



North Sunderland Harbour

Safety Management System

Section 1 - Port Marine Safety Code  
Compliance Plan

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## **1. Introduction**

This document is the first of a family of documents which make up the North Sunderland Harbour Safety Management System (SMS) and describes how it is that the Port Commissioners aim to achieve and maintain compliance with the standards identified in the Port Marine Safety Code (PMSC).

The aim of the PMSC is to enhance safety for those who use or work in Ports, their ships, passengers and the maritime environment. The Code applies to all harbour authorities in the UK that have statutory powers and duties. The Code provides a measure by which the North Sunderland Harbour Commissioners can be accountable for the legal powers and duties which it has to operate North Sunderland Harbour safely and to discharge its obligations effectively.

The North Sunderland Harbour Safety Management System applies to all marine operations within the Port including Hydrographic and Survey, Mooring, Commercial Vessel Licensing, Navigational Aids, Salvage and much more. It also includes a policy statement on activities that the port does not undertake such as pilotage and vessel traffic management.

The responsibility for implementation and compliance with the Code rests with the Duty Holder. In terms of the North Sunderland Harbour, the Duty Holder is collectively North Sunderland Harbour Commissioners.

## **2. Method**

The North Sunderland Harbour Safety Management System is published as an electronic paperless document. It is located within the North Sunderland Harbour Commissioners IT system and is a controlled document management system. A reference copy will be made available to external parties and agencies at the discretion of the Harbour Master.

In addition, a Navigation Risk Assessment for the Port is produced and published. The Harbour Master has identified marine hazards that are present at the North Sunderland Harbour and highlighted associated potential marine risks inherent in the activities undertaken within the Port.

## **3. North Sunderland Harbour Safety Management System Policy Statement**

It is the North Sunderland Harbour Commissioners's policy that in delivering marine operations and services, the protection of the health and safety of its employees, customers, users and contractors and the protection of the Port environment will be given the highest priority. North Sunderland Harbour Commissioners require that all maritime statutory duties, applicable laws and regulations are met and that codes of practice and relevant guidelines are adhered to at all times.

The North Sunderland Harbour Compliance plan defines how the Port meets the PMSC. The North Sunderland Harbour will provide the Marine Coastguard Agency with a written statement of compliance, signed by the Chairman of North Sunderland Harbour Commissioners, on a tri-annual basis, the next occasion expected to be required Spring 2025.

North Sunderland Harbour aims to minimise work-related injuries and illnesses by demanding high standards of working practices and providing a safe working environment. Any Health and Safety risks identified are addressed by the Commissions' Safety Management System. North Sunderland Harbour employees are involved in achieving these aims by reporting previously unidentified safety risks, regularly reviewing existing risks, maintaining safe working practices and monitoring, reviewing the effectiveness of improvements to the Marine Safety Management System and compliance with the Health and Safety at Work Act 1974.

All employees are required to be committed to achieving and maintaining North Sunderland Harbour's high standards of health & safety and environmental protection and receive training and support to enable them to meet these standards.

The Commission seeks to identify, analyse and fulfil employee training requirements by regularly reviewing and consulting with staff in order to continuously improve their skills, particularly in relation to marine safety and environmental management.

All North Sunderland Harbour staff directly employed in delivering marine operations or services or indirectly providing support to marine operations must understand, implement and comply with this policy.

James Boulton,  
Chairman,  
North Sunderland Harbour Commissioners.

Paul Brown,  
Harbour Master,  
North Sunderland Harbour.

Ron Bailey (Capitao Ltd),  
Designated Person,  
North Sunderland Harbour.

