

## SCHEDULE 1

Regulation 8(1)

### List of Specified Dangerous Goods

1. The dangerous goods referred to in regulation 8(1) are:
  - (a) more than 10 kilograms of explosives in Division 1.1 or 250 kilograms in aggregate of explosives in Division 1.2, 1.3 and 1.5; when explosives in Division 1.1 are carried simultaneously in the vessel with explosives in Division 1.2, 1.3 or 1.5, the overall limit is 10 kilograms;
  - (b) more than 25 tonnes of sodium chlorate or potassium chlorate, or more than 500 tonnes of ammonium nitrate of Class 5.1;
  - (c) bulk liquefied gases of Class 2, including the remnants of such gases which remain after their discharge from a tank which has not subsequently been gas-freed or inerted;
  - (d) bulk liquids of Class 3, including the remnants of such liquids which remain after their discharge from a tank which has not subsequently been gas-freed or inerted;
  - (e) bulk liquids of Classes 4, 5, 6.1 and 8 of UN Packing Groups I and II in the UN list;
  - (f) bulk liquids of Class 6.1, UN Packing Group III in the UN list, if such liquids have a harmful inhalation risk.
2. In paragraph 1—

“UN List” means the version of the UN list referred to in Chapter 3.2 of the IMDG Code as updated from time to time.

## SCHEDULE 2

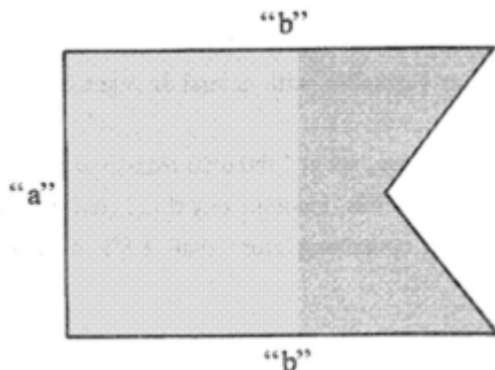
Regulation 8(1)(a)&(b)

### Flag Indicating That A Vessel Is Carrying Dangerous Goods

#### PART 1

##### Shape and colour of flag

1. The shape of the flag shall be as shown below.



2. The flag shall be red in colour.

**Status:** This is the original version (as it was originally made).

## PART 2

### Material and size of flag on vessels with a mast

1. The flag shall be made of fabric.
2. The side of the flag marked “a” on the diagram shown in Part 1 of this Schedule shall not be less than 75 centimetres in length and the sides of the flag marked “b” on the said diagram shall have equal lengths of not less than 90 centimetres.

## PART 3

### Material and size of flag on vessels without a mast

1. The flag shall be made of metal.
2. The side of the flag marked “a” on the diagram shown in Part 1 of this Schedule shall not be less than 45 centimetres in length and the side of the flag marked “b” on the diagram shall have equal lengths of not less than 90 centimetres.

## SCHEDULE 3

Regulation 16

1. An application for an explosives licence, or for the transfer, renewal or variation of an existing licence is to be made in writing to the appropriate authority and is to be accompanied by such information and plans as that authority may require.
2. On receipt of an application, the appropriate authority must prepare a draft licence and require the applicant to publish, in an approved form, a notice giving such details of the draft licence as the appropriate authority may require.
3. A notice published in accordance with paragraph 2 is to state that any responses to the application are to be sent to the appropriate authority within one month of the publication of the notice.
4. Within the time for responses the applicant must provide any interested person with such information about the application as the appropriate authority may determine.
5. After the time for responses has passed the appropriate authority may amend the draft licence and must require the applicant to publish a further notice in accordance with paragraphs 2 and 3 unless the effects of the changes are minimal.
6. An applicant for a licence who is a berth operator must send a copy of the licence to the harbour authority.
7. In respect of a transfer or a variation of the terms of an existing licence the requirements as to publication and consultation in paragraphs 2 and 3 do not apply where the appropriate authority is satisfied that the changes affect only the title or where the effects are minimal.

