



Defence  
Safety Authority

# **DSA02-DMR – Defence Maritime Regulations for Health, Safety and Environmental Protection**

Defence Maritime Regulator

***DMR***

## Preface

### Status

These Defence Regulations are issued under the authority of the Charter for the Defence Safety Authority (DSA) (Secretary of State for Defence, March 2015). Printed copies of Defence Safety Regulatory Publications are uncontrolled.

### Requests for Change, Advice and Feedback.

Proposals for changes, comments or queries on these DSA02-DMR – Defence Maritime Regulations should be sent to Defence Maritime Regulator (DMR) at DSA-DMR-Group@mod.gov.uk.

### Review Process

These DSA02 DMR Defence Maritime Regulations for Health, Safety and Environmental Protection are reviewed on at least an annual basis and re-issued where required.

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### Accessibility

These Defence Regulations have been updated to ensure they meet accessibility requirements. If you have difficulty using these Defence Regulations or think we are not meeting accessibility requirements, contact DMR at DSA-DMR-Group@mod.gov.uk.

### Amendment Record

<b>Edition</b>	<b>Authority</b>	<b>Status</b>	<b>Key Changes</b>
Initial edition published 07 Sept 2016	DSA-DMR	Superseded Jan 2019	
2019 edition effective 01 Jan 2019	DSA-DMR	Superseded Jan 2020	Format updated; Ports and Maritime Activities and Defence Diving Regulations incorporated
2020 edition published Nov 2019	DSA-DMR	Effective 01 Jan 2020	Introduction and Goal combined with the Regulations into one document. Introduction includes section on concessions from the regulations, and explanation of Disapplications, Exemptions and Derogations (DEDs). Changes to Defence Diving Regulations, separating Military and Adventurous Training requirements. 'Warships in Harbour' (Reg 704) amended. Regulations 602, 603 and 604 re-ordered and changes to Acceptable Means of Compliance (AMC).

Document Uncontrolled When Printed

2020 [accessibility version] edition published Jan 2020	DSA-DMR	Effective 01 Jan 2020	Document updated with amendments and changes to meet .Gov accessibility requirements.
2021 edition published Nov 2020	DSA-DMR	Effective 01 Jan 2021	Minor editorial changes; New regulation 309; Update to regulation 402; Update to 800 Series Diving regulations, with renumbering from 801 to 804.

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## Introduction

1. The Defence Safety Authority's DSA-01.1 document ([DSA, August 2016](#)) is the highest (Level 1) policy document which expands the Health, Safety and Environmental Protection (HS&EP) in Defence Policy Statement (Secretary of State for Defence, April 2020). This publication is a DSA Level 2 Regulatory Directive for HS&EP of UK Ministry of Defence (MoD) Shipping Activity, hereafter called the Defence Maritime Regulations. These regulations apply to all UK Defence Maritime Activity.
2. These Defence Regulations combine the DMR's Regulatory Framework for MOD Shipping, Defence Diving and MOD Port Operations. The definitions of what is meant by MOD Shipping, MOD Ports and Maritime Activities and Defence Diving, and other terms used in this publication are clarified in the DMR Glossary (DSA03-DMR Glossary).
3. These regulations should be read by personnel, people and organisations conducting Maritime Activity on behalf of the MOD. Each organisation conducting Defence Maritime activities should be able to identify the person accountable for compliance with each Defence Regulation: key accountabilities are described in the Accountability series of these regulations. While the regulations apply to all levels of the organisation, the introduction to each series clarifies the level at which compliance with the Defence Regulations is expected to be demonstrated.

## Authority

4. DMR is an independent Defence Regulator within the DSA. The DMR is authorised under the DSA Charter ([Secretary of State policy statement for Health, Safety and Environmental Protection 2020](#)) to produce Defence Maritime Regulations, and to assure and enforce them. The DMR regulates all Defence Maritime Activity, and can set regulations where:
  - a. Defence has Dis-applications, Exemptions or Derogations (DEDs) from legislation;
  - b. the Regulator has a delegation from the Statute Regulator and/or is directed by and authorised local authorities;
  - c. the Regulated Community has requested regulation and it is accepted by a regulator that an area of defence activity is not sufficiently regulated;
  - d. there is a "gap" in legislation that needs to be "filled" when considering Defence Activity or following Lessons Identified; or
  - e. activities are considered as High Risk and the DSA decides that the statutory regulator does not do enough to assure compliance.
5. Only the DMR can set Defence Maritime Regulations or enforce compliance with its frameworks. Neither MOD Holding to Account, nor any absence of Assurance by the DMR, by its accredited Duly Authorised Organisations (DAO) or Recognised Organisations, absolves any Duty Holder, Authority, or Accountable Person of their duties to supply suitable and sufficient evidence of compliance, when challenged, that they comply with these Defence Maritime Regulations.

6. Where there is uncertainty regarding the application of the regulations, or a risk of not achieving compliance, the Accountable Person should seek clarification from the Regulator. Where the requirements of an applicable regulation cannot be met, a request for a concession must be submitted to the Regulator. A concession should be a last resort. Where any Duty Holder (DH), Platform Authority (PA) or Equipment Authority (EA) has identified a non-compliance with the regulations, the Accountable Person should always endeavour to find a means of achieving an acceptable means of compliance.

## Disapplication, Exemptions and Derogations

7. The MoD Secretary of State's (SofS) Policy Statement reinforces the requirement for Defence to comply with UK HS&EP legislation, (which includes legislation giving effect to the UK's international obligations). Where legal requirements have the potential to adversely impact operations, there are some provisions that allow Defence derogations, disapplication, or exemption from legislation, although Defence is required to follow the original intent of the legislation to the extent that is reasonably practicable to do so. Any associated risk and impacts must be managed by the Accountable Person. The following definitions are provided to aid understanding:

- a. **Derogations** are a lessening of a statutory requirement for justifiable practical or operational reasons;
- b. **Disapplications** from specific parts of legislation and are written into the statutory requirement (e.g. Environmental Protection Act 1990, Explosive Regulations 2014);
- c. **Exemptions** are provisions within legislation to be granted by the SofS from specific requirements in recognition of a Defence imperative.

8. It is important to understand that exemptions are not a given and generally need to be applied for on a case-by-case basis via the Defence Regulator (or DE&S QSEP for REACH and hazardous materials) to the appropriate Departmental Minister or Statutory Authority for consideration. This is the general case, but it is often more complicated. Exemptions are usually temporary in nature and subject to use conditions, e.g. Regulation 11 of The Control of Vibration at Work Regulations 2005 allows the SofS for Defence, in the interests of national security, to exempt any person or class of persons from the prohibition imposed by paragraph 2 of the regulations by a certificate in writing subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time. The Secretary of State shall not grant any such exemption unless he is satisfied that the health and safety of the employees concerned is ensured as far as possible in accordance with the objectives of these Regulations.

9. While it is the responsibility of all people to comply with legislation, Accountable Persons and Duty Holders are required to provide evidence of compliance (on behalf of the SofS), for a capability or other specified area of responsibility (AoR). Any conflicts between legislation and the regulations should be brought to the attention of the DMR.

## Regulatory Overview

10. DMR conducts 3rd party assurance of Organisations, Accountable Persons, and their HS&EP management systems. DMR provides its assurance to the SofS and enforces compliance, proportionate to risk. DMR 3<sup>rd</sup> Party Assurance (3PA). (audit, inspection, survey, and investigation) samples the 2<sup>nd</sup> Party Assurance (2PA) conducted by organisations to ensure that both 1<sup>st</sup> Party Assurance (1PA) and 2PA are robust and effective.

11. DMR can approach any person or organisation involved in Defence Maritime Activities to establish that these Regulations are being met. Those approached should be able to provide evidence that they meet the requirements specified by these Defence Regulations and other DSA departmental policy requirements. This includes the sampling of 2PA by inspecting the products of a person or organisation's management arrangements and that of organisations that face those parties. Where relevant to Maritime HS&EP, compliance with other DSA Regulator HS&EP Regulations should also be demonstrated to the Maritime Regulator.

12. DSA departmental policy details can be found in DSA01.2 – Implementation of Defence Policy for HS&EP.

## Scope

13. These Defence Regulations apply to the people and the organisations that conduct MOD Shipping, Defence Diving and MOD Port and Maritime Activities (worldwide), as defined in the DMR Glossary (DSA03 DMR DCOP 00). They are grouped into themed series and the scope of each series is described in the introduction to each series.

14. Many of the regulations are addressed to an 'Accountable Person'. The implication is that organisations conducting Maritime Activities should identify the persons who are accountable for demonstrating compliance with the regulation. Accountable persons include persons with key HS&EP roles and responsibilities, and their authorised and empowered representatives.

15. Where any part of MOD's duties is discharged through contractors, this does not in any way diminish the ultimate accountability and responsibility of crown officials for Defence tasks. There should still be a clear chain of delegations to suitably competent persons who are accountable for demonstrating that the requirements of these Regulations are met.

## The Regulations

16. These Defence Maritime Regulations have been updated to align with DSA policy for writing Defence Regulations. There are two key definitions that apply to this implementation of the Defence Regulations:

- a. **Shall.** Describes an activity that is mandatory under Regulation; and

b. **Should.** Describes an activity that if demonstrated, is an acceptable means of compliance.

17. These Defence Regulations are grouped in series (100, 200, 300 etc., up to 900), with each series having a scope and/or theme. The current series of Defence Maritime Regulations are listed in the Index at the end of this introduction. They will be configuration managed individually. Each Defence Regulation is comprised of the following parts:

a. **Regulation.** The authoritative direction for the activity. Compliance with a Defence Regulation is mandatory;

b. **Provenance.** The origin of the Defence regulation. Primarily legislation, DSA01 level policy, Defence lesson on a high hazard activity where No Suitable Statute Exists, an area requested by an Accountable Person, or Memorandum of Understanding with a statutory regulator. Provenance is provided to clarify why requirements or activities in the Acceptable Means of Compliance are necessary. The provenance highlights some of the key items of legislation that require MOD to manage compliance where Defence has a Dis-application, Exemption or Derogation, but it is not an exhaustive list. The Health and Safety at Work etc. Act, 1974, is a primary piece of legislation and applies to certain Defence Maritime activity within the 12 Nautical miles' territorial limit of the United Kingdom, but for brevity is not repeated in each regulation. The amendment state of applicable legislation is not captured; Accountable Persons should ensure the correct amended legislation is being followed. Further information can be found on the Maritime Legislation Database; and

c. **Acceptable Means of Compliance.** Each Acceptable means of compliance provides key criteria to achieve compliance with the associated Defence Maritime Regulation. Alternative approaches may be utilised, but early engagement is advised to agree novel strategies.

## Concessions from Defence Maritime Regulations

18. A DMR concession is an authorisation granted by the DMR for the Accountable Person to deviate from the requirement of a DMR Regulation. Concessions will only be granted to satisfy an overriding operational requirement, and where it is demonstrated that compliance is not reasonably practicable. They will only be approved where evidence is provided that a plan is in place to mitigate risks associated with the concession. Approval of concessions does not constitute DMR acceptance of the HS&EP risk: it is the recognition that a suitable and sufficient argument has been demonstrated and that the residual safety risks are As Low As Reasonably Practicable (ALARP), environmental impacts and risks are minimised so far as reasonably practicable and both are accepted by the Accountable Persons within the safety and environmental case.

19. If concessions are required against more than one applicable regulation, each concession should have a separate case. The case for non-compliance may cover multiple platforms, equipment, systems, or activities where the same concession is required, but only if the argument is the same. Before a request is submitted to DMR, cases for concessions must be authorised and presented by the relevant Operating Duty Holder and agreed by other Accountable Persons affected by risks associated with the non-compliance. The case should state that the Accountable Persons have understood and accepted the risk associated with the concession.

20. The case for the concession must contain a structured argument supported by a body of evidence provided by competent people with knowledge of the equipment, platform or activity. The case for non-compliance should include a description of the platform, equipment, system, or activity; its operational role; and key project dates, such as in-service dates or capability upgrades. Arguments for concessions must address at least the following:

- a. a summary of the requirements of the regulation from which non-compliance is requested, and where it is relevant to the platform, equipment or activity;
- b. the technical reasons for non-compliance;
- c. the specific operational requirement which makes the non-compliance necessary;
- d. the perceived operational impact of enforced compliance;
- e. the proposed mitigating measures to be implemented, and how they will be managed, to ensure that any residual HS&EP risks are reduced as far as reasonably practicable;
- f. the cost of compliance – including costed option analysis; and
- g. the period of time for which the concession is requested.

Concession cases submitted to the Regulator must also address the levels of the following non-compliance risks:

- a. the specific hazards and risk and impacts exposed by the non-compliance (health and safety risks and environmental impacts and risks);
- b. societal perception and potential to damage the reputation of the MOD; and
- c. potential for financial penalties should the risks materialise.

Cases should be submitted as early as possible so that any measures specified in the approval can be implemented without impacting maritime capability.

## **Approval of Concessions**

21. A DMR concession may be granted where applications have provided robust arguments and evidence to satisfy the requirements described above. Factors considered will include:

- a. maintenance of essential operational capability;
- b. the probability of legislation changes;
- c. the age of the equipment, platform or system, and the length of time the equipment, platform or system has left in service;
- d. technology (solution) availability and the rate of technology change;

e. grossly disproportionate cost for the safety or environmental benefit achieved.

22. Approved concessions will be for a specified period and will be dependent on the level of risk associated with the concession.

23. The approval process will engage key stakeholders in the decision through a DMR Regulation Concession Committee (DRCC). Representation at the Committee will depend on the case to be considered but will usually include DMR Duly Authorised People, Defence policy leads, and statutory regulators where further guidance is required. The decision will be communicated to the applicant within one month of receipt of the application, unless further evidence is required. Where an application is rejected DMR will provide an explanation of the reasons. Where the potential impact of the non-compliance is extremely high, the regulator will inform Director General (DG) DSA and the SofS for Defence.

24. The DMR decision may be appealed via the Defence Regulations Concessions Committee (DRCC). In exceptional circumstances the applicant can appeal to DG DSA via the Defence Safety and Environment Committee.

## Regulation Concessions: Management and Review

25. The DMR will review concessions during audits to verify they are still required, and that required mitigations are being implemented. If DMR find evidence that conditions of the concession are not being maintained, the Operating Duty Holder will be issued a non-conformity that will be effective until sufficient evidence has been provided to justify its closure. Depending on the severity of a non-conformity it may result in a recommendation to stop an activity.

## Compliance and Risk Management

26. Accountable Persons should ensure compliance with these maritime regulations and implement an effective management regime that manages safety risks and environmental impacts. This management regime should be based upon the implementation of appropriate Risk Control Systems (RCS).

## Regulatory Action

27. DMR will conduct audits in accordance with the DMR Audit & Inspection Manual. Each audit will be against a specific set of these regulations.

28. DMR will issue enforcement action in line with DSA01.2 - Implementation of Defence Policy for HS&EP, and 2016DIN06-020-Implementation of DSA Enforcement Policy). Enforcement action should trigger corrective activity and required response times are outlined in the DSA DMR Audit & Inspection Manual.

## Military Context

29. When **exceptional circumstances** require delivery of a Defence Task to be conducted outside of these regulations (e.g. by exceeding the certified operating envelope, or the limitations specified in the Health, Safety and/or Environmental Case), operations may continue, subject to a risk assessment being conducted by the Accountable Person.

The risk assessment is to include a statement that the Accountable Person is satisfied that risk has been reduced as low as reasonably practicable, within the constraints of the exceptional circumstances. When time permits other Accountable Persons shall be informed and provide advice as necessary to manage any risks so far as is reasonably practicable, until such exceptional circumstances cease. The relevant Accountable Person shall inform the DMR when exceptional circumstances have required ships to operate outside of these regulations.

