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STATUTORY RULES OF NORTHERN IRELAND

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**1995 No. 87**

**HEALTH AND SAFETY**

**The Explosives in Harbour Areas  
Regulations (Northern Ireland) 1995**

*Made* - - - - *6th March 1995*

*To be laid before Parliament* *17th April 1995*

*Coming into operation*

The Secretary of State, in pursuance of Articles 17(1), (2), (3), (4), (5), (6)(a) and (b), 40(2), (4) and (6), 54(1) and (3) and 55(2) of, and paragraphs 1(1) to (4), 2, 3, 5, 6, 8, 10, 11, 12(1), 13, 14(1), 15, 17(a), 19, 20(a) to (c), and 21 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(1) (“the 1978 Order”) as applied and modified by Article 53 of that Order and after consulting, in accordance with Article 46 of that Order as so applied and modified, the Health and Safety Agency for Northern Ireland and such other bodies as appeared to him to be appropriate, hereby makes the following regulations:

**PART I**

**INTERPRETATION AND APPLICATION**

**Citation and commencement**

1. These Regulations may be cited as the Explosives in Harbour Areas Regulations (Northern Ireland) 1995 and shall come into operation on 17th April 1995.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“barge” includes any lighter or similar vessel whether self-propelled or not;

“the 1991 Regulations” means the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(2);

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(1) 1978 No. 1039 (N.I. 9)  
(2) S.R. 1991 No. 516

“berth” means any dock, pier, jetty, quay, wharf or similar structure (whether floating or not) in each case within a harbour or harbour area, at which a vessel may tie up and includes any plant or premises, other than a vessel used for purposes ancillary or incidental to the loading or unloading of explosives within the curtilage of that berth;

“classification” means the classification specified in column 2 of Part 1 of Schedule 1 corresponding to the most hazardous of the characteristic properties of those explosives specified in column 1 of that Part;

“Compatibility Group” and “Compatibility Group letter” have the same meaning as in regulation 2 of the 1991 Regulations;

“consignor” means the original consignor;

“Division” and “Division number” have the same meaning as in regulation 2 of the 1991 Regulations;

“dumb craft” means a vessel not possessing mechanical means of propulsion and includes a dumb barge;

“explosives” means any substance (including any preparation or other mixture) which by reason of its characteristic properties, being properties specified in column 1 of Part I of Schedule 1, creates a risk to the health or safety of any person when the substance is in a harbour or harbour area;

“explosives licence” means a licence issued by the Secretary of State for the purposes of Part II;

“freight container” means a container as defined in regulation 2 of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(3);

“handling” includes the operations of loading, unloading and transferring explosives;

“harbour” means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river, canal or inland navigation waterway navigated by sea-going vessels, in each case outside a harbour area, and includes—

- (a) a dock, wharf or other works in or at which vessels can obtain shelter, or ship and unship goods or passengers,
- (b) harbour land, being land adjacent to a harbour as defined above and occupied wholly or mainly for the purposes of activities carried on within the harbour;

“harbour area” means—

- (a)
  - (i) all areas of water within the statutory jurisdiction of a statutory harbour authority, other than the areas of water referred to in sub-paragraph (b),
  - (ii) any berth, abutting any of the areas of water falling within head (i), where the loading or unloading of explosives takes place (whether or not that berth is for other purposes under the statutory jurisdiction of the harbour authority),
  - (iii) any land, within the statutory jurisdiction of a statutory harbour authority or occupied by a statutory harbour authority, used in connection with the loading or unloading of vessels,

but excluding—

- (b) areas of water which are within the statutory jurisdiction of another statutory harbour authority where those areas of water are used primarily by vessels using berths or land within the harbour area of that other statutory harbour authority (for the purpose of these Regulations the harbour area of that other statutory harbour authority is known as “an overlapping harbour area”);

“harbour authority” means—

- (a) in relation to a harbour area, the statutory harbour authority by reference to which that harbour area is defined,
- (b) in relation to a harbour, any person being, or claiming to be—
  - (i) the proprietor of that harbour, or
  - (ii) entrusted with the duty, or invested with the duty, or invested with the power of improving, managing, maintaining or regulating that harbour;

“harbour craft” means a self-propelled craft which is used wholly or mainly within a harbour or harbour area or within such places and on adjoining inland waterways;

“harbour master” means the harbour master, dock master or other officer duly appointed by the harbour authority to act in such capacity or any person having authority so to act;

“hazard warning panel” means the panel required by regulation 11 and specified in Schedule 4;

“hazard warning sign” means the hazard warning sign specified and coloured as in column 3 of Part 1 of Schedule 1 for the classification of explosives specified in the corresponding entry in column 2 of that Part and which is further described in Part II of that Schedule;

“the IMDG Code” has the same meaning as in regulation 1(3) of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1990<sup>(4)</sup>;

“loading” and “unloading” means the actual operations of loading and unloading a vessel and the handling of explosives ancillary to such operations;

“master” includes any person, other than a pilot, having charge of a vessel;

“military explosive” has the same meaning as in regulation 2 of the 1991 Regulations;

“operator” means—

- (a) the operator of any vehicle which is engaged in the carriage of explosives and shall be—
  - (i) any person who is required to hold a road freight vehicle licence under section 17(2) of the Transport Act (Northern Ireland) 1967<sup>(5)</sup> other than a person described in sub-section (1)(b) or (c) of that section, or
  - (ii) where no such licence is held (in the case of a foreign goods vehicle) the driver of the vehicle; (in the case of any other vehicle) the keeper of the vehicle, and for this purpose, where the vehicle is on hire or lease to any person, that other person shall be treated as its keeper,
- (b) in relation to any other mode of transport and in relation to a berth, the person who has for the time being day-to-day control of its running;

“receptacle” includes any form of packaging used for the transport of explosives but does not include a freight container or a vehicle;

“statutory harbour authority” means a “harbour authority” within the meaning of section 38 of the Harbours Act (Northern Ireland) 1970<sup>(6)</sup> except that a person shall not be a statutory harbour authority for the purposes of these Regulations in respect of a harbour area which is inside the harbour area of another statutory harbour authority and which is used wholly or mainly for vessels bringing or receiving goods of either or both of the following descriptions, that is to say goods which have been manufactured or produced by that person or which are to be used by that person for the manufacture or production of goods or electricity, and for this purpose there shall be treated as carried on by a company the activities of manufacture or production carried on by—

- (a) a holding company or subsidiary of that company,

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<sup>(4)</sup> S.I. 1990/2605  
<sup>(5)</sup> 1967 c. 37 (N.I.)  
<sup>(6)</sup> 1970 c. 1 (N.I.)

- (b) the members of a consortium who between them own, directly or indirectly, more than half the issued share capital of that company;

“UN list” means Chapter 2 of the Recommendations prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods;

“vessel” means every description of vessel, however propelled or moved, and includes a hovercraft, a hydrofoil vessel, anything constructed or adapted to carry persons or goods by water and a flying boat or seaplane on or in the water.

