

**WICKLOW COUNTY COUNCIL
(WICKLOW PORT)
EXPLOSIVES BYE-LAWS, 2020**

**To be made by Wicklow County Council
with the sanction of the
Minister for Justice and Equality**

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1. Authorisation, Citation and Commencement

- (1) Wicklow County Council, being a Harbour authority within the meaning of Section 83 of the Harbours Act 1996 in exercise of the powers conferred on it by Section 34 - 38, of the Explosives Act, 1875, as adapted hereby, with the sanction of the Minister for Justice and Equality make the following Bye-laws for Wicklow Port.
- (2) These Bye-Laws may be cited as the Wicklow County Council (Wicklow Port) Explosives Bye-Laws 2020.
- (3) These Bye-Laws shall come into operation on the _____ day of _____ 2020.

2. Application

- (1) These Bye-Laws shall apply within the Harbour occupied or controlled by Wicklow County Council and the waterside and shoreside boundaries of the port area, and shall apply to all explosives except:
 - (a) life-saving, signaling or distress marine pyrotechnics where these pyrotechnics are held as part of a vessel's emergency equipment, provided that all safety and signaling devices being Class 1 explosives shall be compliant with any special provisions of the IMDG code as specified in the Class 1 dangerous goods list regarding packaging and stowage instructions; and,
 - (b) explosives carried in a vessel or vehicle belonging to the Defence Forces of the State or of any other state.

(2) In accordance with Section 97 of the Explosives Act 1875 these Bye-laws do not apply to the conveyance of any explosives that are under the control of the Defence Forces and that are conveyed in accordance with regulations made under the Defence Acts by the Minister for Defence.

(3) No provision of these Bye-laws specifying maximum berth occupancy per annum, maximum quantities of explosives or minimum separation distances shall apply to explosives in Division 1.4.

(4) Notwithstanding anything contained in these Bye-Laws, all Statutory Instruments relating to explosives shall apply. Where there has been a breach of, non-adherence to or departure from any legislative or statutory provision, it shall be the duty of the Explosives Officer to inform the Harbour Master of such breach forthwith.

(5) A copy of these Bye-Laws shall be available for inspection at the Offices of Wicklow County Council, County Buildings, Station Road, Wicklow Town.

3. Interpretation

In these Bye-Laws: -

- (1) "ADR" means the European Agreement Concerning the International Carriage of Dangerous Goods by Road, the Annexes to it and the protocol of signature thereto done at Geneva on 30 September 1957, as amended or updated from time to time;
- (2) "berth" includes any dock, graving dock, pier, jetty, quay, mooring and other place at which a vessel might lie;
- (3) "Designated Berth" means the berth at Packet Pier indicated on the map in the Fourth Schedule and signed by the Government Inspector of Explosives, authorised for the handling, loading and unloading of explosives in accordance with these Bye-Laws and the conditions laid down in the Schedule;
- (4) "Division" means a Hazard Division as specified in Part 1 of the First Schedule;
- (5) "E.E.D." means, electro-explosive device, a one-shot explosive or pyrotechnic device caused to function by the application of electrical energy;
- (6) "explosives" means Class I explosives as classified in the manual published by the United Nations Organisation and entitled "Recommendations on the Transport of Dangerous Goods Model Regulations (20th Revised Edition) " (ISBN 978-92-1-139159-6) or a later edition thereof which is in substitution for and not an alternative to the edition aforesaid and "explosive" shall be construed accordingly;

- (7) "Explosives Officer" means a person appointed as explosives officer under Bye-Law 8;
- (8) "Group" means a Compatibility Group specified in Part 2 of the First Schedule;
- (9) "Harbour" for the purposes of these Bye-Laws means the lands and waters of the harbour at Wicklow Town, as shown on the Map in the Fourth Schedule;
- (10) "Harbour Master" means the person appointed by Wicklow County Council as Harbour Master from time to time and for the purposes of these Bye-Laws includes his nominee or such other person as may be authorised in writing by Wicklow County Council to perform the functions of the Harbour Master;
- (11) "IMDG code" means the International Maritime Dangerous Goods Code, for the implementation of Chapter VII, Part A, of the International Convention for the Safety of Life at Sea, 1974 (SOLAS Convention), published by the International Maritime Organization (IMO), London;
- (12) "ISPS Code" means the International Ship and Port Facility Security Code as amended from time to time, in so far as those amendments are integrated in Community maritime legislation in accordance with Article 2 and Article 10 of Regulation (EC) No. 725/2004 and are published in the Official Journal of the European Union;
- (13) "master", when used in relation to any vessel shall mean the person having command or charge of the vessel for the time being;

