

ILFRACOMBE HARBOUR

DIVING OPERATIONS

STANDARD OPERATING PROCEDURE # 04

NORTH DEVON COUNCIL

AUTHORED BY: HARBOUR MASTER

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1.0 Document Control

This SOP is subject to a 2 yearly review and periodic amendment as required.

Major changes will be issued as a new version with all minor amendments to that version annotated by a decimal point e.g. V2 will become V2.1, V2.2 etc.

| DATE | Review(R) Amendment(A) | Description of changes |
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2.0 Introduction

Diving in any situation can be a dangerous activity. Divers are exposed not only to the possibility of drowning but also to hazards associated with pressure, the environmental conditions, the dive location, the work task being carried out and the equipment being used. However, with proper planning and appropriate safety precautions in place, diving can be carried out safely.

In compliance with the Port Marine Safety Code and the Guide to Good Practice section 6.7.3 and Ilfracombe Harbours Marine Safety Management Plan section 7.2

This Standard Operating Procedure (SOP) has been developed to give guidance to the requirements for diving activities within the Harbours jurisdiction for both commercial and recreational projects.

3.0 Permission to Dive

No person/s shall undertake any underwater or diving activities of any kind within the Harbour jurisdiction without valid permission to dive being granted from the Harbour Master or their representative.

Dive request forms can be obtained from the Harbour Office or downloaded from the Ilfracombe Harbour website here <https://www.northdevon.gov.uk/business/ilfracombe-harbour> and should be submitted as stated within this SOP to the Harbour Office and authorisation granted prior to any activity taking place.

4.0 Regulations and Guidance

The Diving Regulations apply when at least one diver taking part is at work. They do not apply when there are no divers at work. Therefore, recreational diving will generally only fall within these Regulations when an instructor is being employed to dive in order to teach students, or where an appropriately qualified diver is employed to guide a dive party.

HSE Guidance can be downloaded here:

4.1 HSE Diving at Work Regulations 1997

<https://www.legislation.gov.uk/ukxi/1997/2776/contents/made>

4.2 A brief guide to complying with health and safety law

<https://www.hse.gov.uk/pubns/indg266.htm>

Further guidance can be found here:

4.3 Commercial diving projects inland/inshore

Diving at Work Regulations 1997. Approved Code of Practice and guidance

<https://www.hse.gov.uk/pubns/books/l104.htm>

4.4 Recreational diving projects

Diving at Work Regulations 1997. Approved Code of Practice and guidance

<https://www.hse.gov.uk/pubns/books/l105.htm>

4.5 Media diving projects

Diving at Work Regulations 1997. Approved Code of Practice and guidance

<https://www.hse.gov.uk/pubns/books/l106.htm>

4.6 Scientific and archaeological diving projects

Diving at Work Regulations 1997. Approved Code of Practice and guidance

<https://www.hse.gov.uk/pubns/books/l107.htm>

4.7 Marine licensing guidance for recreational divers

<https://www.gov.uk/government/publications/marine-licensing-guidance-for-recreational-divers>

5.0 Definitions

- 5.1 *Diver* means a person at work who dives; for the purposes of this COP a person 'dives' if (a) they enter (i) water or any other liquid; or (ii) a chamber in which he is subject to pressure greater than 100 millibars above atmospheric pressure; and (b) in order to survive in such an environment, they breath in air or other gas at a pressure greater than atmospheric pressure.
- 5.2 *At work* means as an employee or as a self-employed person. The phrase covers divers who dive as part of their duties as an employee and divers who are in business on their own account during the time that they devote themselves to work as a self-employed diver. Diving does not have to be the main work activity of the employee or the self-employed person.
- 5.3 *Competent person* means, that a person, having regard to the task (diving and/or working while diving) he or she is required to perform, and taking account of the size or hazards (or both of them) of the undertaking in which he or she embarks, possesses sufficient training, qualifications, experience and knowledge appropriate to the nature of the work and diving method to be undertaken. Evidence of past experience in organising a diving project in a safe and effective manner and appropriate qualifications would be ways of demonstrating competence. The person selected will also need the authority and resources effectively to discharge those duties. The duties will remain with the employer, who should be satisfied that the person selected will be able to perform the duties on their behalf without risk to that person or the dive team.
- 5.4 *Diving operation* is the portion of a diving project identified in the diving project plan that can be safely supervised by one diving supervisor. An operation can be made up of either a number of dives or just a single dive. It will normally be clear what this portion of work is, but factors such as the task, the site conditions and the diving methods and techniques to be used contribute to making the decision. For example, a 28-day diving project might be made up of 40 diving operations. Members of a dive team are engaged in a diving operation from the time that they start preparing plant, equipment or personnel for diving until any associated routine decompression is completed.
- 5.5 *Diving project* is the term used for the overall diving job, regardless of its duration. Depending on the size of the diving project, it can be made up of one or more diving operations. The diving project does not necessarily finish once the last diver has returned to atmospheric pressure. Many decompression procedures require the diver to remain in the close vicinity of a compression chamber for a specified time in case there is need for the treatment of symptoms of decompression illness. The diving project is only completed once that time period has expired.
- 5.6 *Reasonably practicable*, in relation to the duties of an employer, means that an employer has exercised all due care by putting in place the necessary protective and preventive measures, having identified the hazards and assessed the risks to safety and health likely to result in accidents or injury to health at the place of work concerned, and where the putting in place of any further measures is grossly disproportionate having regard to the unusual, unforeseeable and exceptional nature of any circumstance or occurrence that may result in an accident at work or injury to health at that place of work.