(2) Any reference in these Regulations to the quantity of any explosive shall be construed as a reference to the net mass of explosive substance therein contained.

### Application

**3.—**(1) These Regulations shall apply, in every harbour and harbour area in Northern Ireland and to any premises or activities in any part of a harbour area in the territorial waters adjacent to Northern Ireland.

(2) Subject to paragraph 3(3) regulations 6 to 8 shall in addition to their application in every harbour and harbour area apply to the loading on board or unloading from a vessel (other than a vessel which is an offshore installation within the meaning of section 1(4) of the Mineral Workings (Offshore Installations) Act 1971<sup>(7)</sup>) of any explosive on any part of the coast or in any tidal water.

(3) Regulations 6 to 8 shall not apply in relation to—

- (a) explosives—
- (i) in Division 1.4; or
  - (ii) in any other division (extent explosives in Compatibility Group L), where the total quantity of explosive involved does not exceed 10 kilograms;
- (b) the unloading at sea of explosives that are to be used immediately by a vessel at sea;
- (c) the unloading at sea of explosives to be dumped at sea in accordance with the terms of a licence granted under Part II of the Food and Environment Protection Act 1985<sup>(8)</sup> or, in the case of a military explosive, with the consent of the Secretary of State;
- (d) explosives of less than one tonne in quantity intended for immediate use in connection with harbour works or for wreck dispersal in the harbour or harbour area, if—
- (i) the consent in writing of the harbour master has been obtained, and
  - (ii) the explosives are carried and used in accordance with any conditions attached to that consent;
- (e) a berth which forms part of a factory or magazine either licensed under the Explosives Act 1875 or lawfully existing whether under that Act or by virtue of a certificate of exemption granted pursuant to the Explosives Act 1875 (Exemptions) Regulations (Northern Ireland) 1875<sup>(9)</sup>;
- (f) explosives carried by a British or foreign warship;
- (g) without prejudice to sub-paragraph (f), explosives carried by any other vessel in the service of the Crown, where those explosives are for use at sea and no handling of the explosives takes place while the vessel is in the harbour or harbour area;
- (h) explosives within the limits of any dockyard port defined by an Order in Council made under the Dockyard Ports Regulation Act 1865<sup>(10)</sup>.

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<sup>(7)</sup> 1971 c. 61; section 1 was substituted by section 24 of the Oil and Gas Enterprise Act 1982 (c. 23)

<sup>(8)</sup> 1985 c. 48

<sup>(9)</sup> S.R. 1983 No. 326

<sup>(10)</sup> 1865 c. 125

(4) The duties imposed by regulations 16, 17(1) and 18 shall not extend to—

- (a) the master or crew of a sea-going ship; or
- (b) the employer of such persons,

in relation to the normal shipboard activities of a ship's crew under the direction of the master.

(5) These Regulations shall not prejudice any action of Her Majesty's Commissioners of Customs and Excise or any requirement for approval of, authority from, clearance by or notification to, Her Majesty's Commissioners of Customs and Excise or the necessity to comply with any order or conditions imposed by Her Majesty's Commissioners of Customs and Excise.

## PART II

### ENTRY OF EXPLOSIVES INTO HARBOUR AREAS

#### Notice of entry of explosives

4.—(1) into Subject to paragraphs (4) and (5), explosives shall not be brought a harbour or harbour area unless—

- (a) in the case of a vessel, the master or agent, or
- (b) in the case of any other mode of transport, the operator,

has given to the harbour master and, if the explosives are to be brought to a berth, to the berth operator, notice containing the particulars referred to in paragraph (3) not less than 24 hours, or such longer time in respect of both notices as the harbour master may for operational reasons require but which shall not exceed 14 days, before the explosives are brought in or, if it is not reasonably practicable to give 24 hours notice, such shorter time in respect of both notices as the harbour master and berth operator may together agree.

(2) Where a vessel carrying explosives is to enter a harbour area not to load or unload there but on the way to loading or unloading in an overlapping harbour area or in an abutting harbour area, then the notice required under paragraph (1) shall be given to the harbour master of that harbour area and to the harbour master and, if the explosives are to be brought to a berth, to the berth operator of that overlapping or abutting harbour area.

(3) Any notice required under paragraph (1) may be given up to six months in advance and shall be in writing or in such other form as the harbour master may agree and shall contain such information as is adequate to evaluate the risk created by the explosives to the health and safety of any person and, in the case of a notice given by the master or agent of a vessel, where the International Maritime Organisation recommends that the vessel should have a certificate of fitness, shall in addition state whether it has a current certificate of fitness.

(4) Notice need not be given under paragraph (1) in respect of—

- (a) explosives carried by a vessel which is to pass through the harbour area and will not load or unload either in that harbour area or in an overlapping harbour area or in an abutting harbour area;
- (b) explosives carried by a British or foreign warship; or
- (c) without prejudice to sub-paragraph (b), explosives carried by any other vessel in the service of the Crown, where either—
  - (i) the master of the vessel has informed the harbour master that the quantity of explosives carried is within the limit of any conditions to which the entry into or the carrying or handling within the harbour or harbour area of explosives will be subject, or

(ii) those explosives are for use at sea and no handling of the explosives takes place while the vessel is in the harbour or harbour area.

(5) Where it appears to a harbour master necessary for securing the health or safety of any person, he may exempt any person from the prohibition in paragraph (1) in so far as it relates to the giving of notice to him or to a berth operator in his harbour or harbour area and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time.

(6) A harbour master granting or revoking an exemption shall make a record thereof as soon as is reasonably practicable thereafter including any conditions and limit of time attached thereto, and a copy shall be sent as soon as practicable to the Secretary of State and the Chief Constable but, in any event, before the exemption has effect.

### **Harbour master's powers of prohibition, removal and regulation relating to explosives**

5.—(1) Subject to paragraph (7) and without prejudice to any powers that may be given to him by byelaws made under regulation 34, a harbour master may, if in his opinion the condition of any explosives is such as to create a risk to the health or safety of any person and having regard to the matters set out in paragraph (3), give directions as set out in paragraph (5) to the person having control of those explosives or of any freight container or receptacle containing those explosives or of any vehicle or vessel carrying those explosives.

(2) Subject to paragraph (7) and without prejudice to any powers that may be given to him by byelaws made under regulation 34, a harbour master may if in his opinion the condition of—

- (a) any freight container or receptacle containing explosives;
- (b) any vehicle or vessel carrying explosives,

is such as to create a risk to the health or safety of any person from those explosives and having regard to the matters set out in paragraph (3) give directions as set out in paragraph (5) to the person having control of that freight container, receptacle, vehicle or vessel or of any explosives contained or carried therein.

(3) In determining whether to give any directions under paragraph (1) or (2) in any particular case, a harbour master shall have regard to all the circumstances of that case and, in particular, he shall have regard to the safety of any person, whether that person is within or outside the harbour or harbour area.

