
STATUTORY INSTRUMENTS

1987 No. 37

The Dangerous Substances in Harbour Areas Regulations 1987

PART II

ENTRY OF DANGEROUS SUBSTANCES INTO HARBOUR AREAS

Harbour master's powers of prohibition, removal and regulation relating to dangerous substances

7.—(1) Subject to paragraph (7) and without prejudice to any powers that may be given to him by byelaws made under regulation 43, a harbour master may if in his opinion the condition of any dangerous substance 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 that substance or of any freight container, portable tank or receptacle containing that substance or of any vehicle or vessel carrying that substance.

(2) Subject to paragraph (7) and without prejudice to any powers that may be given to him by byelaws made under regulation 43, a harbour master may if in his opinion the condition of—

- (a) any freight container, portable tank or receptacle containing a dangerous substance;
- (b) any vehicle or vessel carrying a dangerous substance,

is such as to create a risk to the health or safety of any person from that substance 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, portable tank, receptacle, vehicle or vessel or of any dangerous substance 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 a dangerous substance or of a freight container, portable tank or receptacle containing a dangerous substance or of a vehicle or vessel carrying a dangerous substance 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 that substance, freight container, portable tank, receptacle, vehicle or vessel.
- (6) Where the harbour master intends to give a direction requiring a dangerous substance to be removed by land from the harbour or harbour area, he shall, before giving the direction, consult the chief officer of police for the police district in which the harbour or harbour area is situated.
- (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 dangerous substance, freight container, portable tank 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 substance, freight container, portable tank, 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.