- (14) "Net Explosive Content (NEC)" means the total mass of explosives excluding the weight of the packaging, casing or other non-explosive material;
- (15) "passenger ship" means a vessel which has more than 12 passengers on board at the relevant time;
- (16) "person in charge of explosives" means the person normally having control over the explosives in the Harbour, meaning;
- (a) in the case of explosives on a vessel - the master of the vessel,
 - (b) in the case of explosives being loaded or unloaded at the designated berth - the Explosives Officer, and
 - (c) in the case of explosives on a vehicle outside the protected area - the driver of that vehicle;
- (17) "protected area" means an area within the Harbour on the designated berth, of a vessel or both within which explosives are handled in the course of loading onto or unloading from a vessel or vehicle and the boundary of which shall be not less than 10 metres from any explosive;
- (18) "vehicle" includes any trailer, container or other item connected to or placed on the vehicle or any item or thing connected to that vehicle but does not include a vessel in water;
- (19) "ship's agent" means the person representing the owner of the vessel with respect to the arrival, discharge and departure of the ship in the Harbour;
- (20) "Vessel" includes a ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on, maneuvering on or being

submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle during such time as it is in or hovering over the water; and

(21) "Wicklow Port" means the Harbour.

(22) In these Bye-laws: -

(a) a reference to the weight of explosives is a reference to the NEC weight thereof;

(b) a reference to a Bye-law or Schedule is a reference to a Bye-law of or Schedule to these Bye-laws unless a contrary intention is expressly indicated;

(c) a citation of or a reference to an enactment, statutory instrument, regulation, bye-law or any other legal provision shall be read as a citation of or a reference to the enactment, statutory instrument, regulation, bye-law or other legal provision as amended (including as amended by way of extension, application, adaptation or other modification of the provision), whether the amendment is made before, on or after the date on which these Bye-Laws came into operation; and,

(d) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph of the provision in which

the reference occurs, unless a contrary intention is expressly indicated.

(23) The Interpretation Act, 2005, (No. 23 of 2005) applies to these Bye-Laws.

4. Explosives for use in Harbour Works

(1) Up to 250 kg NEC of explosives may be conveyed within the Harbour for immediate use in construction works, demolition works or wreck dispersal provided that:-

- (a) the prior written permission of the Harbour Master has been obtained; and,
- (b) the explosives are conveyed, stored and used in strict compliance with any conditions imposed by the Harbour Master.

(2) For the purpose of paragraph (1)(b) the Harbour Master may consult with the Garda Síochána and the Government Inspector of Explosives in determining what, if any, conditions to impose on the conveyance, storage or use of the explosives in the Harbour.

5. Explosive Limits

(1) Subject to paragraph (2) the aggregate NEC of explosives whether at the designated berth or on a vessel or vehicle at the designated berth or any of the aforementioned, shall not exceed that specified for the Division of

explosives concerned in Part 1 and Part 2 of the Third Schedule. The conditions stipulated in the Schedules must be observed.

(2) Where explosives at the designated berth or on a vessel or vehicle at the designated berth or any of the aforementioned, include explosives in Group A, B or F or detonators of any transport classification, the aggregate NEC of the explosives shall not exceed one-third of the quantity specified for Division 1.1 explosives in the Part 1 and Part 2 of the Third Schedule unless –

- (a) the explosives in each of the Groups concerned are separated from any other explosives at the designated berth or on a vehicle or vessel at the designated berth or both, so as to prevent the communication of an explosion to those other explosives, and
- (b) the quantity thereof in each Group does not exceed one-third of the quantity specified in Part 1 and Part 2 of the Third Schedule hereto.

(3) Where explosives in different Divisions are at the designated berth or on a vessel or vehicle at the designated berth or any of the aforementioned, then –

- (a) for the purpose of applying Part 1 and Part 2 of the Third Schedule and subject to subparagraph (b), the explosives, shall be deemed to be in the Division amongst them which

comes highest in the following list, i.e. Division 1.1

(highest), 1.2, 1.3, 1.5, 1.6 and 1.4 (lowest), and

(b) if the explosives consist of explosives in Division 1.5 and explosives in Division 1.2 or 1.6, all the explosives shall be deemed to be in Division 1.1.

(4) No explosives shall be deposited in any shed, warehouse, building or other place within the Harbour unless the appropriate storage licence issued pursuant to the Explosives Act 1875 is produced for the inspection and the express permission in writing of the Harbour Master is obtained and only where it is necessary for safety or security reasons the explosives concerned shall be moved out of the area controlled by Wicklow County Council as soon as is practicable and in any event not later than when directed by the Harbour Master.