30. Whenever a Commanding Officer is directed to conduct activity where there are risks outside their organisational control, the Accountable Person should retain authority and responsibility for managing those risks. Where an Accountable Person advises operation outside of the Health, Safety and/or Environmental Case they should be conscious of their accountability and record their rationale and actions.

31. Even in exceptional circumstances, the risks associated with the activity should be dynamically reduced to ALARP. Once the exceptional circumstances cease, the activity should cease or return to normal parameters.

## Regulatory Principles

32. These principles are to be applied by DMR Inspectors and Duly Authorised Persons to evidence of compliance, and the key criteria associated with each Regulation.

33. **The Goal.** The Goal of these regulations is that the management of Defence Maritime Activities is conducted in ways that minimise work-related fatalities, injuries, ill health, health and safety risks, and the environmental impact to ALARP as stated in the SofS policy. Outcomes should be at least as good as those required by legislation so far as is reasonably practicable, and both the risk management approach and selected risk control should have a civil and military benchmarks statement justifying the standard, target or test of acceptability, tolerability or risk and the adequacy of the evidence presented.

34. **Simplicity.** When managing HS&EP every opportunity should be taken to simplify and sharpen documentation and advice so that it is proportionate, clear and remains so.

35. **Health and Safety.** The approach to health and safety management of Defence Maritime Activities should be conducted using recognised health and safety principles. The recognised principles include those set out by the 'Seven Principles of Leadership' (Health and Safety Executive, April 2008):

- a. leadership;
- b. process safety management taking place at all business levels;
- c. real and dynamic risk assessments;
- d. robust management of change approaches;
- e. sustainability;

- f. well trained and competent people;
- g. a learning organisation.

36. **Environmental.** The approach to environmental protection management of Defence Maritime Activities should be conducted using recognised environmental principles. The environmental impacts and risks should be managed to have the least adverse environmental impact, whilst meeting legislative requirements, taking account of what is practicable and acceptable cost constraints (the Best Practicable Environmental Option (BPEO)). Institute of Environmental Management and Assessment (IMEA) Core Principles for the Environment are:

- a. Polluter Pays Principle;
- b. Precautionary Principle;
- c. Innovation Principle;
- d. Proximity Principle;
- e. Pollution Prevention;
- f. Integrated Approach;
- g. Transparency & Inclusivity;
- h. Sustainable Development.

37. **Systems Approach.** To prevent, eliminate and control hazards, Defence Maritime activities are to adopt a systems approach the following in a concerted fashion

- a. platforms;
- b. equipment;
- c. software;
- d. human systems integration;
- e. procedures;
- f. training.

This approach is to be applied to the governance of systems linking multiple platforms as “Systems of Systems” and reconciled with platform and system primacy requirements. Influences from and upon the surrounding environment (including human interactions) are also to be assessed.

## Regulation Navigation

38. **Regulation Series.** The Regulation Set is structured as nine series, numbered 100 to 900. These series can be categorised as follows:
- a. generic series which apply across all Defence Maritime Activities: 100 (Applicability), 200 (Accountability), 300 (Management Tools), 400 (Application) and 500 (Environmental Assurance and Management);
  - b. series that cover specific Maritime Activities: 600 (Shipping), 700 (Ports & Harbours) and 800 (Defence Diving);
  - c. the 900 series which describes the Defence Maritime Regulator assurance framework.
39. Each regulation is allocated a three-digit number, the first digit being derived from the series number. The regulations are listed in the Regulation Index.

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## Regulation Index

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101	Applicability of Defence Maritime Regulations for HS&EP	01 Jan 2019
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201	Authority and Accountability	01 Jan 2019
202	Accountability for Management Arrangements	01 Jan 2019
203	Senior Duty Holders (SDH)	01 Jan 2019
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205	Delivery Duty Holder (DDH)	01 Jan 2019
206	Ships Commanding Officer	01 Jan 2020
207	Designated Persons Ashore	01 Jan 2019
208	Platform Authorities (PA)	01 Jan 2019
209	Equipment Authorities (EA)	01 Jan 2019
210	Diving Officer	01 Jan 2019
211	Port Duty Holders	01 Jan 2019
<b>300 Series</b>		
301	Risk Control Systems	01 Jan 2019
302	Safety and Environmental Management System(s)	01 Jan 2019
303	Safety and Environmental Management Plan(s)	01 Jan 2019
304	Safety and/or Environmental Case(s)	01 Jan 2019
305	Safety and/or Environmental Case Report(s)	01 Jan 2019
306	Establishing the Safe and Environmentally Compliant Operating Envelope	01 Jan 2019
307	Operate Within the Envelope	01 Jan 2019
308	Certified Equipment and/or Systems	01 Jan 2019
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<b>400 Series</b>		
401	Documentation of Policies and Procedures	01 Jan 2019
402	Legislative Compliance Management	<b>01 Jan 2021</b>
403	Exemptions	01 Jan 2019
404	Resource and Manning	01 Jan 2019
405	Training	01 Jan 2019
406	Emergency Preparedness	01 Jan 2019
407	Accident Investigation	01 Jan 2019
<b>500 Series</b>		
501	Environmental Damage	01 Jan 2019
502	Pollution Preparedness, Response and Cooperation	01 Jan 2019
503	Underwater Cultural Heritage	01 Jan 2019

<b>Number</b>	<b>Title</b>	<b>Effective Date</b>
<b>600 Series</b>		
601	UK Defence Shipping Register	01 Jan 2020
602	UK Defence Shipping Register Documents	01 Jan 2020
603	Registration of MOD Shipping on the UK Defence Shipping Register	01 Jan 2020
604	Certification	01 Jan 2020
605	Naval Authority Certification Rules	01 Jan 2019
606	Requirements, Design & Construction	01 Jan 2019
607	Document of Compliance	01 Jan 2019
608	Command Safety and Environmental Summary	01 Jan 2019
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615	Ballast Water Management	01 Jan 2019
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619	Ship Recycling	01 Jan 2019
620	Wrecks	01 Jan 2019
<b>700 Series</b>		
701	Port Marine Safety Code (PMSC)	01 Jan 2019
702	Application of PMSC outside MoD Dockyard/Port	01 Jan 2019
703	Ports Safety and Environmental Compliance	01 Jan 2019
704	Explosives in MOD Ports & Harbours	01 Jan 2020
<b>800 Series</b>		
801	Defence Diving Code of Practice	<b>01 Jan 2021</b>
802	Defence Diving Safety Certificate	<b>01 Jan 2021</b>
803	Diving Safety Verification - Commercial Diving Acquisition	<b>01 Jan 2021</b>
804	Assurance of JSAT Diving Expeditions	<b>01 Jan 2021</b>
<b>900 series</b>		
901	Assurance	01 Jan 2019
902	Audit Access	01 Jan 2019
903	Duly Authorised Organisations	01 Jan 2019
904	Naval Authority Group	01 Jan 2019
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906	Fleet Operational Sea Training (FOST) Operational Training Division	01 Jan 2019
907	Captain Port Operations	01 Jan 2019

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## 100 Series - Applicability of the Defence Maritime Regulations

This series describes the range of maritime activities to which these Defence Regulations are applicable, and when they are applicable. In general, maritime activity that falls out with the scope of civil activity in an applicable civil Act, Rule or Code will be governed by these Defence Regulations.

**MOD Shipping:** these DMR regulations apply to all MOD Shipping, as registered on the UK MOD Register of Shipping. Any MOD Government or Chartered Ships (conducting Defence activities) that are dual registered under the UK Ship Register (UKSR) *should* also demonstrate compliance with these Defence Regulations by meeting their statutory obligations under the Merchant Shipping Act and a Safety and Environment Management System (SEM) conforming to the International Safety Management (ISM) Code.

**MOD Ports and Harbours:** these DMR regulations apply to MOD Ports, particularly the Queen's Harbours containing Her Majesty's Naval Bases (HMNB) and the sovereign territory ports, including Mare Harbour, Gibraltar and Cyprus.

**Defence Diving:** these DMR regulations apply to Defence Diving activities and specify the diving governance framework for all Military Diving, all MOD Commercial Diving Activity and Defence Directed AT Diving.

## 101 - Applicability of Defence Maritime Regulations for Health, Safety and Environmental Protection

<b>Regulation</b>	These DMR Regulations <b>shall</b> apply to all Crown servants and other persons carrying out a MOD Shipping or Defence Diving activity, through life and wherever they occur globally, including when using Military Ports, Harbours and satellite Maritime Facilities, and wherever MOD has a duty of care.
<b>Provenance</b>	<p>Charter for the Defence Safety Authority (DSA), Secretary of State for Defence, April 2020.</p> <p>Management of the Health and Safety at Work Regulations 1999.</p> <p>Merchant Shipping Act 1995 (including a Defence DED).</p> <p>Dockyard Ports Regulation Act 1865</p> <p>Ports Regulations 1964 (including a Defence DED).</p> <p>Diving at Work Regulations 1997 and Merchant Shipping (Diving) Regulations 2002.</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. These Defence Maritime Regulations <i>should</i> be applied to: <ol style="list-style-type: none"> <li>a. MOD shipping, and associated activity for the benefit of the crown, including organisations acquiring, supporting or operating MOD Shipping, in the UK or overseas;</li> <li>b. MOD owned, leased, operated or controlled (by or on behalf of the MoD), ports, harbours, marine operations and facilities;</li> <li>c. all Diving activity conducted by or commissioned on behalf of MOD, wherever it may occur globally and whenever the Crown has a duty of care.</li> </ol> </li> <li>2. Each nominated Accountable Person <i>should</i> recognise and apply these Defence Maritime Regulations according to the type of activity, facility or platform, at all stages of the life cycle from early concept phase to final disposal (including recycling) or termination, irrespective of the procurement strategy, support strategy, type of owner, contractual arrangements, or operational arrangement.</li> <li>3. Where a ship, activity or facility is operated on behalf of the MoD through a 2<sup>nd</sup> or 3<sup>rd</sup> party contract arrangement, there <i>should</i> be evidence of an auditable, functional trail of Accountability leading to a MoD SDH through a contract monitoring and performance arrangement.</li> <li>4. For temporary arrangements or facilities created for exercise or operational purposes, there <i>should</i> be recognition of the Regulations and appointment of an appropriate Accountable Person within the Exercise or Operational Orders.</li> </ol>

## **200 Series - Accountability for Application of the Defence Maritime Regulations**

This series describes the requirements for the Governance of organisations engaged in MOD Shipping and Defence Diving activities, and management of MOD Ports & Harbours. The requirement to appoint Accountable Persons for applying these Defence Maritime Regulations, and key accountability roles and responsibilities are described where they are important, and where they aid understanding of the wider regulation set.

<b>201 - Authority and Accountability</b>	
<b>Regulation</b>	Each organisation engaged in (or contributing to) Defence Maritime Activities <b>shall</b> have identified the Accountable Person(s), including Duty Holders and Authorities, who set down and implement the HS&EP management arrangements for activities in their specified area of responsibility.
<b>Provenance</b>	<p>The Corporate Manslaughter and Corporate Homicide Act 2007.</p> <p>Merchant Shipping Act 1995 (including a Defence DED).</p> <p>Policy Statement by the Secretary of State for Defence on Health, Safety and Environmental Protection in Defence (April 2020)</p> <p>The Management of Health and Safety at Work Regulations 1999 (including a Defence DED).</p> <p>Dockyard Ports Regulation Act 1865</p> <p>Ports Regulations 1964 (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Each organisation <i>should</i> clearly articulate within an Organisation &amp; Arrangements (O&amp;A) document who holds accountability for HS&amp;EP processes and the management of safety risk (incl. combat safety risks) and environmental impact.</li> <li>2. Each Accountable Person <i>should</i> demonstrate compliance by setting a SEMS framed by an O&amp;A to standards they nominate. Additional accountability and requirements set within that SEMS, frame requirements at different organisational levels.</li> <li>3. Accountable Persons <i>should</i> hold documented evidence of their delegated authority, accountability and responsibility. Where letters are used, delegations are to specify the Duty Holding or supporting Authority role if it is to be held. Appointments aligned to the Duty Holder construct are not to be requested nor accepted unless the recipient is deemed competent to discharge their delegated responsibilities.</li> <li>4. Organisations that acquire MOD Maritime capability <i>should</i> have an effective Duty Holder-facing construct of PA and EA who ensure delivery and maintenance of safe platforms and equipment.</li> <li>5. There <i>should</i> be current and agreed terms of reference for all personnel who manage, perform and verify work relating to or impacting safety and environmental management within the jurisdiction of these Regulations.</li> </ol>

<b>202 - Accountability for Management Arrangements</b>	
<b>Regulation</b>	All Accountable Persons (including Duty Holders and Authorities) <b>shall</b> demonstrate that their management arrangements are suitable and sufficient for their responsibilities.
<b>Provenance</b>	<p>DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016).  The Management of Health and Safety at Work Regulations 1999 (including a Defence DED).  Dockyard Ports Regulation Act 1865  Ports Regulations 1964 (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<p>1. Accountable Persons, Duty Holders, Authorities and DAO <i>should</i> provide assurance that they:</p> <ul style="list-style-type: none"> <li>a. are sufficiently resourced to meet the requirements of these Defence Maritime Regulations;</li> <li>b. have appointed Accountable Persons (appropriate to their AoR) who are competent to advise them on the application of (and outcomes from) these Defence Maritime Regulations;</li> <li>c. have with agreement on areas of collaboration, and processes suitable for managing safety and environmental protection across key interfaces with other DSA regulatory regimes, and between elements of their own management arrangements;</li> <li>d. have agreed and suitable processes to manage transfers of accountability, to ensure that safety and environmental protection is not compromised;</li> <li>e. have suitable processes for managing change;</li> <li>f. understand their duty to notify others of risks;</li> <li>g. have established procedures suitable to ensure that all personnel are given proper training and familiarisation with their duties;</li> <li>h. escalate any risk that has consequences greater than they are authorised to hold. Where breaches are beyond the control of any current Authority, they are reported to DMR;</li> <li>i. have suitable processes for identifying gaps in management arrangements and acting upon findings;</li> <li>j. have included the requirements to maintain safety and environmental cases in any organisational baseline.</li> </ul>

<b>203 - Senior Duty Holders</b>	
<b>Regulation</b>	The SDH in each organisation <b>shall</b> have ultimate accountability for safety and environmental protection of their organisation's Defence Maritime Activities, and compliance with these Defence Maritime Regulations.
<b>Provenance</b>	<p>Merchant Shipping Act 1995 (including a Defence DED).</p> <p>DSA01.2 Implementation of Defence Policy for Health, Safety and Environmental Protection: Chapter 3 - Duty Holding (May 2018).</p> <p>The Management of Health and Safety at Work Regulations 1999 (including a Defence DED)</p> <p>Dockyard Ports Regulation Act 1865</p> <p>Ports Regulations 1964 (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The SDH <i>should</i> ensure that their organisation develops, implements and maintains an overarching safety and environmental management system(s) for the effective management of Defence Maritime Activities.</li> <li>2. The SDH <i>should</i> issue Letters of Delegation to, and maintain records of, their Accountable Persons.</li> </ol>

204 - Operating Duty Holders	
Regulation	ODH <b>shall</b> assure the SDH that the Health, Safety and Environmental Management System(s) for Defence Maritime Activities are fit for purpose.
Provenance	<p>DSA01.2 Implementation of Defence Policy for Health, Safety and Environmental Protection: Chapter 3 - Duty Holding (May 2018).</p> <p>The Management of Health and Safety at Work Regulations 1999 (including a Defence DED).</p> <p>Dockyard Ports Regulation Act 1865</p> <p>Ports Regulations 1964 (including a Defence DED).</p>
Acceptable Means of Compliance	<p>1. The ODH <i>should</i> ensure compliance with these Defence Maritime Regulations for their AoR in accordance with their Letter of Delegation by actively managing the overarching SEMS and Organisation and Arrangement Statements.</p>

