1989 No. 320

HEALTH AND SAFETY

Docks Regulations (Northern Ireland) 1989

Made . . . . . *2nd August 1989*

Coming into operation—
for the purposes of all regulations except regulations 14(2) and 16(7) *1st December 1989*
for the purposes of regulation 14(2) *1st January 1993*
for the purposes of regulation 16(7) *1st December 1990*

ARRANGEMENT OF REGULATIONS

1. Citation and commencement.
2. Interpretation.
3. Application of the Regulations.
4. Persons upon whom duties are imposed.
5. Planning and execution of work.
6. Lighting.
7. Access.
8. Transport by water.
9. Rescue, life-saving and fire-fighting equipment, and means of escape.
10. Hatches, ramps and car-decks.
11. Drivers of vehicles and operators of lifting appliances.
12. Use of vehicles.
13. Use of lifting plant.
14. Testing of lifting plant.
15. Examination of lifting plant.
16. Markings and indicators on lifting plant.
17. Certificates and reports.
18. Confined spaces.
19. Welfare amenities and protective clothing.
20. Duty to report defective plant.
21. Exemption certificates.
22. Enforcement.
23. Modifications to the Factories Act (Northern Ireland) 1965.
24. Revocations and transitional provisions.

The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services acting jointly as the Department concerned(**a**), in exercise of the powers conferred by Articles 17(1) to (5), and 55(2) of, and paragraphs 1(1), (2), (3), 8, 9, 10, 11, 13, 14(1), 15 and 17(*a*) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Docks Regulations (Northern Ireland) 1989 and shall come into operation on 1st December 1989, except that regulation 14(2) shall come into operation on 1st January 1993 and regulation 16(7) shall come into operation on 1st December 1990.

Interpretation

2.—(1) In these Regulations—

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978;

"access to" includes egress from;

"Department" means the Department of Economic Development;

"dock gate" means any lock gate or other gate which can close off the entrance to the dock or part of the dock from the sea or other waterway but does not include any gate on land which controls access by vehicles or pedestrians;

"dock operations" means—

(*a*) the loading or unloading of goods on or from a ship at dock premises;

(*b*) the embarking or disembarking of passengers on or from a ship at dock premises;

(*c*) any activity incidental to the activities in sub-paragraphs (*a*) and (*b*) of this definition which takes place on dock premises, including any of the following activities specified in this sub-paragraph if they are so incidental and take place on dock premises—

(i) the fuelling and provisioning of a ship,

(ii) the mooring of a ship,

(iii) the storing, sorting, inspecting, checking, weighing or handling of goods,

(iv) the movement of goods, passengers or vehicles,

(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)

(**b**) S.I. 1978/1039 (N.I. 9) to which there are amendments not relevant to these Regulations

(v) the use of welfare amenities in relation to the carrying out of activities referred to in sub-paragraphs (*a*), (*b*) and (*c*)(i) to (iv),

(vi) attending dock premises for the purposes referred to in sub-paragraphs (*a*), (*b*) and (*c*)(i) to (v); or

(*d*) the embarking or disembarking on or from a ship of its crew at dock premises;

but does not include—

(*e*) a fish loading process within the meaning of the Loading and Unloading of Fishing Vessels Regulations (Northern Ireland) 1989(**a**),

(*f*) the loading or unloading of goods, or embarking or disembarking of persons, from a pleasure craft or any activity incidental to those activities; or

(*g*) beach landing operations wholly carried out by serving members of Her Majesty's Forces or visiting forces within the meaning of the provisions of Part I of The Visiting Forces Act 1952(**b**) or a combination of both;

"dock premises" means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities;

"freight container" means a container as defined in Article II of the International Convention for Safe Containers (CSC);

"goods" includes—

(*a*) pallets and freight containers,

(*b*) waste,

(*c*) solid ballast, and

(*d*) vehicles which are being transported as cargo;

"hatch" means a ship's hatch;

"hatch covering" includes hatch covers, hatch beams and attached fixtures and fittings;

"lifting appliance" means any stationary or mobile appliance (and every part thereof including attachments used for anchoring, fixing or supporting that appliance but not including vehicle coupling arrangements) which is used on dock premises for the purpose of suspending, raising or lowering loads or moving them from one position to another whilst suspended and includes lift trucks; it does not include—