- (a) (4) (a) Where a harbour master has given directions under paragraph (1) or (2) or both, the Secretary of State may, for the purposes of ~securing the safety of any person, give directions to that harbour master requiring him to give such other directions under this paragraph as may be specified by the Secretary of State.
- (b) The directions given by the harbour master under this paragraph shall be given to such person having control of explosives or of a freight container or receptacle containing explosives or of a vehicle or vessel carrying explosives as may be specified by the Secretary of State and shall concern such of the matters set out in paragraph (5) as may be specified by the Secretary of State and when given shall cause the directions originally given by the harbour master under paragraph (1) or (2) or both to cease to have effect.

(5) The directions referred to in paragraphs (1), (2) and (4) may—

- (a) regulate or prohibit the entry into;
- (b) require the removal from;
- (c) regulate the handling, movement or position within;

the harbour or harbour area of those explosives, freight container, receptacle, vehicle or vessel.

(6) Where the harbour master intends to give a direction requiring explosives to be removed by land from the harbour or harbour area, he shall, before giving the direction, consult the Chief Constable.

(7) A person to whom directions are given under this regulation shall comply with those directions.

(8) Paragraphs (1) and (2) shall not apply to any vessel in the service of the Crown or to any explosives, freight container or receptacle being carried by such a vessel.

(9) A harbour master shall not by virtue of this regulation be under any duty to examine the condition of any explosives, freight container, receptacle, vehicle or vessel.

(10) Directions may be given by the harbour master under paragraphs (1) and (2) in any such reasonable manner as he may think fit.

### **Need for an explosives licence**

6. A person shall not—

- (a) bring any explosive into a harbour or harbour area;
- (b) carry or handle any explosive within a harbour or harbour area; or
- (c) load or unload any explosive in circumstances to which this regulation applies by virtue of regulation 3(1),

unless there is in existence an explosives licence permitting that activity and the conditions attached to the licence are complied with.

### **Applications for explosives licences**

7.—(1) An application for an explosives licence or for any alteration in the terms of an existing explosives licence shall be made to the Secretary of State and the applicant shall be—

- (a) in a case to which regulation 6(a) and (b) relates, the harbour authority or, if he informs the harbour authority of his intention, a berth operator; or
- (b) in a case to which regulation 6(c) relates, a person having an interest in the activities for which the licence is required,

and in either case the application shall be made in accordance with the procedure specified in Schedule 6 unless the Secretary of State otherwise agrees.

(2) The Secretary of State may make a charge for work carried out in connection with an application for an explosives licence or for any alteration in the terms of an existing licence of £254 plus £34 for each man-hour expended (excluding time spent in travelling and any typing, messenger or ancillary work) and that charge shall be payable by the applicant prior to the issue of the decision.

### **Consideration of licence applications**

8.—(1) In considering an application for an explosives licence or for any alteration in the terms of an existing licence, the Secretary of State shall take account of any comments or objections received by him pursuant to paragraphs 3 and 5 of Schedule 6 and may reject the application altogether or may grant the licence or amending licence which may be subject to such conditions as he thinks fit and any such licence or amending licence may be with or without limit of time and may be varied or revoked in writing at any time.

(2) Nothing in paragraph (1) shall prevent the Secretary of State from granting a provisional explosives licence or a provisional amending licence in cases of urgency and any such licence or amending licence may have effect for a period of up to 6 months from the date on which it was granted unless revoked in writing by the Secretary of State before its date of expiry.

## PART III

### MARKING AND NAVIGATION OF VESSELS

#### **Flags and lights to be displayed by vessels**

**9.—(1)** Where a vessel is carrying explosives specified in Schedule 2 in at least the quantity, if any, specified in that Schedule, the master of that vessel shall ensure that it displays—

- (a) in the case of a vessel with a mast—
  - (i) during the day between sunrise and sunset, a flag complying with the requirements of Parts I and II of Schedule 3, and
  - (ii) when moored or anchored at night between sunset and sunrise and also during the day in restricted visibility an all-round red light giving a clear, uniform and unbroken light visible in conditions of good night-time visibility all round the horizon for a distance of at least two nautical miles;
- (b) in the case of a vessel without a mast—
  - (i) during the day between sunrise and sunset, a flag complying with the requirements of Parts I and III of Schedule 3, and
  - (ii) when moored or anchored at night between sunset and sunrise and also during the day in restricted visibility, an all-round red light.

(2) Any flag or light required by paragraph (1) to be displayed shall be positioned so as to be as conspicuous as is reasonably practicable and, in the case of a light, so that it is above any other light being displayed by the vessel.

- (3) It shall be a sufficient compliance with this regulation if—
- (a) when a dumb craft is being towed, the towing vessel displays the flag required under the foregoing paragraphs; or
  - (b) when a dumb craft is moored or anchored, that flag or light is displayed by an attendant vessel.

#### **Vessels to keep a safe distance from moored or anchored vessels displaying the flag or light required by regulation 9,**

**10.—(1)** A master shall not bring his vessel alongside a moored or anchored vessel which is displaying any flag or light required by regulation 9 without—

- (a) the permission of a berth operator and the master of that vessel if it is at a berth;
- (b) the permission of the harbour master and the master of that vessel if it is elsewhere, and

shall otherwise keep his vessel at a safe distance from that vessel.

(2) The permission, referred to in paragraph (1), of the berth operator and of the harbour master may relate to a named vessel, to a class of vessels or to vessels generally.

#### **Marking of barges**

**11.—(1)** The operator of a barge which is carrying 3,000 kilograms or more of one or more explosives shall ensure that it displays hazard warning panels which shall be arranged so as to be visible on each side of the barge and each such panel shall—

- (a) be weather resistant and durably marked so as to comply with the provisions of Schedule 4 (which relates to the required form, colour, information and specification);
- (b) be either rigid or fixed so as to be rigid;



- (c) be marked on or securely attached to the barge in a substantially vertical plane, and if that means of attachment is by a frame, that frame shall carry no other hazard warning panel; and
- (d) have its lower edge at least one metre above the deck or, if that is not reasonably practicable, as high above the deck as is reasonably practicable.

(2) Where one or more explosives have been carried and all compartments have been emptied and cleaned or purged so that any explosive or its vapour which remains is not sufficient to create a risk to the health or safety of any person, then the operator shall ensure that the hazard warning panels and labels are either—

- (a) completely covered or completely removed; or
- (b) in the case of hazard warning panels only, partly covered or partly removed so as to leave visible only the telephone number and the text referred to in paragraph 3(c) and (d) of Schedule 4 respectively.

(3) Where two or more explosives have been carried and the compartments which were carrying one of them have been emptied and cleaned or purged so that any of the explosive or its vapour which remains is not sufficient to create a risk to the health or safety of any person, then the operator shall ensure that—

- (a) the labels referring to the explosive which has been removed are completely covered or completely removed; and
- (b) the hazard warning panels are changed, if necessary, so as to comply with paragraph 3 of Schedule 4.

### **Control of harbour craft**

**12.**—(1) The operator of a harbour craft which is carrying explosives or which is towing a vessel which is carrying explosives shall ensure that—

- (a) the master of that harbour craft is competent to perform the duties required of him; and
- (b) the master and any other person on duty on the harbour craft are not under the influence of drink or a drug to such an extent that their capacity to carry out their duties is impaired.