(5) No vehicle or vessel loaded with explosives shall remain in the harbour without the express permission in writing of the Harbour Master where it is necessary for safety or security reasons and these explosives shall be moved out of the area controlled by Wicklow County Council as soon as is practicable and in any event not later than when directed by the Harbour Master.

6. Authorised Explosives

(1) No vessel carrying explosives shall enter the Harbour unless those explosives have been classified in accordance with UN Model Regulations and the requirements of the ADR and IMDG Code and:

(a) where explosives are to be unloaded within the harbour (to the pier or to another vessel or vehicle), until the Harbour Master has been satisfied that the importation into the State of these goods is authorised by means of an importation licence issued by the Minister for Justice and Equality, and the Harbour Master has given permission for the vessel to enter the Harbour, or

(b) where explosives are not to be unloaded within the harbour, the Harbour Master has given permission for the vessel to enter the Harbour.

(2) No vehicle carrying explosives shall enter the Harbour unless those explosives have been classified in accordance with UN Model Regulations and the requirements of the ADR and IMDG Code and the vehicle has the express written permission of the Harbour Master to enter.

(3) Without prejudice to the restrictions, limitations and conditions imposed by these Bye-Laws, a person shall not bring explosives into the harbour unless the conditions specified in Bye-law 6(1) or (2), as the case may be, are met.

- (4) Any person bringing explosives into the Harbour shall comply fully with all the provisions of these Bye-laws and with any further instructions given to them by the Harbour Master or the Explosives Officer in relation to where the explosives may be located, handled, loaded or unloaded and the manner in which they may be handled, loaded or unloaded within harbour.
- (5) The Harbour Master may refuse acceptance of consignments of explosives which do not comply with applicable transport regulations or with the requirements of these Bye-Laws or which do not have correct transport documents available for inspection, and may prohibit onward transport unless and until such deficiencies are remedied.
- (6) The Harbour Master shall have the power to have removed from the harbour any explosives. Any and all costs arising from such removal, transport and storage may be recovered by the Harbour Master or Wicklow County Council from the owner of the explosives as a simple contract debt, in any Court of competent jurisdiction.

7. Duties of Harbour Master

- (1) The Harbour Master shall ensure that:
- (a) an Explosives Officer, who is a competent person to carry out the duties conferred on him by these Bye-laws, shall be appointed in writing before any explosives are allowed to enter the harbour;
 - (b) these Bye-Laws are adhered to;

- (c) the ship's agent provides advance notification of the expected time of arrival at the designated berth of any vessel or other vehicle for the purpose of loading or unloading explosives to the member of the Garda Síochána in charge at Wicklow Town Garda Station as soon as is practicable but not later than 48 hours prior to that time;
- (d) the ship's agent, upon receipt of consent from the Harbour Master pursuant to Bye-Law 9(4), informs the master of a vessel carrying explosives at what time the vessel can be berthed and at what time the unloading of explosives can commence;
- (e) in making his decision as to what time a vessel may be berthed and at what time explosives may be unloaded from such vessel, the Harbour Master will take into account all practical and safety considerations with regard to navigation and tides;
- (f) there is a security plan in place, which has been developed in conjunction with the Garda Síochána – Wicklow District, to cover all times when explosives are within the Harbour. For the avoidance of doubt, a security plan in place pursuant to the International Ship and Port Facility Security Code shall suffice for these purposes of these Bye-Laws;

- (g) the designated berth shall not be used for the purpose of the loading or unloading of explosives onto or from ships for more than 50 days in a year;
- (h) loading or unloading of explosives onto or from a vessel at the designated berth does not occur between sunset and sunrise unless the Harbour Master after consultation with the Garda Síochána has given his prior consent in writing to such loading or unloading;
- (i) if the loading or unloading of explosives is interrupted or suspended for any reason, then upon the expiration of 3 hours from the time when the loading or unloading is interrupted or suspended, the Harbour Master decides whether:
 - (a) the vessel shall depart from the designated berth, and anchor at a designated safe point or
 - (b) remain at the designated berth,

In making his decision the Harbour Master will take into account practical and safety considerations with regard to navigation and tides;

- (j) in the event that a period of three hours elapses during which period the loading and/or unloading of explosives has been interrupted and/or suspended, the member of the Garda Síochána in charge at Wicklow Town Garda Station is informed without delay of the interruption and/or

suspension and of the decision taken by the Harbour
Master;