#### 4. Map of the Statutory Harbour Authority Limits of the North Sunderland Harbour

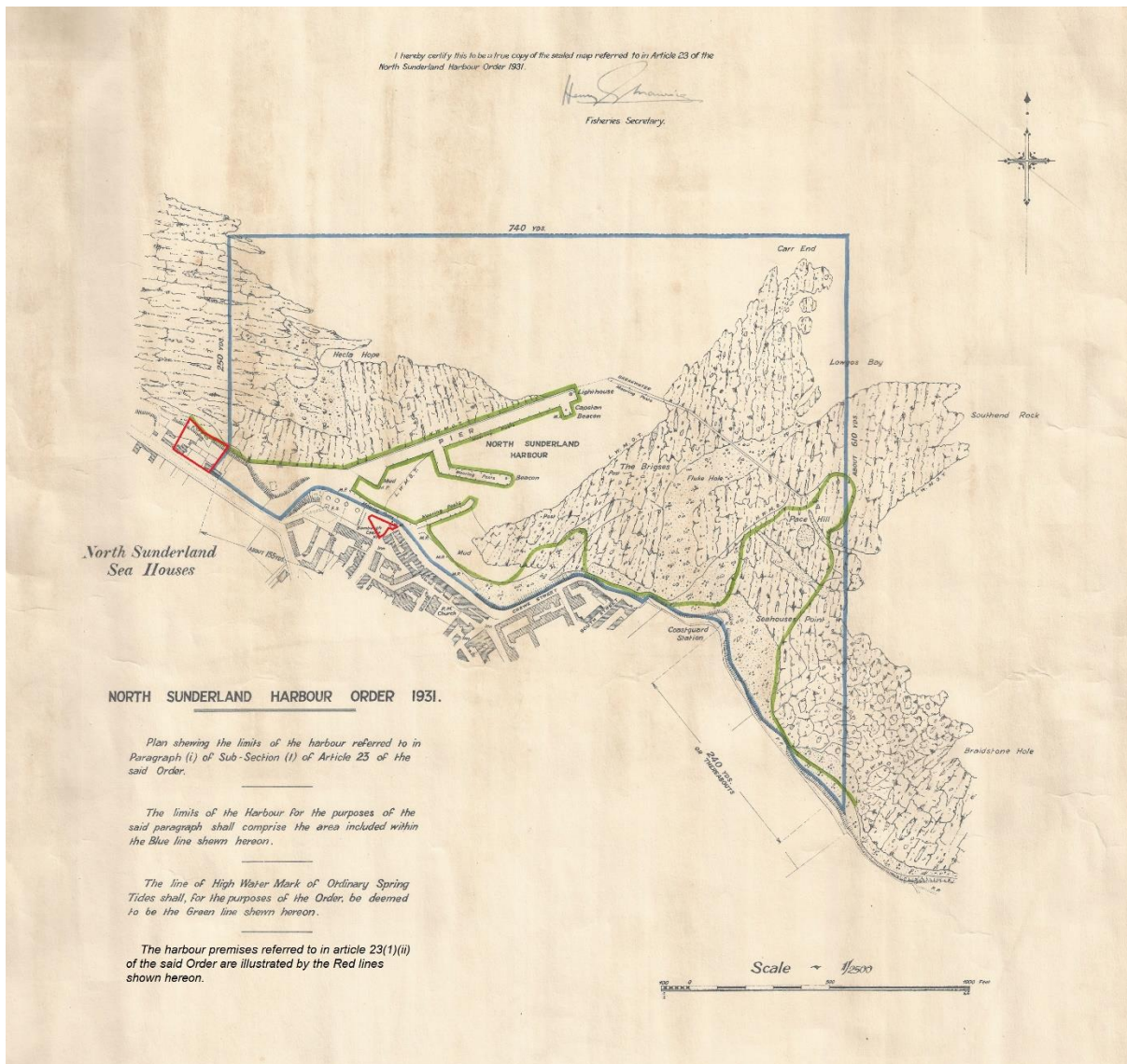


Figure 1 – North Sunderland Harbour SHA Area

#### 5. The Safety Management System

##### a. Measuring Performance

Any Safety Management system require the means of pro-active and reactive monitoring to ensure that the system is working well or if incidents occur to discover why and action what needs to be undertaken to prevent recurrence. This will include annual reviews of the existing Port and Navigation risk assessments and procedures or drawing up new procedures where required.

Proactive measures employed are:

- Periodic audits both internal and external carried out by the Designated Person.
- Monitoring by Harbour Master and Harbour Staff.
- Establishing a monitoring and complaints procedure.

Reactive measures employed are:

- Investigation of accidents, occurrences, near misses and complaints making the results available to the Harbour Commissioners and other relevant organisations.
- Monitoring MAIB reports for learning opportunities. All MAIB Reports are monitored by the Harbour Master, any reports relevant to marine operations within the North Sunderland Harbour are distributed to all relevant marine personnel, MAIB Safety Digests are also distributed to all marine personnel.