(2) The master of any harbour craft referred to in paragraph (1) shall control that craft with due care and diligence.

### **Provision and use of radios**

**13.**—(1) This regulation applies to—

- (a) a vessel, other than a dumb craft, of 50 tons gross tonnage or more carrying explosives;
- (b) a vessel towing one or more dumb craft where the combined gross tonnage of all the dumb craft being towed is 50 tons or more and at least one is carrying explosives.

(2) The master of a vessel to which this regulation applies shall ensure that, when it is in a harbour or harbour area, it is provided at all times with a radio capable of receiving and transmitting in the very high frequency band.

(3) The master of a vessel to which this regulation applies shall ensure that a listening watch is kept on the operational frequency of the harbour authority at all times except—

- (a) when the vessel is at a berth; or
- (b) for short periods when the radio is tuned to another frequency for operational purposes.

### **Anchoring and mooring of vessels**

14.—(1) The master of a vessel which is carrying explosives or on board which any explosives are to be loaded shall anchor or moor his vessel only at such places and at such times as the harbour master may from time to time direct and shall ensure that any conditions the harbour master may impose with regard to anchoring or mooring are complied with.

(2) The harbour master shall, before giving any directions as to the berthing of a vessel at a berth not operated by the harbour authority, consult the operator of that berth.

(3) When he has anchored or moored his vessel, the master shall ensure that it is not moved except—

- (a) if the harbour master, after consultation with the berth operator if the vessel is at a berth, so permits or directs;
- (b) in an emergency or for the safety of persons on the vessels or on the berth; or
- (c) to comply with the terms of an explosives licence.

(4) The master shall ensure that any directions given by the harbour master as to the movement of his vessel are complied with.

(5) While the vessel is at a berth, the berth operator shall ensure that adequate fenders are kept between the vessel and the berth.

(6) This regulation shall not apply in respect of any vessel on which the only explosives are one or more explosives in Division 1.4.

(7) Nothing in paragraph (2) or (3)(a) shall prejudice the power of the harbour master to give directions under any other enactment which applies to the case.

### **Mobility of vessels**

15. The master of a vessel, other than a dumb barge, carrying explosives specified in Schedule 2 in the quantity, if any, specified in that Schedule shall ensure that the vessel is in a state of readiness to be moved at any time, tidal conditions permitting.

## **PART IV**

### **SAFETY AND SECURITY OF EXPLOSIVES**

#### **General duties of persons handling explosives**

16. Every person who has to any extent control of, or who is engaged in, the handling of explosives shall ensure that, so far as is reasonably practicable, nothing in the manner in which those explosives are handled is such as might create a risk to the health or safety of any person.

#### **Additional duties of employers, self-employed persons and berth operators**

17.—(1) The employer of a person engaged in the handling of explosives shall—

- (a) ensure that the employee is provided with such information, instruction, training and supervision as are necessary to ensure his health and safety and to enable him to perform any operation in which he is involved with due regard to the health and safety of others;
- (b) provide that employee, where necessary, with adequate safety equipment and protective clothing; and

- (c) keep a record of the training received by that employee in accordance with this paragraph while that employee is in his employment and on request by that employee give a copy of that record to him.
- (2) A self-employed person engaged in the handling of explosives shall ensure that—
  - (a) he has such information, instruction, training and supervision as are necessary to ensure his health and safety and to enable him to perform any operation in which he is involved with due regard to the health and safety of others;
  - (b) he has, where necessary, adequate safety equipment and protective clothing.
- (3) The operator of a berth where any explosives are loaded or unloaded . . shall ensure that—
  - (a) the handling of explosives on the berth is adequately supervised, and
  - (b) persons present on the berth are provided with such information and instruction as are necessary to ensure their health and safety and to enable them to perform any operation in which they are involved with due regard to the health and safety of others.

#### **Precautions to be taken against explosion or fire**

**18.**—(1) Every person engaged in the handling of explosives and both the owner and the operator of any berth on which explosives are kept or handled, shall observe all the precautions necessary for preventing, and for minimising the effect of an explosion or fire.

- (2) Without prejudice to the generality of paragraph (1)—
  - (a) the owner of the berth shall ensure that adequate means for fighting fires are available;
  - (b) the berth operator shall ensure that sufficient adequately trained personnel are available to operate the fire-fighting equipment;
  - (c) the operator and the owner of the berth shall ensure that ready access for the emergency services is available at all times to any vessel at a berth which is carrying, loading or unloading any such explosives.

(3) A person shall not smoke, use naked lights or any other source of ignition or carry any source of ignition within any area in which such activities have been prohibited by the harbour authority or the berth operator.

(4) In this regulation, “owner of the berth” means any person having overall control and management of the berth and includes a lessee.

#### **Deteriorated explosives**

**19.** Where in any harbour or harbour area explosives have deteriorated or have undergone any change which might significantly increase the risks attendant upon their carriage and handling within the harbour or harbour area, the person having custody of those explosives shall—

- (a) notify the Secretary of State and the harbour master and, where the explosives are at a berth, the berth operator of the deterioration or change;
- (b) agree with the harbour master any additional precautions to be taken before moving or handling them; and
- (c) take those precautions.

#### **Electro-explosive devices**

**20.** A person shall not bring an electro-explosive device into a harbour or harbour area unless it is so constructed and packed as to be safe for carriage.

### **Security of explosives**

21.—(1) The operator of a berth at which explosives are carried or handled shall appoint a berth explosives security officer who shall ensure in respect of the berth that adequate precautions are taken to secure explosives against loss, theft or wrongful use and a harbour authority in whose harbour or harbour area explosives are carried or handled shall appoint a harbour explosives security officer who shall do likewise in respect of those parts of the harbour or harbour area for which there is no berth explosives security officer.

(2) Any person handling or having custody of explosives in a harbour or harbour area shall take adequate precautions to secure those explosives against loss, theft or wrongful use, and shall comply with any instructions given to him for that purpose by an explosives security officer and shall co-operate with the explosives security officer in the execution of his duties.

(3) Any person having custody of explosives in a harbour or harbour area who transfers the custody of those explosives to some other person shall obtain a written receipt from that other person recording the transfer.

(4) Where explosives are dropped overboard (otherwise than intentionally as part of the activities of persons at work) or lost, the person who had previously had custody of those explosives shall forthwith report the occurrence to the harbour master, the Chief Constable and either to the berth explosives security officer, if the incident took place at a berth, or to the harbour explosives security officer and shall take such steps as are reasonably practicable to recover those explosives.

### **Vessels and vehicles loaded with explosives to be taken out of harbours and harbour areas**

22. When loading of a vessel or a vehicle with explosives has been completed, the master of a vessel or the operator of that vehicle, as the case may be, shall ensure that the vessel or vehicle is taken out of the harbour or harbour area as soon as is reasonably practicable unless the harbour master and, where the vessel or vehicle is at a berth, the berth operator otherwise agree.