- (k) the notices required in accordance with Bye-law 13 are available to the Explosives Officer;
- (l) adequate and appropriate firefighting equipment is provided at the designated berth;
- (m) there is in place an effective port emergency action plan to deal with any emergency arising from the transport, handling, loading and unloading of explosives within the harbour. This plan shall be developed in conjunction with the Chief Fire Officer of Wicklow County Council and shall include as a minimum information on emergency arrangements, evacuation, access and emergency information as outlined in HSE Information Sheet – Explosives aspects of Port emergency plans contained in Part 3 of the Third Schedule;
- (n) the implementation of the fire safety measures referred to in Bye-Law 14; and,
- (o) records are made and kept in accordance with Bye-law 16.

8. Appointment and Duties of Explosives Officer

- (1) No explosive shall be brought within the Harbour unless and until there is appointed an Explosives Officer in respect of that explosive.
- (2) A person who is competent to perform the functions of Explosives Officer under these Bye-laws efficiently and in accordance with best current

practice and is nominated by the owner of the explosive or the Ship's Agent, shall be appointed as Explosives Officer by the Harbour Master in his discretion.

(3) The Explosives Officer shall be familiar with and aware of: -

- (a) his responsibilities under these Bye-Laws, the Explosives Act 1875 and all applicable law;
- (b) the contact details of the specialist advisor nominated in accordance with Bye-Law 9(10) or 9(11) as the case may be;
- (c) the facilities available in the event of an emergency, including fire services and the Garda Síochána.
- (d) the need to respond appropriately upon becoming aware of any loss, escape, deficiency, deterioration, theft, misuse or issue in relation to explosives, including any non-compliance by any person with these Bye-Laws or other applicable law.

(4) The Explosives Officer shall be in charge of the loading and unloading operations and shall be accountable to the Harbour Master and shall report to him.

(5) It shall be the duty of the Explosives Officer: –

- (a) to ensure that the provisions of these Bye-laws are brought to the notice of all persons employed or otherwise engaged or involved in

the loading, unloading or handling of explosives at the designated berth,

- (b) to supervise generally the handling (including the loading and unloading onto and from vehicles) and the transport of explosives at within the harbour,
- (c) to ensure compliance with Bye-law 11 with regard to the loading and unloading of explosives at the designated berth and inform the Harbour Master of any breach thereof,
- (d) to ensure generally the safety and security, as respects explosives, of persons and property at or near the designated berth within the harbour,
- (e) to ensure that the explosive limits, in accordance with Bye-law 5, for the designated berth are not being exceeded;
- (f) to ensure that explosives being held or transported as aforesaid are secure from explosion, misuse, loss or theft;
- (g) to ensure that the Harbour Master is aware that the handling of explosives (including the loading and unloading thereof onto or from vessels and vehicles) is taking place at the designated berth and if handling is interrupted for more than 3 hours to notify the Harbour Master and seek a direction in accordance with Bye-law 7(1)(i);
- (h) to ensure that prior to the handling of explosives at the designated berth all personnel who will be engaged in the handling of explosives are aware of the presence of explosives, the hazards inherent in explosives and the applicable safety precautions that are to be taken,

- (i) to ensure that he is familiar with the contents of the relevant Safety Data Sheet (SDS) and relevant sections of the ADR Book for the explosives being handled and that these are available at the designated berth,
- (j) in advance of explosives entering the harbour,
 - (i) to confirm that he has all the contact details for the Garda Síochána, fire and other emergency services and the representative of the consignee or consignor nominated in accordance with Bye-law 9(10) or 9(11), as the case may be;
 - (ii) to confirm with the Garda Síochána (Wicklow District) whether a member of the Garda Síochána will be present during the loading or unloading of the explosives concerned and, if so, to ensure that the loading or unloading of the explosives concerned does not commence until such time as a member of the Garda Síochána is present;
 - (iii) to ensure that adequate and suitable mechanical handling and lifting equipment is available to safely handle, load and/or unload explosives onto and from vessels and vehicles;
 - (iv) to ensure that the minimum number of vehicles required for the efficient and safe loading or unloading of explosives onto or from the vessel concerned are present on the designated berth at the same time;
 - (v) to ensure that all persons designated to use the firefighting equipment at the designated Berth are aware of the location

of that equipment and of the purpose and proper method of operation thereof;

(vi) to ensure that all procedures or permissions required by these Bye-Laws prior to the commencement of loading or unloading explosives have been completed or obtained.