#### **b. Auditing and Reviewing Performance**

The safety management system is subject to a systematic review of how well it functions based on information from monitoring and independent audits. This is to ensure that continuous improvement is made in the development of policies, procedural systems and risk control.

Performance is assessed by reference to internal indicators and external comparison with other similar organisations for good practice.

The Harbour Master will ensure that the safety management system is audited at least once a year. Audit results are reported formally by the Harbour Master to the Duty Holder (The Commissioners) each year.

Any non-compliances, actions or observations arising from the audit process must be addressed to the satisfaction of the Designated Person as the source of independent assurance, who will then confirm the completed actions to the Commissioners.

Any performance indicators and/or trends will be kept under review by the Harbour Master and brought to the attention of the Commissioners as necessary.

#### **c. Monitoring Compliance**

Once every three years North Sunderland Harbour Commissioners is required to confirm in writing, to the MCA, that the Commission is complying with the Code.

This will be done by the Chairman once verification of compliance has been confirmed by the Designated Person. This verification is achieved through the audit process.

The statement of compliance will next be made when requested by the MCA, anticipated to be spring 2025.

#### **d. Document Reviews**

- The North Sunderland Harbour Marine Safety Plan (MSP) is a controlled document that will be reviewed every year, after any reported incident and will also be subject to a formal review every 3 years.
- Bye Laws will be reviewed every 3 years.

#### **e. Annual Reports**

The North Sunderland Harbour MSP will be reviewed by the Harbour Master annually and after any recorded incident to ensure the validity and effectiveness of the information it contains. The results of the annual review will be included in the North Sunderland Harbour Commissioners Annual Strategic Review. This document is made available to the public and discussed at an Annual Consultative Meeting to which members of the Port Community and the public are invited.

### **6. North Sunderland Harbour Commissioners Positions, Duties, Powers and Authorities**

Duties and powers relating to the safety of Marine Operations of the North Sunderland Harbour have been entrusted to North Sunderland Harbour Commissioners, both individually and collectively, and they retains a strategic oversight and direction of all aspects of the Harbour operation. The Commissioner have powers to appoint a Harbour Master and may properly entrust the operation of the Harbour to such professional people, but it cannot assign or delegate its accountability for compliance with the Code.

#### **6.1 Key Positions**

##### **a) The Duty Holder**

North Sunderland Harbour Commissioners Harbour Board will:

- Take reasonable care, so long as the Harbour is open for the public use, that all who have choose to navigate in it may do so without danger to their lives or property.
- Conserve and promote the safe use of the Harbour; and prevent loss or injury caused by the authority'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.

In addition, North Sunderland Harbour Commissioners will ensure that enough resources are available to discharge their marine safety obligations and set the level of dues accordingly. Where required the necessary Consents or Authorisations will be obtained before carrying out works in the Harbour.



## **b) Designated Person**

North Sunderland Harbour Commissioners has appointed – Ron Bailey of Capita Ltd as the “Designated Person.”

Contact Details: [Ron.Bailey@Capita.co.uk](mailto:Ron.Bailey@Capita.co.uk)

The Designated Person is required under the code to provide independent assurance directly to the Duty Holder that the marine safety management system is working effectively. The Designated Person’s main responsibility is to determine through assessment and audit, the effectiveness of the North Sunderland Harbour Safety Management System is ensuring compliance with the code. The Designated Person must therefore have a thorough knowledge and understanding of the requirements of the PMSC (and supporting Guide to Good Practice and associated Port and Marine legislation).

## **c) The Harbour Master**

The Harbour Master has 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 must be suitably qualified and experienced for the role.

Specifically the Harbour Master:

- Has powers of direction to regulate the time and manner of ships entry to, departure from and movement within Harbour waters.
- Ensures the co-ordination and regulation of all vessels within the Harbour and its approaches in particular in relation to General Directions and Bye-laws.
- In relation to the Port Authorities conservancy duties the Harbour Master has overall responsibility for the provision and maintenance of aids to navigation.
- The Harbour Master may delegate his powers for the purposes of complying with the Code and in this regard the delegated officers are Tom and Phil (surname to follow).
- The Harbour Master is accountable for the operational and financial control of the North Sunderland Harbour.