## SCHEDULE 4

Regulation 25

### Provisions Relating to Byelaws

1. In this Schedule, “byelaws” means byelaws made by a statutory harbour authority for all or any of the purposes set out in regulation 25(1).
2. Byelaws are to be made under the common seal of the statutory harbour authority.
3. Byelaws will not have effect until they are confirmed by the Secretary of State.
4. However, where a byelaw which prohibits or regulates the entry of dangerous goods into a harbour area has been made after consultation with any berth operator who will be affected by the proposed byelaw, it will come into force when application is made for its confirmation; where the Secretary of State refuses such confirmation the byelaw will cease to have effect or, if confirmed with modifications, it will have effect as modified.
5. At least one month before an application for confirmation of the byelaws is made, notice of the intention to apply for confirmation is to be given in one or more local newspapers circulating in the vicinity of the harbour area to which the byelaws are to apply.
6. For at least one month before application for confirmation is made, a copy of the byelaws is to be made available at all reasonable hours and open to public inspection without payment at the offices of the statutory harbour authority by whom the byelaws are made.
7. The Secretary of State may confirm, with or without modifications, or refuse to confirm, any byelaw submitted for confirmation, and subject to paragraph 2 above may fix the date on which the byelaw is to come into operation. If no date is fixed the byelaw shall come into operation one month from the date of its confirmation.
8. Where the Secretary of State proposes to confirm a byelaw with a modification which appears to the Secretary of State to be substantial, the Secretary of State must inform the statutory harbour authority and require it to take any steps the Secretary of State considers necessary for informing persons likely to be concerned with the modification. The Secretary of State must not confirm the byelaw until a 28 day period for consultation with informed persons and with the statutory harbour authority has passed.
9. The Secretary of State must consult the Health and Safety Executive, or where appropriate the Office for Nuclear Regulation, before confirming any byelaws.
10. A copy of the byelaws, when confirmed, is to be printed and deposited at the offices of the statutory harbour authority that made the byelaws and is to be open to public inspection without payment at all reasonable times.

## SCHEDULE 5

Regulation 34

### Consequential Amendments

1. In the Dangerous Substances (Notification and Marking of Sites) Regulations 1990(1), in paragraph 2(d) of Schedule 1 (Exceptions), for “regulation 27 of the Dangerous Substances in Harbour Areas Regulations 1987” substitute “regulation 11 of the Dangerous Goods in Harbour Areas Regulations 2016”.

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(1) [S.I. 1990/304](#); to which there are amendments none of which is relevant.

*Status: This is the original version (as it was originally made).*

2. In the Railways (Class and Miscellaneous Exemptions) Order 1994<sup>(2)</sup> in paragraph 2(1) (Interpretation) for the definition of “harbour” and “harbour area” substitute—

““harbour” and “harbour area” mean the definition of “harbour area” in regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016;”.
3. In the Special Waste Regulations 1996<sup>(3)</sup> in the definition of “harbour area” in regulation 1(4) for “Dangerous Substances in Harbour Areas Regulations 1987” substitute “Dangerous Goods in Harbour Areas Regulations 2016”;
4. In the Railway Safety (Miscellaneous Provisions) Regulations 1997<sup>(4)</sup>, in regulation (2)(1) (Interpretation) for the definition of “harbour” and “harbour area” substitute—

““harbour” and “harbour area” mean the definition of “harbour area” in regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016;”.
5. In the Dockyard Port of Plymouth Order 1999<sup>(5)</sup>—
  - (a) in article 2 (Interpretation) for the definition of “1987 Regulations” substitute—

““2016 Regulations” means the Dangerous Goods in Harbour Areas Regulations 2016”;
  - (b) in article 23 (Anchorage in Plymouth Sound)—
    - (i) at paragraph (1) for “Regulation 33(2)(a) to (g) of the 1987 Regulations” substitute “Regulation 14(2)(a) to (h) of the 2016 Regulations”;
    - (ii) at paragraph (2) for “Regulation 8 of the 1987 Regulations” substitute “Regulation 8 of the 2016 Regulations”;
  - (c) in article 24(b)(i) for “Regulation 8 of the 1987 Regulations” substitute “Regulation 8 of the 2016 Regulations”;
  - (d) in Schedule 2 (Rules) paragraph 3(2) (Anchor and other lights and signals (exemptions) etc.) for “the 1987 Regulations” substitute “the 2016 Regulations”.
6. In the Hazardous Waste (England and Wales) Regulations 2005<sup>(6)</sup> in regulation 5 (General Interpretation) for the definition of “harbour area” substitute the following definition—