205 - Delivery Duty Holders	
<b>Regulation</b>	DDH <b>shall</b> provide assurance of the effective implementation of their Operating Duty Holder’s overarching Health, Safety and Environmental Management Plan(s).
<b>Provenance</b>	<p>DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016).</p> <p>DSA01.2 Implementation of Defence Policy for Health, Safety and Environmental Protection: Chapter 3 - Duty Holding (May 2018).</p> <p>The Management of Health and Safety at Work Regulations 1999 (including a Defence DED).</p> <p>Dockyard Ports Regulation Act 1865</p> <p>Ports Regulations 1964 (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<p>1. For all Defence Maritime activities in their AoR, the DDH <i>should</i>:</p> <ul style="list-style-type: none"> <li>a. ensure that the overarching Health, Safety and Environmental Management Plan is implemented across force elements to maintain safe operations coherently across their AoR, as defined in their letter of delegation;</li> <li>b. ensure that each activity is resourced with suitably qualified, experienced, certificated and medically-fit personnel to levels that are at least as good as legislation (from a Pan-Defence Lines of Development perspective);</li> <li>c. ensure that platforms and activities can be and are operated safely and in accordance with their safety and environmental safety cases;</li> <li>d. conduct assurance of each activity in their AoR.</li> </ul>

<b>206 - Ships Commanding Officer</b>	
<b>Regulation</b>	Ship's Commanding Officers <b>shall</b> discharge their responsibilities in accordance with the applicable legislation and Defence Regulations.
<b>Provenance</b>	Merchant Shipping Act 1995 (including a Defence DED). Book of Reference Digital (BRd) 2 - The Queens Regulations for the Royal Navy (Latest Edition).
<b>Acceptable Means of Compliance</b>	<p>1. Ship's Commanding Officers or Masters <i>should</i> demonstrate that they:</p> <ul style="list-style-type: none"> <li>a. implement a shipboard safety and environmental protection management system;</li> <li>b. operate a ship in a way that reduces risk and is in accordance with these regulations, certification, and the specified requirements of the Safety and/or Environmental Case (SEC);</li> <li>c. exercise a duty of care to their crew, all others on board, 3<sup>rd</sup> parties that could be affected, and the environment;</li> <li>d. motivate a just safety and environmental culture within the crew;</li> <li>e. periodically conduct 1<sup>st</sup> party review of the shipboard safety and environmental management system and report deficiencies to the shore-based management;</li> <li>f. ensure that all accidents, incidents, near missed and hazards are reported, analysed, investigated and acted upon;</li> <li>g. ensure that emergency arrangements are in place, followed, understood and tested.</li> </ul>

## 207 - Designated Persons Ashore

<b>Regulation</b>	A Designated Persons Ashore <b>shall</b> be identified to be accountable for monitoring the safe and efficient operation of the Defence Maritime activity.
<b>Provenance</b>	<p>Merchant Shipping Act 1995 (including a Defence DED).</p> <p>Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 and implementing UK legislation.</p> <p>SI-1512/2014 The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014, Part 2, Regulation 8 (including a Defence DED).</p> <p>The Management of Health and Safety at Work Regulations 1999 (including a Defence DED).</p> <p>Dockyard Ports Regulation Act 1865</p> <p>Ports Regulations 1964 (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The Designated Persons Ashore (DPA) <i>should</i> provide the direct link between persons accountable for the Health, Safety and Environmental management of activities, and those participating in the maritime activities from engineering and operational perspectives and the shore-based support provided. Their responsibilities <i>should</i> include: <ol style="list-style-type: none"> <li>a. monitoring the safe and efficient operation of that ship with particular regard to safety and pollution prevention aspects;</li> <li>b. ensuring compliance with the safety management system;</li> <li>c. ensuring proper provision is made for the ship to be so manned, equipped and maintained that it is fit to operate in accordance with that safety management system.</li> </ol> </li> <li>2. The DPA is accountable to the Accountable Person (normally the DDH) and the scope of their authority <i>should</i> be defined, documented, and authorised by Duty Holders (where they have been appointed).</li> <li>3. Each DPA <i>should</i> have knowledge of activities conducted and how they are documented. They <i>should</i> hold evidence of appropriate training qualification and experience to demonstrate their competence.</li> <li>4. DPA <i>should</i> be approachable at all levels and have direct access to their DDH, and Document of Compliance (DOC) holder.</li> <li>5. DPA <i>should</i> contribute to assurance of the MOD shipping, port, or diving activity, they have been appointed to monitor.</li> <li>6. DPA <i>should</i> actively contribute to collation of evidence for support to Sea Clearances.</li> </ol>

<b>208 - Platform Authorities</b>	
<b>Regulation</b>	Each PA <b>shall</b> be responsible to their Duty Holders (or equivalent Accountable Persons) for ensuring all Ships within their Area of Responsibility are safe to operate by providing safety and environmental protection assurance of the design, system and equipment integration, and through-life support.
<b>Provenance</b>	<p>United Nations Convention on the Law of the Sea 1982.</p> <p>Merchant Shipping Act 1995 (including a Defence DED).</p> <p>The Management of Health and Safety at Work Regulations 1999 (including a Defence DED).</p> <p>National Security Risk Assessment (NSRA): Maritime Platform Primacy.</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. PA <i>should</i> provide assurance that, for each ship within their AoR: <ol style="list-style-type: none"> <li>a. functional requirements are appropriate to the system or ship type (design-intent, role, task, activities and operating philosophy);</li> <li>b. appropriate through-life controls have been applied;</li> <li>c. requirements for platform products and services are cascaded, under platform primacy in the integration of EA and Training Authority products and services;</li> <li>d. there is a Certification Strategy agreed with the Naval Authority specifying the certificates required and when they are required;</li> <li>e. where hazards are not certifiable, it is able to demonstrate mitigation through suitable and sufficient means to meet the requirements of these Regulations;</li> <li>f. they authorise key documents forming part of a safety and/or environmental case(s), ensuring that they are based on objective and assured evidence, and combat safety requirements have been addressed as far as reasonably practicable;</li> <li>g. that each live health, safety and environmental case has defined boundaries and limits. Where these are set by certification or competence levels and are supported by evidence they are recorded within the Operating Envelope;</li> <li>h. the Design Authority function is being delivered by a competent and adequately resourced organisation through life.</li> </ol> </li> <li>2. Where PA formally delegate all or part of the Design Authority function, they <i>should</i> provide assurance that the organisation is fulfilling their delegated duties.</li> <li>3. PA <i>should</i> remain accountable for approving engineering concessions to ship functional requirements, assessing their impact on safety and the environment and for authorising key documents.</li> </ol>

<b>209 - Equipment Authorities</b>	
<b>Regulation</b>	EA <b>shall</b> provide Health, Safety & Environmental assurance of the design and through-life support of the maritime equipment for which they are accountable is safe to operate.
<b>Provenance</b>	<p>Health and Safety at Work, etc. Act 1974.</p> <p>Merchant Shipping Act 1995 (including a Defence DED).</p> <p>The Management of Health and Safety at Work Regulations 1999 (including a Defence DED).</p> <p>Provision and Use of Work Equipment Regulations (PUWER) 1998 (including a Defence DED).</p> <p>Dockyard Ports Regulation Act 1865.</p> <p>Ports Regulations 1964 (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The EA <i>should</i> provide evidence that, for systems and equipment within their AoR that: <ol style="list-style-type: none"> <li>a. risk controls have been applied appropriately to ensure that hazards are eliminated or minimised as far as reasonably practicable, and through-life;</li> <li>b. arguments and justification relating to safety, including combat safety, demonstrate that the risk of death or injury to the crew, damage to the ship, ship systems and port operations is minimised as far as reasonably practicable;</li> <li>c. Environmental Aspects of their equipment are managed such that adverse environmental impacts are minimised and meet the BPEO;</li> <li>d. those systems (software, personnel, documentation and equipment) that are safety and environmental-critical elements of platform safety and/or environmental cases have suitable and sufficient functional integrity and integration (across relevant RCS) to allow acceptance and approval onto platforms;</li> <li>e. the Design Authority function is delivered by an organisation that is competent and adequately resourced through life.</li> </ol> </li> <li>2. Each EA <i>should</i> be responsible to each PA for ensuring systems and equipment in their area of responsibility are safe to operate.</li> <li>3. Key documents contributing to the Health, Safety and/or Environmental case(s) <i>should</i> be authorised by the EA.</li> <li>4. The EA <i>should</i> ensure the training required for the equipment is identified so that resource requirements can be captured and allocated through a clear funding route.</li> </ol>

## 210 - Diving Officer

<b>Regulation</b>	A single Diving Officer <b>shall</b> be appointed to be accountable for each diving project, and for ensuring that, so far as is reasonably practicable, the diving project is planned, managed and conducted in a manner which protects the health and safety of all persons taking part in that project.
<b>Provenance</b>	<p>The Diving at Work Regulations 1997.</p> <p>The Management of Health and Safety at Work Regulations 1999 (including a Defence DED).</p> <p>Dockyard Ports Regulation Act 1865</p> <p>Ports Regulations 1964 (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The Diving Officer <i>should</i> be the “employer”, in the line management of the diver or divers engaged in the diving project.</li> <li>2. The Diving Officer <i>should</i> ensure that, before the commencement of the diving project: <ol style="list-style-type: none"> <li>a. a diving project plan is prepared in respect of that project and that the plan is thereafter updated as necessary during the continuance of the project;</li> <li>b. a supervisor is appointed for that operation, making a written record of that appointment, and is provided with the written record;</li> <li>c. the appointed supervisor is supplied with a copy of any part of the diving project plan that relates to that operation;</li> <li>d. there are sufficient people with suitable competence to carry out safely and without risk to health both the diving project and any action (including the giving of first-aid) that may be necessary in the event of a reasonably foreseeable emergency;</li> <li>e. suitable and sufficient plant is available whenever needed to carry out safely and without risk to health both the diving project and any action (including the giving of first-aid) which may be necessary in the event of a reasonably foreseeable emergency connected with the diving project;</li> <li>f. the available plant is maintained in a safe working condition;</li> <li>g. so far as reasonably practicable, any person taking part in the diving project complies with the requirements and prohibitions imposed on him by or under the relevant statutory provisions and observes the provisions of the diving project plan;</li> <li>h. a record of particulars is kept for each diving operation.</li> </ol> </li> <li>3. The Diving Officer <i>should</i> ensure that, after the diving project, the diving operation record is retained in the diving unit for at least six years after the date of the last entry in it.</li> </ol>

<b>211 - Port Duty Holders</b>	
<b>Regulation</b>	Port Duty Holders <b>shall</b> operate their ports in line with the PMSC and in line with Defence Rules for Warships in Harbour <sup>1</sup> .
<b>Provenance</b>	DSA01.2 Implementation of Defence Policy for Health, Safety and Environmental Protection: Chapter 3 - Duty Holding (May 2018).  Dangerous Goods in Harbour Areas Regulations 2016 (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<p>1. Port Duty Holders <i>should</i>:</p> <ul style="list-style-type: none"> <li>a. demonstrate active management of their overarching safety and environmental management system(s) and organisation and arrangements;</li> <li>b. demonstrate evidence of regular 2PA of their area of responsibility, in co-operation with Captain Port Operations (Regulation 907);</li> <li>c. maintain the required Licences (e.g. explosives);</li> <li>d. maintain appropriate records of the hazard footprint of those units parented within the Port;</li> <li>e. ensure compliance with 700 Series of these regulations;</li> <li>f. ensure compliance with JSP 482 Chapter 26 - 'Naval Bases and Military Ports'.</li> </ul>
	<sup>1</sup> Naval Authority Rules for the Control of the Explosives Risk from MOD Shipping at a Berth

## **300 Series - Management Tools**

These 300 series describe the tools that enable organisations to manage HS&EP. These tools *should* be used as a coherent framework, such that traceability can be demonstrated from top-level strategy documents through to Health, Safety and or Environmental cases for specific maritime activities (including platforms and equipment).

There are Defence Regulations that provide direction for management and assessment of Defence Maritime activities at both the organisation and activity level. They also provide direction on establishing the margins of the safe and environmentally sustainable operating envelope, and operation within those margins.

<b>301 - Risk Control Systems</b>	
<b>Regulation</b>	Named Accountable Persons <b>shall</b> provide evidence that, for their area of responsibility, RCS have been implemented, are integrated and are effective.
<b>Provenance</b>	DSA01 – Defence Policy for Health, Safety and Environmental Protection (August 2016). Health and Safety at Work Regulations 1991 (including a Defence DED). SI2014/1512 MS (ISM Code) Regulations (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Accountable Persons <i>should</i> provide evidence of the application of safeguards against all identified risks.</li> <li>2. The applicable RCS from the list below <i>should</i> be adopted as mitigations against those risks: <ol style="list-style-type: none"> <li>a. SEMS documented using Organisation and Arrangements Statements and Safety and Environmental Management Plans;</li> <li>b. Certification and Certification Strategy;</li> <li>c. Integration of Safe Design and Construction;</li> <li>d. Maintenance of the Ship and Equipment;</li> <li>e. Management of Change; Maintenance of Conditions;</li> <li>f. Documentation;</li> <li>g. Manning Levels, Competence and Training;</li> <li>h. Incident Reporting and Analysis;</li> <li>i. Emergency Preparedness;</li> <li>j. Safe and Environmentally Compliant Operating Envelope;</li> <li>k. Live Health, Safety and/or Environmental Case and the Health, Safety and/or Environmental Case Report, Summaries and Statements;</li> <li>l. Requirements Management;</li> <li>m. Verification of Internal Assurance, Internal and External Audits.</li> </ol> </li> <li>3. There <i>should</i> be evidence that the RCS are applied at a strategic level (DOC holder to SDH), risk controls identified by each Safety &amp; Environmental Case are employed, and that risks identified are notified and escalated according to the Safety &amp; Environmental Management Plan (SEMP).</li> </ol>

<b>302 - Safety and Environmental Management System(s)</b>	
<b>Regulation</b>	Accountable Persons <b>shall</b> develop and maintain a proportionate SEMS for their area of responsibility.
<b>Provenance</b>	<p>The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (including a Defence DED).</p> <p>Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) and implementing UK legislation.</p> <p>DSA01.2 Implementation of Defence Policy for Health, Safety and Environmental Protection Chapter 2 - Requirement for Safety and Environmental Management Systems in Defence (June 2018).</p> <p>Health and Safety at Work Regulations 1991 (including a Defence DED).</p> <p>SI2014/1512 MS (ISM Code) Regulations (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The SEMS <i>should</i> set MOD Maritime HS&amp;EP targets and requirements for the organisation's area of responsibility. SEMS <i>should</i> document organisation and arrangements for what is to be achieved, the activities, key roles and responsibilities and how successful implementation will be measured normally through the use of Organisation and Arrangements.</li> <li>2. The SEMS <i>should</i> detail how the organisational structure, processes and methodologies will deliver continual improvements to HS&amp;EP of Defence Maritime activities and minimise the adverse environmental impacts.</li> <li>3. An acceptable <i>should</i> set out how each of the RCS is to be applied.</li> <li>4. The SEMS <i>should</i> be developed and maintained in accordance with a recognised standard that is appropriate for the area of responsibility, such as: <ol style="list-style-type: none"> <li>a. Defence Standard (DEFSTAN) 00-56;</li> <li>b. DEFSTAN 00-51;</li> <li>c. Acquisition Safety Environmental Management System (ASEMS) Part 1 Section 3, clause 3.1;</li> <li>d. BRd 167 Chapter 1.</li> </ol> </li> <li>5. The SEMS <i>should</i> include an assessment of the likely environmental impacts of plans and programmes, and requirements for reporting <i>should</i> be specified (proportionate to the significance of the identified impacts).</li> </ol>