## **6.2 Duties and Powers**

North Sunderland Harbour Commissioners’s duties and powers are mainly set out in various statutes and 2022 Byelaws, copies of which can be found in the North Sunderland Harbour Commissioners website at: <http://www.nsh.org.uk/>

The power for North Sunderland Harbour Commissioners to make bye-laws is derived from a range of legislation, both general and local. The main sources are:-

- Harbour, Docks, Piers Clauses Act 1847
- North Sunderland Harbour Act 1931
- Merchant Shipping Act 1995.

The Commissioners has specific duties and powers which are relevant to Port safety including the following:-

- Powers to direct vessels are available and are used to support safe navigation.
- Dangerous vessels and dangerous substances (including pollution) are effectively managed.
- As the local lighthouse authority North Sunderland Harbour Commissioners has the duty and power to provide and properly maintain aids to navigation and thereby effectively manage any dangers to navigation presented by known hazards such as wrecks or obstructions.

**a) Open Port Duty:**

Under Clause 33 of the Harbour, Docks and Piers Clauses Act 1847, North Sunderland Harbour is subject to what is called the “Open Port Duty”. This means that the Harbour 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 Commissioners. Conditions set by the Commissioners and Tariifs for use of the Port are published on the NSH website.

**b) Services and Facilities**

Under Section 40 of the Harbours Act 1964, North Sunderland Harbour Commissioners has the power to set Terms and Conditions for the use of services and facilities provided by them for users in the Port.

These Terms and Conditions can be found as described under [http://www.nsh.org.uk/harbour\\_fees.html](http://www.nsh.org.uk/harbour_fees.html)

**c) Powers**

2022 Bye-laws were formally approved by the Department for Transport.

Harbour (Special) Directions shall be given by the Harbour Master or his delegated representatives. See section 7.2.

Directions under the Dangerous Vessels Act shall be given by the Harbour Master or his delegated officers.

The use of all these powers is governed by the Commissioners’s formal risk assessment which supports the safety management system. The use of these powers is based on a proper assessment of the safety of the Harbour, the hazards that present and the number, type and activities of vessels using it. These powers are reviewed by the Harbour Master periodically, if any action is found to be necessary the Commissioners will be advised and appropriate action confirmed.

Where major risks are highlighted by the risk assessment process, the Harbour Master will notify the Designated Person, who will then be fully involved in the process to determine what further action needs to be taken.

Where as a result of the formal risk assessment it is found that legal powers are insufficient to control the safety of navigation, the Harbour Master will notify the Commissioners who will take appropriate steps to gain the necessary powers, if feasible.

A need has been identified to amend North Sunderland Harbour Commissioners's existing statutory powers and a Harbour Revision Order (HRO) is in progress. Once approved this document will be updated to describe the changes in powers.

Local Notices to Mariners are used to inform marine users and marine staff of any changes to important operational navigation information relevant to the North Sunderland Harbour .

**d) Enforcement**

Any infringement of a Direction or Bye-law is to be reported to the Harbour Master. Transgressions will be investigated and dealt with directly by the Harbour Master who will, if appropriate, notify the Commissioners if it is considered that the offence warrants a prosecution.

## **7. General & Special Directions**

### **7.1 General Directions**

North Sunderland Harbour Commissioners does not have the power to make General Directions.

### **7.2 Special Directions**

Special Directions may also be referred to as "Directions" or "Harbour Directions". Dangerous Vessel directions are also classed as Special Directions.

The Harbour Master has powers of Direction to regulate the time and manner of ship's entry to, departure from and movement within the Harbour waters. These powers are for the purpose of giving specific directions to specific vessels for specific movements. Special Directions are not for setting general rules but relate to specific vessels - or in an emergency, to a class of vessels - on particular occasions.

The Harbour Master's powers of Direction are also exercisable by those who carry his delegated authority.

It is an offence not to comply with Special Directions but the Master of a vessel is not obliged to obey the Special Direction if he believes that compliance would endanger the vessel.

It is the duty of the Harbour Master in exercising these powers to consider the interests of all shipping in the Harbour.

Special Directions may include the use of tugs and other forms of assistance.