(k) prior to the commencement of any loading or unloading of explosives from any vessel or vehicle and for the duration of any period (including any period of interruption to the loading or unloading of explosives): -

- (i) to ensure that vehicles or cargo do not cover, conceal, impede or otherwise obstruct access to firefighting equipment located at the designated berth;
- (ii) to ensure that the protected area is clearly indicated by notices in accordance with Bye-law 13 and that it is free from all rubbish or waste;
- (iii) to ensure that no unauthorised vehicle enters the protected area;
- (iv) to ensure that no person shall smoke or display a naked flame or bring matches, cigarette lighter or an unapproved torch into the protected area;
- (v) to ensure that no person shall wear footwear with metal nails, metal heels or exposed metal heels or metal tips of any kind in or near the protected area;

- (vi) to ensure that no person under the influence of alcohol or drugs shall be allowed to engage in any activities involving explosives within the harbour;
- (vii) to ensure that personnel are provided with and use properly appropriate and suitable protective clothing and equipment, including but not limited to personal protective clothing, spark-proof safety boots, overalls, high-visibility jackets and gloves, as appropriate;
- (viii) to ensure that in the event of a fire at the designated berth, persons not required for firefighting or safety purposes are evacuated from the designated berth.

- (l) to make records in accordance with Bye-law 16 and furnish a copy of same to the Harbour Master on completion of the work.

(6) The Explosives Officer may give directions for the purposes of sub paragraph (5). A person who fails to comply with a direction of the Explosives Officer under this paragraph commits an offence.

9. Advance Notification

- (1) A person shall not bring explosives into the Harbour without the express prior approval of the Harbour Master.
- (2) The master of the vessel or the ship's agent shall give advance notification to the Harbour Master of the expected time of arrival at the designated berth of any vessel that is: -

(a) carrying explosives, or
(b) intended to be loaded with explosives while within harbour,
and whether it is intended to load or unload explosives on or from the vessel concerned, such notice shall be given as soon as is practicable, but not later than 48 hours prior to the expected time of arrival of the vessel at the designated berth.

(3) Notification pursuant to Bye-law 9(2) shall be given to the Harbour Master by using the Safe Seas Ireland (SSI) notification system and such notification shall include the following information: -

- (a) the aggregate NEC of explosives on board the vessel and to be loaded on the vessel within harbour,
- (b) the Division to which the explosive relates, and,
- (c) the Group to which the explosive relates.
- (d) name of the ship
- (e) name of consignor
- (f) name of consignee

(4) Where notification has been given in accordance with Bye-law 9(2), the Harbour Master, either directly or through the ship's agent, shall notify the master of the vessel of the date and time at which: -

- (a) the vessel concerned may be berthed at the designated berth, and,
- (b) the loading or unloading of explosives may commence.

- (5) No vessel carrying explosives may enter the Harbour until such time as the Harbour Master has given notification in accordance with Bye-Law 9(4) or has otherwise given express permission for the vessel concerned to enter the Harbour.
- (6) The Harbour Master shall be given advance notice of the expected time of arrival at the Harbour of any vehicle carrying explosives whereupon the Harbour Master may permit such vehicle to enter the Harbour at a time and date designated by the Harbour Master.
- (7) Notice given in accordance with Bye-law 9(6) shall be sent in writing as soon as practicable but not later than 48 hours prior to the time of expected arrival and shall include the following information: -
- (a) the aggregate NEC of explosives on board the vessel and to be loaded on the vessel within harbour limited,
 - (b) the Division to which the explosive relates, and,
 - (c) the Group to which the explosive relates.
- (8) The ship's agent shall give advance notification of the expected time of arrival at the designated berth of any vessel or vehicle for the purpose of loading or unloading explosives to the member of the Garda Síochána in charge at Wicklow Town Garda Station as soon as is practicable but not later than 48 hours prior to that time.

(9) The Garda Síochána may consult with the Harbour Master and Explosives Officer, and inform them of any recommendations and precautions which they consider ought to be taken to protect explosives on the designated berth from loss or theft including whether the explosives ought to be unloaded or loaded, as the case may be, with a member of the Garda Síochána being present.

(10) Where explosives are arriving by sea the consignee shall nominate a representative who has immediate access to specialist advice in the case of an emergency and shall provide written confirmation of all contact details for the nominated representative to the Harbour Master and the Explosives Officer as soon as is practicable but not later than 48 hours prior to the expected time of arrival of the explosives.

