



BRITISH PORTS
ASSOCIATION

10 January 2025

Henry Charles
HM Assistant Coroner
Coroner's Office
Castle Hill
Winchester
Hampshire
SO23 8UL

Via email to: [REDACTED]
and cc'd to: [REDACTED]
(hard copy to follow)

Dear Mr Charles

Inquest into the death of Emily Jane Lewis – British Ports Association Prevention of Future Deaths response to HM Assistant Coroner

I can confirm that the British Ports Association (the 'BPA') is in receipt of the Prevention of Future Deaths report dated 15 November 2024 which was issued to a number of organisations following the conclusion of the Inquest into the death of Emily Jane Lewis. I am providing this response on behalf of the BPA in my capacity as its Chief Executive.

In the first instance the BPA extends its sincere condolences to the family of Ms Lewis. The BPA and the ports industry was extremely saddened to hear about the tragic incident on 22 August 2020 and the circumstances which resulted in her death.

By way of background the BPA is a trade and membership body for ports in the UK. We represent the interests of operators that handle 86% of all UK port traffic, to Westminster, the devolved Governments, and other national and international bodies. We are an inclusive and progressive association,



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open to all and committed to the fair treatment of ports up and down the country.

As our membership comprises many ports, terminal operators and port facilities, all of varying size, location and nature, we are able to draw upon a wide range of experience and knowledge to represent our members' interests.

We promote good port management and governance and membership is considered by many in the sector as an indication of a safe and respectable port operation. The BPA's secretariat facilitates a range of services and is the go-to body for the dissemination of ports policy, industry news and information.

We also have a strong network of non-port 'Associate Members', who add much to the value of membership.

The BPA's objects and purposes are:

- a. To promote, further and protect the general interests of port authorities and conservancy authorities;
- b. To afford opportunities for the discussion and consideration of general questions affecting all Members or groups of Members; and to disseminate information on matters relating thereto;
- c. To take common action on any Bill, whether public general or local, or any proposed subordinate legislation or other matters that may in any way affect the common interest of Members;
- d. To take action with other bodies having similar objects and port authorities abroad on matters of common interest.;
- e. Generally to consult and co-operate on all matters of common interest to Members;
- f. To assist Members in the exercise and performance of their functions in relation to ports and conservancies by the direct or indirect provision of services and advice for Members; and
- g. The Association shall have power to guarantee the obligations of any other person firm or body corporate.



The BPA recognises its roles in contributing to safe operational activities within ports and as set out in our latest Annual Report, in 2023 we were closely involved in the reviews of the Port Marine Safety Code (the 'PMSC') and the associated Guide to Good Practice by the Department for Transport and the Maritime and Coastguard Agency (MCA). These are important guidance resources produced by HM Government and we have continued to promote the principles of the Code and worked with government to increase its awareness. Indeed the BPA is an active member of the MCA's PMSC Steering Group and separate MCA navigational safety committees. The BPA understands the revised PMSC and Guide are due to be published imminently and the next MCA compliance review is to be undertaken in 2025.

Further, we continue to organise online PMSC duty holder workshops, which we provide free to BPA member ports but encourage non-members to join for a small fee. We also introduced a new introductory course version in conjunction with specialist consultants in 2023 and organised more workshops in 2024. These will continue in 2025.

The BPA follows wider issues across the maritime community including reports and recommendations promulgated by the Marine Accident and Investigation Branch (the 'MAIB'). The BPA has also raised safety matters directly with the MAIB, for example, concerns relating to pilot ladder deficiencies and the lack of national regulations on alcohol use on recreational vessels.

Importantly, the BPA is one of two joint quasi-shareholders of Port Skills and Safety ('PSS'), the UK's professional safety and skills membership organisation for ports, and the BPA has representatives on the PSS board, ensuring that it remains an active stakeholder. We recommend PSS membership to our members, and over 130 ports and companies are PSS members.



In terms of our structure the BPA is an unincorporated organisation and it has no regulatory functions or statutory powers. We exist as a representative body for ports. We are therefore unable to compel any person or organisation to take action but we can advocate and promote safety issues within the industry, which we do, primarily through the promotion of PSS, who we consider is doing a good job of driving positive change in skills and safety in the port sector.

Following the incident involving the vessel 'Seadogz' on 22 August 2020 and the tragic loss of life, the BPA was active in its engagement with industry stakeholders.

The BPA supported the MAIB investigation into the incident and received a briefing on the investigation. The MAIB's report made a recommendation to industry (which was issued jointly to the BPA, UK Major Ports Group and UK Harbour Masters Association) to "contribute to the development of guidance for their members clarifying the requirements and best practices for the oversight of small commercial craft operating in their areas of responsibility".

Prior to its final report publication I responded to the MAIB on behalf of the BPA on 1 January 2024. In summary, the BPA responded as follows:-

- That this was a tragic case and our sympathies were with the victim's family and others affected;
- That in general terms the BPA was not opposed to guidance and confirmed that it can participate in the process of developing a common resource. The BPA's view was that it is clear that there is not a consistent approach across all areas and so the focus and/or expectations should not be on any individual harbour authority;
- That as a starting point any guidance needed to be largely government written and owned and queried the MAIB's request for the BPA to 'contribute'. The BPA requested clarification that, for example, the MCA would lead;



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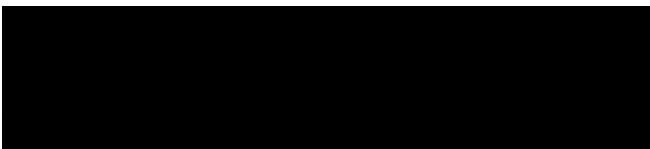
- That the BPA was not insured to set safety critical guidelines or give advice itself but could instead assist by promoting and amplifying guidance and would look forward to being constructively engaged;
- Finally, that if the government was adamant that industry should own any guidance the BPA could seek to encourage PSS to lead this, but this would be subject to discussion with PSS and their agreement.

Following the provision of the BPA's response I have corresponded further with the MAIB in relation to progress following the recommendation, in which the BPA reiterated its preparedness to contribute to guidance and again explained that the BPA had set out in its response to the MAIB's recommendation that it considered the MCA to be the suitable body to prepare the guidance. In this correspondence I also updated the MAIB that PSS had been consulted and did not consider it had the suitable resources or skills to prepare any such guidance at present.

I hope that the above is a helpful summary of the BPA's involvement in matters relevant to the issues identified within the Prevention of Future Deaths Report.

I can confirm that the BPA will continue to work with other the UK government, as well as with industry bodies and to participate in the industry's efforts to ensure that the issues which contributed to the tragic events of 22 August 2020 are suitably addressed with a view to avoiding any future incidents.

Yours sincerely,



Chief Executive