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STATUTORY INSTRUMENTS

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**2016 No. 721**

**The Dangerous Goods in Harbour Areas Regulations 2016**

**PART 5**

**EXPLOSIVES**

**Security of explosives**

**20.**—(1) Where explosives are handled or carried at a berth, the berth operator shall ensure that all appropriate precautions are taken against the damage, loss, theft or wrongful use of the explosives at the berth.

(2) In harbour areas, or parts thereof, for which a berth operator is not responsible under paragraph (1) the harbour authority must ensure that all appropriate precautions are taken against the damage, loss, theft or wrongful use of the explosives being carried or handled.

(3) Any person having custody of explosives in a harbour area, however temporary, must—

- (a) ensure adequate precautions are taken against the damage, loss, theft or wrongful use of the explosives;
- (b) comply with any instructions given by the berth operator or harbour authority; and
- (c) co-operate with the berth operator or harbour authority in the execution of duties under this regulation.

(4) Where there is a transfer of custody of explosives within the harbour area the transferor and transferee must both retain a record of the transfer.

(5) Where explosives are dropped overboard or lost the person who previously had custody of them must—

- (a) report the incident to the harbour master; and either—
  - (i) to the berth operator, if the incident took place at a berth; or
  - (ii) to the harbour authority; and
- (b) take all steps as are reasonably practicable to recover those explosives.