<b>303 - Safety and/or Environmental Management Plan(s)</b>	
<b>Regulation</b>	<p>Accountable Persons <b>shall</b> develop, implement and maintain a MOD Maritime SEMP specifying:</p> <ol style="list-style-type: none"> <li>1. How and when the objectives and requirements contained in the SEMS are to be implemented.</li> <li>2. How each approval point will be verified and authorised, and by whom.</li> </ol>
<b>Provenance</b>	<p>DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016).</p> <p>The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015. (NSRA but see Chalmers &amp; Carver Reviews).</p> <p>Nuclear Installations Act 1969. (NSRA but see Chalmers &amp; Carver Reviews).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The SEMP detail <i>should</i> be proportionate to the perceived level of risk and environmental impacts (see Regulations 600 Series to 800 Series).</li> <li>2. The SEMP <i>should</i> be approved by the DOC holders and the accountable persons it affects.</li> <li>3. Accountable Persons <i>should</i> provide evidence that the SEMP defines: <ol style="list-style-type: none"> <li>a. the key roles, responsibilities and activities of all stakeholders for the creation, development and management of each Safety and/or Environmental case(s) throughout the lifecycle;</li> <li>b. how stakeholders will be engaged through the process;</li> <li>c. clear HS&amp;EP milestones and targets;</li> <li>d. how and when it is validated during assurance (see Regulations 900 Series);</li> <li>e. how objectives and requirements will be met, vetted and who will authorise them;</li> <li>f. which Accountable Persons or Assurance function (at 1<sup>st</sup> party, 2<sup>nd</sup> party or 3<sup>rd</sup> party) is to conduct the assurance. No project or activity <i>should</i> pass an approval point defined in the SEMP without acceptance by the Accountable Person;</li> <li>g. the minimum acceptable evidence for the Safety and/or Environmental Protection case(s) at each milestone is demonstrated.</li> </ol> </li> <li>4. The roles, responsibilities and activities of all stakeholders for the creation, development, management and review of the Safety and/or Environmental case(s) <i>should</i> be defined throughout the platform, equipment or service lifecycle.</li> </ol>

<b>304 - Safety and/or Environmental Case(s)</b>	
<b>Regulation</b>	Accountable Persons <b>shall</b> develop and maintain Safety and/or Environmental Protection Cases to demonstrate that platforms, products and services meet and maintain Safety and Environmental Protection requirements.
<b>Provenance</b>	<p>Health and Safety at Work Act, 1974 (including a Defence DED).</p> <p>Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment and UK implementing Legislation.</p> <p>DSA01.2 Implementation of Defence Policy for Health, Safety and Environmental Protection Chapter 2 - Requirement for Safety and Environmental Management Systems in Defence (June 2018).</p> <p>The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 and Nuclear Installations Act 1969. (NSRA but see Chalmers &amp; Carver Reviews).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The strategy for the creation, development and management of the Safety and/or Environmental case(s) <i>should</i> be developed at the start of a project and reviewed on a regular basis. This strategy <i>should</i> view the Safety and/or Environmental cases from an integrated perspective and coherence between related Safety and/or Environmental cases <i>should</i> be managed, noting that the Environmental Case may in itself comprise of a number of key POEMS outputs, such as the Environmental Impact Screening and Scoping Report(s).</li> <li>2. Safety and/or Environmental case(s) and associated strategy or strategies <i>should</i> be developed proportionate to the perceived level of risk and environmental impacts.</li> <li>3. A Safety and/or Environmental case(s) <i>should</i> be produced and maintained in accordance with appropriate standards, such as DEFSTAN 00-56 &amp; 0051; ASEMS Part 2 SMP12; POEMS; BRd 167 Ch 2. DMR holds an approved list.</li> <li>4. Suitable and sufficient techniques and standards should be used in forming safety &amp; environmental arguments and risk assessments.</li> <li>5. A Safety and/or Environmental case <i>should</i> include the assessment of the environmental impact of planned activities such as: <ol style="list-style-type: none"> <li>a. activities in direct support of training by the naval, military or air forces of the Crown, including reserve forces and the Royal Fleet Auxiliary or a visiting force;</li> <li>b. tests and trials of Defence equipment and systems;</li> <li>c. recovery of Defence assets/salvage.</li> </ol> </li> </ol>

## 305 - Safety and/or Environmental Case Reports

<b>Regulation</b>	Named Accountable Persons <b>shall</b> demonstrate the Safety and/or Environmental Case for a Ship or Diving plant in a Health, Safety and/or Environmental Protection Report, proactively and effectively addressing the impact of significant milestones, decisions and/or events identified in the Safety and/or Environmental Case Reports (SECR) Strategy.
<b>Provenance</b>	DSA01.1 Defence Policy for Health, Safety and Environmental Protection. The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 and Nuclear Installations Act 1969. (NSRA but see Chalmers & Carver Reviews)
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Safety and/or Environmental Case Reports <i>should</i> provide a snapshot in time that summarises for stakeholders and regulators how Safety and/or environmental protection issues are being managed for the levels of risk/impact that are held.</li> <li>2. Safety and/or Environmental Case Reports <i>should</i> be formally signed by the Accountable Person indicating acceptance and responsibility for the risks and/or impacts appropriate to the level of authority of the Accountable Person. Formal acceptance confirms that comprehensive, credible and coherent safety and/or environmental protection arguments and evidence exists (including evidence provided by contractors). Authorisation to pass the approval point <i>should</i> only be given after taking relevant advice and before the activity (such as a Ship going to Sea) occurs and evidence exists.</li> <li>3. Safety and/or Environmental Case Reports <i>should</i> be produced and maintained in accordance with recognised standards, e. g. <ol style="list-style-type: none"> <li>a. DEFSTAN 00-56;</li> <li>b. DEFSTAN 00-51;</li> <li>c. ASEMS Part 1 Chapter 4;</li> <li>d. BRd 167 Chapter 2.</li> </ol> </li> </ol>

306 - Establishing the Operating Envelope	
<b>Regulation</b>	Accountable Persons <b>shall</b> establish the limits of the safe and environmentally sustainable Operating Envelope for the Defence Maritime Activities for which they are responsible.
<b>Provenance</b>	Merchant Shipping Act 1995 (including a Defence DED). DSA01.2 Implementation of Defence Policy for Health, Safety and Environmental Protection Chapter 2 - Requirement for Safety and Environmental Management Systems in Defence (June 2018). NSRA: Established Maritime Domain best practice
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The Accountable Persons (usually the Operating Duty Holder, with support from the DDH, Platform Authority and/or Equipment Authorities) and DAO <i>should</i> establish the Safe and Environmentally compliant margins of the Operating Envelope for the Maritime activity for which they are responsible.</li> <li>2. The envelope <i>should</i> be based upon objective evidence in the live Safety and Environmental Case, and the limits set by certification.</li> <li>3. The envelope <i>should</i> describe the boundaries and limits of operation for the activity (including the platform and equipment, imposed by extant levels of trained and available personnel, design parameters, age or maintenance state, certification, margins for risk assessment and environmental assessment studies).</li> <li>4. The Safe and Environmentally Compliant Operating Envelope <i>should</i> clearly define the operating limits. It is to be captured and updated in the Safety and/or Environmental Case (also in the Command Safety &amp; Environmental Summary for MOD Shipping), and routinely assured by Accountable Persons in an auditable trail.</li> </ol>

307 - Operate Within the Envelope	
<b>Regulation</b>	Maritime activities <b>shall</b> only be conducted inside the established Safe and Environmentally Compliant Operating Envelope, unless there are exceptional circumstances which requires the delivery of a Defence Task.
<b>Provenance</b>	<p>DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016).</p> <p>NSRA: Established Maritime Domain best practice</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Defence Maritime activities <i>should</i> only be conducted outside the established Safe and Environmentally Compliant Operating Envelope (and the scope of that activity's certification) in exceptional circumstances arising from an urgent need to deliver a Defence Task. Once the exceptional circumstances cease to exist, the activity <i>should</i> return to normal parameters.</li>   <li>2. Where any activity is operated outside of the Safe and/or Environmentally Compliant Operating Envelope, it <i>should</i> follow a risk assessment by the Commanding Officer. The risk assessment <i>should</i> be recorded and include a statement that the Commanding Officer is satisfied that risk has been reduced as low as reasonably practicable, within the constraints of the exceptional circumstances. When time permits, the Accountable Persons <i>should</i> be informed.</li>   <li>3. Whenever an activity is directed which is outside the established safe and Environmentally Compliant Operating Envelope, the ODH <i>should</i> retain authority and accountability for managing any risks that emerge. The Accountable Person <i>should</i> record their rationale and actions.</li>   <li>4. In peacetime, invoking 'Operational Imperative' to override normal safe practices in generation or activity <i>should</i> only be considered in extremis and in the face of a significant, imminent threat to life or the environment.</li> </ol>

## 308 - Certified Equipment and/or Systems

<b>Regulation</b>	Accountable Persons <b>shall</b> be in possession of the appropriate Safety and Environmental Protection certificates for equipment and/or Systems.
<b>Provenance</b>	<p>Marine Equipment Directive 96/98/EC (including a Defence DED).</p> <p>Provision and Use of Work Equipment Regulations 1998 (PUWER) (including a Defence DED).</p> <p>NSRA: Established Maritime Domain best practice.</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Certificates <i>should</i> be obtained and maintained for fitted systems and equipment no later than the point of acceptance. This includes obtaining and maintaining applicable equipment type-approval certificates or Certificates for Clearance and Use.</li> <li>2. Regular Inspections <i>should</i> be performed, and re-certification conducted as required (e.g. for lifting equipment). Maintenance and repair records are to be maintained and made available for Inspection.</li> <li>3. Certificates <i>should</i> be recorded on a register and made available during assurance and sea clearance.</li> <li>4. Where other risk controls of critical elements are selected, they should be justified as delivering outcomes as good as those required by such certification.</li> </ol>

<b>309 – Legislation Compliance Registers</b>	
<b>Regulation</b>	Accountable Persons <b>shall</b> maintain a legislation compliance register for the platforms, activities, equipment and/or facilities for which they are responsible.
<b>Provenance</b>	<p>Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements.</p> <p>Merchant Shipping Act 1995 (including a Defence DED).</p> <p>Policy Statement by the Secretary of State for Defence on Health, Safety and Environmental Protection in Defence (June 2018).</p> <p>Health and Safety at Work, etc. Act 1974.</p> <p>Department for Transport Port Marine Safety Code (2018).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. A legislation compliance register <i>should</i> be maintained in the Defence Legislation Support Tool (DLST).</li> <li>2. The DLST compliance register <i>should</i> record the compliance status of the Defence Maritime platforms, activities, equipment and facilities within the Accountable Person's Area of Responsibility.</li> <li>3. The DLST compliance register <i>should</i> provide suitable and sufficient compliance statements.</li> <li>4. Compliance statements and arguments <i>should</i> be: <ol style="list-style-type: none"> <li>a. created by competent individuals;</li> <li>b. approved by authorised individuals;</li> <li>c. be relevant to the scope of legislation and the activity of the platform, equipment and or capability;</li> <li>d. where a DED has been utilised, provide a robust argument that the outcomes are, so far as is reasonably practicable, as good as that required by the Legislation.</li> </ol> </li> <li>5. Compliance registers <i>should</i> be reviewed in a timely manner including: <ol style="list-style-type: none"> <li>a. when legislation changes or when new case law is established;</li> <li>b. when new and relevant information regarding the platform/equipment/activity is discovered and/or the safety case is modified;</li> <li>c. at key transition points, e.g. acceptance into service, disposal;</li> <li>d. at a maximum interval of 3 years.</li> </ol> </li> <li>6. The detailed underpinning evidence for the register should be documented as part of the Safety &amp; Environmental Case(s).</li> </ol>

## **400 Series - Application of the Defence Maritime Regulations**

This series describes the fundamental requirements to comply with legislation for all Defence maritime activities. There are regulations addressing management of documentation of policies and procedures, training, resources and manning, and accidents and incidents.

Where the regulations cannot be applied, evidence *should* be provided of a risk-based argument which defines an alternative means of compliance to meet the intent.

<b>401 - Documentation of Policies and Procedures</b>	
<b>Regulation</b>	Accountable Persons <b>shall</b> develop and maintain policies and procedures to control all relevant safety and environmental information (documents and data), within their specified area of responsibility.
<b>Provenance</b>	<p>DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016).</p> <p>Freedom of Information Act 2000.</p> <p>The Environmental Information Regulations 2004.</p> <p>Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 and implementing UK legislation.</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Each Accountable Person <i>should</i> establish and maintain procedures to control all relevant documents and data, according to an appropriate standard (e.g. ISO 14001:2015, or ISO 9001: 2015).</li> <li>2. Each Accountable Person <i>should</i> ensure that: <ol style="list-style-type: none"> <li>a. safety, environmental protection and combat safety related decisions are appropriately recorded to allow audit and learning from experience;</li> <li>b. appropriate documents and data are retained and made available when and where they are needed;</li> <li>c. documents are regularly reviewed and updated, with any gaps in information recorded and understood;</li> <li>d. obsolete documents and historic data are appropriately archived and stored, compliant with legal archiving requirements and to be available as needed;</li> <li>e. the frequency of document review and endorsement is appropriate for the safety risk or environmental aspects being managed and the rate of changes in the system that the document applies to;</li> <li>f. changes are reviewed, approved and communicated to all those who need to know;</li> <li>g. configuration control is delivered to a relevant Quality Assurance standard and is effective, and any obsolete documents are promptly removed from use;</li> <li>h. information required to provide evidence of compliance with applicable HS&amp;EP Legislation is made available to DMR. Where wider disclosure is not considered to be in the interest of national security, the information <i>should</i> be controlled in accordance with agreements between DMR and the Accountable Person.</li> </ol> </li> </ol>

## 402 - Legislative Compliance Management

<b>Regulation</b>	Accountable Persons <b>shall</b> each ensure that the applicable legal requirements for their Defence Maritime Activities are managed.
<b>Provenance</b>	<p>Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements.</p> <p>Merchant Shipping Act 1995 (including a Defence DED).</p> <p>Policy Statement by the Secretary of State for Defence on Health, Safety and Environmental Protection in Defence (April 2020)</p> <p>Health and Safety at Work, etc. Act 1974.</p> <p>Department for Transport Port Marine Safety Code (2018).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Organisation and arrangements for management of legislation compliance <i>should</i> be an integral part of a Maritime Safety and Environmental Protection Management System.</li> <li>2. Legislation compliance risks and issues <i>should</i> be reviewed at the relevant Safety and Environmental Committee meetings. These meetings <i>should</i> provide a record of the actions taken to address these compliance issues and risks.</li> <li>3. As part of the Health, safety and/or environmental case(s) approval process, compliance registers <i>should</i> be accepted as suitable and sufficient by the Accountable Person.</li> <li>4. If any Maritime platform, equipment or activity is found to be non-compliant with legislation, then the DMR <i>should</i> be notified and a solution proposed.</li> </ol>

<b>403 - Exemptions</b>	
<b>Regulation</b>	Where the Secretary of State for Defence is enabled to grant "exemption" from statute, a request to invoke this power <b>shall</b> be made through DSA, DMR or their Duly Authorised Persons, as laid down for that statute.
<b>Provenance</b>	DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016)  As explicitly stated in a DED
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. All completed HS&amp;EP Exemption Case Submissions are to be staffed through the relevant DSA Regulator legislation review committee and require DSA approval prior to submission to the appropriate endorsing authority (Secretary of State for Defence Minister, DG DSA or Defence Regulator, and DES Tech QSEP for REACH exemptions).</li> <li>2. The Defence Sponsor must provide evidence that due diligence has been applied and that so far as is reasonably practicable, the investigation and development of alternative engineered and system-based solutions that would provide an otherwise legally compliant solution have been exhausted, resulting in the need for an exemption as the only legal means of meeting an operational need. The detailed requirements of an Exemption Case Submission are provided in DSA 01.2 Chapter 6, Process for seeking Exemptions from Safety and Environmental constraints in UK Legislation.</li> <li>3. The Approval of an Exemption does not constitute DMR acceptance of the risk, rather a recognition that a suitable and sufficient argument has been provided.</li> <li>4. The Defence Sponsor <i>should</i> ensure that the approved exemption certificate is copied to the Regulator and identified in the DMR Maritime Legislation database for the platform, equipment or activity, against the relevant item of legislation. DMR will also record the details in the DMR exemption register and will conduct audits to ensure they are still required.</li> </ol>