6.0 Commercial Diving Operations

Commercial Diving Operations carried out within the jurisdiction of Ilfracombe Harbour are conducted in strict compliance with the “Diving at Work Regulations 1997” (DWR) and Approved Code of Practice for Commercial Diving Projects Inland/ Inshore L104 (Second edition).

Diving Contractors and the clients of commercial divers are reminded that under Regulation 4 of the DWR 1997, Harbour Authorities have a general responsibility to take reasonable measures to ensure that commercial diving operations within their jurisdiction are undertaken safely and in accordance with the regulations;

‘Every person who to any extent is responsible for, has control over or is engaged in a diving project or whose acts or omissions could adversely affect the health and safety of persons engaged in such a project, shall take such measures as it is reasonable for a person in his position to take to ensure that these Regulations are complied with.’

Under Regulation 8 of the 1997 regulations, the diving contractor is responsible for ensuring that a risk assessment is carried out and a diving project plan is prepared. The risk assessments must identify and address site specific hazards and their risks. During this process the Diving Contractor will determine the appropriate diving methods and equipment to be used.

When planning a dive project within the Harbour the Diving Contractor must consult with the Harbour Master, and if applicable, the representative of any other organisation having temporary control of the site, before permission to dive can be granted.

The consultation must be undertaken no less than 2-days prior to commencement of the planned dive project to allow sufficient time for the Harbour Master, and where applicable, any other organisation’s representative to review the documentation and advise on any procedures or arrangements that must be complied with and where appropriate agree any additional measures deemed necessary, such as publishing a Notice to Mariners.

In order to comply with the DWR, all commercial diving operations within the harbour jurisdiction must have the appropriate “Permission to Dive” issued by the representative of the organisation having control of the site prior to commencing any dive operation. In most instances this will be the Harbour Master.

The Dive Contractor also requires the permission of the harbour office before any diving commences and they must also be informed when diving is concluded.

In more urgent circumstances where harbour diving services are required and there is insufficient time to contact the Harbour Master, the deputy Harbour Master must be consulted and it is their responsibility to review the required documentation prior to issue of a “Permission to Dive”.

Within 48-hours of the dive project commencing the persons seeking the permission to dive shall forward copies of the documentation to the Harbour Master by email to harbourmaster@northdevon.gov.uk for the information and attention of the Harbour Master. In all instances the person issuing the dive permission shall retain copies of the Dive Plan, Risk Assessment and Dive Permission

Dive Contractors are reminded that Harbour Authorities are required to report instances of non-compliance of the Regulations initially to the client of the Diving Contractor and ultimately, to the Health & Safety Executive.

7.0 Recreational Diving

Health & Safety legislation does not extend to the private individual diving for recreational purposes however, recreational diving will generally only fall within the DWR 1997 when an instructor is being employed to dive in order to teach students, or where an appropriately qualified diver is employed to guide a dive party.

As such all recreational diving being undertaken by a dive club or dive business for recreational purposes must have permission to dive prior to the dive activity taking place. If permission to dive is granted a Diving Permit will be issued.

The Dive permit is subject to the terms and conditions as set out below.

The Harbour Authority accepts no liability whatsoever in respect to recreational diving and reminds divers, dive operators and diving organisations of their responsibilities to assess the risks and conduct all operations in accordance with the appropriate procedures at all times.

7.1 Dive Permission: Terms & Conditions

1. The permission to dive request form is to be submitted no later than 24 hours in advance of the activity with associated risk assessments and other documents as stated in 4.0 on the request to dive form for the attention of the Harbour Master by email to harbourmaster@northdevon.gov.uk
2. Permission to dive is valid only for the periods specified on the request form.
3. The Harbour Office is to be informed prior to the divers entering the water and on completion of the dive when all participants of the activity are clear of the water;
During Office hours: VHF Ch. 12 or by Phone/text to 07775 532606
Out of Office hours: Phone /text to 07775 532606
4. Notwithstanding anything in these Terms and Conditions any person diving within the Harbour jurisdiction shall immediately comply with any Directions given by the Harbour Master or their representative.
5. Dive permission will only be granted to members of the Clubs or Associations listed below and/or the clubs and Associations listed below for the benefit of its members
 - British Sub-Aqua Club.
 - A registered Club of the Sub-Aqua Association.
 - A Professional Association of Diving Instructors registered Diving School.

All members of the above Clubs and Associations are required to comply with “the Divers Code of Conduct” and associated safety guidance published by the British Sub Aqua Club.

<https://www.bsac.com/safety/safe-diving-guide/the-divers-code-of-conduct/>

6. All persons involved in a dive must possess insurance that provides Third Party Liability cover of minimum amount of £5,000,000.
7. The dive craft/ safety boat, if used, shall be equipped with VHF radio and shall maintain a continuous watch on Channel 12. Whilst divers are in the water the International Code of Signals flag “A” shall be exhibited.
8. If diving without boat cover then a surface marker buoy must be used.
9. The dive permit may be rescinded by the Harbour Master or their representative without notice at any time.
10. A copy of the Dive Permit, if granted, together with the Terms & Conditions is to be made available and shall be brought to the attention of every person involved in a diving operation. It shall be made readily available to the Harbour Master or their representative on demand.
11. Any breach of these terms and conditions may result in the permit being withdrawn and/or criminal proceedings.

8.0 Permitted Dive Locations for Recreational Diving