““harbour area” has the same meaning as in the Dangerous Goods in Harbour Areas Regulations 2016;”.
7. In the Hazardous Waste (Wales) Regulations 2005<sup>(7)</sup>—
  - (a) in the English language text, for regulation 5(1) (General interpretation) for the definition of “harbour area” substitute the following definition—

““harbour area” (“ardal harbwr”) has the same meaning as in the Dangerous Goods in Harbour Areas Regulations 2016;”;
  - (b) in the Welsh language text, for regulation 5(1) (dehongli’n gyffredinol) for the definition of “ardal harbwr” substitute—

“mae i “ardal harbwr” yr un ystyr â “harbour area” yn Rheoliadau Sylweddau Peryglus mewn Ardaloedd Harbwr 2016;”.

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(2) S.I. 1994/606.

(3) S.I. 1996/972; revoked in respect of England and Wales.

(4) S.I. 1997/553.

(5) S.I. 1999/2029.

(6) S.I. 2005/894.

(7) S.I. 2005/1806 (W.138). The Regulations were made in Welsh and English. By virtue of section 156(1) of the Government of Wales Act 2006(c.32) the English and Welsh texts are to be treated for all purposes as being of equal standing. The title of the Regulations in Welsh is Rheoliadau Gwastraff Peryglus (Cymru) 2005.

**8.** In the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006**(8)**—

(a) in regulation 2 (Interpretation)—

(i) for the definition beginning with “harbour” substitute—

““harbour area” has the same meaning as in the Dangerous Goods in Harbour Areas Regulations 2016;”;

(ii) in paragraph (k) in the definition of “operation of a railway” substitute—

“loading or unloading of goods on or from vehicles in harbour areas, at intermodal depots or premises owned or operated by, or on behalf of, the Secretary of State for Defence;”;

(b) in regulation 4 (Exceptions) replace the word “harbour” with “harbour area” at each place it occurs.

**9.** In the Railways and Other Guided Transport Systems (Safety) Regulations 2006**(9)**, in regulation 2(1) (Interpretation and application)—

(a) for the definition beginning with “harbour” substitute—

““harbour” area has the same meaning as in the Dangerous Goods in Harbour Areas Regulations 2016;”;

(b) in paragraph (c)(i) delete the words “harbour or”.

**10.** In the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009**(10)**, in regulation 7 (Additional security requirements for carriage by road), for paragraph (5)(a)(ii) substitute—

“in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 13 of the Dangerous Goods in Harbour Areas Regulations 2016;”.

**11.** In the Waste Management Licensing (Scotland) Regulations 2011**(11)**, in Schedule 1 (Activities Exempt from Waste Management Licensing), paragraph 36(4), for “Dangerous Substances in Harbour Areas Regulations 1987” substitute “Dangerous Goods in Harbour Areas Regulations 2016”.

**12.** In the Explosives Regulations 2014**(12)**—

(a) in regulation 2(7) (Interpretation) for “regulation 36(1) of the Dangerous Substances in Harbour Areas Regulations 1987” substitute “regulation 17 of the Dangerous Goods in Harbour Areas Regulations 2016”;

(b) in regulation 3(8) (Application and extent) for “Part IX of the Dangerous Substances in Harbour Areas Regulations 1987 (Explosives) applies” substitute “Part 5 of the Dangerous Goods In Harbour Areas Regulations 2016 applies”.

**13.** In the Planning (Hazardous Substances) Regulations 2015**(13)**, in Schedule 2 (Exemptions)

(a) for paragraph 5(b) (Emergency unloading from ships) substitute—

“(b) it was unloaded from a craft after having been brought into a harbour area, within the meaning of regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016, without requiring notification under paragraph (1) of

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**(8)** [S.I. 2006/557](#).

