



BERMUDA

MERCHANT SHIPPING (DANGEROUS GOODS IN HARBOUR AREAS)
REGULATIONS 2021

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The Minister responsible for Maritime Administration, in exercise of the powers conferred by section 93 of the Merchant Shipping Act 2002 and after consulting with the persons referred to in section 94(3) of the Merchant Shipping Act 2002, makes the following Regulations:

PART 1
INTERPRETATION AND APPLICATION

Citation

- 1 These Regulations may be cited as the Merchant Shipping (Dangerous Goods in Harbour Areas) Regulations 2021.

Interpretation

- 2 (1) In these Regulations—
“appropriate authority” means—
 - (a) the Department of Marine and Ports Services;
 - (b) the Department of Environment and Natural Resources; or

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(c) the Department of Works and Engineering;

“berth” means a dock, jetty, quay, wharf or similar structure (whether floating or not) or a buoy berth at which a vessel may tie up, and includes any plant or premises, other than a vessel, used for purposes ancillary or incidental to the handling of dangerous goods within the harbour area, but does not include a monobuoy;

“Class” has the same meaning as in the IMDG Code;

“Compatibility Group” has the same meaning as in the IMDG Code;

“Division” has the same meaning as in the IMDG Code;

“dumb craft” means a vessel not possessing mechanical means of propulsion and includes a dumb barge and a dracone;

“explosive” means goods of Class 1 in the IMDG Code;

“explosives licence” means a licence issued by the Department of Works and Engineering under Part 5 of these Regulations;

“freight container” means a container as defined in regulation 2 of the Freight Containers (Safety Convention) Regulations 2019 other than a container within the definition of “portable tank” in those Regulations;

“handling” in relation to dangerous goods includes loading, unloading and transferring the goods and cleaning, purging, gas-freeing and ballasting any tank on a vessel which contains dangerous goods or their vapour;

“harbour area” means any harbour, navigated by seagoing vessels, including—

- (a) all areas of water within the jurisdiction of a harbour authority;
- (b) any land, within the jurisdiction of or occupied by a harbour authority, used in connection with the loading or unloading of a vessel;
- (c) any berth where the handling of any dangerous goods takes place;
- (d) any monobuoy connected to one or more storage facilities in a harbour area and its monobuoy area; and
- (e) any land adjacent to the harbour area used wholly or mainly for the normal activities of a harbour,

but excluding areas of water which are in the jurisdiction of another harbour authority where those areas of water are used primarily by vessels using berths or land within the harbour area of that other harbour authority;

“harbour authority” means the Department of Marine and Ports Services;

“harbour craft” means a self-propelled craft which is used wholly or mainly within a harbour area;

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“harbour master” means the harbour master, dock master or other officer appointed by the harbour authority, or any person having authority to act in such capacity;

“IMDG Code” means the International Maritime Dangerous Goods Code;

“loading” and “unloading” means the acts of loading and unloading a vessel and includes any acts of ullaging, sounding or sampling carried out in connection with those acts and the handling of dangerous goods ancillary to such acts;

“master” includes any person, other than a marine pilot, having charge of a vessel;

“monobuoy” means a mooring buoy at which dangerous goods may be loaded onto or unloaded from a vessel and which is connected to one or more storage facilities in a harbour area and includes any pipeline connecting to it;

“monobuoy area” means the area of water surrounding a monobuoy where loading or unloading of dangerous goods takes place but does not extend to the area of water surrounding the pipeline or pipelines connected to it;

“portable tank” means a portable tank with a capacity of 450 litres or more;

“receptacle” includes any form of packaging used for the transport of dangerous goods, but does not include a freight container, a portable tank or a vehicle;

“vessel” means any vessel, propelled or not, and includes a dumb craft, hovercraft, a hydrofoil vessel, anything constructed or adapted to carry persons or goods by water and a flying boat or seaplane on the water;

“visiting forces” means visiting forces within the meaning of the Visiting Forces Act (Application to Bermuda) Order 2001 No. 3922.

(2) Any duty imposed upon a master of a vessel shall, in relation to a dumb craft, be imposed—

- (a) while the dumb craft is being towed, upon the master of the towing vessel; and
- (b) at any other time, upon the operator of the dumb craft.

(3) Any reference in these Regulations to the quantity of any explosive shall be construed as a reference to the net mass of explosive substance.