### **Harbour craft carrying explosives not to carry passengers**

23.—(1) Subject to paragraph (2), the master of a harbour craft shall ensure that while the harbour craft is carrying explosives it does not carry any passengers.

(2) Paragraph (1) shall not apply—

(a) where the only explosives carried are—

(i) explosives in Division 1.4, Compatibility Group S, or

(ii) ships' pyrotechnic signals which are being carried to another vessel and which contain a total of less than 1 kilogram of explosives; or

(b) where the only passengers carried are carried in connection with the harbour works for which the explosives are carried or who are to handle the explosives being carried.

### **Records to be kept**

24.—(1) The harbour authority shall keep a record of all explosives handled within the harbour or harbour area, other than shop goods fireworks, in any year and that record shall distinguish between exports, imports and explosives in transit and be preserved for 5 years after making.

(2) The berth operator shall co-operate with the harbour authority in the preparation of such record.

(3) In a case to which regulation 6(c) relates, the licensee shall keep a record of all explosives, other than shop goods fireworks, loaded or unloaded there in any year and that record shall

distinguish between exports, imports and explosives in transit and be preserved for 5 years after making.

## PART V

### PACKAGING AND LABELLING

#### Freight containers

**25.**—(1) Any person bringing a freight container containing explosives into a harbour or harbour area from inland shall ensure that the container is accompanied by a certificate, given by the person responsible for loading the explosives into the freight container, certifying that the explosives have been safely packed inside that container.

(2) A person opening a freight container containing explosives shall adequately ventilate the interior before entering the freight container or unloading anything from that container and, if he is an employee, his employer shall also ensure that he takes such precautions.

#### Receptacles

**26.** Where explosives are brought into a harbour or harbour area from inland in a receptacle, the consignor of those explosives shall ensure that—

- (a) the receptacle is designed, constructed, maintained and closed so as to prevent any of the contents escaping when subjected to the stresses and strains of normal handling or transport except that this shall not prevent the fitting of a suitable safety device;
- (b) the receptacle and any fastenings are, in so far as they are likely to come into contact with the explosives, made of materials which are neither liable to be adversely affected by the explosives nor liable in conjunction with the explosives to form any other substance which is itself a risk to health or safety, and
- (c) the receptacle is correctly filled.

#### Labelling

**27.**—(1) Where explosives are brought into a harbour or harbour area from inland in a freight container or receptacle, the consignor of that freight container or receptacle, as the case may be, shall ensure that—

- (a) any such freight container is clearly and durably labelled to show on each vertical side the hazard warning sign of the explosives contained therein; and
- (b) any such receptacle which is liable to be individually handled while in the harbour or harbour area is clearly and durably labelled to show the hazard warning sign of the explosives contained therein and either the name given in the IMDG Code or, if there is no name given, the chemical name or the common name.

(2) It shall be a sufficient compliance with paragraph (1), if a freight container or receptacle which, while in the harbour or harbour area, is or will be required to be labelled in accordance with any of the following provisions, is labelled in accordance with those provisions, namely—

- (a) the 1991 regulations;
- (b) the Technical Instructions for the Safe Transport of Dangerous Goods by Air published by the Council of the International Civil Aviation Organisation;
- (c) the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) signed at Geneva on 30th September 1957; and

- (d) Regulations concerning the International Carriage of Dangerous Goods by Rail (RID);
  - (e) the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1990(11).
- (3) As soon as is practicable after all the explosives have been removed from any freight container, the person in charge of that removal shall ensure that all labels which indicate that explosives are contained therein are obliterated or removed from any such freight container.

## PART VI

### EMERGENCY ARRANGEMENTS AND UNTOWARD INCIDENTS

#### **Preparation of emergency plans by harbour authorities**

**28.**—(1) A harbour authority shall, before explosives are handled in the harbour or harbour area, prepare and keep up to date, after consulting the emergency services and any other body which appears to it to be appropriate, an effective emergency plan for dealing with emergencies which involve, affect or could affect explosives that are brought into or are handled in the harbour or harbour area as the case may be.

(2) Port users and berth operators shall if requested by the harbour authority co-operate with the harbour authority in preparing its plan.

(3) A harbour authority shall notify the contents of its plan to those responsible for putting it into effect.

(4) Until 17th October 1995 it shall be a sufficient compliance with paragraph (1) if the harbour authority prepares its emergency plan in accordance with that paragraph by that date.

#### **Emergency arrangements at berths**

**29.**—(1) The berth operator shall ensure that at all times when a vessel loading, carrying or unloading explosives is at the berth—

- (a) means of rapid communication with the emergency services are available; and
- (b) adequate means of escape from that berth are provided for use in an emergency.

(2) As soon as practicable after the berthing of a vessel, which is carrying or is to be loaded with explosives, and before the loading or unloading of those explosives begins, the berth operator shall notify the master of that vessel of emergency arrangements at the berth and the means by which the alarm can be raised, and shall provide him with a written notice of the signals to be used in an emergency and of the arrangements for summoning the emergency services.

(3) The operator of any berth, where explosives are being loaded on board or unloaded from a vessel or where explosives are stored before loading or after unloading, shall ensure that such information is immediately available to the emergency services as will enable them to know the identity, quantity and location of the explosives which are for the time being on the berth.

#### **Untoward incidents**

**30.**—(1) In this regulation, “untoward incident” means an incident involving or threatening the containment of explosives which might, irrespective of where such incident occurs, create in the harbour or harbour area a risk of serious personal injury or a risk to the safety of a vessel.

(2) The master of a vessel carrying explosives shall immediately inform the harbour master and, if the vessel is at a berth, the berth operator of any untoward incident which occurs or has occurred on the vessel.

(3) The berth operator shall immediately inform the harbour master and the master of any vessel at the berth of any untoward incident which occurs on the berth.

(4) Where an untoward incident occurs during the operation of handling explosives, the person having control of that operation shall stop the operation as soon as it is safe to do so and shall immediately report the incident to the harbour master, to the operator of any berth and the master of any vessel which might be affected by the incident and, where appropriate, the emergency services.

(5) Where an operation has been stopped in accordance with paragraph (4)) it shall not be resumed until such corrective measures have been taken as make it safe to resume the operation and the harbour master has authorised resumption of the operation.

## PART VII

### STORAGE OF EXPLOSIVES

#### **Application of this Part**

**31.** The provisions of this Part shall apply to the storage of explosives within a harbour or harbour area ancillary to loading or unloading within that harbour or harbour area.

#### **Storage of freight containers and receptacles containing explosives**

**32.** A person who stores a freight container or receptacle containing explosives shall ensure' that so far as is reasonably practicable the conditions under which that freight container or receptacle is stored are not such as might create a risk from those explosives to the health or safety of any person.

#### **Parking of road vehicles carrying explosives**

**33.—(1)** Every berth operator shall so far as is reasonably practicable designate a suitable parking area for road vehicles carrying explosives that use the berth and in so far as the berth operator is unable to designate a suitable parking area for such vehicles he shall notify the harbour authority thereof who shall take all reasonably practicable steps to designate such a parking area.

