



BEMBRIDGE HARBOUR AUTHORITY

Local Notice to Mariners

No: 1/2024 (reviewed/updated from 2023)

5th February 2024

General Instructions and Advice and the Port Marine Safety Code

General Instructions and Advice

This Local Notice to Mariners is to be read in conjunction with the **Byelaws** for Bembridge Harbour which may be obtained from the Harbour Office or online at bembridgeharbour.co.uk

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1. Safety in the Harbour

- Bembridge Harbour Improvements Company Limited is the Harbour Authority at Bembridge. Its owners are keen to manage, maintain and improve the Harbour to nationally agreed standards and are committed to complying with the Port Marine Safety Code (PMSC) and all associated MCA safety guidance and requirements as relevant to harbour operations.
- The Harbour Authority does not wish to over-regulate the use of the Harbour and wants everybody to be able to enjoy the full range of activities available. No one type of vessel or activity has priority or primacy.

- The Harbour Authority has a responsibility to manage the risks associated with marine operations to ensure that they remain as low as reasonably practicable. It is appreciated that going afloat can never be free of risk and that everybody who uses the Harbour, especially those in control of vessels, has an important role to play to ensure the Harbour remains safe.
- A “Safer Harbour Partnership” group has been formed ahead of the 2024 season to work collaboratively in considering ways to pro-actively raise awareness, promote safe practice on the water and reduce risk.
- The Harbour Authority wishes to emphasise the following:-
 - o The Master, Skipper or Person in Charge of a vessel, regardless of type or size, remains responsible for its safety, except in the case of children, where adults, event organisers or clubs have additional responsibilities.
 - o All vessels using the Harbour must comply with the COLREGS, Harbour Byelaws and the Directions of the Harbour Master⁽¹⁾. It is the responsibility of all those who go afloat to familiarise themselves with these laws. Those who do not comply with the law may be prosecuted.
- There may be times when it is not safe to participate in a particular activity. Before taking to the water those in charge of vessels, Personal Water Craft (PWC), Stand Up Paddleboards (SUPs) etc, adults responsible for children, and those organising events and races, need to carefully consider the prevailing weather, tidal and traffic conditions.
- The location chosen to launch a trailered dinghy or vessel needs particular consideration, especially if the launch area is close to a main channel at a busy time and/or there are adverse weather or tidal conditions. Likewise, the timing and location of race starts need careful planning by the clubs/organisations involved.
- There may be times when a planned use of the Harbour has to be modified or cancelled. This is common sense and basic seamanship. This is reflected in the requirement to assess risks and put appropriate precautions in place.
- The Harbour Authority undertakes regular and on-going maintenance of all its pontoons which are checked daily. Access to and/or use of a pontoon is at the risk of the individual, who is solely responsible for their own safety at all times.

Particular attention is drawn to exceptional adverse weather conditions or an emergency situation (for example a fire), where it may be considered unsafe for berth holders or members of the public to access a pontoon. The pontoon will, if possible, and at the sole discretion of the Harbour Authority, be cordoned off as soon as is practical. However in any such case, the safety of an individual accessing a pontoon remains solely the responsibility of that individual, whether or not the pontoon has been cordoned off.

Bembridge Harbour Authority (and its associated and/or affiliated and/or subsidiary companies) will accept no liability in any circumstances for any injury sustained.

⁽¹⁾ **as defined in the Byelaws as "... the Harbour Master or other officer duly appointed by the Company and shall include any person having authority to act in such capacity."**

2. Harbour speed limit

Harbour users are reminded that there is a maximum 8 knot speed limit* within the limits of the Harbour and this extends to all areas under the Harbour Authority's jurisdiction, which commences at buoy numbers 1 and 2 which mark the start of the outer channel (Harbour Byelaws part II para 7). See Appendix 1 page 9 for area of jurisdiction.

An **advised maximum speed limit of 6 knots*** is in force within the Harbour limits to ensure compliance by all Harbour users with Harbour Byelaws (as below). All channel markers display the advised speed. In addition, Harbour users should be aware of the amount of wash being created and if necessary reduce their speed in order to keep it to a minimum. Part II,8: *"The Master of a vessel navigating the Harbour shall navigate the vessel with care and caution and in such a manner as shall not cause annoyance to the occupants of any other vessel or cause damage or danger to any other vessel or to any mooring or other property."*

Excessive speed and/or wash can also create a danger to other vessels in the Channel and to bathers on beaches in the immediate vicinity. CCTV coverage of the Channel has been introduced to increase operational efficiency and as an additional safety measure. Vessels reported speeding in the Channel may be issued with an Official Warning.