Special Directions may or may not be given in writing, though if not given in writing they will be confirmed in writing as soon as is reasonably practicable.

A copy of any Special Direction issued by a Harbour Master's delegated officer is to be passed to the Harbour Master for retention.

#### **a) Incidents Threatening Pollution & Safety**

In the event of an incident or accident on a vessel within the North Sunderland Harbour which has resulted in a pollution incident or given rise to the risk of pollution by a hazardous substance or a risk to safety, the Harbour Master may be obliged to follow directions issued by the Secretary of State's Representative (SOSREP).

The Directions may require the Harbour Master to take, or refrain from taking, such actions as may be specified. Among other things, the Direction may require that the vessel is moved or not moved, to or from a specified area, locality or place, that any oil or cargo should or should not be discharged, or that specific salvage measures should be taken. The Secretary of State also has wide powers to take action or authorise others to do so where it is considered that issuing directions would not be sufficient.

**The Harbour Master must try to comply with the Direction in a manner which avoids risk to human life.**

#### **b) Dangerous Vessels**

Under the Dangerous Vessels Act 1985, the Harbour Master may give Directions prohibiting the entry into, or requiring the removal from, the Harbour of any vessel if, in his opinion, the condition of that vessel, or the nature or condition of anything that 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 risk that the vessel may, by sinking or foundering in the Harbour, prevent or seriously prejudice the use of the Harbour by other vessels. He must have regard to all the circumstances and to the safety of any person or vessel.

Such Directions may be over-ridden by SOSREP who may issue contrary Directions to the Harbour Master.

### **8. Consultation Between the Commissioners Harbour Board and Marine Stakeholders**

The Commissioners as the Duty Holder is consulted regularly on North Sunderland Harbour PMSC compliance issues. The Commissioners receives an annual formal report on the health of the North Sunderland Harbour PMSC, this will be delivered by the Harbour Master and endorsed by the Designated Person.

The Designated Person is in constant liaison with the Harbour Master and his delegated Officers and has direct access to the Commissioners and will keep the Commissioners informed at all times on matters pertaining to compliance with the code. The Commissioners in the person of the Chairman will be required to formally sign a letter of compliance to the MCA every 3 years. Consultation with marine stakeholders is maintained by means of the following forums/mechanisms:

#### **8.1 External:**

- North Sunderland Harbour - Harbour Users Group.
- North Sunderland Harbour Website.

#### **8.2 Internal:**

- Commissioners Meetings (bi-monthly).
- Harbour Master and Deputy Harbour Master meetings (weekly).

### **9. Statutory Reporting Requirements**

North Sunderland Harbour Commissioners is subject to the following Statutory reporting requirements in the event of a marine based accident or pollution incident within the North Sunderland Harbour :-

Accident - Any accident which meets the criteria established by the MAIB to be reported to the Chief Inspector by completing and forwarding an MAIB Accident Report Form by quickest means available, eg e-mail to: [maib@dft.gsi.gov.uk](mailto:maib@dft.gsi.gov.uk) or fax to: 023 8023 2527.

See “Marine Accident Investigation: Report an accident” for the appropriate form format. Guidance on statutory accident reporting is given below.

Pollution Incident - Any incident involving pollution of Harbour waters, eg Oil spill, is to be reported to the MCA by the Harbour Master using a POLREP Form.

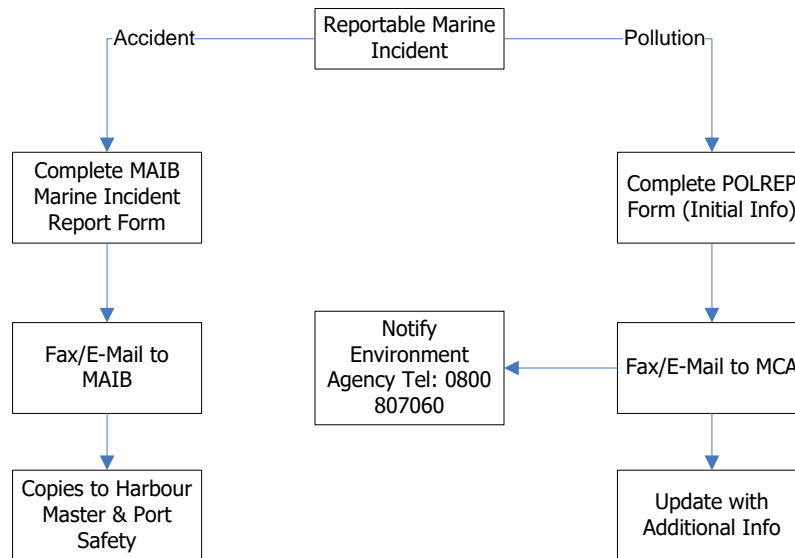
The Marine Safety (Accident Reporting and Investigation) Regs 2012 came into force on 31<sup>st</sup> July 2012. Details of these can be found by following the link:  
The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012.