## 404 - Resources and Manning

<b>Regulation</b>	Accountable Persons in sea-going and shore-support organisations <b>shall</b> maintain a Safety and Environmental Protection Organisational Baseline for their area of responsibility, which is suitably resourced.
<b>Provenance</b>	<p>International Convention on Standards of Training, Certification and Watch keeping for Seafarers 1978 (including a Defence DED).</p> <p>Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 (Text with EEA relevance) (as amended) and implementing UK legislation.</p> <p>DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016).</p> <p>Nuclear Installations Act 1965.</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. For each maritime activity (crew agreement or Unit Position List) and including shore-support, the organisational baseline (competency<sup>1</sup>, manning levels, and training) <i>should</i> reflect the requirements of the platform and/or equipment, the activity, and applicable certification.</li> <li>2. Each ship organisational baseline <i>should</i> be complimented by the organisational baseline for each aspect of shore support, which <i>should</i> have sufficient capacity and competence to discharge roles in managing the design, maintenance and support activities necessary to achieve certification and deliver RCS.</li> <li>3. The organisational baseline for each area of responsibility of an Accountable Person <i>should</i> be maintained in alignment with assumptions in each safety and/or environmental case(s) and requirements identified by Organisation and Arrangements.</li> <li>4. Competence standards for seagoing postings <i>should</i> be at least as good as the International Maritime Organisation Standard of Training, Certification and Watchkeeping (STCW), with criticality and specific skill requirements defined in applicable safety and environmental cases.</li> <li>5. The terms and conditions of employment <i>should</i> reflect (where applicable) Queen's Regulations and the military covenant on the safety of personnel embarked on MOD Shipping (or equivalent STCW provision).</li> <li>6. The following <i>should</i> be available for inspection: <ol style="list-style-type: none"> <li>a. processes for monitoring of Officers' qualifications; and</li> <li>b. medical fitness policies, including procedures for monitoring the status of certificates in accordance with STCW.</li> </ol> </li> </ol> <p><sup>1</sup> To a recognised professional competence standard</p>

<h2>405 - Training</h2>	
<b>Regulation</b>	Each Accountable Person <b>shall</b> provide assurance that sea-going, shore-support, and acquisition personnel within their area of responsibility are appropriately trained to a recognised professional standard <sup>1</sup> and developed to have the right competencies to discharge their role.
<b>Provenance</b>	<p>International Convention on Standards of Training, Certification and Watch keeping for Seafarers 1978 (including a Defence DED).</p> <p>Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 and implementing UK legislation.</p> <p>DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016).</p>
<b>Acceptable Means of Compliance</b>	<p>1. Every post with HS&amp;EP management responsibility <i>should</i> have clearly specified duties, resource and right levels of competence. Each Accountable Person is to provide assurance that:</p> <ul style="list-style-type: none"> <li>a. the organisational baseline (competency and training) requirement is clear, reflects the design of the Ship or System, its activities and certification status;</li> <li>b. personnel are properly qualified to a T-Level, national occupational standard<sup>1</sup> or degree, appropriate to their profession and role;</li> <li>c. letters of delegation include the requirements for appropriate qualifications, or registered status (Chartered membership of a relevant professional body);</li> <li>d. personnel competencies gained and training completed are recorded;</li> <li>e. competence requirements for critical postings are published and reviewed at specified intervals;</li> <li>f. deficiencies against the organisational baseline are identified and reported as risks;</li> <li>g. the ability to discharge a duty of care is in no way diminished by financial or time pressures.</li> </ul> <p>2. The competence standard for seagoing postings <i>should</i> be demonstrated to be at least as good as the International Maritime Organization (IMO) STCW, with criticality and specific skill requirements defined in applicable safety &amp; environmental cases.</p> <p><sup>1</sup>A recognised professional standard by the relevant recognised professional body.</p>

<b>406 - Emergency Preparedness</b>	
<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that Emergency Preparedness, Response Plans, procedures and systems are in place for Defence Maritime activities.
<b>Provenance</b>	<p>The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (including a Defence DED).</p> <p>SI-1743/2012 Merchant Shipping Reporting and Investigation Regulations (including a Defence DED).</p> <p>Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 and implementing UK legislation.</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Accountable Persons <i>should</i> put in place arrangements and procedures to manage the impacts of foreseeable abnormal and emergency situations, as well as for preparedness and response to pollution with appropriate management arrangements, equipment and monitoring. These arrangements and procedures are to be documented, trained for and tested drawing upon advice from appropriate Authorities. Such arrangements are to be reviewed and updated as required.</li> <li>2. The Accountable Person <i>should</i> ensure that evidence is provided that Defence Maritime Activities has achieved the outcomes of the EC Regulation 2006 (as amended) and implementing UK legislation. Examples of objective evidence to be provided include: <ol style="list-style-type: none"> <li>a. records of drills;</li> <li>b. records of training ashore;</li> <li>c. emergency response plans addressing relevant scenarios.</li> </ol> </li> <li>3. The SEMS <i>should</i> describe the measures the organization can take to respond at any time to hazards, accidents and emergency situations. It <i>should</i> describe procedures to identify, describe and respond to potential emergency situations. It <i>should</i> include programmes for drills and exercises to prepare for emergency actions.</li> </ol>

<b>407 - Accident Investigation</b>	
<b>Regulation</b>	Accidents and Incidents <b>shall</b> be investigated so that hazards and impacts are highlighted in a timely manner to facilitate learning from the experience.
<b>Provenance</b>	<p>The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (including a Defence DED).</p> <p>Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council (Text with EEA relevance)</p> <p>The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Accidents above a threshold involving death or serious injury, significant damage to property or the environment <i>should</i> be reported to the Defence Accident Investigation Branch (DAIB), the Duty Fleet Controller, ODH and DMR.</li> <li>2. Accident and Incident investigations <i>should</i> examine, in a timely manner, all Defence Lines of Development and identify, as a minimum, any relevant: <ol style="list-style-type: none"> <li>a. design issues;</li> <li>b. material or software failures;</li> <li>c. shortfalls attributed to human factors;</li> <li>d. shortfalls in risk assessments and management;</li> <li>e. shortfalls in operating procedures;</li> <li>f. shortfalls in the safety and environmental management system(s) and its organisational arrangements, verification and competence.</li> </ol> </li> <li>3. Findings and Recommendations identified during investigations <i>should</i> be recorded and passed between all relevant Duty Holders, supporting Authorities and other stakeholders who have the authority to enact improvement, prevent recurrence, and to disseminate lessons as part of a continual improvement process.</li> <li>4. Demonstration that the learning and continual improvement within a just culture develops a more mature and resilient organisation.</li> </ol>

## **500 Series - Environmental Protection Assurance and Management**

This series describes the management tools, including environmental assessments, management plans, programmes and strategies that enable organisations to manage Environmental Protection. These *should* be used as part of a coherent framework to manage both strategic and project-level Defence Maritime Activities. It *should* be noted that while this series is identified as predominantly about

Environmental Protection, associated Health and Safety risks and issues *should* be managed together with the environmental impacts.

While these regulations address key legislative requirements, they do not provide an exhaustive list of all the available Environmental Protection management tools. Other relevant tools as described in recognised standards may be integrated into your management framework.

<b>501 - Environmental Damage</b>	
<b>Regulation</b>	Accountable Persons <b>shall</b> ensure that environmental damage caused by Defence Maritime Activity is prevented and remedied, so far as is reasonably practicable.
<b>Provenance</b>	<p>Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability about the prevention and remedying of environmental damage and the UK implementing legislation.</p> <p>United Nations Convention on the Law of the Sea of 10 December 1982 (including a Defence DED).</p> <p>Environmental Damage (Prevention &amp; Remediation) (England) Regulations 2015</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Accountable Persons <i>should</i> assess potential environmental damage in their Defence Maritime Activity plans, policies and procedures for their Area of Responsibility.</li> <li>2. These plans, policies and procedures <i>should</i> demonstrate prevention of environmental damage, so far as is reasonably practicable.</li> <li>3. Where there is an imminent threat of environmental damage, the Accountable Person <i>should</i> immediately take all practicable steps to prevent the damage and identify measures that will achieve the remediation of the environmental damage in accordance with Schedule 3 of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015.</li> <li>4. Where the activity has caused environmental damage, or has caused damage where there are reasonable grounds to believe that the damage has or will become environmental damage, the Accountable Person <i>should</i> immediately: <ol style="list-style-type: none"> <li>a. take all practicable steps to prevent further damage and identify measures that will achieve the remediation of the environmental damage in accordance with Schedule 3 of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015; and,</li> <li>b. notify all relevant details to the Duty Holder, the DMR and as appropriate, the relevant Statutory Regulators.</li> </ol> </li> </ol>

## 502 - Pollution Preparedness, Response and Cooperation

<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that the serious threat posed to the marine environment by pollution incidents is minimised through being prepared for, and able to respond to such incidents including cooperation with the appropriate agencies.
<b>Provenance</b>	<p>International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC), 1990 and implementing UK legislation (including a Defence DED).</p> <p>The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 and 1997 Protocols (MARPOL) Annex I and implementing UK legislation (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The Accountable Person <i>should</i> ensure that evidence is provided that the outcomes of the International Conventions and their implementation with Rules and UK legislation have been achieved where relevant to their area of responsibility.</li> <li>2. The Accountable Person for Defence Maritime Activities <i>should</i> ensure the following: <ol style="list-style-type: none"> <li>a. an appropriate pollution emergency plan is held on-board;</li> <li>b. appropriate materials to respond to own platform pollution incidents are held on-board;</li> <li>c. a reporting methodology and process for own and other Ship oil pollution incidents is created and maintained;</li> <li>d. contaminated waste produced during the clean-up of a pollution incident be dealt with as hazardous waste and held on board until it can be discharged at a suitable reception facility.</li> </ol> </li> </ol>

## 503 - Underwater Cultural Heritage

<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that the impacts on underwater heritage arising from Defence Maritime Activities are minimised, so far as is reasonably practicable.
<b>Provenance</b>	UNESCO Convention on The Protection of the Underwater Cultural Heritage 2001. United Nations Convention on the Law of the Sea of 10 December 1982 (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<p>1. The Accountable Person <i>should</i> ensure that evidence is provided that Defence Maritime Activities have achieved the outcomes of the International Convention 2001 including:</p> <ul style="list-style-type: none"> <li>a. being aware of the location of sites of cultural heritage and taking all reasonable precautions to avoid them;</li> <li>b. developing, maintaining and following operating procedures for use in the event MOD Shipping Activity results in the discovery of a site of potential cultural heritage; and</li> <li>c. developing, maintaining and following operating procedures for use in the event MOD Shipping Activities cause damage to a site of known or suspected cultural heritage.</li> </ul>

## 600 Series - MOD Shipping Regulations

This series of regulations captures key regulatory requirements relating to Health and Safety, and Environmental Protection for MOD Shipping and MOD Shipping activity. Accountable Persons *should* address these requirements by identifying anticipated relevant environmental impacts and health and safety risks, and setting out measures to prevent, minimise or mitigate those impacts and risks (where relevant to your platform).

Documentation *should* include Health, Safety and/or Environmental Cases, Compliance Statements, Health, Safety and Environmental Management Plans and Ship-level SEMS. The cumulative environmental impacts and health and safety risks *should* be addressed in the organisation's Health, Safety and Environmental Management System.

<b>601 - UK Defence Shipping Register</b>	
<b>Regulation</b>	Platform Authorities and nominated Accountable Persons <b>shall</b> provide the public information required by the UK Registrar of MOD Shipping, for all ships for which they are accountable.
<b>Provenance</b>	Merchant Shipping Act 1995 (including a Defence DED). United Nations Convention on the Law of the Sea 1982 (including a Defence DED). The Merchant Shipping (Flag State Directive) Regulations 2011 (including a Defence DED)
<b>Acceptable Means of Compliance</b>	<p>1. Information <i>should</i> be notified to the Registrar as soon as it is available to allow the certification process to commence. Information is to be Certification Strategy, SEMP and Certificates in a format compatible with the requirements of the UK Merchant Shipping Register, or UK Register of Small Craft, or Unmanned craft.</p> <p>2. The following information <i>should</i> be provided through the PA to populate individual ship records according to ship type and this information will be made publicly available:</p> <ol style="list-style-type: none"> <li>a. Ship Name;</li> <li>b. Ship Type by UKSR civil or NATO Designator and short description by Class;</li> <li>c. IMO number;</li> <li>d. Radio call sign;</li> <li>e. Length;</li> <li>f. Displacement;</li> <li>g. Base Port;</li> <li>h. Builder/where built;</li> <li>i. Year of build/launch/in service (commission) dates;</li> <li>j. Flag;</li> <li>k. Status (acquisition, commissioned, decommissioned);</li> <li>l. Operating Duty Holder and Platform Authority Particulars.</li> </ol> <p>3. Other information agreed for the Certification Strategy and Cases for Certification <i>should</i> be recorded on the Register, but this will not be made publicly available.</p>

602 - UK Defence Shipping Register Documents	
<b>Regulation</b>	PA and Accountable Persons <b>shall</b> provide documents for each ship for which they are accountable, to support the information in the UK MOD Registrar of Shipping.
<b>Provenance</b>	Merchant Shipping Act 1995 (including a Defence DED). United Nations Convention on the Law of the Sea 1982 (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<p>1. As soon as information is available it <i>should</i> be notified to the Registrar. Information <i>should</i> be formatted to be compatible with the requirements of the UK Defence Shipping Register.</p> <p>2. Information <i>should</i> be provided to populate individual ship records according to ship type, including (but not limited to):</p> <ul style="list-style-type: none"> <li>a. Certification Strategy information, including certificates required and obtained, including certificate dates;</li> <li>b. current ship service status;</li> <li>c. projected out of service date;</li> <li>d. location and dates of Health, Safety and/or Environmental Case Reports.</li> <li>e. location and dates of Sea Clearance Reports, Sea Clearance issued, and Safety and Readiness Check;</li> <li>f. the approved SEMP assurance milestones.</li> </ul>

## 603 - Registration of MOD Shipping on the UK Defence Ship Register

<b>Regulation</b>	PA and nominated Accountable Persons <b>shall</b> ensure that records and details of MOD Shipping for which they are accountable, including those that are on the UKSR are made available to the Registrar of UK MOD Shipping.
<b>Provenance</b>	Merchant Shipping Act 1995 (including a Defence DED). SI2014/1512 MS (ISM Code) Regulations (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Each vessel <i>should</i> have named Accountable Persons recorded on the UK Register of MOD Shipping, from both the managing and owning organisations. A single person may be named as accountable for more than one vessel, class or group of ship types or equipment.</li>   <li>2. Vessels registered under the UKSR that are subject to the Merchant Shipping Act (MSA) and ISM Code <i>should</i> provide evidence of compliance with comparable Defence Regulations addressing Defence activity, and by meeting their statutory obligations under the MSA and the ISM Code.</li>   <li>3. Accountability for notification of such vessels to the UK Registrar of MOD Shipping <i>should</i> lie with the MOD Accountable Person in the first instance.</li> </ol>