Harbour users are further reminded that in the area covered by KHM Portsmouth the speed limit is 10 knots within 1000 metres of the shore.

3. International Regulations for the Prevention of Collisions at Sea (COLREGS)

COLREGS apply to all vessels that use the Harbour, regardless of size and type. Those in charge of vessels who fail to comply with the COLREGS may be prosecuted.

4. Reporting concerns relating to safety

- Harbour users are requested to report immediately to the Harbour Master or any BHA staff member, any reasonable concern they have regarding safety in the Harbour. Harbour users are also requested to report incidents and damage which may affect safety in the Harbour. In an Emergency Dial 999 or call Solent Coastguard on VHF Channel 16 or 67 (tel: 02392 552100).
- To report incidents or damage call "Bembridge Harbour" on VHF Channel 80 or telephone 01983 872828. You may be asked to submit a written report.
- Incidents and damage that should be reported include:
 - o damage to and collisions between vessels;
 - o damage to navigation marks, harbour structures or facilities;
 - o malfunctioning navigation marks;
 - o dangerous near-miss situations between vessels;
 - o vessels proceeding at an excessive speed or creating excessive wash;
 - o any injury to a person sustained whilst in the Harbour, and
 - o any other dangerous occurrence.

5. VHF Radio Communications

- a. All vessels whilst underway within the limits of the Harbour are advised to monitor Bembridge Harbour (call sign "Bembridge Harbour") on VHF Channel 80. VHF transmissions should be kept short and relevant.
- b. All commercial vessels and all vessels of 20m or more in length overall, and vessels not under command, restricted in their ability to manoeuvre, or towing another vessel or structure, are to give notice of their movements by reporting to 'Bembridge Harbour' on VHF Channel 80 or by telephone (01983 872828), giving the vessel's name, length, position and intentions.
- c. When it is necessary to report on VHF a vessel being towed: all vessels towing where the vessel being towed is over 12m in length, whether astern or alongside, or the total length of the tow exceeds 20m, are to give notice of their intention to tow into or away from Bembridge Harbour. Notice is to be given on VHF Channel 80 (call sign "Bembridge Harbour") or by telephone 01983 872828.

The need to report does not reduce the duty of the vessel towing and being towed to conduct the towing operation safely. Escort can be provided if required by prior agreement with the Harbour Master.

6. Recovery of Casualties - Persons and Vessels - IN AN EMERGENCY DIAL 999

Ambulance Recovery

- (i) The nominated locations for the disembarkation of most casualties to an ambulance are the Duver Marina car park (The Duver, St Helens, PO33 1YB) and Bembridge Marina car park (Embankment Road, St Helens PO33 1YS).
- (ii) Masters of vessels with casualties or vessels being assisted under tow with casualties aboard should call "Bembridge Harbour" on VHF Channel 80 to request assistance or, out of office hours, call the Coastguard on VHF Channel 16 tel: 02392 552100).
- (iii) The Hampshire and Isle of Wight Air Ambulance has the ability to land on the St Helens Duver, outside the Duver Marina entrance and also in the area of Embankment Road near Bembridge Marina.

7. Pollution Prevention and Waste Disposal

- It is an offence for any vessel, including recreational vessels, regardless of size, to discharge any refuse overboard within specified distances from land, and in the case of plastics and other persistent rubbish, in any sea area surrounding the UK (International Convention for Prevention of Pollution from Ships (MARPOL 73/78)).
- The Harbour Authority provides the following facilities for the disposal of waste:
 - o General waste disposal and recycling facilities for glass and mixed dry recyclables are provided in all marina refuse compounds and are managed according to demand. BHA is committed to recycling wherever possible, in particular plastic materials. All dry mixed recyclable material should be clean and free of food waste or contamination.

In order to reduce marine pollution and as per *SI 1809 MERCHANT SHIPPING, the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations*, all waste is to be disposed of in the correct waste bins provided onsite before heading to sea. General waste disposal costs are incorporated within mooring fees.

If you have any specific waste removal requirements (including as listed below), please contact the Harbour Office (01983 872828) for further information. Charges will be incurred for the management and removal of some items.

