

PORT OF TYNE TOWAGE LICENCE REQUIREMENTS

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Port of Tyne Authority (the "Authority")

Licence requirements for towage service providers

All parties proposing to provide towage services within the Authority's pilotage district must be licensed by the Authority to do so. In order to obtain such a licence, the prospective provider must meet or exceed these licence requirements and must comply with the licensing process described below.

- 1. Professional standards and qualifications of the service provider and its staff**
 - 1.1. All personnel engaged in the provision of towage services must be qualified in accordance with the minimum national standards (where applicable) and competent to perform the work for which they have been engaged by the service provider.
 - 1.2. All personnel whose role involves the operation of a tug must be properly and adequately trained to operate the tug in accordance with Good Industry Practice and applicable laws.
 - 1.3. All personnel must be trained in accordance with a structured safety and operational training programme appropriate to the work that they are carrying out. Notwithstanding the generality of this requirement, training for each individual must include:
 - 1.3.1. training on the application of the appropriate codes;
 - 1.3.2. training on tug types in use; and
 - 1.3.3. local knowledge and conditions in the Port's pilotage district¹
 - 1.4. All personnel must participate in emergency response and / or periodic emergency preparedness drills at the request of the Authority.
- 2. Equipment employed by the service provider**
 - 2.1. All tugs and any other equipment used by the service provider in the provision of a the towage service must be fit for purpose, in a good state of repair and maintained in accordance with Good Industry Practice and applicable laws.

¹ If required, the Authority will make suitable training available for any prospective provider's staff, on application, for a reasonable fee. Charts of navigation channels are available from the Authority on request for a reasonable fee.

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- 2.2. The service provider must ensure that, at all times, all of its personnel employed in the provision of the towage services wears appropriate personal protective equipment for the work they are undertaking.
- 2.3. Each tug proposed to be employed in towage services in the Authority's pilotage district shall:
- 2.3.1. be classified by a member society of the International Association of Classification Societies (IACS); and
- 2.3.2. comply in all respects with any applicable laws or regulations.
- 3. Service availability**
- 3.1. Licences to perform towage services in the Authority's pilotage district may be granted on a one-off basis for providers seeking to fulfil a defined project, or an ongoing general basis.
- 3.2. Where a service provider wishes to be licenced to provide towage services within the Authority's pilotage district on an ongoing basis, then the service provider must agree:
- 3.2.1. to make the towage service available to all users of the port on an equal basis, at all berths and without interruptions, day and night, throughout the year, and to put in place procedures to ensure that this is the case; and
- 3.2.2. to make available, located within the Authority's pilotage district, a permanent fleet of tugs which are able to tow the largest vessels regularly calling at the Port under the most adverse weather conditions under which the Port remains open².
- 4. Safety and Security**
- 4.1. The service provider must have and maintain its own published safety policy, safe systems of work and risk assessments which have been developed in accordance with applicable laws and Good Industry Practice.
- 4.2. The service provider must work in accordance with the above policies, systems and assessments and be able to demonstrate ongoing compliance with them.
- 4.3. Without prejudice to the above, the service provider shall additionally comply with any applicable policy of the Authority from time to time concerning the health and safety of operations in the Authority's pilotage district.
- 4.4. Without prejudice to other requirements, all towage services must be carried out in accordance with:
- 4.4.1. the Port Marine Safety Code and the Guide to Good Practice on Port Marine Operations; and

² Details of required fleet configurations and bollard-pull capacity required under this clause are available on application to the Authority's Harbour Master from time to time.

- 4.4.2. the Guidelines for Safe Harbour Towing Operations as published by the European Tug Association

(each as updated, supplemented or replaced from time to time).

- 4.5. The service provider is required to adhere strictly to the requirements of the International Ship and Port Security Code (the "**ISPS Code**"), as applied by the Authority.
- 4.6. The service provider will at its own cost provide reasonable assistance to the Authority with security requirements in connection with its activities at the Port in accordance with the ISPS Code and any requirements of the Department for Transport or any other competent authority.
- 4.7. The service provider must have in place procedures for incident reporting and investigation and must report all damage, accidents and/or incidents of which it becomes aware to the emergency contact at the Authority as soon as possible.

5. **Compliance with laws and regulations**

- 5.1. The service provider must comply at all times with:
 - 5.1.1. all applicable legislation, statutory orders, regulations, binding guidance and codes of practice which apply to the service provider's business or the towing services. Without prejudice to the generality of the foregoing this shall include all applicable laws relating to the environment and environmental protection, including the Environmental Protection Act 1990;
 - 5.1.2. the Authority's own byelaws and regulations relevant to the service provider or its operations from time to time. Without prejudice to the generality of the foregoing this shall include all regulations issued by the Authority in relation to navigational safety;
 - 5.1.3. all lawful directions of the Authority's Harbour Master (or their assistants or representatives) concerning operations within the Authority's pilotage district.
- 5.2. The service provider must ensure that its personnel engaged in the provision of towing services in the Authority's pilotage district:
 - 5.2.1. have a good working knowledge of the Authority's byelaws, directions, contingency plans and guidelines which are relevant to provision of the towing services; and
 - 5.2.2. have a working understanding of general marine terminology in order to carry out the towing services in compliance with the directions of the Authority's Harbour Master (or their assistants or representatives).

6. **Insurance Requirements**

- 6.1. The service provider must have in place and maintain the following policies of insurance in relation to its towing services and related activities:

6.1.1. protection and indemnity insurance in respect of third party liability risks (including cargo damage, pollution and wreck removal) and for levels of cover as would normally be taken out by a prudent towage provider working under the same conditions as the service provider (as reasonably determined by the Authority from time to time in the case of doubt); and

6.1.2. such other insurance policies as are required by applicable laws,

(the "**Insurance Policies**");

6.2. The service provider must not take or omit to take any action which would invalidate any of the Insurance Policies in respect of any claim.

7. **Licence assessment**

7.1. A prospective service provider must complete and submit the Authority's standard application documents for a licence to provide towage services before attempting to undertake any such services. Each tug intended to be used in the provision of towage services in the Authority's pilotage district should be separately registered and licenced with the Authority prior to use to enable the Authority to ensure that tug and its proposed crew complies with these licence requirements. Changes in vessels employed will need to be approved in advance under the same process.

7.2. Before granting a licence, the Authority will undertake an assessment of the prospective service provider's compliance with the above conditions. The prospective service provider shall submit with its licence application all documents and information necessary for the Authority to verify compliance with the above conditions, and will promptly comply with any reasonable further request by the Authority for additional documents and information.

7.3. After any licence has been granted, the Authority shall be entitled to audit the service provider's ongoing compliance with these licence requirements at any time on reasonable prior notice to the service provider. The service provider must cooperate with the Authority during such audit and agrees to give access to all relevant records, personnel and information in its control in connection with the towage services and to provide all assistance necessary to enable the Authority to carry out such an audit.

7.4. The Port may alter these licence requirements at any time on not less than three months' notice to interested parties.

8. **Definitions**

8.1. In these licence requirements:

8.1.1. "**Good Industry Practice**" means the exercise of that degree of skill, care and diligence which would reasonably and ordinarily be expected of a highly skilled and experienced person carrying out towage services under the materially the same conditions as the service provider;

8.1.2. "**towage**" means assistance given to a waterborne vessel by means of a tug in order to allow for a safe entry or exit of the port or safe navigation

within the port by providing assistance to the manoeuvring of the waterborne vessel; and

- 8.1.3. “**tug(s)**” means any vessel used by the service provider in its provision of the towage services.

Effective from 1 November 2020