## 604 - Certification

<b>Regulation</b>	MOD Shipping <b>shall</b> not be operated without extant Certification relevant to the operation to be undertaken, that is defined as applicable on the Register and is required in accordance with the Certification Strategy.
<b>Provenance</b>	<p>The Merchant Shipping Act 1995 (including a Defence DED).</p> <p>International Convention for the Safety of Life at Sea (SOLAS), 1974 (as amended) and implementing EU and UK legislation (including a Defence DED).</p> <p>MARPOL 73/78 ANNEX I to VI (as amended) including the UK implementing Regulations (including a Defence DED).</p> <p>International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004 (including a Defence DED).</p> <p>The Hong Kong Convention 2009 for the Safe and Environmentally Sound Recycling of Ships and implementing legislation within the EU and UK (including a Defence DED).</p> <p>International Convention on the Control of Harmful Anti-Fouling Systems on Ships 2001 and implementing EU and UK legislation (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. For each ship or ship class, the Accountable Persons for certification <i>should</i> be notified to the Registrar of MOD Shipping. The Accountable Persons <i>should</i> ensure that the required certificates are obtained and maintained.</li> <li>2. As part of a ship's registration, the DMR Registrar of MOD Shipping <i>should</i> convene a Registration Committee of at least the Naval Authority, PA and ODH, to decide the applicable hazard areas to be certified, based on the agreed ship type.</li> <li>3. All requirements for certificates, including those that underpin Naval Authority certification <i>should</i> be recorded in the Register. Applications for concessions from the agreed certification requirements should be notified to the Registrar.</li> <li>4. The Certification Strategy <i>should</i> define the design basis on which Ship certificates are issued, including the degree to which Certification provides assurance of safety during peace, tension and combat for the hazard areas registered. Boats and novel ship types Certification Strategies <i>should</i> also be based on standards agreed with the Naval Authority as DMR's agent.</li> <li>5. Where new key hazards are agreed to exist within a ship type as suitable for certification, as identified by DMR, DAO, or the PA, and where suitable Rules exist, they <i>should</i> be added to the Certification Strategy.</li> </ol> <p style="text-align: right; font-size: small; margin-top: 20px;"><sup>1</sup><a href="http://www.imo.org/en/OurWork/Facilitation/docs/FAL%20related%20nonmandatory%20instruments/FAL.2-Circ.131-MEPC.1-Circ.873-MS.1-Circ.1586-LEG.2-Circ.3.pdf">http://www.imo.org/en/OurWork/Facilitation/docs/FAL%20related%20nonmandatory%20instruments/FAL.2-Circ.131-MEPC.1-Circ.873-MS.1-Circ.1586-LEG.2-Circ.3.pdf</a></p>

<b>605 - Naval Authority Certification Rules</b>	
<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that the Naval Authority Rules for certification are complied with.
<b>Provenance</b>	Merchant Shipping Act 1995 (including a Defence DED). The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (including a Defence DED). The Dangerous Goods in Harbour Areas Regulations 2016 (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<p>1. A MOD Ship <i>should</i> not be operated without extant certificates that are specified by the Naval Authority in the Ship's Certification Strategy and as recorded on the UK MOD Shipping Register. Naval Authority certificates for one or more hazard areas <i>should</i> be of the types specified in the approved Rules. The type and number to be used shall be agreed in the Certification Strategy in order to achieve the applicable Naval Authority Certificate, either of the following:</p> <ul style="list-style-type: none"> <li>a. MOD Ship Safety Certificate (MSSC);</li> <li>b. MOD Submarine Safety Certificate (MSMSC);</li> <li>c. MOD Boat Safety Certificate (MBSC).</li> </ul> <p>2. The Certification Case for each hazard area <i>should</i> provide evidence of performance at a level consistent with that ship's Operational doctrine, with requirements consistent with approved Rules and standards across hazard areas and the Principle of the Goal.</p> <p>3. Accountable Persons <i>should</i> ensure that the terms and conditions and any clauses necessary for Certification are complied with.</p>

<b>606 - Requirements, Design &amp; Construction</b>	
<b>Regulation</b>	MOD Shipping, systems, and equipment <b>shall</b> be specified, designed, constructed, integrated, operated, supported, and assured so that they achieve and maintain their intended purpose through life.
<b>Provenance</b>	SI-2358/1992 MS (Passenger Ship Construction & Survey) Regulations (including a Defence DED). SI-1509/1997 MS (Cargo Ship Construction) Regulations (including a Defence DED). The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 and Nuclear Installations Act 1969. (NSRA but see Chalmers & Carver Reviews)
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. A Safety &amp; Environmental Case <i>should</i> include evidence that:           <ol style="list-style-type: none"> <li>a. baseline operational analysis identifies the military mission and combat safety requirements, and clearly articulates the ship-type's design intent, role, tasking, and operating philosophy;</li> <li>b. ship system requirements and key performance criteria are specified to reflect the ship-type's design-intent, role, tasking, maintenance cycles and operating philosophy;</li> <li>c. Safety &amp; Environmental critical elements meet the goal of these regulations, and appropriate through-life risk controls have been applied;</li> <li>d. designs and materiel are accepted by a competent Safety Authority or PA;</li> <li>e. quality control and acceptance of manufactured solutions is appropriate to the system design and standards for the ship type;</li> <li>f. ships, sub-systems and equipment comply with agreed standards, acceptance criteria and applicable legal requirements;</li> <li>g. platform requirements are cascaded to systems, training-need and equipment, so that platform primacy is maintained;</li> <li>h. Sea Clearances have considered the specified ship system requirement and assured they are maintained appropriate to the ship-type's in-service tasking and operating philosophy;</li> <li>i. the Operating Envelope remains consistent and coherent with Operational demand cycles and constraints indicated by the design-intent or maintenance cycles, are appropriately captured.</li> </ol> </li> <li>2. The approval of concessions to the above <i>should</i> consider the risk and their impact on safety and the environment.</li> </ol>

## 607 - Document of Compliance

<b>Regulation</b>	The operation of MOD Shipping <b>shall</b> only be authorised by Accountable Persons in accordance with the licencing conditions of their DMR Document of Compliance.
<b>Provenance</b>	Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 and implementing UK legislation.  SI2014/1512 MS (ISM Code) Regulations (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Only a holder of a DOC (or their delegated Accountable Person) <i>should</i> authorise that a ship is safe to go to sea.</li> <li>2. DOC holders <i>should</i> only authorise those Ships for which they have authority.</li> <li>3. DOC holders <i>should</i> ensure that the sea clearance process for ships for which they are accountable is suitable and sufficient.</li> <li>4. In accordance with the conditions of the Duty Holder's DOC, the Operating Envelope <i>should</i> be maintained and routinely assured in an auditable trail, and as part of the Sea Clearance process.</li> </ol>

<b>608 - Command Safety and Environmental Summary</b>	
<b>Regulation</b>	The Nominated Accountable Person <b>shall</b> ensure that a Command Safety and Environmental Summary informs sea clearance as a prerequisite for a Ship going to sea.
<b>Provenance</b>	Departmental Policy and Best Practice The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 and Nuclear Installations Act 1969. (NSRA but see Chalmers & Carver Reviews)
<b>Acceptable Means of Compliance</b>	<p>1. As a minimum, the Command Safety and Environmental Summary <i>should</i> detail the following information:</p> <ul style="list-style-type: none"> <li>a. the certified safe and environmentally sustainable Operating Envelope of the ship;</li> <li>b. operationally relevant elements of the most recent accepted SECR, safety critical elements and risk controls within SEMS, or actions to be taken by the Ship Commanding Officer;</li> <li>c. calculated margins to allow dynamic risk assessments and operational Safety &amp; Environmental reports;</li> <li>d. a Combat Safety Summary including, but not limited to: <ul style="list-style-type: none"> <li>(1) a summary of the key survivability characteristics, performance levels and design features;</li> <li>(2) a description of the platform performance against the range of reasonably foreseeable design and extreme threats from hostile activity, including asymmetric and terrorist threats;</li> <li>(3) a summary of the survivability implications of any unusual or particular aspects of the ship's design;</li> <li>(4) guidance on management of combat safety arising from the design of the platform.</li> </ul> </li> </ul> <p>2. The Accountable Person designated in the SEMS and SEMP as the acceptance authority indicates formal acceptance of:</p> <ul style="list-style-type: none"> <li>a. the comprehensiveness, credibility and coherence of the arguments presented;</li> <li>b. the evidence claimed exists and has been validated (incl. evidence provided by contractors), according to assurance good practice;</li> <li>c. relevant advice has been taken from Independent Safety and Environmental Auditor (ISEA) and DPA before activity is contemplated (e.g. transfer of ownership or as part of Sea Clearance for ship proceeding to sea).</li> </ul>

## 609 - Maintenance of Ship and Equipment

<b>Regulation</b>	Evidence <b>shall</b> be provided that ships and equipment shall be maintained in accordance with procedures specified in the maintenance plan, conform to relevant rules and regulations.
<b>Provenance</b>	Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 and implementing UK legislation.  SI2014/1512 MS (ISM Code) Regulations (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Maintenance procedures <i>should</i> consider international conventions, Flag and Port State regulations, classification rules, requirements from manufacturers, feedback information from failures, damages, defects and malfunctions.</li> <li>2. Objective evidence <i>should</i> include:             <ol style="list-style-type: none"> <li>a. documented procedures and instructions for the on-board work routine;</li> <li>b. inspection reports verifying their implementation in the day-to-day operation of the Ship;</li> <li>c. results from other surveys and inspections.</li> </ol> </li> <li>3. Inspection reports <i>should</i> provide evidence that:             <ol style="list-style-type: none"> <li>a. inspections are held at appropriate intervals;</li> <li>b. any non-conformity is reported with its possible cause, if known;</li> <li>c. appropriate corrective action is taken; and,</li> <li>d. records of these activities are maintained.</li> </ol> </li> </ol>

## 610 - Ship Operations in Ports and Harbours

<b>Regulation</b>	Accountable Persons <b>shall</b> ensure the management of their ships in ports and harbours avoids or minimises Health and Safety Risks and adverse environmental impacts.
<b>Provenance</b>	The Dangerous Goods in Harbour Areas Regulations 2016 (including a Defence DED). Dockyard Ports Regulation Act 1865. Port Marine Safety Code.
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Hazard footprint arrangements for the management of all health and safety hazards and hazards likely to impact the infrastructure of the port they visit <i>should</i> be documented and agreed with the Queen's Harbour Master and/or Port Authorities. This <i>should</i> include: <ol style="list-style-type: none"> <li>a. a holistic view of the Dangerous Goods carried when in Harbour;</li> <li>b. the operation of the ship when in port and management of potential impacts and risks for the activity, not just the ship involved;</li> <li>c. ship / shore berthing, brows, gangways, shore power/ continuous supplies, waste streams.</li> </ol> </li> <li>2. All Ships within Ports and Harbours <i>should</i> provide evidence that they meet the requirements of the Port Authority or Harbour Master, as far as reasonably practicable.</li> <li>3. Further information can be found in the Defence Maritime Regulations 700 series.</li> </ol>

## 611 - Minimising Pollution from Ships

<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that adverse impacts on the environment and human health from MOD Shipping and MOD Shipping activity are minimised and ultimately eliminated, so far as reasonably practicable.
<b>Provenance</b>	<p>The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 and 1997 Protocols (MARPOL) Annexes I – VI and implementing EU and UK legislation.</p> <p>The Merchant Shipping Act 1995.</p> <p>The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2020 SI 2020/94</p> <p>The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 SI 1997/2367.</p>
<b>Acceptable Means of Compliance</b>	<p>1. The Accountable Person <i>should</i> provide evidence that MOD Shipping has achieved the outcomes of the International Convention 1973 (as amended), its implementing EU and UK legislation and Regulations 2010 (as amended) and 1997 (as amended) including:</p> <ul style="list-style-type: none"> <li>a. obtaining and maintaining the applicable International Maritime Organisation Environmental Protection Certificates, in accordance with the Ship Certification Strategy;</li> <li>b. keeping applicable records;</li> <li>c. developing, using and maintaining applicable management plans and operating procedures, including a ship-specific Ships Energy Efficiency Management Plan;</li> <li>d. meeting the requirements of Part II-A Pollution Prevention Measures of The Polar Code;</li> <li>e. meeting the requirements for operations in Special Areas, including Emission Control Areas and Polar Waters.</li> </ul>

<b>612 - Air Emissions from Ships</b>	
<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that pollution and adverse impacts on air from MOD Shipping are minimised, so far as is reasonably practicable.
<b>Provenance</b>	<p>Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 and UK implementing legislation (including a Defence DED).</p> <p>Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer and implementing UK legislation (including a Defence DED).</p> <p>Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery and implementing UK legislation (including a Defence DED).</p> <p>Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<p>1. Accountable Persons should ensure evidence provided within each Safety &amp; Environmental Case Report that MOD Shipping and Shipping activity has achieved the outcomes of legislation (as identified under Reg-402) and set out in compliance statements, by:</p> <ul style="list-style-type: none"> <li>a. obtaining and maintaining applicable equipment type-approval certificates in accordance with the Certification Strategy;</li> <li>b. developing, using and maintaining applicable management plans and operating procedures;</li> <li>c. keeping applicable records;</li> <li>d. complying with JSP 418: Management of Environmental Protection in Defence (Defence Safety Authority, 2014) in Defence for Fluorinated Gases and Ozone Depleting Substances;</li> <li>e. meeting the requirements for operation in Emission Control Areas.</li> </ul>

## 613 - Reporting of Carbon Dioxide Emissions from Ships

<b>Regulation</b>	The Accountable Person shall ensure that carbon dioxide emissions are recorded and reported for all MOD Shipping of, or over, 5000 gross tonnes.
<b>Provenance</b>	Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC and implementing UK legislation.
<b>Acceptable Means of Compliance</b>	<p>1. The Accountable Person should ensure that evidence is obtained that MOD Shipping has achieved the outcomes of the EU Regulation 2015/757 and implementing UK legislation including:</p> <ul style="list-style-type: none"> <li>a. developing and maintaining an appropriate and achievable CO2 monitoring plan;</li> <li>b. keeping appropriate records where reasonably practicable of CO2 emissions from Ships under 5000 gross tonnes;</li> <li>c. reporting CO2 emissions in accordance with Departmental Policy;</li> <li>d. checking at least annually that a Ship's CO2 monitoring plan reflects the nature and functioning of the Ship and whether the monitoring methodology can be improved.</li> </ul>

## 614 - Reporting of Ship Fuel Oil Consumption

<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that fuel oil consumption is recorded and reported for all MOD Shipping of, or over, 5000 gross tonnes.
<b>Provenance</b>	The International Convention for the Prevention of Pollution from Ships, 1973 and implementing UK legislation (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<p>1. The Accountable Person <i>should</i> ensure that evidence is provided that MOD Shipping has achieved the outcomes of the International Convention 1973 and implementing UK legislation regarding oil consumption including:</p> <ul style="list-style-type: none"> <li>a. keeping appropriate records of ship fuel oil consumption;</li> <li>b. reporting fuel oil consumption in accordance with Departmental Policy;</li> <li>c. receiving and retaining a Statement of Compliance.</li> </ul>

## 615 - Ballast Water Management

<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that the impacts to the environment, human health, property and resources arising from the transportation of harmful aquatic organisms and pathogens from ballast water, are minimised so far as is reasonably practicable.
<b>Provenance</b>	International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<p>1. The Accountable Person <i>should</i> provide evidence that MOD Shipping and MOD Shipping activity has achieved the outcome of conventions and that they:</p> <ul style="list-style-type: none"> <li>a. obtain and maintain an International Ballast Water Management Certificate in accordance with the Certification Strategy;</li> <li>b. manage the removal and disposal of sediments from spaces designed to carry ballast water;</li> <li>c. keep applicable records and information;</li> <li>d. undertake voyage-specific ballast water management planning.</li> </ul>