- o Advice on the disposal of other special waste including contaminated fuel/oil and paint waste is available from the Berthing or main Harbour Office.
- o Time expired flares/rockets cannot be disposed of at the Harbour Offices. Please contact the MCA for advice on disposal.

If you have a complaint/additional requirements, or would like further information, please contact the Harbour Office (01983 872828 office@bembridgeharbour.co.uk)

- All berth operators and yacht clubs are to provide waste disposal facilities for vessels using their amenities that comply with the Port Waste Reception Facilities Regulations 2003.
- Any vessel experiencing difficulty in accessing waste disposal facilities should contact the berth operators.

Persistent problems should be referred to the Harbour Master.

- The Port Waste Management Plan for Bembridge Harbour was last approved by the MCA on 12th December 2019, and reviewed on 25th January 2022 following an MCA Inspection). The existing PWMP will be updated on completion (due in March) of the new facilities complex and sewage treatment plant at the Duver Marina for submission to the MCA.

8. Pollution

- All harbour users are requested to report all sightings of pollution immediately to a member of the Harbour staff via "Bembridge Harbour" on VHF Channel 80 or by telephone on 01983 872828.
- At times when the Harbour Offices are unmanned, reports should be made to Solent Coastguard on VHF Channel 16 or 67, or by telephone on 02392 552100.
- In the event of an oil pollution incident within the Harbour, the Harbour Office is to be informed of the circumstances as soon as possible. Should it be considered that the use of oil treatment products will be required, the Harbour Master will seek approval from DEFRA. No oil treatment products are to be used until approval from DEFRA is given and the Harbour Master issues specific instructions for their use. The use of 'washing-up liquid' (either domestic or industrial) falls within the scope of this notice.
- The Harbour's Oil and Chemical Spill Contingency Plan will be reviewed and updated in early 2024 and submitted for approval to the MCA. Staff receive training in relation to dealing with Oil Spill Contamination, in line with the Harbour's SOPs.

9. Swimming

- The Harbour Authority is concerned that some swimmers expose themselves to unnecessary risk. Parents of young swimmers, and swimmers themselves, are reminded of the following basic precautions:-
 - o Never dive or jump into water of an unknown depth.
 - o Never dive or jump from any bridge or structure.
 - o Never swim near moving boats, boats running their engines or boats which may depart their moorings.

- o Never swim in the mouth of the Harbour fairway or navigable channels where currents can be deceptively strong.
- o Never swim in the Harbour entrance.
- o Never swim in strong currents and/or tides.
- o Never swim after consuming alcohol or after a meal.
- o Beware of the cold; hypothermia can kill.
- o It is not advisable to swim alone.
- o Always swim within your limitations.
- o Always tell someone on the shore where you are swimming and when you expect to return to the shore.
- For further guidance: <https://www.nationalwatersafety.org.uk>
- Anybody that has concerns about a swimmer should telephone the Harbour Master on 01983 872828 or call “Bembridge Harbour” on VHF Channel 80.
- IN AN EMERGENCY DIAL 999.

10. Diving

- All diving for favour or reward (ie “at work”) is subject to the Diving at Work Regulations 1997 (DWR 97) and the associated Approved Codes of Practice (ACOP). Diving at work may only be carried out by a diving contractor who has notified the Health and Safety Executive in compliance with the provisions in DWR 97 and dives may only be carried out in accordance with the legal requirements. Additionally, the Harbour Authority requires that divers at work apply for, and receive, prior consent from them before undertaking a dive. Details can be obtained by contacting the Harbour Master.
- The Harbour Authority strongly recommends that all diving (whether the diver is at work or not) should meet all of the above requirements.
- There should be no sport or recreational diving within the jurisdiction of the Harbour - there are strong tidal flows, underwater obstructions and moorings, and numerous vessel movements in the Harbour.

11. Suitability of tenders

- Owners of vessels in the Harbour should ensure that any tender used to transport personnel or equipment is of a suitable size, stability and construction to provide safe passage in all conditions likely to be encountered in the Harbour.
- In assessing the suitability of any tender for use in the Harbour, the following factors should be considered:
 - o The actual and forecast weather
 - o The strength of the tidal stream
 - o The effect of wind on sea state
 - o The likelihood of encountering wash from other vessels
 - o The remoteness of the parent vessel

- Tenders should not be overloaded and all occupants should wear lifejackets or buoyancy aids at all times. A secondary means of propulsion is advised, along with a bailer or bucket. A light or torch should be carried and used, to ensure that the tender can be seen in poor visibility or at night.
- Tenders are not to be used by persons under the influence of alcohol or drugs.