Meaning of “dangerous goods”

3 “Dangerous goods” means goods or cargoes, whether packaged or in bulk, which meet the criteria in the IMDG Code for classification as dangerous goods.

Meaning of “operator”

4 “Operator” means—

- (a) in relation to a road vehicle, a person who holds, or is required to hold by law, a licence for the use of that vehicle, for the carriage of goods on a road; or, where no such licence is required, the keeper of the vehicle; and

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- (b) in relation to any other mode of transport or a berth, the person who has operational control of it for the time being.

Application

- 5 (1) These Regulations apply in Bermuda to—
- (a) every harbour area; and
 - (b) premises or activities in any part of a harbour area in the territorial waters of Bermuda, except as provided in regulation 14.
- (2) These Regulations apply to or in relation to dangerous goods except—
- (a) dangerous goods of Class 4.2 meeting the definition of dangerous goods solely by virtue of being at risk of oxidative self-heating when stored over a long period of time;
 - (b) goods meeting the definition of dangerous goods solely by virtue of being marine pollutants;
 - (c) dangerous goods carried under the limited quantity or excepted quantity provisions in the IMDG Code;
 - (d) dangerous goods taken in sample form for testing by an enforcement officer;
 - (e) dangerous goods being used solely in connection with the propulsion of a vessel or any other mode of transport and which are not loaded or carried as cargo;
 - (f) dangerous goods, other than explosives, which are brought into a harbour area from inland and which are not loaded onto a vessel as cargo;
 - (g) dangerous goods when carried—
 - (i) by a vessel as part of the equipment or stores of that vessel;
 - (ii) by a vehicle or in a freight container or by any other mode of transport, as part of the equipment of that vehicle, vessel, freight container or any other mode of transport; or
 - (iii) by a vessel, as a result of the use of a fumigant; and
 - (h) dangerous goods, other than explosives, when carried by a harbour craft in the course of harbour engineering operations.
- (3) These Regulations do not affect—
- (a) any action of the Department of Customs or any requirement for the approval of, authority from, clearance by or notification to them or the necessity to comply with any order or conditions imposed by them; and
 - (b) any action taken by a person—

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- (i) in relation to a direction given under Schedule 3A to the Merchant Shipping Act 2002; or
- (ii) under paragraphs 1 to 4 of Schedule 3A to the Merchant Shipping Act 2002.

PART 2

ENTRY OF DANGEROUS GOODS INTO HARBOUR AREAS

Notice of entry of dangerous goods

6 (1) The master, agent or operator, as relevant, of any vessel or vehicle, or any other mode of transport, must before bringing any dangerous goods into the harbour area, give notice to—

- (a) the harbour master of the harbour area;
- (b) the berth operator where the goods are to be brought to a berth; and
- (c) where relevant, the harbour master of any abutting or overlapping harbour area.

(2) The notice under paragraph (1) must be given not less than twenty-four hours and not more than six months before the dangerous goods are brought into the harbour area.

(3) Notwithstanding paragraph (2)—

- (a) the harbour master may, if operational limitations make it necessary, direct that a period of more than twenty-four hours, but less than fourteen days' notice, be given;
- (b) the harbour master, and where relevant the berth operator, may agree to accept less than twenty-four hours' notice where either it is not reasonably practicable to give twenty-four hours' notice or neither health nor safety risks are increased by a shorter period;
- (c) the master of a vessel carrying dangerous goods which is under the control of the Minister or under the control of a visiting force, must give notice to the harbour master before entry into the harbour area, and with respect to the carriage of explosives, is required to confirm that—
 - (i) the quantity of explosives is within the limit of any condition to which entry into or the carrying or handling within the harbour area of explosives will be subject; or
 - (ii) the explosives are subject to a scheme authorised by the Minister, for safe storage, carriage and handling.

(4) Notice under this regulation is to be given in writing or such form as the harbour master may agree and contain sufficient information to assist a proper evaluation of the risk created by the goods, to the health and safety of any person.

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(5) Notice is not required under this regulation, in respect of—

- (a) dangerous goods, except where the dangerous goods are explosives, carried by a vessel which is to pass through the harbour area without unloading in that area, an overlapping area or an abutting harbour area;
- (b) a ferry operated entirely within Bermuda territorial waters;
- (c) dangerous substances in a pipeline; and
- (d) dangerous goods carried by a foreign warship.