**(9)** [S.I. 2006/599](#).

**(10)** [S.I. 2009/1348](#); to which there are amendments none of which is relevant.

**(11)** [S.S.I. 2011/228](#).

**(12)** [S.I. 2014/1638](#).

**(13)** [S.I. 2015/627](#).

regulation 6 of those Regulations by virtue of an exemption under paragraph (6) of that regulation”;

(b) for paragraph 12 (Explosives) substitute—

“Hazardous substances consent is not required where an explosives licence within the meaning of regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016 has been issued.”.

**14.** In the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015(**14**), in Schedule 2 (Exemptions)—

(a) for paragraph 9(b) (Emergency unloading from ships) substitute—

“(b) it was unloaded from a craft after having been brought into a harbour area, within the meaning of regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016 without requiring notification under regulation 6(1) of those regulations by virtue of an exemption under regulation 6(6).”;

(b) in paragraph 11 (Explosives) for “the Dangerous Substances in Harbour Areas Regulations 1987” substitute “the Dangerous Goods in Harbour Areas Regulations 2016”.

**15.** In the Planning (Hazardous Substances) (Wales) Regulations 2015(**15**), in Schedule 2 (Exemptions)—

(a) in the English language text—

(i) for paragraph 4(b) (Emergency unloading from ships) substitute—

“(b) it was unloaded from a craft after having been brought into a harbour area, within the meaning of regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016, without requiring notification under paragraph (1) of regulation 6 of those Regulations by virtue of an exemption under paragraph (6) of that regulation.”;

(ii) for paragraph 11 (Explosives) substitute—

“Hazardous substance consent is not required where an explosives licence within the meaning of regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016 has been issued.”.

(b) in the Welsh language text—

(i) for paragraph 4(b) (Dadlwytho oddi ar longau mewn argyfwng) substitute—

“(b) os cafodd ei ddadlwytho oddi ar fad ar ôl iddo ddod i mewn i ardal harbwr, o fewn ystyr “harbour area” yn rheoliad 2(1) o Reoliadau Nwyddau Peryglus mewn Ardaloedd Harbwr 2016, heb fod hysbysiad yn ofynnol o dan baragraff (1) o reoliad 6 o'r Rheoliadau hynny yn rhinwedd esemptiad o dan baragraff (6) o'r rheoliad hwnnw.”;

(ii) in paragraph 11 (Ffrwydron) for “trwydded ar gyfer ffrwydryn o fewn ystyr “explosive” yn rheoliad 2(1) o Reoliadau Sylweddau Peryglus mewn Ardaloedd Harbwr 1987” substitute “trwydded ffrwydron o fewn ystyr “explosives licence” yn rheoliad 2(1) o Reoliadau Nwyddau Peryglus mewn Ardaloedd Harbwr 2016”.

**16.** In the Health and Safety and Nuclear (Fees) Regulations 2016(**16**)—

(a) in the heading to Regulation 11 for “Fees for application for or changes to an explosives licence under Part 9 of the Dangerous Substances in Harbour Areas Regulations 1987”

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(14) S.S.I. 2015/181.

(15) S.I. 2015/1597 (W. 196). The Regulations were made in Welsh and English. The title of the Regulations in Welsh is Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015.

(16) S.I. 2016/253.

substitute “**Fees for application for or changes to an explosives licence under Part 5 of the Dangerous Goods in Harbour Areas Regulations 2016**”;

- (b) at regulation 11(1) for “Part 9 of the 1987 Regulations” substitute “Part 5 of the 2016 Regulations”;
- (c) for paragraph 11(3) substitute—

“For the purposes of this regulation “appropriate authority” has the same meaning as under the 2016 Regulations.”;
- (d) for regulation 11(4) substitute—

“(4) For the purposes of this regulation “the 2016 Regulations” means the Dangerous Goods in Harbour Areas Regulations 2016.”;
- (e) in the heading to Schedule 8 substitute—

*“FEES FOR APPLICATION FOR OR CHANGES TO AN  
EXPLOSIVES LICENCE UNDER PART 5 OF THE DANGEROUS  
GOODS IN HARBOUR AREAS REGULATIONS 2016”.*