Guidance on reporting under these regulations is given in MGN 458 which includes definitions of reportable accidents in the attached Annexes.

Further guidance is available in the PMSC Guide to Good Practice Chapter 13.

- The Harbour Master will ensure that an MAIB Report Form is completed and forwarded.
- Copies of the completed form (and any additional related reports) will be retained by the Harbour Master who will oversee all MAIB correspondence.

## 9.1 Statutory Reporting Requirements – Procedure flow chart.



## 10. Risk

Risk Assessment is a formal process upon which all necessary controls should be based. It is a documented structured and systematic process that:-

- identifies a hazard and analyses the risks associated with the hazard.
- assesses the risks found against appropriate standards of acceptability.
- assesses the cost benefit of reduction measures where appropriate (in compliance with the ALARP (As Low As Reasonably Practicable) principle).
- is undertaken by qualified staff that have the appropriate skills and experience to do so.

A list of identified hazards and associated risks has been drawn up and assessed taking into account any relevant legislation which is regarded as the minimum standard and appropriate control measures detailed and put in place. Details as per the Navigation Risk Assessment (NRA) Document. The Commissioner is committed to reducing the risks identified by the Risk Assessment process in accordance with the ALARP principle.

Risks are scored against the available controls for adequacy. Where the controls are not adequate, further action, responsibility and priority is then produced. Where any marine risk cannot be controlled adequately, it must be notified to the Harbour Master and the Commissioners who may seek legal advice where necessary and forward the result to the Commissioners for their opinion. Where controls have an effect on other organisations they must be informed and consulted.

Specific Risk Assessments relating to particular Port operating limitations, commercial vessels, works in Harbour etc. can be found in the North Sunderland Harbour Marine Risk Assessments on the port website.

## 10.1 Risk Control

The following hierarchy of controls are applied:

Elimination of the risk – by avoiding a hazardous procedure, or by replacing the dangerous by the non-dangerous.

Combat the risk – by evaluating those which cannot be avoided, taking physically protective design measures to prevent risk as regards to the design of the workplaces, choice of work equipment and choice of working methods.

Minimise risk – by developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment, by giving collective protective measures priority over individual protective measures and giving appropriate instructions to employees.

Where controls are required they must then be made available to any person that may be affected or required to operate them by appropriate means i.e. Harbour Master's Directions, Instructions, Manuals or Procedures.

Should additional powers be required in order to ensure the safety of navigation within the North Sunderland Harbour , such available powers are detailed in Section 6.2.

## 10.2 Reviews

Within the Navigation Risk Assessment, risks are reviewed at intervals dependant on their rating (all being based on the gross, pre-controls rating of the risk):-

- |                                 |   |
|---------------------------------|---|
| <b>Red Risks</b>                | - 90 days or if something changes, whichever is the sooner  |
| <b>Amber &amp; Yellow Risks</b> | - 180 days or if something changes, whichever is the sooner |
| <b>Green Risks</b>              | - 360 days or if something changes, whichever is the sooner |

All Marine Risk Assessments are reviewed annually by the Harbour Master. Those Risk Assessments rated as "High" are reviewed every three months by the Harbour Master.

Prior to the introduction of a new marine operation, or any modification of an existing operation within the Port, a full assessment within the context of the safety management system shall be undertaken before implementation.

In the event of any works being planned within the North Sunderland Harbour which may affect the safety of navigation, the Harbour Master will be consulted by the Commissioners Services Division so that risk assessments can be carried out and required actions/controls put in place and relevant notices distributed as appropriate.

