
STATUTORY RULES OF NORTHERN IRELAND

1991 No. 509

**Dangerous Substances in Harbour Areas
Regulations (Northern Ireland) 1991**

PART IX

MISCELLANEOUS AND GENERAL

Power of a district council to make bye-laws

33.—(1) Subject to the provisions of Schedule 6, a district council which is a statutory harbour authority may make in respect of the harbour area. bye-laws prohibiting the entry or regulating the entry, carriage, handling and storage of dangerous substances.

(2) Bye-laws shall not conflict with these Regulations or with any other relevant statutory provision.

(3) Bye-laws shall be restricted to matters relating to the harbour area.

(4) Bye-laws may contain their own provisions for enforcement.

Enforcement of these Regulations

34.—(1) Subject to paragraph (2), the Department shall be responsible for enforcing these Regulations.

(2) A statutory harbour authority shall be responsible for enforcing Parts II and III and regulations 19,20 and 32(2) in the harbour area against persons other than itself.

Defence in proceedings for contravening these Regulations or bye-laws

35. In any proceedings for an offence of contravening these Regulations (other than for an offence under regulation 16, 31(a) or 32(1)) or of contravening any bye-law made under these Regulations, it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

Power to grant exemptions from these Regulations

36.—(1) Subject to paragraph (2), the Department may, by a certificate in writing, exempt any person or class of persons, from any requirement or prohibition imposed by or under these Regulations, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

(a) the conditions, if any, which it proposes to attach to the exemption;

(b) any other requirements imposed by or under any statutory provision which apply to the case;

it is satisfied that the health or safety of persons likely to be affected by the exemption, will not be prejudiced in consequence of it.

(3) The Secretary of State for Defence may, in the interests of national security by a certificate in writing, exempt from all or any requirements or prohibitions imposed by these Regulations—

- (a) Her Majesty's forces;
- (b) visiting, forces within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952⁽¹⁾;
- (c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽²⁾;

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

Repeals, revocations, modifications and savings

37.—(1) Sections 7 and 8 of the Petroleum (Consolidation) Act (Northern Ireland), 1929 and the bye-laws made thereunder (listed in Part I of Schedule 7) are hereby repealed.

(2) The provisions mentioned in column 2 of Part II of Schedule 7 of the local Regulations and bye-laws (being Regulations and bye-laws made before 25th July 1978) mentioned in column 1 of that Part are hereby repealed in so far as they apply within harbours and harbour areas and, within those harbours and harbour areas to the extent that they apply in relation to dangerous substances to which these Regulations apply.

(3) The provisions of any local Act passed before 25th July 1978 or of any bye-laws made before 25th July 1978 which conflict with the provisions of these Regulations shall cease to have effect and that Act or those bye-laws shall be modified accordingly.

(4) In the Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991⁽³⁾ after regulation 3 there shall be inserted—

“Premises for which a fire certificate is not required

3A. Notwithstanding regulation 3(1), a fire certificate shall not be required for any berth to which the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991 ([S.R. 1991 No. 509](#)) apply.”.

(1) 1952 c. 67
(2) 1964 c. 5
(3) S.R. 1991 No. 446