(11) Where explosives are arriving by land the consignor shall nominate a representative who has immediate access to specialist advice in the case of an emergency and shall provide written confirmation of all contact details for the nominated representative to the Harbour Master and the Explosives Officer as soon as is practicable but not later than 48 hours prior to the time of arrival of the explosives.

10. Duties of the Master of a Vessel

(1) The master of a vessel at the designated berth shall ensure that –

- (a) all the requirements of the IMDG Code with regard to the carriage of explosives are being complied with;
- (b) a competent person is present on the vessel at all times when a magazine, hold, compartment or other place of the vessel containing explosives is open;
- (c) only persons whose duties require it are permitted access to any magazine, hold, compartment or other place on or in the vessel containing explosives;
- (d) any magazine, hold, compartment or other place on or in the vessel containing explosives is properly and effectively secured against unauthorised entry at all times;
- (e) any magazine, hold, compartment or other place on or in the vessel containing explosives is not opened except for the purpose of loading or unloading explosives onto or from the vessel or for any other essential purpose;
- (f) a full inventory of all explosives for the time being on the vessel together with stowage location of those explosives is made available to the Explosives Officer;
- (g) no package containing explosives is opened on board the vessel, except in case of necessity;
- (h) no person under the influence of an intoxicant (including alcohol) has access or control over explosives;

- (i) a record is kept of all explosives loaded or unloaded onto or from the vessel, such records to be retained for a period of 10 years and shall be produced to an Inspector of Explosives, a member of the Garda Síochána or an Officer of Customs and Excise upon demand.
- (j) the protected area on the vessel is indicated by notices provided in accordance with Bye-law 13 and 'Explosives' and 'No Smoking' signs are displayed in a prominent position on the gang way;
- (k) the vessel displays Flag B (Red flag) by day and in the hours of darkness the vessel displays an all-round red light in a prominent location. In the event that this provision cannot be met – the Master shall display these signals at a location determined by the Harbour Master;
- (l) the vessel is not connected to electric power supplied from the shore unless necessitated for safety or emergency reasons;
- (m) the areas in which explosives are stored or through which they will be moved, handled or relocated are free from combustible materials, litter or other items likely to present as a hazard;
- (n) all due precautions are taken to reduce the risk of fire or explosion and that: -

- (a) adequate and properly tested firefighting facilities are provided on any vessel loading or unloading explosives;
- (b) there is ready access to firefighting equipment on the vessel;
- (c) there is ready access by the fire services to the vessel;
- (d) alarm systems and rapid means of emergency communication are installed, properly and fully functioning and available.

11. Loading and Unloading Explosives at Designated Berth

- (1) Vessels carrying explosives shall only berth at a designated berth.
- (2) Explosives shall not be loaded, unloaded, stored or held at any location within harbour other than at the designated berth.
- (3) Explosives shall not be brought to the designated berth for loading onto a vessel unless the vessel is prepared and ready for such loading.
- (4) Explosives shall not be kept at the designated berth for a time longer than is reasonably necessary for loading them onto a vessel or vehicle.
- (5) The designated berth shall not be used for the purpose of loading or unloading explosives onto or from vessels for more than 50 days in a year.

- (6) Explosives shall be unloaded from a vessel berthed at the designated berth as soon as reasonably practicable and without any undue delay.
- (7) Without prejudice to other provisions of these Bye-Laws restricting when the loading or unloading may commence, the loading and/or unloading of explosives at the designated berth shall not commence until the appointed time as authorised by the Harbour Master in accordance with Bye-law 9(4).
- (8) Explosives shall not be unloaded from a vessel at the designated berth unless they are unloaded onto a vehicle and the vehicle is prepared and ready for the carriage of those explosives.
- (9) Subject to paragraph 10, loading or unloading of explosives shall not take place during electrical storm or, where the explosives are composed of materials that are reactive to water, during periods of rainfall.
- (10) Where any such loading or unloading has already commenced prior to the electrical storm or period of rainfall, it shall proceed with due diligence.
- (11) Loading or unloading of explosives shall not take place during the hours between sunset and sunrise unless expressly authorised by the Harbour Master.

(12) Without prejudice to the requirement that the permission of the Harbour Master be obtained prior to the commencement of any loading or unloading of explosives, the loading or unloading of explosives of Compatibility Group L shall not commence unless and until the written permission of the Harbour Master is obtained.

(13) No person shall carry out any works that include or involve: –

(a) drilling;

(b) cutting;

(c) grinding,

(d) welding, or,

(e) any other activity, including burning, that may result in the production of sparks, heat or flame,

at, in or near any vessel, vehicle or location on or at which explosives are located.

