
STATUTORY INSTRUMENTS

2006 No. 2167

The Dover Harbour Revision Order 2006

PART 5

DANGEROUS GOODS

Dangerous goods

18.—(1) No person may without the prior consent in writing of the Board bring into the harbour or on to Board operational premises any dangerous goods.

(2) Any such consent as is mentioned in paragraph (1) of this article may be granted subject to such terms and conditions as the Board think fit and may extend to more than one consignment.

(3) The Board may refuse entry into the harbour or on to Board operational premises of any other goods which in their opinion would or might endanger the safety of the harbour or of Board operational premises or of any person, property, vessel or goods, or which would be unsuitable to be received within the harbour or on Board operational premises, or may permit the entry of any such goods subject to such terms and conditions as the Board think fit.

(4) Any person who—

- (a) brings or causes or permits to be brought into the harbour or Board operational premises any dangerous goods in contravention of paragraph (1) of this article or any other goods in respect of which entry has been refused under paragraph (3) of this article; or
- (b) commits or causes or permits a breach of any of the terms and conditions mentioned in paragraph (2) of this article or in paragraph (3) of this article, as the case may be,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale; and the Board may remove the goods in question and may recover from the owner or offender the costs of such removal and of placing or storing the goods elsewhere.

(5) The Board shall have power to remove from the harbour and from Board operational premises and place or store elsewhere any dangerous goods—

- (a) which have been brought into the harbour or Board operational premises in contravention of paragraph (1) or (3) of this article or in breach of any of the terms and conditions mentioned in paragraph (2) or (3) of this article;
- (b) which, in the opinion of the harbour master, are abandoned; or
- (c) which have been within the harbour or on Board operational premises for any period longer than 24 hours without the consent of the harbour master;

and the Board may recover from the owner the cost of such removal and of placing or storage elsewhere.

(6) The Board shall make reasonable efforts to trace the owner of dangerous goods which have been removed and placed or stored elsewhere under paragraph (5) of this article and notify him of the fact of removal and the place or placing or storage and its location.

(7) If after one month the owner of any dangerous goods removed under paragraph (5) of this article cannot be traced or is abroad or fails to remove them from their location and pay to the Board all costs relating thereto, the Board may sell or destroy or otherwise dispose of the goods and retain the proceeds as their own property.

(8) The Board may recover the costs of sale under paragraph (7) of this article from the proceeds of sale if sold or from the owner if the proceeds shall be insufficient to reimburse the Board for those costs or if the goods shall be destroyed or disposed of otherwise than by sale the Board may likewise recover the costs of destruction or disposal from the owner.

(9) If any such goods as are mentioned in this article shall be brought into the harbour by sea in contravention of paragraph (1) or (3) of this article or in breach of any of the terms and conditions mentioned in paragraph (2) or (3) of this article, then both the master and the owner of the vessel upon which such goods are conveyed into the harbour shall be guilty of an offence under this article.

(10) The Board may from time to time compile and publish a table of goods, including substances or articles, which the Board consider to be dangerous or unsuitable to be received within the harbour; and shall keep the table at their principal office; and such table shall be published by the Board by advertisement in Lloyds List and in one newspaper circulating locally in the Dover district; and upon the expiration of one calendar month after the publication of both such advertisements (or the later if publication is not simultaneous) the goods specified in such table shall be deemed to be dangerous goods as defined in article 2.

(11) The Board may in compiling the table referred to in paragraph (10) of this article describe the goods, articles and substances in question directly and may also incorporate by reference substances and articles specified in the List as being within Packing Group I or Class 2 of the List.

(12) In making any reference to the List for the purposes of this article the Board shall specify the edition of the List to which it is intended to refer and its date of publication by the United Nations; and the Board shall keep the table and such edition of the List as may be so referred to at its principal office.

(13) Nothing in this article is to prejudice the powers of the Board under the provisions of the Dangerous Substances in Harbour Areas Regulations 1987(1), nor byelaws thereunder, nor the duties imposed on operators and others under those regulations and byelaws.