<b>616 - Anti-fouling System</b>	
<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that the adverse impacts on the environment and human health arising from anti-fouling systems are minimised, so far as is reasonably practicable.
<b>Provenance</b>	International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 and implementing EU and UK legislation (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<p>1. The Accountable Person <i>should</i> ensure that evidence is provided that MOD Shipping and MOD Shipping activity has achieved the outcomes of conventions and rules regarding anti-fouling systems including:</p> <ul style="list-style-type: none"> <li>a. prohibiting the use of harmful organotin compounds in anti-fouling paints;</li> <li>b. using only MOD approved anti-fouling systems. The current version of MOD guidance document 'Warpaint' provides information on approved systems and <i>should</i> be consulted. Approval for use of anti-fouling systems not within 'Warpaint' <i>should</i> be gained from DES Ships Naval Ships Support.</li> </ul> <p>2. The Accountable Person <i>should</i> obtain and maintain an International Antifouling System Certificate in accordance with the Certification Strategy.</p>

## 617 - Dangerous Goods Reporting

<b>Regulation</b>	The Accountable Person for the Safety and/or Environmental Case <b>shall</b> ensure that ships carrying dangerous or polluting stores, mission payloads and cargoes notify the bodies identified at Registration and work with Ships Commanding Officer/master to report carriage in accordance to relevant Rules
<b>Provenance</b>	<p>Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC and implementing UK legislation.</p> <p>The Merchant Shipping Act 1995 (including a Defence DED).</p> <p>The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 (SI 1995/2498) (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Accountable Persons for MOD Shipping <i>should</i> maintain the documentation as specified in the requirements of The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995.</li> <li>2. Accountable Persons <i>should</i> notify and report the carriage of such Dangerous Goods as specified in Departmental policy<sup>1</sup>.</li> </ol> <p style="text-align: right; margin-top: 20px;"><small><sup>1</sup> Note: DSA03 DLSR Movement and Transport Safety Regulations: The Dangerous Goods Manual. Version 1 April 2018.</small></p>

## 618 - Environmental Nuisance Management

<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that Environmental nuisance caused by MOD Shipping is minimised, so far as is reasonably practicable.
<b>Provenance</b>	Clean Air Act 1993. Environmental Protection Act 1990 Part III (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<p>1. Accountable Persons <i>should</i> ensure that evidence is provided that MOD Shipping and MOD Shipping activity has achieved the outcomes of the Clean Air Act 1993 and the Environmental Protection Act 1990 Part III including:</p> <ul style="list-style-type: none"> <li>a. compliance with JSP 418: Management of Environmental Protection in Defence (Defence Safety Authority, 2014 regarding statutory nuisance (leaflet 4) and environmental noise (leaflet 4.1));</li> <li>b. prevention of Ship noise and light emissions that would be prejudicial to health or a nuisance, within territorial waters, inland waters or while alongside;</li> <li>c. managing dark smoke emissions so that ships do not routinely emit dark smoke, nor to emit smoke such as to be prejudicial to health or a nuisance, within territorial waters, inland waters or while alongside;</li> <li>d. minimise wake and wash emissions within territorial waters or inland waters, where there may be a negative environmental impact.</li> </ul>

<b>619 - Ship Recycling</b>	
<b>Regulation</b>	The Accountable Person <b>shall</b> ensure that the negative impacts to the environment and human health from Ship recycling are minimised, so far as is reasonably practicable.
<b>Provenance</b>	<p>The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 and implementation through EU and UK legislation (including a Defence DED).</p> <p>Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<p>1. The Accountable Person <i>should</i> ensure that evidence is provided that MOD Shipping has achieved the outcomes of the International Convention 2009 and the implementing EU and UK legislation including:</p> <ul style="list-style-type: none"> <li>a. that hazardous materials listed at Annex 1 of the EU Regulations <i>should</i> not be used or installed on MOD Shipping. If they have been used in older MOD Shipping, or there is a compelling operational argument for their use, then an evidenced based justification <i>should</i> be provided and that a plan to phase them out is developed;</li> <li>b. applicable records and evidence <i>should</i> be drawn up and maintained through-life to support the requirements of the Convention. This <i>should</i> include, but not be limited to, records of installations, surveys and equipment/system upgrades;</li> <li>c. ships destined to be recycled <i>should</i> only be recycled at Ship Recycling Facilities that are in the European List;</li> <li>d. a final survey should be carried out prior to a platform being taken out of commission and before recycling starts. This survey includes verification of the hazardous material records, the Ship Recycling Plan and that the Ship Recycling Facilities are included in the European List.</li> </ul>

<b>620 - Wrecks</b>	
<b>Regulation</b>	The nominated Accountable Person <b>shall</b> ensure where any ship they have registered is lost <sup>1</sup> and leads to a MOD Shipwreck, that any hazards to navigation and impact upon the environment are reported and managed.
<b>Provenance</b>	Nairobi International Convention on the Removal of Wrecks 2007 and implementing UK legislation (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<p>1. The Accountable Person <i>should</i> ensure that evidence is provided that MOD Shipping has achieved the outcomes of the International Convention 2007, implementing UK legislation including:</p> <ul style="list-style-type: none"> <li>a. having appropriate plans and procedures in place to report and manage the event of a MOD shipwreck that occurs following the introduction of the 2007 convention;</li> <li>b. having an effective management system in place to manage the environmental impact of future MOD shipwrecks;</li> <li>c. obtain and carry a certificate issued by the Government stating that the ship is owned by the Government and that any liability under section 255G will be met up to the limits prescribed by paragraph 1 of Article 12 of the Wrecks Convention (compulsory insurance).</li> </ul>
	<sup>1</sup> Note: Only Applies to new Wrecks Post the Nairobi Convention.

## 700 Series - Ports, Harbours and Marine Facilities Regulations

This Series describes the requirements for all MoD Ports, Harbours and Marine Facilities. These must operate within a legal framework:

- a. the three UK Dockyard Ports operate under The Dockyard and Ports Regulation Act 1865<sup>1</sup>, supported by their own secondary legislation<sup>2</sup>;
- b. for Dockyard Ports established by Act of Parliament (or equivalent Ordinance overseas), a Queen's Harbour Master is appointed as Defence's representative to manage and enforce the safe operation of the port in accordance with the relevant legislation;
- c. overseas, MOD ports or marine facilities adhere to local legislation that defines their geographical limits and scope of operation; and
- d. for temporary activities (i.e. operations, exercises or temporary installations or facilities to meet specific maritime purpose) the operating framework must be defined with an Operation Order, Exercise Order, or other equivalent document describing scope, accountability and responsibility.

<b>701 - Port Marine Safety Code</b>	
<b>Regulation</b>	The nominated Accountable Person for each MOD Port or Marine facility <b>shall</b> develop management arrangements that follow the principles of the UK Department for Transport / Marine & Coastguard Agency PMSC, which the MoD formally recognises as the articulation of best port management practice.
<b>Provenance</b>	Department for Transport Port Marine Safety Code (2018). Dockyard Ports Regulation Act 1865. Harbours Act 1964 (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The nominated Accountable Person <i>should</i> have a current and signed Letter of Authority (LOA).</li> <li>2. The Accountable Person <i>should</i> accept responsibility for the safe and environmentally sustainable operation of the MOD marine facility<sup>1</sup>, and of all conduct within the geographic boundary of that facility, through an Organisation and Arrangements statement.</li> <li>3. The Accountable Person <i>should</i> demonstrate and evidence compliance with the principles of the PMSC at audit or inspection, So Far as Reasonably Practicable. Where alternative means of compliance are adopted, the purpose, strategy and method shall be evidenced.</li> <li>4. The Accountable Person <i>should</i> demonstrate and evidence a coherent and effective Safety and Environmental Management System consistent with the purpose of the port, operation or facility.</li> <li>5. The Accountable Person <i>should</i> evidence understanding of the regulations, duties and powers which apply to their particular setting, and articulate within their SEMS how they will be enacted.</li> <li>6. A Designated Person <i>should</i> be appointed to provide independent 2<sup>nd</sup> Party / Level 2 Assurance direct to the Accountable Person that the SEMS is working effectively.</li> <li>7. Evidence of 1<sup>st</sup> and 2<sup>nd</sup> Party Assurance activity, including management process to respond to, correct and learn from Observations and Corrective Actions <i>should</i> be recorded.</li> <li>8. For temporary facilities created for exercise or operational purposes, evidence provision for meeting the principles of the PMSC, in particular arrangements for Safety and Environmental Management, <i>should</i> be contained within the Exercise or Operational Orders.</li> </ol>

<b>702 - Application of PMSC outside MoD Dockyard/Port</b>	
<b>Regulation</b>	Where MoD port or related maritime activity occurs outside a Dockyard Port, the nominated Accountable Person <b>shall</b> apply the principles of the PMSC, So Far as Reasonably Practicable, within the constraints of local or host nation statute and legislation.
<b>Provenance</b>	<p>Policy Statement by the Secretary of State for Defence on Health, Safety and Environmental Protection in Defence (April 2020)</p> <p>DSA01.2 Implementation of Defence Policy for Health, Safety and Environmental Protection (May 2018).</p> <p>Department for Transport Port Marine Safety Code (2018).</p> <p>Department for Transport Guide to Good Practice for Port Marine Operations (2018) (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. MOD Port activity or maritime facilities <i>should</i> have a nominated Accountable Person with a current and signed LOA.</li> <li>2. The Accountable Person <i>should</i> accept responsibility for the safe and environmentally sustainable operation of the overseas facility, and of all conduct within that facility, through an Organisation and Arrangements statement.</li> <li>3. The Accountable Person <i>should</i> be able to demonstrate and evidence compliance with the principles of the PMSC at audit or inspection, So Far as Reasonably Practicable. Where alternative means of compliance are adopted to meet relevant local or host nation legislation, statute, law or byelaw, the purpose, strategy and method it is evidenced against a risk-based argument.</li> <li>4. The Accountable Person <i>should</i> demonstrate and evidence a coherent and effective SEMS, consistent with the purpose of the port, operation or facility that articulates the relevant local or host nation legislation, statute, law or byelaw which affects the port, harbour, operation, service or facility.</li> <li>5. A Designated Person <i>should</i> be appointed to provide independent 2<sup>nd</sup> Party / Level 2 Assurance direct to the Accountable Person that the SEMS is working effectively.</li> <li>6. For temporary facilities created for exercise or operational purposes, provision for meeting the principles of the PMSC, particularly the arrangements for Safety and Environmental Management, <i>should</i> be contained within the Exercise or Operational Orders.</li> </ol> <p><sup>1</sup>Note: Where Assurance activity falls outside of the Enforcement authority of DMR, relevant Observations will be passed to the Accountable Person.</p>

## 703 - Ports Safety and Environmental Compliance

<b>Regulation</b>	The nominated Accountable Person <b>shall</b> <sup>1</sup> ensure that suitable and sufficient Compliance Statements and/or Safety and Environmental Protection Arguments are provided for all equipment and facilities within their Area of Responsibility.
<b>Provenance</b>	<p>Department for Transport Port Marine Safety Code (2018).</p> <p>Department for Transport Guide to Good Practice for Port Marine Operations (2018) (including a Defence DED).</p> <p>Health &amp; Safety at Work, etc. Act 1974.</p> <p>Environmental Protection Act 1990 (including a Defence DED).</p> <p>Clean Air Act 1993.</p>
<b>Acceptable Means of Compliance</b>	<p>1. Evidence <i>should</i> be provided that a Safety and/or Environmental case holds suitable and sufficient Safety and/or Environmental Protection compliance statements and arguments to demonstrate:</p> <ol style="list-style-type: none"> <li>a. compliance with applicable legislation;</li> <li>b. that adverse environmental impacts are minimised;</li> <li>c. that all the equipment and facilities within the Accountable Person's Area of Responsibility are assessed;</li> <li>d. that reasonably foreseeable hazards and risks have been identified;</li> <li>e. the health and safety of those who are or who are likely to be exposed to risk from MOD Port activities is reduced to a level that is tolerable and ALARP;</li> <li>f. that the Port or Harbour design meets and maintains specified safety and environmental protection requirements.</li> </ol>

## 704 - Explosives in MOD Ports & Harbours

<b>Regulation</b>	The Accountable Person <b>shall</b> ensure compliance with the Naval Authority Rules for the Control of the Explosives Risk from MOD Shipping at Berth.
<b>Provenance</b>	<p>Defence Ordnance Safety Regulations (2018)</p> <p>Defence Nuclear Safety Regulations (2018)</p> <p>MAP 01-106 (Warships in Harbour Overview) (2009)</p> <p>The Port Marine Safety Code (PMSC) (2018)</p> <p>Dockyard Ports Regulation Act (1865).</p> <p>Dangerous Goods in Harbour Areas Regulations (2016) (as amended) (including a Defence DED).</p> <p>Control of Major Accident Hazard Regulations (2015) (as amended) (including a Defence DED).</p> <p>JSP 482 (MOD Explosive Regulations).</p> <p>JSP 498 (Major Accident Control Regulations).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The Accountable Person <i>should</i> determine when a Ship with Ordnance, Munitions &amp; Explosives embarked is operating under Naval Authority Rules (or whether the Ship is operating under Explosives Licencing arrangements). Where a Ship transitions from operating under Licencing Conditions to operating under these Rules, or vice versa, the Accountable Person <i>should</i> ensure that that the Ship is fully compliant with the requirements of the new arrangements.</li> <li>2. The Accountable Person <i>should</i> ensure that the terms and conditions and any clauses necessary for Naval Authority Certification for Explosives Safety are complied with.</li> <li>3. This Regulation <i>should</i> also be applied to any visiting force and, so far as reasonably practicable, to visiting Foreign Warships.</li> <li>4. The Warships in Harbour Methodology <i>should</i> be followed for vessels carrying &lt;50,000kg NEQ in the quiescent (undisturbed) state.</li> <li>5. The Accountable Person <i>should</i> assure that relevant MOD regulations for the management and handling of explosives are complied with by vessels occupying their berths.</li> <li>6. Due diligence <i>should</i> be taken in ensuring compliance with complementary Regulations in the Defence Ordnance Safety Regulator and Defence Nuclear Safety Regulator Regulation sets.</li> </ol>

## **800 Series - Defence Diving Regulations**

This series describes the regulatory requirements for safety management of Defence Diving, and the acquisition of commercial diving services by Defence.

The Diving at Work Regulations is the baseline, these regulations predominantly refer to certification of Defence Diving Units, Approved AT Centres and verification of organisations responsible for diving.