(6) A harbour master may exempt any person from the requirements of this regulation, where such an exemption is necessary for securing the health and safety of any person, and any such exemption may be granted subject to conditions and time limits and may be revoked at any time.

(7) A harbour master granting or revoking an exemption under this regulation must keep a record of the exemption, including any conditions and time limits.

Harbour master's powers

7 (1) Subject to paragraphs (2) and (6), in addition to any powers granted under byelaws made under regulation 23, a harbour master may give directions as set out in paragraph (4), to—

- (a) a person having control of dangerous goods;
- (b) a person having control of a freight container, receptacle or portable tank containing dangerous goods;
- (c) the operator of a vehicle carrying dangerous goods; and
- (d) the master of a vessel carrying dangerous goods.

(2) A harbour master may give directions to those persons in paragraph (1) if, taking into account all relevant circumstances, the condition of the dangerous goods, or their containers, or matters related to the dangerous goods create a risk to the health and safety of any person in, or in the vicinity of the harbour area.

(3) For the purpose of securing the safety of any person, where the harbour master has given directions under paragraph (1), the Minister may give directions to require that harbour master to give such other directions under this regulation as may be specified by the Minister.

(4) Directions given under this regulation may—

- (a) regulate or prohibit entry into;
- (b) require the removal from; or
- (c) regulate the handling, movement or position within,

the harbour area, of the dangerous goods, freight container, receptacle, vehicle, vessel, portable tank or other mode of transport.

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(5) Where the harbour master intends to give a direction requiring the dangerous goods to be removed by land from the harbour area, the harbour master must consult the police.

(6) A person to whom directions are given under this regulation must comply with those directions.

(7) Paragraph (1) does not apply to any vessel under the control of the Minister or a visiting force or to any dangerous goods, freight container, portable tank or receptacle carried by such vessel.

(8) A harbour master is not under any duty to examine the condition of any dangerous goods, freight container, portable tank, receptacle, vehicle or vessel as a result of this regulation.

PART 3
MARKING OF VESSELS

Flags and lights to be displayed by vessels

8 (1) Where a vessel is carrying any of the dangerous goods specified in Schedule 1, the master of that vessel shall ensure that it displays—

- (a) in the case of a vessel with a mast—
 - (i) during the day, a flag complying with the requirements of Parts 1 and 2 of Schedule 2; and
 - (ii) at times of restricted visibility or during the night, an all-round red light giving a clear, uniform and unbroken light visible in good night time conditions, for a distance of at least 2 nautical miles; and
- (b) in the case of a vessel without a mast—
 - (i) during the day, a flag complying with the requirements of Parts 1 and 3 of Schedule 2; and
 - (ii) when moored or anchored during the night and 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) Any dumb craft must have either its towing craft or, when moored, its accompanying craft, display the appropriate flag or light as detailed in paragraphs (1) and (2).

(4) This regulation does not apply to a ferry operated entirely within Bermuda territorial waters.

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

9 (1) A master shall not bring a vessel alongside a moored or anchored vessel which is displaying a flag or signal required by regulation 8, without the permission of—

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

and must otherwise keep a safe distance from that vessel.

(2) The permission in paragraph (1) may relate to a named vessel, to a class of vessels or to vessels generally.

PART 4

EMERGENCY ARRANGEMENTS AND UNTOWARD INCIDENTS

Preparation of emergency plans by harbour authorities

10 (1) A harbour authority must have in place an effective emergency plan, before dangerous goods are permitted into the harbour area, for dealing with emergencies which may arise and which involve, affect or could affect dangerous goods that are brought into or are handled in the harbour area.

(2) In preparing the emergency plan, the harbour authority must consult—

- (a) the emergency services; and
- (b) any other bodies which appear to it to be appropriate.

(3) Where the harbour authority's harbour area abuts the harbour area of another harbour authority, the emergency plan must in addition, be agreed by both harbour authorities.

(4) The harbour authority must review the emergency plan periodically, having consulted with the parties listed in paragraph (2), and where relevant, paragraph (3).

Emergency arrangements at berths

11 When dangerous goods are being handled or carried at a berth, and at any other time when there are risks from dangerous goods, the berth operator must, in a timely manner, inform the master of any vessel entering a berth, of the means of emergency communication and escape.

Untoward incidents

12 (1) The master of a vessel carrying dangerous goods must immediately inform the harbour master, or if the vessel is at a berth, the berth operator and the harbour master, of any untoward incident which occurs or has occurred on the vessel.

