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STATUTORY INSTRUMENTS

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**1987 No. 37**

**The Dangerous Substances in Harbour Areas Regulations 1987**

**PART IV**

**HANDLING DANGEROUS SUBSTANCES**

**General duties of persons handling dangerous substances**

**16.** Every person who has to any extent control of, or who is engaged in, the handling of a dangerous substance shall ensure that, so far as is reasonably practicable, nothing in the manner in which that substance is 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 a dangerous substance shall—
- (a) ensure that that 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 a dangerous substance 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; and
  - (b) he has, where necessary, adequate safety equipment and protective clothing.
- (3) The operator of a berth where any dangerous substance is loaded or unloaded shall ensure that—
- (a) the handling of dangerous substances 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 fire or explosion**

**18.—**(1) Where a dangerous substance may give rise to a risk of fire or explosion, every person engaged in the handling of that substance and both the owner and the operator of any berth on which that substance is kept or handled, shall observe all the precautions necessary for preventing, and for minimising the effect of, any such fire or explosion.

- (2) Without prejudice to the generality of paragraph (1)—

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) the owner of the berth shall ensure that adequate means for fighting fires are available;
  - (b) the berth operator shall ensure that adequately trained personnel are available sufficient to operate the fire-fighting equipment that would be required to provide first-aid fire-fighting appropriate to the type and quantity of the dangerous substance being loaded or unloaded;
  - (c) the operator and the owner of the berth shall ensure that ready access by the emergency services is available at all times to any vessel at a berth which is carrying, loading or unloading any such dangerous substance.
- (3) No person shall 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.