(2) The driver of any vehicle which is carrying explosives shall not park the vehicle at a place or in a manner as may be liable to create a risk to the health or safety of any person.

## PART VIII

### MISCELLANEOUS AND GENERAL

#### **Power of a statutory harbour authority to make byelaws**

**34.—(1)** Subject to the provisions of Schedule 5, a statutory harbour authority may make in respect of the harbour area byelaws prohibiting the entry or regulating the entry, carriage, handling and storage of explosives.

(2) Byelaws shall not conflict with these Regulations or with any other relevant statutory provisions.

(3) Byelaws shall be restricted to matters relating to the harbour area,

(4) Byelaws may contain their own provisions for enforcement.

### **Enforcement of these Regulations**

**35.**—(1) Subject to paragraph (2), the Secretary of State shall be responsible for enforcing these Regulations.

(2) A statutory harbour authority shall be responsible for enforcing Part III and regulations 4, 5, 29 and 33(2) in the harbour area against persons other than itself.

### **Defence in proceedings for contravening these Regulations or byelaws**

**36.** In any proceedings for an offence of contravening these Regulations (other than for an offence under regulation 16, 32 or 33(1)) or of contravening any byelaw made under these Regulations, it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

### **Power to grant exemptions from these Regulations**

**37.**—(1) Subject to paragraph (2), the Secretary of State may, by a certificate in writing, exempt any person or class of persons from any requirement or prohibition imposed by or under these regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Secretary of State shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, which he proposes to attach to the exemption: and
- (b) any other requirements imposed by or under any enactment which apply to the case,

he is satisfied that neither the health nor safety of persons, nor the security of any explosive likely to be affected by the exemption, will be prejudiced in consequence of it.

(3) The Secretary of State may, in the interests of national security by a certificate in writing, exempt from all or any requirements or prohibitions imposed by these Regulations—

- (a) Her Majesty's forces;
- (b) visiting forces within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952<sup>(12)</sup>;
- (c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964<sup>(13)</sup>;
- (d) any person engaged in the carriage, keeping or supply of any military explosives, if that person is under the direct supervision of a representative of the Ministry of Defence,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

### **Repeals, revocations, modifications and savings**

**38.**—(1) The following provisions and the byelaws made thereunder are hereby repealed—

- (a) sections 34, 36 (only in so far as that section applies within harbours and harbour areas) and 11.5 of the Explosives Act 1875; and
- (b) section 71(5) of the Harbours, Docks and Piers Clauses Act 1847<sup>(14)</sup>.

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<sup>(12)</sup> 1952 c. 67

<sup>(13)</sup> 1964 c. 5

<sup>(14)</sup> 1847 c. 27



(2) The Conveyance in Harbours of Military Explosives Regulations 1977(15) are hereby revoked.

(3) The provisions of any local Act passed before 1st February 1979 or of any byelaws made before 1st February 1979 which conflict with the provisions of these Regulations or of any explosives licence granted under these Regulations shall cease to have effect and that Act or those byelaws shall be modified accordingly.

Northern Ireland Office  
6th March 1995

*P. B. Mayhew*  
One of Her Majesty's Principal Secretaries of  
State

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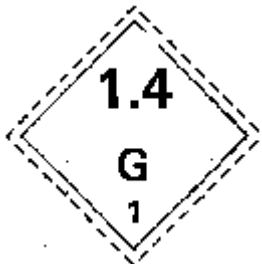
SCHEDULE 1

Regulation 2(1)

THE CLASSIFICATION OF AND HAZARD WARNING SIGNS FOR EXPLOSIVES

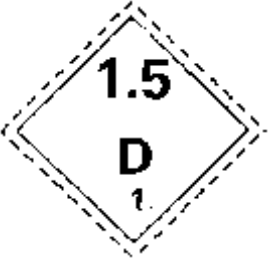

PART I

TABLE OF CHARACTERISTIC PROPERTIES,  
CLASSIFICATIONS AND HAZARD WARNING SIGNS

(1) <i>Characteristic properties of the substance</i>	(2) <i>Classification</i>	(3) <i>Hazard Warning Sign</i>
<p>An explosive substance, that is to say—</p> <p>(a) a solid or liquid substance, or</p> <p>(b) a mixture of solid or liquid substances or both,</p> <p>which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions; including one or more such substances contained in an article. (See Note)</p>	<p>Class I:</p> <p>Division 1.1, 1.2 or 1.3</p>	 <p>(The Division number “1.2” and Compatibility Group letter “E” shown are only examples).</p>
	<p>Division 1.4</p>	 <p>(The Compatibility Group letter “G” shown is only an example).</p>

**Note**  
Where explosives of more than one division are carried in a freight container or barge, the division with the lowest number should be shown on the hazard warning sign. When explosives of Division 1.5 and Division 1.2 are carried together in a freight container or barge, the hazard warning sign displayed on the freight container or barge should be that for Division 1.1.

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(1) <i>Characteristic properties of the substance</i>	(2) <i>Classification</i>	(3) <i>Hazard Warning Sign</i>
	<p>Division 1.5</p> <p>Explosive substances defined as above which have a predominant hazard appropriate to another class but which nevertheless present a significant hazard from explosion.</p> <p>According to predominant hazard.</p>	<p>For explosives of hazard (I classification code 1.4~), “1.4S” may appear in the upper half of the label (I) may be shown on its own without the orange label. The orange label may be dispensed with for fireworks of Division 1.4 provided the word “FIREWORK” followed by the hazard classification code is shown.</p>  <p>(The Compatibility Group, letter “D” shown is only an example).</p>  <p>(The hazard warning sign shown above should appear on packages in addition to the hazard warning sign of the main classification).</p>
<p><b>Note</b> Where explosives of more than one division are carried in a freight container or barge, the division with the lowest number should be shown on the hazard warning sign. When explosives of Division 1.5 and Division 1.2 are carried together in a freight container or barge, the hazard warning sign displayed on the freight container or barge should be that for Division 1.1.</p>		

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## PART II

### SPECIFICATION OF HAZARD WARNING SIGNS

1. The hazard warning sign to be affixed to a freight container or receptacle shall be that shown in column 3 of Part 1 of this Schedule for the classification of the explosives shown in the corresponding entry in column 2 of that Part, and the signs shall conform in form to those shown in the said column 3, except that the sign may show the class number in accordance with the IMDG Code and in the case of classes 1 and 7 must show the Class number. The background colour of the signs shall be orange, pictographs, numbers, letters and lines shall be black.

2. Each hazard warning sign shall be in the form of a square set with its sides at an angle of 45° to the vertical and the length of the sides shall be not less than 100 millimetres, except that, in the case of receptacles that are of such dimensions that they can only bear smaller signs, the sign should be as large as is reasonably practicable.

3. Hazard warning signs to be affixed to a freight container or receptacle shall have a line of the same colour as the symbol, 5 millimetres inside the edge and running parallel to it. (The broken line which surrounds each sign delineates the edge of that sign and need not be shown.)