(2) The berth operator must immediately inform the harbour master, and the master of any vessel at the berth, of any untoward incident which occurs on the berth.

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(3) Where an untoward incident occurs during the operation of handling dangerous goods, the person in control of the operation must stop the operation as soon as it is safe to do so and must immediately report the incident, to the harbour master, the berth operator and the master of any vessel that may be affected by the incident and, where appropriate, the emergency services.

(4) Where an operation has been stopped in accordance with paragraph (3), it shall not be resumed until it is safe to do so in the opinion of the harbour master.

(5) In this regulation, an “untoward incident” means an incident involving or threatening the containment of dangerous goods inside a harbour area, which might create in the harbour area, a serious risk to the health and safety of any person or a risk to the safety of a vessel.

Parking of road vehicles carrying dangerous goods

13 (1) Every berth operator is required, so far as is reasonably practicable, to designate a suitable parking area for road vehicles carrying dangerous goods that use the berth.

(2) If the berth operator is unable to designate a suitable parking area for such vehicles—

- (a) the berth operator must notify the harbour authority; and
- (b) the harbour authority must, so far as is reasonably practicable, designate the parking area.

(3) The driver of any vehicle which is carrying dangerous goods must not—

- (a) where a parking area has been designated by the berth operator or the harbour authority, leave the vehicle unattended, except in that area; or
- (b) park the vehicle at a place or in a manner that may create a risk to the health or safety of any person.

PART 5
EXPLOSIVES

Application

14 (1) Subject to paragraph (2), regulations 15 to 19, in addition to their application in every harbour area under regulation 5, apply to the loading on board or the unloading from a vessel (other than a vessel which is an offshore installation).

(2) Regulations 15 to 19 do not apply to—

- (a) explosives—
 - (i) in Division 1.4 of the IMDG Code; or

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- (ii) in any other division of the IMDG Code (except explosives in Compatibility Group L), where the total quantity of explosive does not exceed 10 kilograms;
- (b) explosives that are to be used immediately by a vessel at sea;
- (c) explosives of less than 1 tonne in quantity intended for immediate use in the harbour area, if—
 - (i) the harbour master has given written consent; and
 - (ii) any conditions for carriage and use in that consent are complied with;
- (d) a berth which forms part of a site which is licensed under the Explosive Substances (Ports of Entry) Rules 1991;
- (e) explosives under the control of the Department of Works and Engineering, complying with a scheme approved by that Department which—
 - (i) provides for safe storage, carriage and handling; and
 - (ii) prescribes separation distances or separation distances in combination with other safety measures as necessary;
- (f) explosives carried by a foreign warship;
- (g) explosives carried by a vessel passing through a harbour area or adjacent area without mooring, anchoring or handling;
- (h) the handling of explosives from a vessel which is an offshore installation; and
- (i) explosives being carried by a vessel into an unlicensed harbour area in an emergency situation, including life-threatening weather conditions, provided—
 - (i) the explosives are undamaged and in a safe condition;
 - (ii) the explosives are not handled while the vessel is in the harbour area; and
 - (iii) the vessel leaves the harbour area as soon as practicable.

Requirement for an explosives licence

15 No person is to carry or handle explosives within a harbour area, or load or unload any explosive in circumstances to which this regulation applies by virtue of regulation 14(1), unless the appropriate authority has issued a licence permitting such activity and there is full compliance with any conditions of that licence.

Applications for explosives licences

16 (1) An application to the appropriate authority for an explosives licence or for any variation to an existing explosives licence is to be made by—

- (a) a harbour authority;

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- (b) a berth operator, subject to the berth operator giving notice of such intention to the harbour authority; or
- (c) a person having an interest in the activities for which a licence is required under regulation 15,

in accordance with the procedure specified in Schedule 3.

(2) The appropriate authority may grant, transfer, renew, vary, revoke or cancel an explosives licence.

Consideration of licence applications

17 (1) The appropriate authority must take account of any comments or objections received by it in response to a licence application and may reject the application or may grant the licence or variation subject to such conditions as it considers appropriate, with or without time limit and subject to variation or revocation in writing, at any time.

(2) The appropriate authority may grant a provisional explosives licence or vary an existing licence in cases of urgency and any such provisional licence or variation may have effect for a period not exceeding six months from the date on which it was granted, unless revoked in writing by the appropriate authority before its date of expiry.

