1971. No. 372 **[C]**

FACTORIES

Ships—Building and Repairing

REGULATIONS, DATED 29TH NOVEMBER 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE FACTORIES ACT (NORTHERN IRELAND) 1965.

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REGULATIONS

The Ministry of Health and Social Services for Northern Ireland in exercise of powers conferred by sections 61, 75 and 179(3) and (4) of the Factories Act (Northern Ireland) 1965(a) and of all other powers enabling it in that behalf, hereby makes the following special Regulations:—

(a) 1965. c. 20 (N.I.).

PART I

INTERPRETATION AND GENERAL

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Shipbuilding and Ship-repairing Regulations (Northern Ireland) 1971. Regulation 7, 8(2) and 23 shall come into operation on 29th November 1972, Regulation 24 on 29th November 1973 and the remainder on 1st March 1972, after the making of these Regulations.

(2) The Shipbuilding Special Regulations (Northern Ireland) 1948(**b**) are hereby revoked.

Application of regulations

2.—(1) Subject to paragraph (2), these Regulations shall apply—

(*a*) as respects works carried out in any of the operations in a shipyard in the case of a ship or vessel whether or not the shipyard forms part of a harbour or wet dock;

(*b*) as respects work carried out in any of the operations in a harbour or wet dock in the case of a ship (but not in the case of a vessel other than a ship) not being work done—

(i) by the master or crew of a ship, or

(ii) on board a ship during a trial run, or

(iii) for the purpose of raising or removing a ship which is sunk or stranded, or

(iv) on a ship which is not under command, for the purpose of bringing it under command.

(2) (*a*) Nothing in Parts II to IX except Regulations 5, 30 to 66, 72 to 77 and 79 shall apply as respects the operations in a shipyard in which the operations are not carried on upon vessels which both exceed one hundred feet in length measured overall and have an overall depth exceeding nine feet six inches;

(*b*) nothing in Parts II to IX except Regulations 5, 30 to 66 and 72 to 77 shall apply as respects the carrying out of the operations, in a harbour or wet dock, upon ships which either do not exceed one hundred feet in length measured overall or have an overall depth not exceeding nine feet six inches;

(*c*) Regulations 6, 11 to 23 and 25 to 29 shall not apply as respects the carrying out of the operations, in a public dry dock, upon vessels which either do not exceed one hundred feet in length measured overall or have an overall depth not exceeding nine feet six inches.

(3) The Chief Inspector may (subject to such conditions, if any, as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these Regulations—

(*a*) any shipyard or any harbour or wet dock or any class or description of shipyards, harbours or wet docks;

(*b*) any class or description of machinery, plant, equipment or appliances;

(b) S.R. & O. (N.I.) 1948, No. 295.

(*c*) any class or description of ships or vessels; or

(*d*) any particular work or any class or description of work,

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or are not reasonably practicable. Where such exemption is granted a legible copy of the certificate, showing the conditions, if any, subject to which it has been granted, shall be kept posted in a position where it may be conveniently read by the persons employed.

(4) Save as expressly provided in Regulations 31, 51, 52, 66 and 67 the provisions of these Regulations shall be in addition to and not in substitution for or in diminution of other requirements imposed by or under the Act.

Interpretation

3.—In these Regulations—

"Abel closed test" means a test carried out with the apparatus specified and in the manner described in the Second Schedule to the Petroleum (Consolidation) Act (Northern Ireland) 1929(c)

"approved" means for the time being by certificate of the Chief Inspector;

"available for inspection" means available for inspection by any person using or proposing to use the machinery or plant and by any inspector appointed under the Act;

"certificate of entry" means a certificate which—

(*a*) is given by a person who is a competent analyst and who is competent to give such certificates; and

(*b*) certifies that he has in an adequate and suitable manner tested the atmosphere in the oil-tank or oil-tanks specified in the certificate and found that having regard to all the circumstances of the case, including the likelihood or otherwise of the atmosphere being or becoming dangerous, entry to the oil-tank or oil-tanks without wearing breathing apparatus may in his opinion be permitted;

"lead paint" means any paint, paste, spray, stopping, filling, or other material used in painting which when treated in the manner described in the First Schedule yields to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis;

"lifting appliance" means a crab, winch, pulley block or gin wheel used for raising or lowering and a crane, derrick, sheer-legs, teagle, transporter or runway;

"lifting gear" means a chain sling, rope sling, plate clamp, ring, link, hook, shackle, swivel or eye-bolt;

"naked light certificate" means a certificate which—

(*a*) is given by a person who is a competent analyst and who is competent to give such certificates; and

(*b*) certifies that he has in an adequate and suitable manner tested for the presence of inflammable vapour the oil-tank, compartment, space or other part of the vessel specified in the certificate and found it to be free therefrom and that having regard to all the circumstances of the case, including the likelihood or otherwise of the atmosphere becoming inflammable, the use of naked lights, fires, lamps or heated rivets may in his opinion be permitted in the oil-tank, compartment, space or other part of the vessel specified in the certificate;

(c) 20 Geo. 5. c. 13 (N.I.).