12. Refuelling in Bembridge Harbour

There are no public refuelling facilities in Bembridge Harbour. There are strict laws regulating the purchase of petrol and diesel in cans. Refuelling using cans is dangerous and is against the advice of the Harbour Authority. If this advice is ignored and a person proceeds to refuel a vessel from cans, that person is to take all precautions to prevent explosion, fire and pollution and will be held liable in the event of an accident or a spill.

13. Club Events

Clubs have a particular responsibility to ensure that events which they organise, or facilities which the Club provides, are run to acceptable safety standards and that their members are kept apprised of the standards required and any possible dangers involved.

14. Consumption of Alcohol

Don't drink whilst in charge of a moving vessel. Alcohol use affects judgment, vision, balance and coordination, and is involved in about a third of all recreational boating fatalities. Boating under the influence of alcohol is just as deadly as drink driving.

15. Designated Person

The Harbour Authority have appointed:

Mark Robinson
Principal Consultant & Surveyor / Master Mariner
Mark Robinson Maritime Consultants (MRMC)

Telephone: 07714 251321
E-mail: mark@mrmc.co

as their independent Designated Person. His primary responsibility is to independently assure the Harbour Authority that it meets the national standards required by the Port Marine Safety Code.

The Designated Person will be assisting the Harbour Master and his staff to consolidate the Safety Management System. This involves formally assessing the risks associated with using the Harbour. The Harbour Authority are keen not to inhibit the enjoyment of the Harbour although we all have to take sensible precautions to avoid accidents and mishaps. If any users of the Harbour have any safety concerns or suggestions, they should raise them with the Harbour Master at mail@bembridgeharbour.co.uk. If a concern persists then please contact the Designated Person.

16. Lifejackets

USELESS UNLESS WORN! Remember to take your lifejacket or Buoyancy Aid with you and to wear it correctly. Use your lifejacket crotch strap and, if possible, choose a lifejacket that has a spray-hood, light and whistle. Remember to check your lifejackets regularly and make sure that they are serviced and fully functional.

The **Bembridge RNLI Water Safety Team** regularly holds clinics at the Duver Marina during the main season, offering free checks on lifejackets and buoyancy aids and advising on all aspects of safety at sea. For more information check the Bembridge RNLI website (bembridgelifeboat.org.uk) and social media.

17. Use of kill cords in powered craft

Always use a kill cord if fitted to your vessel whilst underway

After a fatal incident in 2013 involving the ejection of a family of six from an 8m RHIP, the MAIB (Marine Accident Investigation Branch) issued a safety bulletin drawing attention to the proper use of kill cords on powered craft, reproduced as follows:

The kill cord serves only one purpose, to stop the engine when the driver moves away from the controls. To ensure that this tragic accident is not repeated it is essential that all owners and operators of vessels fitted with kill cords:

- *Test them regularly to ensure that the engine stops when the kill cord mechanism is operated.*
- *Make sure that the cord is in good condition.*
- *Always attach the cord securely to the driver, ideally before the engine is started, but certainly before the boat is put in gear.*
- *Stop the engine before transferring the kill cord to another driver.*

MAIB Accident Reports and Safety Bulletins can be found at: maib.gov.uk/maib-reports

18. Safety on Harbour Water Taxis

The Harbour operates 3 passenger carrying Water Taxis which are Licenced by the Isle of Wight Council on an annual basis. They are wide, twin hulled, flat bottomed vessels which can carry a maximum of 9 passengers. They carry on board full safety equipment and passenger lifejackets which are available on request.

As Harbour Water Taxis, they operate solely within the confines of the limits of the Harbour. The role of the operator involves constantly moving fore and aft, securing and releasing mooring ropes etc, and means that the use of a kill cord is not practical and could potentially be hazardous. It is therefore Harbour policy not to require the operator to use a kill cord in the normal execution of his/her duties. This is documented in the relevant Risk Assessment and is reviewed annually.