### SCHEDULE 2

Regulations 9(1) and 15

#### LIST OF SPECIFIED EXPLOSIVES

The explosives referred to in regulations 9(1) and 15 are more than 10 kilograms of explosives in Division 1.1 or 250 kilograms in the aggregate of explosives in Division 1.2, 1.3 and 1.5. When explosives in Division 1.1 are carried simultaneously in the ship with explosives in Division 1.2, 1.3 or 1.5, the overall limit is 10 kilograms.

### SCHEDULE 3

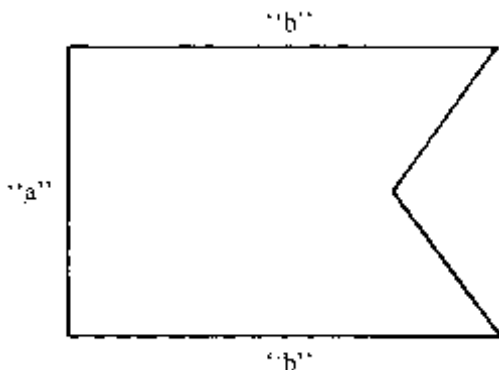
Regulation 9(1)

#### FLAG INDICATING THAT A VESSEL IS CARRYING EXPLOSIVES

## PART I

### SHAPE AND COLOUR OF FLAG

1. The shape of the flag shall be as shown in the diagram below.



2. The flag shall be red in colour.

## PART II

### MATERIAL AND SIZE OF FLAG ON VESSELS WITH A MAST

1. The flag shall be made of fabric
2. The side of the flag marked “a” on the diagram shown in Part I shall be not less than 75 centimetres in length and the sides of the flag marked “b” on the said diagram shall have equal lengths of not less than 90 centimetres.

## PART III

### MATERIAL AND SIZE OF FLAG ON VESSELS WITHOUT A MAST

1. The flag shall be made of metal.
2. The side of the flag marked “a” on the diagram shown in Part I of this Schedule shall be not less than 45 centimetres in length and the sides of the flag marked “b” on the said diagram shall have equal lengths of not less than 54 centimetres.

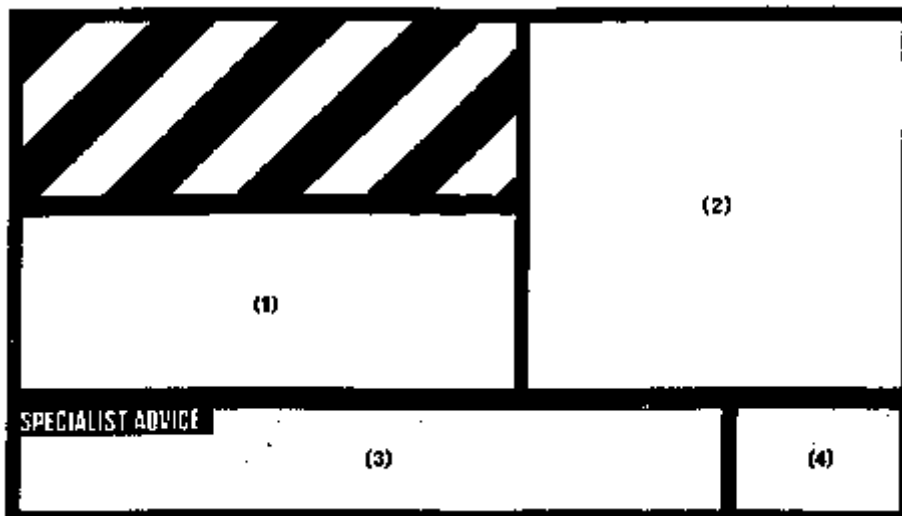
## SCHEDULE 4

Regulations 2(1) and 11

### HAZARD WARNING PANELS

#### Form and colour of hazard warning panels

1. Each hazard warning panel shall be in the form of the following diagram and shall be coloured orange, except for space (2) which shall have a white background. Pictographs, numbers: letters and lines shall be black.



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2. Any reference in paragraph 3 of this Schedule to a space number is a reference to the space so numbered in the diagram in paragraph 1.

### **Information about explosives on a barge**

3. The following information shall be shown on each hazard warning panel when a barge is carrying explosives—

- (a) in space (1)—
  - (i) where only one type of explosive is being carried and that explosive is specified in the UN list, the identification number for that explosive, except that the chemical name, an accepted common name or the trade name of the explosive may also be included;
  - (ii) where only one explosive is being carried and that explosive is not specified in the UN list, the chemical name, an accepted common name or the trade name of the explosive;
  - (iii) where more than one type of explosive is being carried, the word “Multi-load”; and
- (b) in space (2)—
  - (i) where only one type of explosive is being carried and that explosive is specified in the UN list, the hazard warning sign for the classification of that explosive;
  - (ii) where only one type of explosive is being carried and that explosive is not specified in the UN list, the hazard warning sign specified in column 3 of Part I of Schedule 1;
  - (iii) where more than one type of explosive is being carried and all of those explosives are of the same classification, the hazard warning sign for that classification specified in column 3 of Part I of Schedule 1;
  - (iv) where more than one type of explosive is being carried and all those explosives are not of the same classification, the hazard warning sign specified in the Note at the end of Part I of Schedule 1;
- (c) in space (3), the telephone number at which or by means of which specialist advice can be obtained at all times when the explosive is being carried; and
- (d) in space (4), the name of the manufacturer or owner of the explosive, his house symbol, or both, may be shown but otherwise the space shall be left blank.

### **Specification for hazard warning panels**

4. The specifications for hazard warning panels shall be those set out in the diagram below with dimensions in millimetres; larger measurements may be used but in that case they shall be kept in the same proportions to each other except that the lettering and figures may remain as shown in the diagram, or be of intermediate size. The diagonal lines in the top left may be thinner and may slope in the opposite direction.

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### Colour of hazard warning panels and labels

5. Where in this Schedule parts of hazard warning panels are coloured orange that colour shall match the colour in the British Standard Specification BSS No. 381C (1980) No. 557 Light Orange.

## SCHEDULE 5

Regulation 34(1)

### PROVISIONS RELATING TO BYELAWS

1. In this Schedule, “byelaws” means byelaws made by a statutory harbour authority for all or any of the purposes set out in regulation 34(1).

2. Byelaws shall be made under the common seal of the statutory harbour authority and shall not have effect until they are confirmed by the Department of the Environment: Provided that a byelaw which prohibits or regulates the entry of explosives into a harbour area and which has been made after consultation with any berth operator who appears to the authority to be affected by the proposed byelaw, shall come into operation when application is made for its confirmation but such a byelaw shall cease to have effect if the Department of the Environment refuses to confirm it or, if it confirms it with modifications, shall thereafter have effect as so modified.

3. At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the vicinity of the harbour area to which the byelaws are to apply.

4. For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the statutory harbour authority by whom the byelaws are made and shall at all reasonable hours be open to public inspection without payment.

