
STATUTORY INSTRUMENTS

1987 No. 37

The Dangerous Substances in Harbour Areas Regulations 1987

PART III

MARKING AND NAVIGATION OF VESSELS

Flags and lights to be displayed by vessels

8.—(1) Subject to regulation 9, where a vessel is carrying a dangerous substance specified in Schedule 3 in at least the quantity, if any, specified in that Schedule, the master of that vessel shall ensure that it displays—

- (a) in the case of a vessel with a mast—
 - (i) during the day between sunrise and sunset, a flag complying with the requirements of Parts I and II of Schedule 4, and
 - (ii) when moored or anchored at night between sunset and sunrise and also during the day in restricted visibility an all-round red light giving a clear, uniform and unbroken light visible in conditions of good night-time visibility all round the horizon for a distance of at least 2 nautical miles;
- (b) in the case of a vessel without a mast—
 - (i) during the day between sunrise and sunset, a flag complying with the requirements of Parts I and III of Schedule 4, and
 - (ii) when moored or anchored at night between sunset and sunrise and also during the day in restricted visibility, an all-round red light.

(2) Any flag or light required by paragraph (1) to be displayed shall be positioned so as to be as conspicuous as is reasonably practicable and, in the case of a light, so that it is above any other light being displayed by the vessel.

- (3) it shall be a sufficient compliance with this regulation if—
- (a) when a dumb craft is being towed, the towing vessel displays the flag required under the foregoing paragraphs; or
 - (b) when a dumb craft is moored or anchored that flag or light is displayed by an attendant vessel.

Regulation 6 and 8 not to apply to certain ferry-boats

9. Regulations 6 and 8 shall not apply to any ferry-boat which for the time being operates entirely within smooth or partially smooth waters within the meaning of the Merchant Shipping (Smooth and partially Smooth Waters) Rules 1977(1).

Vessels to keep a safe distance from moored or anchored vessels displaying the flag or light required by regulation 8

10.—(1) A master shall not bring his vessel alongside a moored or anchored vessel which is displaying any flag or light required by regulation 8 without—

- (a) the permission of the berth operator and the master of that vessel if it is at a berth;
- (b) the permission of the harbour master and the master of that vessel if it is elsewhere, and

shall otherwise keep his vessel at a safe distance from that vessel.

(2) The permission, referred to in paragraph (1), of the berth operator and of the harbour master may relate to a named vessel, to a class of vessels or to vessels generally.

Marking of barges

11.—(1) The operator of a barge which is carrying 3,000 kilograms or more of one or more dangerous substances, or in the case of a tank barge any quantity of a dangerous substance, shall ensure that it displays hazard warning panels which shall be arranged so as to be visible on each side of the barge and each such panel shall—

- (a) be weather resistant and durably marked so as to comply with the provisions of Schedule 5 (which relates to the required form, colour, information and specification);
- (b) be either rigid or fixed so as to be rigid;
- (c) be marked on or securely attached to the barge in a substantially vertical plane and if that means of attachment is by a frame that frame shall carry no other hazard warning panel; and
- (d) have its lower edge at least one metre above the deck or if that is not reasonably practicable as high above the deck as is reasonably practicable.

(2) In addition to complying with paragraph (1), where a tank barge is carrying different dangerous substances in separate tanks, the operator of that tank barge shall ensure that each tank which contains a dangerous substance displays two labels which shall—

- (a) be weather resistant and durably marked on one side only so as to comply with the provisions of Schedule 5;
- (b) be marked on or securely attached to the outside of the tank, or on a frame immediately above the tank, in a substantially vertical plane so that there is a label visible on each side of the barge; and
- (c) have their centres as close as is reasonably practicable to a position midway between the front and rear of the tank in which the dangerous substance to which the labels relate is being carried.

(3) Where one or more dangerous substances have been carried and all tanks and compartments have been emptied and cleaned or purged so that any dangerous substance or its vapour which remains is not sufficient to create a risk to the health or safety of any person, then the operator shall ensure that the hazard warning panels and labels are either—

- (a) completely covered or completely removed; or
- (b) in the case of hazard warning panels only, partly covered or partly removed so as to leave visible only the telephone number and the text referred to in paragraph 3(c) and (d) of Schedule 5 respectively.

(4) Where two or more dangerous substances have been carried and the tanks or compartments which were carrying one of them have been emptied and cleaned or purged so that any of the dangerous substance or its vapour which remains is not sufficient to create a risk to the health or safety of any person, then the operator shall ensure that—

- (a) the labels referring to the substance which has been removed are completely covered or completely removed; and
- (b) the hazard warning panels are changed, if necessary, so as to comply with paragraph 3 of Schedule 5.

Control of harbour craft

12.—(1) The operator of a harbour craft which is carrying a dangerous substance or which is towing a vessel which is carrying a dangerous substance shall ensure that—

- (a) the master of that harbour craft is competent to perform the duties required of him; and
- (b) the master and any other person on duty on the harbour craft are not under the influence of drink or a drug to such an extent that their capacity to carry out their duties is impaired.

(2) The master of any harbour craft referred to in paragraph (1) shall control that craft and any vessel being towed by it with due care and diligence.

Provision and use of radios

13.—(1) This regulation applies to—

- (a) a vessel, other than a dumb craft, of 50 tons gross tonnage or more carrying a dangerous substance;
- (b) a vessel towing one or more dumb craft where the combined gross tonnage of all the dumb craft being towed is 50 tons or more and at least one is carrying a dangerous substance.

(2) The master of a vessel to which this regulation applies shall ensure that all times it is in a harbour or harbour area it is provided with a radio capable of receiving and transmitting in the very high frequency band.

(3) The master of a vessel to which this regulation applies shall ensure that a listening watch is kept on the operational frequency of the harbour authority at all times except—

- (a) when the vessel is at a berth; or
- (b) for short periods when the radio is tuned to another frequency for operational purposes.

Anchoring and mooring of vessels

14.—(1) The master of a vessel which is carrying a dangerous substance or on board which any dangerous substance is to be loaded shall anchor or moor his vessel only at such places and at such times as the harbour master may from time to time direct and shall ensure that any conditions the harbour master may impose with regard to anchoring or mooring are complied with.

(2) The harbour master shall, before giving any directions as to the berthing of a vessel at a berth not operated by the harbour authority, consult the operator of that berth.

(3) When he has anchored or moored his vessel, the master shall ensure that it is not moved except—

- (a) if the harbour master, after consultation with the berth operator if the vessel is at a berth, so permits or directs;
- (b) in an emergency or for the safety of persons on the vessel or on the berth; or
- (c) to comply with the terms of an explosives licence.

(4) The master shall ensure that any directions given by the harbour master as to the movement of his vessel are complied with.

(5) While the vessel is at a berth, the berth operator shall ensure that adequate fenders are kept between the vessel and the berth.

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(6) This regulation shall not apply in respect of any vessel on which the only dangerous substance or substances are one or more explosives in Division 1.4.

(7) Nothing in paragraph (2) or (3)(a) shall prejudice the power of the harbour master to give directions under any other enactment which applies to the case.

Mobility of vessels

15.—(1) The master of a vessel, other than a dumb barge, carrying a dangerous substance specified in Schedule 3 in the quantity, if any, specified in that Schedule shall ensure that the vessel is in a state of readiness to be moved at any time tidal conditions permitting.

(2) The harbour master may, if he is satisfied that the health or safety of any person will not be prejudiced, exempt by a certificate in writing, a master, other than the master of a vessel carrying any explosive specified in sub-paragraph (a) of Schedule 3, from the requirements of paragraph (1), 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.