



**The Harbour Masters' Association  
of the United Kingdom,  
the Channel Islands  
and the Isle of Man**

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PO Box 312  
Morpeth  
NE61 9GN

08/01/2025

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

By email: [REDACTED]

Response to Regulation 28 Report to Prevent Future Deaths following inquest into the death of Emily Jane Lewis

**Introduction:**

1. I refer to your Report to Prevent Future Deaths (the "Report") dated 15<sup>th</sup> November 2024 concerning the death of Emily Jane Lewis who died on 22<sup>nd</sup> August 2020.
2. I am replying as the President of the UK Harbour Masters' Association ("UKHMA").
3. At the outset of this response, I would like to express my sincere condolences to the family of Emily Jane Lewis. The UKHMA was saddened to learn of the circumstances of the incident on 22<sup>nd</sup> August 2020. The UKHMA has engaged with a number of stakeholders following the incident and has continued to do so following the conclusion of the inquest.

**The Role of UKHMA:**

4. The UKHMA was formed in 1993 and is a professional body consisting of harbour masters, port marine operations officers, harbour managers, commercial bodies that serve the port sector, and other appropriate personnel and organisations. It has approximately 500 members.
5. The UKHMA consists of eight regional constituencies that cover all mainland and island ports in England, Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man and includes the UK Crown dependencies.
6. The principal harbour master, or any person who in the normal course of their duties is expected to deputise for the principal harbour master, of any statutory port or harbour ("SHA") in the UK, Channel Islands and the Isle of Man is eligible to become a Full Member of the UKHMA.

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7. There is provision also for other senior port marine officers, and any person interested in upholding the objectives of the Association, to become Associate or Affiliate Members. At the start of 2024, there were approximately 500 Members of the UKHMA.
8. The objectives of UKHMA are as follows:
  - a. to exercise and promote the safe and efficient conduct of marine operations in ports, in accordance with the Port Marine Safety Code and the Guide to Good Practice on Port Marine Operations (or any replacement thereof);
  - b. to promote the interests and professional competence of Harbour Masters in the United Kingdom and Crown Dependencies;
  - c. to encourage and facilitate the qualification, certification and continuing professional development of Harbour Masters in the United Kingdom and Crown Dependencies;
  - d. to represent by way of professional advice and support the views of Harbour Masters to the UK Government and devolved administrations, to organisations representative of port authorities, and to other persons within the United Kingdom and Crown Dependencies and elsewhere concerned with marine operations, both within and near port waters;
  - e. to share experiences, knowledge, information and best practice among Harbour Masters;
  - f. to affiliate to such other bodies as the Council may think appropriate.
9. Given the UKHMA's expertise in the shipping and port industry throughout the UK, it participates in many inter-industry forums, working groups and consultations, including those initiated by the Maritime and Coastguard Agency ("MCA"), Department for Transport ("DfT"), Marine Accident Investigation Branch ("MAIB") and regional governmental bodies, etc.
10. As the UKHMA is an unincorporated representative body, it has no statutory powers or regulatory functions. The UKHMA is principally a professional members Association and represents the views and interests of UK Harbour Masters. It does not represent the statutory harbour authority entities for which the Harbour Masters work.

#### **The Role of Harbour Masters:**

11. The Harbour Master is responsible for overseeing the safe navigation and use of the harbour among other statutory requirements such as Oil Spill prevention & response. The role will vary depending on the size of the harbour and the type of vessels using it.
12. Currently, there are no mandatory qualifications to hold the position of Harbour Master. It is a decision for the port, or more specifically the port's Duty Holders, to satisfy themselves that the Harbour Master is suitably qualified to carry out their responsibilities under the terms of the Port Marine Safety Code ("PMSC"). In 2012 (and reviewed in 2019), National Occupational Standards for Harbour Masters ("NOS") were published which set out the basic knowledge, understanding and experience required for Harbour Masters to comply with the PMSC. NOS is overseen by the industry body, Port Skills and Safety.
13. In 2012, UKHMA introduced the non-mandatory Harbour Master Certificate, which is recognised by the MCA, closely reflecting the content of the NOS for Harbour Masters.