5. The Department of the Environment may confirm, with or without modifications, or refuse to confirm, any byelaw submitted for confirmation, and subject to the proviso in paragraph 2 may fix the date on which the byelaw is to come into operation and subject as aforesaid if no date is fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation: Provided that, where the Department of the Environment proposes to confirm a byelaw with a modification which appears to it to be substantial, it shall inform the statutory harbour authority and

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require the harbour authority to take any steps it considers necessary for informing persons likely to be concerned with the modification and shall not confirm the byelaw until such period has elapsed as it thinks reasonable for consideration of, and comment upon, the proposed modification by the statutory harbour authority and by other persons who have been informed of the modification.

6. The Department of the Environment shall not under the foregoing provisions confirm, whether or not with modifications, or refuse to confirm a byelaw except after consultation with the Secretary of State.

7. A copy of the byelaws, when confirmed, shall be printed and shall be deposited at the offices of the statutory harbour authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.

## SCHEDULE 6

Regulations 7(1) and 8(1)

### PROCEDURE FOR EXPLOSIVES LICENCE APPLICATIONS

1. An application for an explosives licence or for any alteration of the terms of an existing licence shall be made in writing to the Secretary of State and shall be accompanied by such information and plans as the Secretary of State may require.

2. On receipt of an application, the Secretary of State may prepare a draft licence and in such a case he may require the applicant to publish, in a form approved by the Secretary of State, a notice giving such details of the draft licence as the Secretary of State may require.

3. A notice published pursuant to paragraph 2 shall state that any comments or objections on the application must be sent to the Secretary of State within one month of the publication of the notice.

4. Within the time for comment or objection the applicant shall give to any interested person such additional information about the application as the Secretary of State may determine.

5. After the time for comment or objection has passed the Secretary of State may amend the draft licence and, if he does so, may require the applicant to publish a further notice in accordance with paragraphs 2 and 3.

6. Where the applicant for a licence or amending licence is a berth operator and not the harbour authority, he shall send a copy of the application to the harbour authority.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations provide for the control of carriage, loading, unloading, and storage of explosives in harbours and harbour areas. The Regulations are divided into 8 parts.



### **Part I (Interpretation and application — regulations 1 to 3)**

In addition to defining the terms used, the Regulations are applied to harbours and harbour areas in Northern Ireland, to those parts of harbour areas which are within the territorial waters adjacent to Northern Ireland, and to any part of the coast or in any tidal water.

### **Part II (Entry of explosives into harbour areas — regulations 4 to 8)**

A person who intends to bring explosives into a harbour or harbour area, either from inland or from the sea, is required to give the harbour master advance notice of his intention. The harbour master is empowered to prohibit, require the removal of or regulate the entry of explosives into the harbour area, if in his opinion the condition of the explosives, their container or the vehicle or vessel carrying them, is such as to create a risk to health or safety. The regulations in this Part prohibit, with certain exceptions, explosives from being brought into or handled in a harbour area unless such activities are covered by an explosives licence granted by the Secretary of State.

The procedure to be followed for the application and grant of explosives licences is set out and the fee payable by the applicant is specified.

### **Part III (Marking and navigation of vessels — regulations 9 to 15)**

Vessels carrying certain explosives are required to show a red flag during the daytime and, when moored or anchored, a red light at night. The regulations also make provision for the marking of barges and for the navigation of vessels carrying explosives within the harbour or harbour area.

### **Part IV (Safety and security of explosives — regulations 16 to 24)**

The regulations in this Part impose duties on every person who handles explosives in a harbour or harbour area to do so safely and to take all necessary precautions to avoid fire or explosion. They impose additional duties upon employers, self-employed persons and berth operators to ensure that persons handling explosives are properly trained.

The regulations also impose requirements relating to the security of explosives, safety precautions and for the keeping of records.

### **Part V (Packaging and labelling — regulations 25 to 27)**

The regulations in this Part require freight containers from inland containing explosives to be accompanied by a certificate certifying that they have been properly packed and require precautions to be taken so that all freight containers can be unloaded safely. Receptacles from inland containing explosives are required to be suitable for the purpose and to be labelled in accordance with relevant international transport rules or domestic legislation.

### **Part VI (Emergency arrangements and untoward incidents — regulations 28 to 30)**

These regulations require each harbour authority which handles explosives in its harbour area to prepare an emergency plan for dealing with emergencies involving those explosives. Berth operators are also required to take safety precautions when a vessel carrying, loading or unloading explosives is at the berth. Duties are imposed on masters of vessels and berth operators to notify any untoward incident involving explosives which might create a risk of serious personal injury to persons within the harbour or harbour area.

### **Part VII (Storage of explosives — regulations 31 to 33)**

The regulations in this Part apply to the storage of explosives in harbour areas ancillary to their being loaded onto or unloaded from a vessel. The regulations impose requirements to ensure the safe

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storage of explosives in freight containers and receptacles and to ensure the safe parking of vehicles containing explosives.

### **Part VIII (Miscellaneous and general — regulations 34 to 38)**

These regulations empower harbour authorities to make byelaws relating to explosives. The procedure for making byelaws which requires the consent of the Department of the Environment is set out in Schedule 4.

The regulations provide that the harbour authority shall be the enforcing authority for certain of the regulations which relate to operations within the harbour area (namely Part III of the Regulations and regulations 4, 5, 29 and 33(2) and that the Secretary of State shall be the enforcing authority for the remaining regulations.

The regulations also provide for a defence in the case of contraventions of certain of the regulations and of byelaws made under them and for exemptions to be granted by the Secretary of State.

The regulations repeal as respects Northern Ireland the provisions mentioned in paragraphs (1) and (2) of regulation 38 and the byelaws made under them.

A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978.

### **Relevant documents**

Copies of relevant documents may be obtained as follows:

<i>Regulation</i>	<i>Document Quoted</i>	<i>Published by</i>	<i>Available from</i>
2(1)	International Maritime Dangerous Goods Code — Vols. I–V ISBN 92-801-1243-0 Vol. V ISBN 92-801-1248-1 (as amended by ISBN 92-801-1278-3)	International Maritime Organisation (IMO)	IMO 4 Albert Embankment LONDON SE1 7SR
2(1)	Transport of Dangerous Goods — Recommendations of the Committee of Experts on the Transport of Dangerous Goods. ISBN 92-1-139035-4	United Nations	HMSO
24(2)	Technical Instructions for the Safe Transport of Dangerous Goods by Air and Supplement — DOC 9284-AN-905	Council of the International Civil Aviation Organisation (ICAO)	International Aeradio Ltd. Aeradio House Hayes Road SOUTHALL Middlesex UB2 5NG
25(2)	Regulations concerning the International Carriage of Dangerous Goods	Department of Transport	HMSO

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<i>Regulation</i>	<i>Document Quoted</i>	<i>Published by</i>	<i>Available from</i>
25(2)	by Rail (RID) — ISBN 0-11-550913-5  European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) — ISBN 0-11-551114-8	Department of Transport	HMSO