Security of explosives

18 (1) Where explosives are handled or carried at a berth, the berth operator shall ensure that all appropriate precautions are taken against the damage, loss, theft or wrongful use of the explosives at the berth.

(2) In harbour areas, or parts thereof, for which a berth operator is not responsible under paragraph (1), the harbour authority must ensure that all appropriate precautions are taken against the damage, loss, theft or wrongful use of the explosives being carried or handled.

(3) Any person having custody of explosives in a harbour area, however temporary, must—

- (a) ensure adequate precautions are taken against the damage, loss, theft or wrongful use of the explosives;
- (b) comply with any instructions given by the berth operator or harbour authority; and
- (c) co-operate with the berth operator or harbour authority in the execution of duties under this regulation.

(4) Where there is a transfer of custody of explosives within the harbour area the transferor and transferee must both retain a record of the transfer.

(5) Where explosives are dropped overboard or lost, the person who previously had custody of them must—

- (a) report the incident to the harbour master and either—

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- (i) to the berth operator, if the incident took place at a berth; or
 - (ii) to the harbour authority; and
- (b) take all steps as are reasonably practicable to recover those explosives.

Vessels and vehicles loaded with explosives to be taken out of harbour areas

19 Following the loading of a vessel or a vehicle with explosives, the master of the vessel or the person in charge of the vehicle must remove the vessel or vehicle from the harbour area as soon as is reasonably practicable, unless—

- (a) the harbour master and berth operator agree that the vessel or vehicle may remain within the harbour area; or
- (b) it is less safe for the vessel or vehicle to be outside of the harbour area, in which case the vessel or vehicle is to remain within the harbour area until it is safe for the vehicle or vessel to leave the vicinity.

Passenger prohibition on harbour craft carrying explosives

20 (1) Harbour craft carrying explosives must not carry passengers at the same time.

(2) Paragraph (1) does not apply—

- (a) where the only explosives carried are—
 - (i) explosives in Division 1.4, Compatibility Group S; or
 - (ii) ships' pyrotechnic signals, totalling less than 1 kilogram of explosives, which are being carried to another vessel; or
- (b) where the only passengers are those—
 - (i) carried in connection with the harbour works for which the explosives are carried; or
 - (ii) who are to handle the explosives being carried.

Deteriorated explosives

21 Where explosives have deteriorated or have undergone any change resulting in an increased risk to handling or carriage in the harbour area, the person having custody of those explosives must—

- (a) notify the harbour master and, where the explosives are at a berth, the berth operator, of the deterioration or change; and
- (b) where any additional safety requirements are imposed by the harbour master, and where appropriate, the berth operator, comply with those requirements before moving or handling the explosives.

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Record keeping

22 (1) A harbour authority must keep a record of the handling of all explosives within its harbour area, together with import, export, and where relevant, transit details, for a period of three years.

(2) The berth operator must co-operate with the harbour authority in the compilation of the record.

(3) Where regulation 14(1) applies, the licensee must keep a record, for three years, of all explosives, loaded or unloaded there, and record whether the explosives were exports, imports or in transit cargoes.

PART 6

MISCELLANEOUS AND GENERAL

Enforcement

23 (1) The Department of Marine and Ports Services is responsible for enforcing these Regulations.

(2) A harbour authority is responsible for enforcing regulations 6, 7, 8, 9, 13(3) and 19 against persons other than itself.

(3) The exercise of due diligence to avoid the commission of an offence is a defence in any proceedings under these Regulations or byelaws made under these Regulations.

Exemptions

24 (1) Subject to paragraph (2), the Department of Marine and Ports Services may, by a certificate in writing, exempt any person or class of persons, from any requirement or prohibition imposed by or under these Regulations, and any such exemption may be granted subject to conditions and to a time limit and may be revoked at any time by a certificate in writing.

(2) The Department of Marine and Ports Services shall not grant any exemption unless, having regard to the circumstances of the case and in particular, to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case;

it is satisfied that neither the health or safety of persons, nor the security of any explosive, likely to be affected by the exemption will be prejudiced in consequence of it.

(3) The Minister may, in the interests of national security, by a certificate in writing, exempt from all or any requirements or prohibitions imposed by these Regulations—

- (a) Her Majesty's forces;
- (b) any visiting forces;

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- (c) any person engaged in the carriage, keeping or supply of any military explosives, if that person is under the direct supervision of a representative of the Royal Bermuda Regiment,

and any such exemption may be granted subject to conditions and time limit, and may be revoked by a certificate in writing, at any time.