The taxi's Standard Operating Procedures are done in conformity with the Harbour's robust approach to managing risk and following rigorous external inspection in 2018, the SOPs are

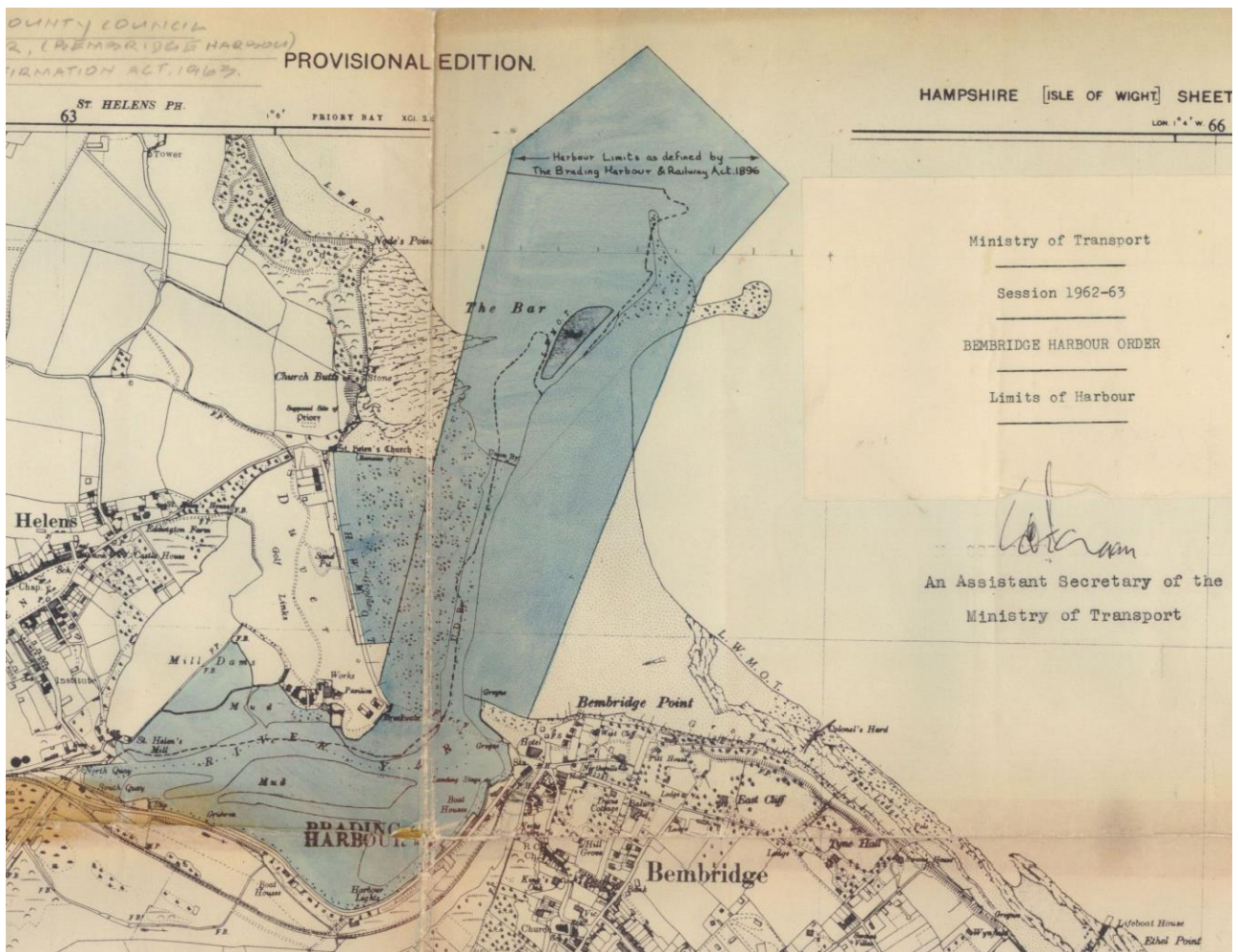
recognised by the MCA as being within the scope and guidance set out by the MCA as contained within MSN 1853, annex 2.

The SOPs are practiced in strict conformity to all relevant MCA guidance, PMSC guidance, the 1963 Harbour Act, Health and Safety guidance, local by-laws and all relevant Acts of Parliament.

Jack Miskin
Deputy Harbour Master

5th February 2024

Appendix 1 Area of Bembridge Harbour Authority Jurisdiction



Bembridge Harbour Improvements Company Limited
Registered office: Harbour Office, The Duver, St Helens, Isle of Wight PO33 1YB
tel: 01983 872828 e-mail: office@bembridgeharbour.co.uk [facebook.com/Bembridgeharbour](https://www.facebook.com/Bembridgeharbour)
Local Notices to Mariners and further pilotage advice: www.bembridgeharbour.co.uk