"oil" means any liquid which has a flashpoint below two hundred and seventy degrees Fahrenheit (Abel closed test or Pensky-Martens closed test, whichever is appropriate) and also includes lubricating oil, liquid methane, liquid butane and liquid propane;

"oil-tank" means any tank or compartment in which oil is, or has been carried as cargo or for use as lubricating oil, as engine fuel or boiler fuel or as fuel for aircraft on board;

"the operations" means, in relation to a ship or vessel, its construction, reconstruction, repairing, refitting, painting and finishing, the scaling, scurfing or cleaning of its boilers (including combustion chambers or smoke boxes) and the cleaning of its bilges or oil-fuel tanks or any of its tanks last used for carrying oil. For the purpose of this definition the expression "oil" means oil of any description whether or not oil within the meaning of the foregoing definition of that expression;

"overall depth" means the vertical distance between the uppermost deck at the side of the vessel and the bottom of the keel, measured at the middle of the overall length;

"Pensky-Martens closed test" means a test carried out with the apparatus specified and in the manner described in British Standard 2839: 1957 as published by the British Standards Institution on 14th March 1957 including any approved revision thereof;

"person employed" means a person employed in any of the operations;

"the Act" means the Factories Act (Northern Ireland) 1965;

"public dry dock" means a dry dock which is available for hire;

"safe working load" means the relevant safe working load specified in the latest certificate of test obtained for the purposes of Regulation 33 or 35;

"ship", "vessel" and "harbour" have the same meanings as in the Merchant Shipping Act, 1894(d) except that neither the expression "ship" nor the expression "vessel" shall include a caisson, dock gate or pontoon;

"shipyard" means any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted or finished;

"stage" means any temporary platform on or from which persons employed perform work in connection with the operations, but does not include a boatswain's chair;

"staging" includes any stage, and any upright, thwart, thwart pin, wedge, distance piece, bolt or other appliance or material, not being part of the structure of the vessel, which is used in connection with the support of any stage, and any guard-rails connected with a stage;

"structure" in Regulations 32, 35, 36 and 37 includes a vessel;

"tanker" means a vessel constructed or adapted for carrying a cargo of oil in bulk.

Obligations under regulations

4.—(1) It shall be the duty of every employer who is undertaking any of the operations to comply with such of the provisions of the following Regulations as relate to any work, act or operation performed by him, that is to say—

(d) 57 & 58 Vict. c. 60.

(*a*) in so far as they affect any person employed by him—

(i) Regulations 5, 7(2), 10(1), 12, 13(1), (2), (3) and (5), 14, 16(1), (2), (3), (4) and (6), 17, 18(1), 19 to 23, 24(2), 27(1), 47 to 50, 55(2), 59(1) and (2), 69(1) and (4), 72 to 76, 79 and 80;

(ii) Regulations 10(2) and 15, except in so far as the person having the general management and control of a public dry dock is responsible under paragraph (5);

(iii) Regulation 68(1), except in so far as the person having the general management and control of a public dry dock is responsible under paragraph (5) or the person having the general management and control of a dock, wharf or quay is responsible under paragraph (6);

(iv) Regulation 25, except in so far as the shipowner or master or officer in charge is responsible under paragraph (7) and except in so far as the stevedore or other person carrying on any of the processes of loading, unloading or coaling the ship or vessel is responsible by virtue of the Docks Regulations (Northern Ireland) 1934(e);

and

(v) Regulation 69(2) and (3), except in so far as the shipowner or master or officer in charge is responsible under paragraph (7).

(*b*) in so far as they affect any person whether or not a person employed by him—

(i) Regulations 26, 28(1) and (2), 29(1), 52, 53(1), 62 to 65, 70, 71 and 77; and

(ii) Regulations 58 and 61, except in so far as the shipowner or master or officer in charge is responsible under paragraph (7).

(2) It shall be the duty of the owner of any machinery, plant, equipment or appliance to which any of the provisions of Regulations 32 to 38, 66 and 67 applies to comply with those provisions; and in the case of any such machinery, plant, equipment or appliance carried on board a ship not registered in the United Kingdom it shall also be the duty of the master or officer in charge of the ship to comply with those provisions. It shall be the duty of every employer not to use any machinery, plant, equipment or appliance which does not comply with those provisions.

(3) (*a*) It shall be the duty of every person who installs or places in position any machinery, plant, equipment or appliance to which any of the provisions of Regulations 41, 54(1) and (2), 55(1)(*a*) and 56 applies to install or place in position such machinery, plant, equipment or appliance in a manner which complies with those provisions;

(*b*) it shall be the duty of every person who works or uses any machinery, plant, equipment or appliance to which any of the provisions of Regulations 39 to 46, 54(1) and (2), 55, 56(1) (2), (3) and (4), 57 and 68(4) and (5) applies to work or use such machinery, plant, equipment or appliance in a manner which complies with those provisions.

(4) In the case of a shipyard other than a public dry dock, it shall be the duty of the person having the general management and control of the shipyard to comply with the provisions of Regulations 6 and 7, Regulation 8(2) in so far as it relates to hand-holds provided by him, Regulations 16(5), 24(1) and 78 and (except in so far as the shipowner or master or officer in charge is responsible under paragraph (7)) Regulations 8(1), 9, 11, 58 and 61.

(e) S.R. & O. (N.I.) 1934, No. 37.