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SCHEDULE 1

(regulation 8(1))

LIST OF SPECIFIED DANGEROUS GOODS

1. The dangerous goods referred to in regulation 8(1) are—
 - (a) more than 10 kilograms of explosives in Division 1.1 or 250 kilograms in aggregate of explosives in Division 1.2, 1.3 and 1.5; when explosives in Division 1.1 are carried simultaneously in the vessel with explosives in Division 1.2, 1.3 or 1.5, the overall limit is 10 kilograms;
 - (b) more than 25 tonnes of sodium chlorate or potassium chlorate, or more than 500 tonnes of ammonium nitrate of Class 5.1;
 - (c) bulk liquefied gases of Class 2, including the remnants of such gases which remain after their discharge from a tank which has not subsequently been gas-freed or inerted;
 - (d) bulk liquids of Class 3, including the remnants of such liquids which remain after their discharge from a tank which has not subsequently been gas-freed or inerted;
 - (e) bulk liquids of Classes 4, 5, 6.1 and 8 of UN Packing Groups I and II in the UN list;
 - (f) bulk liquids of Class 6.1, UN Packing Group III in the UN list, if such liquids have a harmful inhalation risk.

2. In paragraph 1—

“UN List” means the version of the UN list referred to in Chapter 3.2 of the IMDG Code as updated from time to time.

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SCHEDULE 2

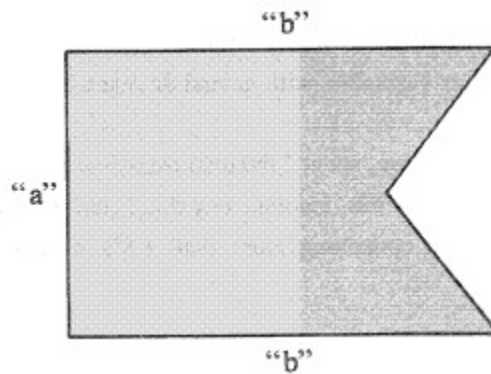
(regulation 8(1))

FLAG INDICATING THAT A VESSEL IS CARRYING DANGEROUS GOODS

PART 1

SHAPE AND COLOUR OF FLAG

1. The shape of the flag shall be as shown below.



2. The flag shall be red in colour.

PART 2

MATERIAL AND SIZE OF FLAG ON VESSELS WITH A MAST

1. The flag shall be made of fabric.
2. The side of the flag marked "a" on the diagram shown in Part 1 of this Schedule shall not be less than 75 centimetres in length and the sides of the flag marked "b" on the said diagram shall have equal lengths of not less than 90 centimetres.

PART 3

MATERIAL AND SIZE OF FLAG ON VESSELS WITHOUT A MAST

1. The flag shall be made of metal.
2. The side of the flag marked "a" on the diagram shown in Part 1 of this Schedule shall not be less than 45 centimetres in length and the side of the flag marked "b" on the diagram shall have equal lengths of not less than 90 centimetres.

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SCHEDULE 3

(regulation 16)

PROCEDURE FOR APPLICATION FOR EXPLOSIVES LICENCE

1. An application for an explosives licence, or for the transfer, renewal or variation of an existing licence is to be made in writing, to the appropriate authority and is to be accompanied by such information and plans as that authority may require.
2. On receipt of an application, the appropriate authority must prepare a draft licence and require the applicant to publish, in an approved form, a notice giving such details of the draft licence as the appropriate authority may require.
3. A notice published in accordance with paragraph 2 is to state that any responses to the application are to be sent to the appropriate authority within one month of the publication of the notice.
4. Within the time for responses the applicant must provide any interested person with such information about the application, as the appropriate authority may determine.
5. After the time for responses has passed, the appropriate authority may amend the draft licence and must require the applicant to publish a further notice in accordance with paragraphs 2 and 3, unless the effects of the changes are minimal.
6. An applicant for a licence, who is a berth operator must send a copy of the licence to the harbour authority.
7. In respect of a transfer or a variation of the terms of an existing licence, the requirements as to publication and consultation in paragraphs 2 and 3 do not apply, where the appropriate authority is satisfied that the changes affect only the title or where the effects are minimal.

Made this 7th day of July 2021

Ministry of Transport

[Operative Date: 08 July 2021]