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## The Circumstances of the Death and Matters of Concern:

14. I have carefully read the Report and have noted in particular that you heard evidence of multiple issues which revealed matters giving risk to concern.
15. In particular, I have noted the specific concerns listed a. to f. in box 5 of the Report.
16. It is not immediately clear to me specifically which concerns resulted in the decision to issue the Report to UKHMA but it may assist to outline the involvement UKHMA has had with stakeholders in relation to issues arising from the incident on 22<sup>nd</sup> August 2020 and the action which UKHMA considers it is in a position to take.
17. MAIB reported on 14<sup>th</sup> December 2023 and its report contained a number of recommendations. UKHMA received one recommendation (recommendation 2023/14). The recommendation was issued to the British Ports Association (“BPA”), UKHMA and the UK Major Ports Group (“UKMPG”). The wording of the recommendation was 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”*. This recommendation stemmed from the conclusion at 3.1.15 of the report which stated *“The framework for the licensing and oversight of commercially operated craft can be complex and subject to interpretation and would benefit from further guidance”*, which in turn was a consequence of the report’s findings at 2.9.5 relating to the framework for the licensing of commercially operated craft and the finding that harbour authorities would benefit from further guidance on how to best regulate and oversee commercial high-speed operators in their area of responsibility.
18. In considering the context of this recommendation, UKHMA considers it may be important for the Coroner to understand the following limitations in respect of the powers of Statutory Harbour Authorities (“SHAs”) and the Harbour Masters they employ:
  - a. Each SHA has different, bespoke, legal powers relating to their port / harbour;
  - b. It can be difficult / take a long time to make changes to each SHAs regulations (Harbour Orders to amend / obtain statutory powers are currently taking in the region of 4 years for the Marine Management Organisation to determine and unless an SHA has suitable powers of General Direction to utilise, byelaw applications to the Department for Transport can also take years to determine);
  - c. Harbour Master’s themselves (as opposed to the SHA entities they work for) usually have very limited powers to issue new regulations (the main power being the power of ‘special direction’ to issue a direction to a particular vessel in particular circumstances – i.e. to a particular vessel to move from a berth, or to proceed to a particular place within the port etc.).
19. During the period up to the issue of the MAIB’s final report and recommendations, the UKHMA contributed to the investigation as a key consultee. A number of on-line meetings between the MAIB and the Incident report consultees were held to discuss both the report’s findings and the MAIB’s recommendations.

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20. The UKHMA's formal response to recommendation 2023/14 was sent to the MAIB on 12<sup>th</sup> January 2024 and was as follows, *"The UK Harbour Masters' Association (UKHMA) will propose to the Maritime and Coastguard Agency (MCA) that guidance regarding small commercial craft operating within harbour areas is developed as part of the review of the Port Marine Safety Code Guide to Good Practice (GTGP). UKHMA are participating in the current review of the GTGP and will contribute to the development of such guidance, which will be published by the MCA as the appropriate regulatory and enforcement body"*.
21. UKHMA's response to the MAIB additionally said *"UKHMA will make the above proposal for inclusion in the agenda for the next meeting of the GTGP working group on 31<sup>st</sup> January 2024. The completion date for the review of the GTGP is currently expected to be approximately quarter 3 of 2024"*.
22. As a professional members association, the UKHMA communicated and engaged with its membership regarding the interim MAIB report, the final report and its findings via its internal email porthole and eNews letters, allowing for feedback and response to the UKHMA Officers and Council.
23. The MAIB report, and the issues and recommendations arising from it, were brought to the PMSC steering group where the UKHMA contributed to discussions around how the learnings could be considered for inclusion in the new edition of the PMSC and the GTGP.
24. There has also continued to be engagement by UKHMA with the MAIB and MCA regarding the certification, operation and enforcement of MCA Coded craft and passenger vessels within SHAs.
25. During the 2024 UKHMA Autumn conference (November 2024, London) an expert panel session was held to discuss and consider the Seadogz report outcomes and future best practice of Coded craft within SHAs. The panel included senior officers of the MCA, MAIB and the UKHMA.

**Conclusion:**

26. On behalf of UKHMA, I am grateful for you identifying the UKHMA as an organisation who may be able to assist in relation to the matters set out within your report.
27. I hope that this response assists you in understanding the UKHMA's role and the action it has and will continue to take in relation to the safety of marine operations in ports and harbours.
28. Should you require any further information, please do not hesitate to contact me.

Yours sincerely

[Redacted Signature]

[Redacted Name]

President – UK Harbour Masters Association.

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