## 11. Competencies

The Commissioners assesses the level of competency required by the Harbour Master. The Harbour Master assesses the level of competence required by other staff in relevant positions. Where applicable the Harbour Master shall ensure that statutory qualifications and medical standards are fully complied with, e.g. STCW'95 requirements.

## **12. Drink & Drugs**

If the Harbour Master suspects that a mariner (Master, Seaman) has committed a drink or drugs related offence when on duty, within the Harbour limits, then he has the power to detain that vessel. This power can be exercised only if the Harbour Master summons a Police Officer before, or immediately after the vessel is detained.

This power of detention lapses after the Police Officer has decided whether to administer a preliminary test and has notified the Harbour Master of that decision.

## **13. Conservancy**

Information on Conservancy can be found in North Sunderland Harbour Safety Management System 04 - Conservancy.

## **14. Aids to Navigation**

Under the Merchant Shipping Act 1995 Local Lighthouse Authorities (LLAs) have a duty to seek prior consent to the establishment, alteration, removal etc., of any lighthouses, buoys or beacons. The Harbour Docks and Piers Clauses Act 1847 applies to third party aids within the jurisdiction of the Harbour and to the establishment of temporary aids to navigation. The consent of Trinity House must be sought before any changes to Aids to Navigation (AtoN) are made. Standard forms of "Request for Sanction/Consent" are located on the Trinity House website.

Hazards to Navigation are identified through the Navigation Risk Assessment process in order to determine the position and type of Aid to Navigation required ensuring safety of navigation within the North Sunderland Harbour. The Commissioners have a duty to raise, remove, destroy and mark wrecks which lie in, or in or near any approach to any Harbour or tidal water under its control.

All AtoN are maintained in accordance with the available criteria laid down by the General Lighthouse Authorities and are subject to periodic review. Trinity House Lighthouse Service provides assistance and guidance on the provision and maintenance of all AtoN.

### **14.1 General Lighthouse Authority (GLA)**

The GLA for England is Trinity House Lighthouse Service and, as such, is responsible for the superintendence and management of all lighthouses, buoys or beacons within England, therefore including the North Sunderland Harbour.



Trinity House has a duty to inspect all lighthouses, buoys, beacons and other navigational aids belonging to, or under the management of the Local Lighthouse Authority. They may also give Directions concerning the provision and positioning of aids to navigation.

**a) Local Lighthouse Authority (LLA)**

North Sunderland Harbour Commissioners is the Local Lighthouse Authority (LLA) for the North Sunderland Harbour and therefore has the power and responsibility to carry out and maintain the marking and lighting of any part of the Harbour within the authority's area.

**b) LLA Duties**

North Sunderland Harbour Commissioners, as the LLA, will not, without the GLA's consent, erect, remove or vary the character of any lighthouse, buoy or beacon. All approved alterations will be notified to the UKHO.

North Sunderland Harbour Commissioners will give the GLA all information concerning the lighthouses, buoys and beacons under their management as the GLA may require.

**c) LLA Reporting**

All Aids to Navigation (A to Ns) maintained by North Sunderland Harbour Commissioners must be maintained in accordance with the availability criteria laid down by the GLA and will be subject to periodical review.

The characteristics of these Aids to Navigation comply with the International Association of Lighthouse Authorities (IALA) Guidelines and Recommendations.

## **15.1 Collision Regulations**

There are no special rules which modify or exclude the application of any part of the International regulations for Preventing Collisions at Sea.

## **15.2 Publication of Port Passage Guidance**

Passage plans and guidance for all commercial vessels are published by the Harbour Master and are available via ship's agent or direct from the Harbour Office upon request.

Passage guidance for leisure users is available from nautical publications, updated as necessary by the Hydrographic Office. Information is also available from the North Sunderland Harbour website.

Any variations to these passage plans or passage guidance will be notified to Port users by Notice to Mariners published on the Commissioners website.

## **15. Charges**

North Sunderland Harbour Commissioners has powers to collect dues from Port users to provide resources to pay for the discharge of their statutory functions.

The level of dues are formally approved and determined by the Commissioners.

The applicable charges are reviewed annually and are available in the tariff books published by the Commissioners