
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 87

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

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 else 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.