(14) No person under the influence of alcohol or drugs shall be allowed to engage in any activities involving explosives within harbour.

(15) Explosives shall be handled in a safe, efficient and secure manner.

(16) Without prejudice to the generality of paragraph 15, no person shall throw, jettison or roughly handle any explosive or package or item containing explosives.

- (17) No person shall deface, obliterate, cover, obscure or otherwise make illegible any placard, label, sign or other visual indicator of package, tank or container contents.
- (18) No person shall lift or cause to be lifted any cargo, goods or other item over any explosive.
- (19) Persons engaged in the carriage of explosives to or from the designated berth or the loading or unloading of explosives onto or from a vessel shall act with all reasonable expedition and diligence.
- (20) Persons using mechanical handling equipment (MHE) shall ensure that they are appropriately qualified and trained in its proper use, that it is safe and in good mechanical order and its use is appropriate in all the circumstances.
- (21) Persons handling explosives or any package, pallet or container containing explosives shall exercise due care in doing so.
- (22) Persons handling or in charge of explosives at the designated berth shall take reasonable precautions to secure the explosives against loss or theft and shall comply with directions given to him for that purpose by the Explosives Officer or a member of the Garda Síochána.
- (23) Persons engaged in the carriage to or from the designated berth or the loading or unloading onto or from a vessel of explosives or handling explosives shall comply with all instructions given to them by the master of

a vessel, the Explosives Officer, the Harbour Master or a member of the Garda Síochána, as the case may be.

(24) The driver of a vehicle arriving at or departing from the designated berth for the purpose of loading, unloading or transporting explosives shall comply with the directions of the Explosives Officer.

(25) The driver of a vehicle in which explosives are being or are to be conveyed to or from the designated berth shall ensure that the floor and interior thereof are maintained in a clean condition.

(26) The driver of any vehicle in which explosives are loaded will ensure that the vehicle is parked in such a manner so as to minimize the risk of explosion.

(27) A person shall not bring an E.E.D. onto the designated berth unless he or she has the approval of the Harbour Master and Explosives Officer, and unless it is so constructed and packed in ADR approved packaging so as to be safe for carriage.

12. Deterioration or Loss of Explosives

(1) A person in charge of explosives within the Harbour who becomes aware of: -

(a) any deterioration in the condition of explosives,

(b) any damage (including pre-existing damage) to packaging or container such that explosives are escaping from the packaging or container, or

(c) any other change in relation to the condition, storage or volatility of explosives,

shall immediately notify the Explosives Officer who in turn shall inform the Harbour Master, any member of the Garda Síochána for the time being present at the designated berth and the Chief Fire Officer Wicklow County Council, if the Harbour Master considers it necessary for safety reasons, of the deterioration, damage or other change.

(2) If there is no member of the Garda Síochána present then the Explosives Officer shall immediately report the matter to the member of the Garda Síochána in charge at Wicklow Town Garda Station.

(3) Where there has been a deterioration or other change to explosives within the Harbour, the Explosives Officer shall –

(a) immediately stop all loading and unloading of explosives,

(b) ensure that all persons at the designated berth or at a place within 100 metres of the package or container and not required there for safety purposes, are evacuated from the designated berth or place,

(c) collect and repack or dispose of the explosives safely and in accordance with best current practice,

- (d) if the Explosives Officer considers it necessary to do so, consult with such persons as are immediately available and who he considers appropriate, and,
- (e) make a record of any deficiency in the quantity of recovered explosives.

(4) Where explosives at the designated berth fall into the sea, are lost, or are otherwise missing or unaccounted for, the person in charge of the explosives shall forthwith: –

- (a) report the occurrence to the Explosives Officer, who shall in turn report the occurrence to the Harbour Master and, subject to Bye-Law 12(5), any member of the Garda Síochána at the designated berth, and,
- (b) take such steps, subject to the directions of the Harbour Master and Explosives Officer, as are reasonably practicable to recover the explosives.

(5) In the event that there is no Member of the Garda Síochána present at the Harbour, then the Explosives Officer shall instead immediately report the matter to the member of the Garda Síochána in charge at Wicklow Town Garda Station,

13. Operation of Protected Area

(1) Where a vessel carrying explosives or to be loaded with explosives docks at the designated berth, or where a vehicle carrying explosives is present at the designated berth: –

(a) the Explosives Officer shall indicate, prior to the commencement of the loading or unloading (as the case may be) of Explosives, by means of notices (in the prescribed form), the perimeter of the protected area in the Harbour, and

(b) the master of the vessel shall clearly indicate the protected area on the vessel.

