDPR and retained for statutory periods. FDEC will cooperate with the Maritime Coastguard Agency (MCA), Marine Accident Investigation Branch (MAIB), Falmouth Harbour Commissioners, Cornwall Harbours and the Police or other enforcement bodies.

Any decision to initiate a prosecution will be recorded in writing and the reasons for so will be given.

Harbour Master's Powers

FDEC's have appointed a Port Manager and Harbour Master. They have the day to day responsibility for safety of navigation and the safe operation of associated marine activities in the harbour and its approaches. The post holder should be suitably experienced for the role. The Port Manager and Harbour master and/or suitably qualified delegates:

- Has powers of direction to regulate the time and manner of ships entry and departure to and from harbour waters;
- Ensures the coordination and regulation of all vessels within the harbour and its approaches;
- In relation to the port authority conservancy duties, the Port Manager and Harbour Master has overall responsibility for the provision and maintenance of AtoN;

Pilotage

FDEC is a Competent Harbour Authority (CHA), and as thus, have a responsibility to ensure pilotage services are managed safely, transparently and in compliance with the Pilotage Act 1987, ensuring:

- Competent, qualified pilots;
- Rigorous training and assessment frameworks;
- Transparent administration of Pilotage Exemption Certificates (PECs).

FDEC, by means of agreement, have appointed Falmouth Harbour Commissioners (FHC) as their exclusive agent to exercise and perform on their behalf all their functions relating to pilotage with all authority conferred under the Pilotage Act 1987, other than their duties under Section 2(1) – consideration of whether pilotage services are needed to ensure safety of ships navigation in or approaches to its harbour. Regular meetings are held between the Harbour Master and Port Manager & Harbour Master to review operations.

Local Port Services

Where a formal risk assessment dictates, FDEC provides an LPS service in accordance with IALA standards and IMO resolutions, contributing to:

- Safety of life at sea;
- Safe and efficient navigation;
- Environmental protection.

FDEC supply information regarding vessel movements, real-time metocean data and applicable notices.

Conservancy and Environment

FDEC's conservancy duty aligns with the GtGP conservancy and environmental objectives, ensuring:

- o Proactive acquisition of hydrographic data for safe navigation, and provision of relevant data to the United Kingdom Hydrographic Office, as per the existing Ports Agreement;
- o Provision and maintenance of navigation channels, with the AtoN which will be regularly reviewed by the Fal Estuary Marine Safety Committee;
- o Maintain powers to remove wreck, which allow for wrecks to be raised and sold to recover costs. FDEC undertake to maintain suitable buoyage, where deemed appropriate, to mark wrecks occurring in their Harbour Area;
- o Maintain appropriate powers to dredge their SHA appropriately to ensure the safety of navigation. Notwithstanding these powers, dredging is subject to licensing by the Marine Management Organisation (MMO) and application in respect of dredging and the disposal of spoil are required for any capital schemes. Maintenance dredging is not normally required in FDEC's area, but should it be required, it will be assessed and only undertaken with approval of relevant authorities.
- o Implementation of biodiversity measures, promoting good ecological status where feasible in accordance with Section 48A, Harbours Act 1964 and Section 40, NERC Act 2006;
- o Management of counter pollution measures as per Merchant Shipping Regulations 1998 and the implementation of an Oil Pollution Emergency Plan, and MARPOL regulations;
- o Collaboration with government agencies to manage environmentally designated areas.

Dangerous Substances in the Harbour Area

The entry and presence of dangerous, hazardous and harmful cargoes in the port area is controlled to ensure the general safety of the facility, staff, the environment and all persons in or near the area. All dangerous substances being transported or handled through the port will be in accordance with COMAH regulations. The Port Disaster Contingency Plan, Falmouth Estuary Emergency Plan, Eastern Terminal Plans and Shipboard emergency plans are maintained to effectively respond to an emergency involving dangerous substances.

- o Vessels carrying Dangerous or Polluting Goods (DPG) are required to confirm arrival with Port Operations at least 24 hours before arrival;
- o Approved bunker vessels are exempt from this notification;
- o The Towage Guidelines outline minimum towage requirements for vessels carrying DPG;
- o Where appropriate display Bravo Flag and comply with International Code of Signals (ICS), governed by IMO when carrying, loading or discharging dangerous goods;
- o Dangerous Goods in Harbour Regulations 2026 gives powers to Harbour Master to give directions to prohibit entry to the port of any vessel carrying dangerous goods, if the condition of the goods, packaging or vessel carrying them is such as to create a risk to health and safety of the port and its personnel;

- o Falmouth Docks holds an explosive licence, granted by the Health and Safety Executive.

Dangerous Vessels

Under Section 1 of the Dangerous Vessels Act 1985 the Harbour Master can direct a vessel to leave the port, or remain outside, if the vessel or its contents might in anyway pose a threat to the safety of persons or property. Specifically, if the vessel being in the harbour poses:

- o Grave and immediate danger to safety of any vessel or property;
- o Grave and immediate risk that the vessel may, by sinking and foundering, prevent or seriously prejudice use of the port by other vessels.

By virtue of Section 6 of the Dangerous Vessels Act 1985, directions under Section 1 cannot be given in relation to any vessel belonging to Her Majesty or employed in the service of the crown for any purpose including such vessels in possession of a salvor, or any vessel which is a pleasure boat of 24m LOA or less.

The Secretary of State or their representative (SosRep) can override the Harbour Masters ruling on the vessel and they may require it to enter the port or move as instructed.

Compliance and Continuous Improvement

FDEC is committed to full compliance with the PMSC and fostering a culture of continuous improvement across all marine operations. This commitment includes:

- o Review and monitor safety performance via incident frequency, near-miss reporting and stakeholder feedback;
- o Duty Holder assurance reporting, via audit through self-assessment and external providers;
- o Understand safety and compliance status of marine facilities operating within the SHA;
- o Applying lessons learned from audits, incident investigations, stakeholder input and cross-industry best practices.

This approach ensures the MSMS remains effective, adaptive and fit for purpose in a dynamic operational and regulatory environment. This Marine Policy is reviewed every three years.

Signed

Duty Holder	Designated Person	CEO	Port Manager and Harbour Master
Mike Spicer	Kevin Peart	Drystan Jones	Luke Wills
			