<b>801 - Defence Diving Code of Practice</b>	
<b>Regulation</b>	The Accountable Person <b>shall</b> ensure compliance with the Defence Diving Codes of Practice (CoP) (JSP 286 Part 1) issued by the Superintendent of Defence Diving (SSoD) are complied with.
<b>Provenance</b>	Diving at Work Regulations 1997 (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The Defence Diving Code of Practice (JSP 286 Part 1) <i>should</i> define how Defence Diving will comply with the Diving at Work Regulations 1997 and these Defence Maritime Regulations.</li> <li>2. The Defence Diving Code of Practice <i>should</i> outline the process for award of the Defence Diving Safety Certificate.</li> <li>3. The Defence Diving Code of Practice <i>should</i> provide guidance and instruction to all involved in Defence Diving that will be expanded in the supporting reference material issued in the JSP 286 Part 2 Diving Series.</li> </ol>

<b>802 - Defence Diving Safety Certificate</b>	
<b>Regulation</b>	Defence Diving <b>shall</b> only be authorised by an Accountable Person and conducted by a Diving Team/Unit that has been issued with a Defence Diving Safety Certificate by the Superintendent of Defence Diving.
<b>Provenance</b>	Diving at Work Regulations 1997 (including a Defence DED). Defence Diving Code of Practice (Military and JSAT Diving only).
<b>Acceptable Means of Compliance</b>	<p>1. For a Defence Diving Safety Certificate (DDSC) to be issued, organisations with diving safety management responsibilities <i>should</i> demonstrate:</p> <ul style="list-style-type: none"> <li>a. it is competent, both corporately and technically, to perform its delegated function;</li> <li>b. it has an appropriate management system in place to fulfil its assurance function;</li> <li>c. evidence of a robust safety culture and the effectiveness of performance of the safety management system.</li> </ul> <p>2. Accountable Persons responsible for the corporate governance of diving <i>should</i> ensure that all diving within their areas of responsibility is compliant with the Defence Diving Code of Practice and any conditions of their DDSC.</p> <p>3. A Unit or organisation with a defence diving capability <i>should</i> demonstrate that an appropriate Diving Safety Management System (DSMS) is in place for the defence diving undertaken by the unit.</p> <p>4. Durations of validity are defined in the JSP286; Accountable Persons <i>should</i> note the DDSC will be withdrawn when the validity date expires. Validity <i>should</i> be subject to at least Intermediate Verification (IV) which should take place approximately halfway through the duration of the DDSC.</p> <p>5. The DDSC may be withdrawn by SoDD as a result of non-compliance with the JSP286 or DWR 97, or coincident with DMR censure.</p>

## 803 - Diving Safety Verification - Commercial Diving Acquisition

<b>Regulation</b>	Where commercial diving services are contracted by any MOD organisation (FLC, DE&S, SDA) that organisation becomes the Client Responsible Organisation (CRO). The CRO <b>shall</b> demonstrate an appropriate Diving Safety Management System (DSMS) that is compliant with DWR 97.
<b>Provenance</b>	Diving at Work Regulations 1997 (including a Defence DED). Merchant Shipping (Diving) Regulations 2002 (including a Defence DED).
<b>Acceptable Means of Compliance</b>	<p>1. The CRO's DSMS <i>should</i> reflect the vicarious nature of their contracting framework, checked regularly by an auditable assurance framework, to ensure Client duties are fully discharged throughout the whole supply chain. This <i>should</i> be verified at a period not exceeding 3 years.</p> <p>2. All MOD contracts where commercial diving services may be contracted directly or vicariously during the delivery of those contracted services <i>should</i> include the following commercial intent within them:</p> <p><i>"All diving operations, whether within the United Kingdom or overseas, and all associated diving personnel including sub-contract personnel, shall be compliant with the DWR97 and appropriate Health &amp; Safety Executive (HSE) Approved Code of Practice and Guidance relevant to the nature of the diving project. This shall include but not be limited to the requirement that:</i></p> <ul style="list-style-type: none"> <li><i>a. All members of the diving team shall hold appropriate levels of professional qualification as detailed in the HSE List of Approved Diving Qualifications associated with DWR9;</i></li> <li><i>b. All divers must hold an in-date Certificate of medical fitness to dive. For overseas diving activities, divers not holding a medical certificate of fitness to dive issued by an HSE medical examiner of divers shall be medically certificated in accordance with International Marine Contractors Association Information Note D20/01 issued July 2001 and any subsequent amendments thereto;</i></li> <li><i>c. The main or Principle Contractor shall provide an evidenced demonstration to the Client that they have satisfied themselves that their diving contractor has discharged its duties under the DWR97 and is suitability qualified and experienced to undertake activities under the Contract;</i></li> <li><i>d. The Client reserves the right to independently satisfy itself of the Contractor's or diving contractor's suitability;</i></li> <li><i>e. Prior to commencement of any diving activity, the Contractor shall provide a detailed Diving Project Plan, and Risk Assessment to the CRO Project Manager or their authorised representative."</i></li> </ul>

804 - Assurance of JSAT Diving Expeditions	
Regulation	Single Service Adventurous Training (AT) Authorities and Accountable Persons authorising JSAT Diving Expeditions <b>shall</b> be fully aware of their responsibilities under DWR97 and the JSP 286.
Provenance	<p>Diving at Work Regulations 1997.</p> <p>JSP 286 Part 1 Defence Diving Code of Practice</p> <p>BR2806 Vol 5 (Becoming JSP 286 Part 2 in Oct 2021) JSAT Diving Volume</p>
Acceptable Means of Compliance	<ol style="list-style-type: none"> <li>1. JSAT diving expeditions <i>should</i> only be authorised under a JSAT Form Alpha. Authorisation gives formal MOD approval that diving may be conducted under the scheme “at work” and therefore at work.</li> <li>2. Authorisation to dive within the JSAT Scheme <i>should</i> only be granted by an Accountable Person<sup>1</sup> who can demonstrate that they, or the relevant Single Service AT Authority, have an appropriate process to check that comprehensive diving risk controls are in place for such activities.</li> <li>3. Single Service AT Authorities <i>should</i> provide an auditable holding to account process for all expeditions. This <i>should</i> provide the Accountable Person with the information required to make an informed decision.</li> <li>4. Single Service AT Authorities <i>should</i> be assured by SoDD through regular reviews and biannual audit of the Defence Diving AT authorisation process.</li> </ol>
	<p><sup>1</sup> This should be the person named or assigned as the Commanding Officer.</p>

## **900 Series - Assurance of Defence Maritime Activities**

This series describes the DMR's requirements for assurance of HS&EP management of Defence Maritime activities.

Also contained within this section are the regulations for DMR's Duly Authorised Organisations; these regulations are applicable only to the specific DAO.

<b>901 - Assurance</b>	
<b>Regulation</b>	Accountable Persons <b>shall</b> provide suitable and sufficient assurance that Defence Maritime activities are compliant with these Defence Maritime Regulations.
<b>Provenance</b>	<p>The Health and Safety at Work, etc. Act 1974.</p> <p>The Merchant Shipping Act 1995 (including a Defence DED).</p> <p>The Management of Health and Safety at Work Regulations 1999 (including a Defence DED).</p> <p>SI2014/1512 MS (ISM Code) Regulations (including a Defence DED).</p> <p>DSA 01.1</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Accountable Persons <i>should</i> periodically (as defined in the Safety and Environmental Management Plan(s)):             <ol style="list-style-type: none"> <li>a. conduct their own 1PA and inspection, and report management information;</li> <li>b. commission ISEAs to provide 2PA of safety and environmental management arrangements (and notify their appointment to DMR);</li> <li>c. ensure assurance is conducted in a manner and periodicity proportionate to the perceived risk.</li> </ol> </li> <li>2. Assurance of the management regime <i>should</i> verify that:             <ol style="list-style-type: none"> <li>a. inspections are held at appropriate intervals;</li> <li>b. non-conformities are reported (with possible causes if known) and corrective actions are taken, with processes in place for their timely completion;</li> <li>c. records of these activities are maintained;</li> <li>d. risks arising from implementing (or failing to implement) design changes, modifications, updates or upgrades, changes in use, training changes, and changes to physical or management systems, organisation and resources are being managed effectively;</li> <li>e. SECs (and SECRs) are suitable and sufficient for that acquisition phase;</li> <li>f. the management regime is in accordance with these regulations.</li> </ol> </li> <li>3. Information gathered by assurance <i>should</i> be reviewed and accepted by Accountable Persons. Any assurance information used as objective evidence in regulatory verification and control <i>should</i> be made available to DMR when requested.</li> <li>4. The requirement for 2PA <i>should</i> be determined by the inherent risk, as agreed or waived by the Accountable Person.</li> </ol>

902 - Audit Access	
<b>Regulation</b>	Accountable Persons <b>shall</b> provide assistance to DMR's regulatory processes for audit, investigation and inspection, and others as required.
<b>Provenance</b>	<p>DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016).</p> <p>The Health and Safety at Work etc. Act 1974.</p> <p>SI2014/1512 MS (ISM Code) Regulations (including a Defence DED).</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Accountable Persons <i>should</i> provide evidence, where requested, to support DMR's regulatory processes. This may include evidence demonstrating that:                             <ol style="list-style-type: none"> <li>a. activities are being performed in accordance with the SEMS;</li> <li>b. the SEMS is correctly understood and operating effectively;</li> <li>c. activities comply with applicable HS&amp;EP legislation and standards;</li> <li>d. 1PA and 2PA reports have been acted upon.</li> </ol> </li> <li>2. As part of the audit process, Accountable Persons <i>should</i> collaborate with the Audit and Inspection team to:                             <ol style="list-style-type: none"> <li>a. identify opportunities to improve the management system;</li> <li>b. identify opportunities to raise awareness of safety and environmental protection issues;</li> <li>c. identify any training needs and competency requirements;</li> <li>d. recognise good practice;</li> <li>e. inform the 1<sup>st</sup> Party management review and 2PA processes;</li> <li>f. inform policy development;</li> <li>g. improve procedures for the management of safety and environmental processes.</li> </ol> </li> <li>3. 1PA and 2PA information made available to DMR may be verified and used as objective evidence in Regulatory 3PA.</li> <li>4. Access for verification audits and 2PA used in validation. Use acceptable standards of ISM Code, ISO19001, ISO17001, and DMR assurance model.</li> </ol>

<b>903 - Duly Authorised Organisations</b>	
<b>Regulation</b>	DMR <b>shall</b> authorise recognised bodies as DAO to conduct specific activities on its behalf.
<b>Provenance</b>	<p>DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016).</p> <p>DSA01.2 Implementation of Defence Policy for Health, Safety and Environmental Protection: Chapter 1 Health, Safety and Environmental Protection (HS&amp;EP) Requirements for Defence (January 2018).</p> <p>MSC 349(92) IMO Recognised Organisation Code.</p>
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. There <i>should</i> be DAO to meet DMR's requirements for organisational accreditation. These are: <ol style="list-style-type: none"> <li>a. the Naval Authority Group (NAG);</li> <li>b. Captain Port Operations;</li> <li>c. FOST;</li> <li>d. Diving Standards Team (DST).</li> </ol> </li> <li>2. DAO are to be accredited in their ability to comply with the associated Regulations 904 to 906 for the DST, NAG and FOST respectively and support periodic DMR audits against these the Acceptable Means of Compliance (AMC) within these Regulations.</li> <li>3. DAO <i>should</i> demonstrate effective management of their processes for the agreed applicable hazard areas for (combat safety of) platforms, facilities, and activities. Evidence will be required that processes: <ol style="list-style-type: none"> <li>a. benchmarked to the functions delivered and specified in their charter;</li> <li>b. adopt the rules, standards and CoPs applicable to MOD;</li> <li>c. employ objective and verifiable evidence;</li> <li>d. manage certification status through management of certification conditions and timely issue, withdrawal and suspension of certificates.</li> </ol> </li> </ol>

<b>904 - Naval Authority Group</b>	
<b>Regulation</b>	The NAG <b>shall</b> provide assurance to DMR that MOD Shipping is safe to operate through certification of key material state hazard areas, in accordance with the conditions of their DMR charter.
<b>Provenance</b>	Naval Authority Charter to act as a DAO Charter for the Defence Safety Authority (April 2015). MSC 349(92) IMO Recognised Organisation Code.
<b>Acceptable Means of Compliance</b>	<p>1. The NAG sets and publishes the NA certification rules to address the material state hazard areas specified in their Charter to act as a DAO. In setting the NA certification rules, the NAG <i>should</i> identify and employ key design standards and CoPs applicable to each type of MOD Registered Ship, and combat safety.</p> <p>2. The NAG <i>should</i> undertake certification and apply NA certification rules to MOD Shipping as agreed in a platform's Certification Strategy. It <i>should</i> not duplicate where statutory assurance is demonstrated to be in place but may be required where a duty must be demonstrated.</p> <p>3. The NA certification rules <i>should</i> as a minimum (according to outcomes of SOLAS or Naval Ship Code &amp; Combat safety) address the key hazards for the loss of:</p> <ul style="list-style-type: none"> <li>a. Structural strength (ships and submarines);</li> <li>b. Stability (ships and submarines);</li> <li>c. Escape, Evacuation &amp; Rescue (ships and submarines);</li> <li>d. Integrity to carry and use Explosives (ships and submarines);</li> <li>e. Propulsion, manoeuvring systems (ships and submarines);</li> <li>f. Navigation systems (ships and submarines);</li> <li>g. Fire systems (ships and submarines);</li> <li>h. Aviation handling systems (ships);</li> <li>i. Manoeuvring control (submarines);</li> <li>j. Atmosphere control (submarines);</li> <li>k. Watertight integrity (submarines).</li> </ul> <p>4. The NAG <i>should</i> provide to DMR a six-monthly statement describing specific and general issues that have been identified through the conduct of the certification process. The statement <i>should</i> include an assessment of any Recognised Organisations employed for survey and inspection.</p>

<b>905 - Defence Diving Standards Team</b>	
<b>Regulation</b>	The DST <b>shall</b> set, assess and provide assurance to DMR that Defence Diving is conducted safely, in accordance with the conditions of their DMR Charter.
<b>Provenance</b>	Charter for the Defence Safety Authority (April 2015). DSA01.1 Defence Policy for Health, Safety and Environmental Protection (August 2016). The Defence Diving Standards Team Charter to act as a DMR's Duly Authorised Organisation. MSC 349(92) IMO Recognised Organisation Code.
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. The DST <i>should</i>:           <ol style="list-style-type: none"> <li>a. undertake safety certification of Defence Diving (2PA);</li> <li>b. maintain Defence Diving Rules and associated policies;</li> <li>c. maintain management processes and organisational competence to deliver their DAO Charter;</li> <li>d. provide a six-monthly, evidence-based assurance report to DMR through the DMR Authority Council.</li> </ol> </li> </ol>

<b>906 - FOST Operational Training Division</b>	
<b>Regulation</b>	FOST <b>shall</b> assess and provide assurance of the training standards required for MOD Shipping to Operate Safely, in accordance with the conditions of their DMR Charter.
<b>Provenance</b>	Charter for the Defence Safety Authority (April 2015). Fleet Operational Sea Training (FOST) Charter to act as a DMR's Duly Authorised Organisation.
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. For ships, FOST <i>should</i> provide assurance of the training standards required for a Ship type through:               <ol style="list-style-type: none"> <li>a. conduct of the Safety and Readiness Check programme;</li> <li>b. conduct of the Material Assessment and Safety Check that generates a Safety Case Report during the generation cycle;</li> <li>c. conduct of Operational Sea Training in accordance with the known manning and organisational baseline for the ship, and the safety and/or environmental case.</li> </ol> </li> <li>2. For submarines, FOST <i>should</i> provide assurance through:               <ol style="list-style-type: none"> <li>a. the conduct of an Administration Inspection;</li> <li>b. shore side team training;</li> <li>c. Safe for Sea Assessment followed by Operational Sea Training or Directed Continuation Training in accordance with BRd 9275 (Vol 3) and BRd 9468 and safety and/or environmental case.</li> </ol> </li> <li>3. FOST <i>should</i> provide to DMR a six-monthly statement describing:               <ol style="list-style-type: none"> <li>a. a review of inspections and assessments highlighting any trends or significant concerns;</li> <li>b. specific and general issues that have been identified through the conduct of the training process and from the sea clearance process.</li> </ol> </li> </ol>

907 - Captain Port Operations	
<b>Regulation</b>	Captain Port Operations <b>shall</b> provide assurance to DMR of the safe and environmentally sustainable operation of MOD Ports and Marine Facilities, following the principles of PMSC and in accordance with their DMR charter.
<b>Provenance</b>	Charter for the Defence Safety Authority (April 2015). Captain Port Operations Charter to act as a DMR's Duly Authorised Organisation.
<b>Acceptable Means of Compliance</b>	<ol style="list-style-type: none"> <li>1. Captain Port Operations <i>should</i> provide assurance in accordance with the DMR Charter.</li> <li>2. Captain Port Operations <i>should</i> provide DMR with a six-monthly statement describing:                             <ol style="list-style-type: none"> <li>a. a review of inspections and assessments highlighting any trends or significant concerns;</li> <li>b. specific and general issues that have been identified through the assurance process;</li> </ol> </li> <li>3. Captain Port Operations <i>should</i> provide DMR with assurance reports upon request.</li> </ol>

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