(*a*) pipes, roadways or gangways, or

(*b*) screw, belt, bucket or other conveyors,

(**a**) S.R. 1989 No. 321
(**b**) 1952 c. 67

used for the continuous movement of goods or people, but does include the lifting appliance used to suspend, raise, lower or move any of those items;

"lifting gear" means any gear by means of which a load can be attached to a lifting appliance and which does not form an integral part of that appliance or load but does not include pallets, one-trip slings, pre-slung cargo slings and freight containers;

"lifting plant" means any lifting appliance or lifting gear;

"maintained" means maintained in an efficient state, in efficient working order and in good repair;

"one-trip sling" means a sling which has not previously been used for lifting any other load and is fitted to the load at the commencement of the journey and intended to be disposed of at the destination of that journey;

"pleasure craft" means any description of vessel when used solely for sport or recreation, other than for carrying fare paying passengers;

"pre-slung cargo sling" means a sling which was in position round the goods before they were handled in the course of dock operations;

"safe working load" in relation to lifting plant means—

(*a*) the safe working load for that plant specified in the latest certificate or report of examination obtained pursuant to regulation 17, except that where the safe working load so specified is restricted to one particular operation, then for the purposes of regulation 16(1) to (5) only (which relates to markings and indicators on lifting plant), the safe working load shall be that appropriate to the plant under normal use; or

(*b*) where no certificate or report has been obtained pursuant to regulation 17 but a certificate of examination of the plant has been obtained pursuant to the Docks Regulations (Northern Ireland) 1926(**a**) or the Docks Regulations (Northern Ireland) 1934(**b**) which specifies the safe working load, the safe working load specified in the latest certificate so obtained; or

(*c*) where neither sub-paragraph (*a*) nor (*b*) applies, the safe working load specified by the manufacturer of the plant in any written information supplied with the plant;

"ship" (except in regulation 4(4)) includes all vessels and hovercraft which operate on water or land and water;

"vehicle" includes all lift trucks, locomotives and rolling-stock, and trailers and semi-trailers and other mechanical plant which moves on wheels, tracks, skids or any combination thereof;

"vessel" means any description of craft used for the transport of goods or passengers or the storage of goods or the accommodation of passengers on water, whether used in navigation or not;

"welfare amenities" means—

(**a**) S.R. & O. (N.I.) 1926 No. 107 (p. 184)
(**b**) S.R. & O. (N.I.) 1934 No. 37 (p. 145)

(*a*) sanitary conveniences;

(*b*) baths and shower baths;

(*c*) washing facilities (including wash basins, hot and cold running water and soap and clean towels or other suitable means of cleaning and drying);

(*d*) a supply of wholesome drinking water;

(*e*) a supply of protective clothing, that is to say, clothing suitable for the protection of the wearer in refrigerated spaces or against dirt from handling dirty goods or against inclement weather;

(*f*) accommodation and facilities for changing into clothing worn during working hours and for storing and drying clothing so worn and clothing not so worn;

(*g*) canteens or accommodation and facilities (including facilities for heating food and boiling water) for workers employed at dock premises to partake of meals provided by themselves;

(*h*) shelters for use during inclement weather.

(2) Where a person supplies plant to another (''the customer'') under a hire purchase agreement, conditional sale agreement or lease and—

(*a*) he carries on the business of financing the acquisition of goods by others by means of such agreements, or, if financing by means of leases, the use of goods by others, and

(*b*) in the course of that business he acquired an interest in the plant supplied to the customer as a means of financing its acquisition by that customer (or, in the case of a lease, its provision to that customer), and

(*c*) in the case of a lease he or his agent either has not had physical possession of that plant, or has had physical possession of it only for the purpose of passing it on to the customer;

the customer and not the person who provided the finance shall be treated for the purposes of these Regulations as being the owner of the plant, and duties placed on owners in these Regulations shall accordingly fall on the customer and not on the person providing the finance.

Application of the Regulations

3. These Regulations shall apply to and in relation to all dock operations.

Persons upon whom duties are imposed

4.—(1) Subject to paragraphs (3) and (4), it shall be the duty of every—

(*a*) employer;

(*b*) self-employed person; and

(*c*) other person on whom a duty is imposed by Article 6 of the 1978 Order,

to comply with all provisions of these Regulations, but such a duty shall extend only to matters within his control.

(2) Subject to paragraphs (3) and (4), it shall be the duty of every employee to comply with such of these Regulations as relate to the performance of or the refraining from an act by him in the course of a dock operation.