
STATUTORY INSTRUMENTS

2016 No. 721

The Dangerous Goods in Harbour Areas Regulations 2016

PART 5

EXPLOSIVES

Application

14.—(1) Subject to paragraph (2), regulations 15 to 19, in addition to their application in every harbour area under regulation 5, apply to—

- (a) the loading on board or the unloading from a vessel (other than a vessel which is an offshore installation within the meaning of regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995⁽¹⁾) of any explosive on any part of the coast of Great Britain or in any tidal water; and
- (b) the loading on board or unloading from a vessel of any explosive within territorial waters to which sections 1 to 59 and 80 to 82 of the 1974 Act are applied by article 11 of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013.

(2) Regulations 15 to 19 do not apply to—

- (a) explosives—
 - (i) in Division 1.4 of the IMDG Code; or
 - (ii) in any other division of the IMDG Code (except explosives in Compatibility Group L), where the total quantity of explosive does not exceed 10 kilograms;
- (b) explosives that are to be used immediately by a vessel at sea;
- (c) explosives of less than 1 tonne in quantity intended for immediate use in the harbour area, if—
 - (i) the harbour master has given written consent; and
 - (ii) any conditions for carriage and use in that consent are complied with;
- (d) a berth which forms part of a site which is—
 - (i) licensed under the Explosives Regulations 2014⁽²⁾ in cases where, in relation to the application for that licence, the assent of the local authority is required under regulation 13 of those Regulations;
 - (ii) exempt from the requirement for assent of the local authority in accordance with regulation 13(4) paragraphs (f) and (g) of those Regulations;
 - (iii) deemed to be licensed by virtue of regulation 82(1) of those Regulations in cases where, in relation to that deemed licence, the assent of the local authority would have been required under regulation 13(3) of those Regulations had the licence been applied for under those Regulations;

⁽¹⁾ S.I. 1995/738, as amended by S.I. 2002/2175 and S.I. 2015/398, there are other amendments not relevant to these Regulations.

⁽²⁾ S.I. 2014/1638, amended by S.I. 2016/315.

- (e) explosives under the control of the Secretary of State for Defence, or a visiting force or headquarters, complying with a scheme approved by that Secretary of State which—
 - (i) provides for safe storage, carriage and handling; and
 - (ii) prescribes separation distances or separation distances in combination with other safety measures as necessary;
- (f) explosives carried by a foreign warship;
- (g) explosives carried by a vessel passing through a harbour area or adjacent area without mooring, anchoring or handling;
- (h) the handling of explosives from a vessel which is an offshore installation under the Offshore installations and Pipeline Works (Administration and Management) Regulations 1995; and
- (i) explosives being carried by a vessel into an unlicensed harbour area in an emergency situation, including life-threatening weather conditions, provided—
 - (i) the explosives are undamaged and in a safe condition;
 - (ii) the explosives are not handled while the vessel is in the harbour area; and
 - (iii) the vessel leaves the harbour area as soon as practicable.