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STATUTORY RULES OF NORTHERN IRELAND

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**1995 No. 87**

**The Explosives in Harbour Areas  
Regulations (Northern Ireland) 1995**

**PART II**

**ENTRY OF EXPLOSIVES INTO HARBOUR AREAS**

**Harbour master's powers of prohibition, removal and regulation relating to explosives**

5.—(1) Subject to paragraph (7) and without prejudice to any powers that may be given to him by byelaws made under regulation 34, a harbour master may, if in his opinion the condition of any explosives 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 those explosives or of any freight container or receptacle containing those explosives or of any vehicle or vessel carrying those explosives.

(2) Subject to paragraph (7) and without prejudice to any powers that may be given to him by byelaws made under regulation 34, a harbour master may if in his opinion the condition of—

- (a) any freight container or receptacle containing explosives;
- (b) any vehicle or vessel carrying explosives,

is such as to create a risk to the health or safety of any person from those explosives 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, receptacle, vehicle or vessel or of any explosives 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 explosives or of a freight container or receptacle containing explosives or of a vehicle or vessel carrying explosives 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 those explosives, freight container, receptacle, vehicle or vessel.
- (6) Where the harbour master intends to give a direction requiring explosives to be removed by land from the harbour or harbour area, he shall, before giving the direction, consult the Chief Constable.
- (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 explosives, freight container 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 explosives, freight container, 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.