(2) A person shall not smoke or display a naked flame in a protected area.

(3) A person shall not bring into a protected area any match, cigarette lighter, or an unapproved torch.

(4) A person shall not wear footwear with metal nails, metal heels or exposed metal tips of any kind in or near the protected area;

(5) A person unless authorised to do so by the Explosives Officer shall not enter or bring a vehicle into a protected area.

(6) All personnel shall be provided with and use properly appropriate and suitable protective clothing and equipment, including but not limited to

personal protective clothing, spark-proof safety boots, overalls, high-visibility jackets and gloves, as appropriate.

- (7) During any period in which explosives are being handled, loaded or unloaded on the designated berth or on, in or over a vessel or vehicle at the designated berth, a Protected Area Notice shall be prominently and clearly displayed in the prescribed form.
- (8) The form specified in the Second Schedule is the prescribed form of the Protected Area Notice for the purpose of Bye-Law 13. The Protected Area Notice shall be produced on material that is laminated or otherwise resistant to deterioration by reason of adverse weather conditions.
- (9) The Explosives Officer shall ensure that a protected area is free from rubbish or waste.

14. Fire Safety

- (1) Firefighting equipment at the designated berth shall be provided and clearly marked, prominently located and be positioned so as to ensure that vehicles or cargo parked or stored on the designated berth do not cover, conceal or impede access to the firefighting equipment.
- (2) The driver of a vehicle on the designated berth shall ensure that the vehicle is equipped with a fire extinguisher of a type and size that is suitable for extinguishing any fire in the vehicle other than a fire involving explosives.

(3) The Explosives Officer shall ensure that that: -

- (a) all persons designated to use firefighting equipment at the designated berth are aware of the location of the equipment and its method of operation,
- (b) in the event of a fire at the designated berth, persons not required for firefighting or safety purposes are to evacuate or be evacuated from the designated berth.

(4) Persons at the designated berth shall; –

- (a) take all reasonable precautions to prevent the ignition or spread of fire at the designated berth but shall not fight a fire that involves explosives;
- (b) in the event of a fire at the designated berth, raise the alarm immediately by informing the Explosives Officer who shall inform the Fire Brigade, the Garda Síochána and the Harbour Master;

(5) Persons designated to use firefighting equipment in Bye-law 8(5)(j)(v) shall; -

- (a) In the event of a fire, take such immediate measures as are open to the person to fight, control and extinguish any fire at the designated berth that does not involve the explosives; and,

- (b) obey any directions of a member of the Fire Brigade in relation to a fire at the designated berth and provide all such assistance in fighting the fire as is reasonable in the particular circumstances.
- (6) The Explosives Officer shall organize and supervise any action to be taken by persons at the designated berth at the request of the Fire Brigade in the event of fire at or in the vicinity of the designated berth or a vessel or vehicle at or in the vicinity of the designated berth.
- (7) Without prejudice to the generality of Bye-law 14(1), the Harbour Master shall ensure: –
 - (a) that adequate and serviceable firefighting equipment is available at the designated berth during loading/unloading of explosives;
 - (b) that measures and equipment proposed to be employed at the designated berth to prevent, control and extinguish fires are approved in writing by the Chief Fire Officer of Wicklow County Council; and,
 - (c) that an effective emergency action plan is in place to deal with any emergency arising from the transport, handling, loading or unloading of explosives within Harbour and that his plan is prepared in consultation with the Chief Fire Officer of Wicklow County Council.

15. Controlled Substances

No person shall handle load or unload a controlled substance specified in the Stores for Explosives Order 2007 (S.I. 804 of 2007) at a designated berth or handling area within a protected area, except in accordance with the Harbour Master's Instructions for Handling/Loading/Unloading Deemed Explosives as may be amended from time to time.

16. Keeping of Records

- (1) The Explosives Officer shall keep a record of the explosives handled at the designated berth and shall furnish a copy of same to the Harbour Master.
- (2) The record shall include the following particulars: -
 - (a) the type of explosive handled, loaded or unloaded at the designated berth,
 - (b) the quantity of explosive handled, loaded or unloaded at the designated berth,
 - (c) the NEC of the explosives handled, loaded or unloaded at the designated berth,
 - (d) the condition of explosives handled, loaded or unloaded at the designated berth,
 - (e) the time and date that the explosives were handled, loaded or unloaded at the designated berth,
 - (f) the name of vessel from which the explosives were unloaded or to which the explosives were loaded,
 - (g) the name of the master of the vessel concerned,

- (h) the registration number of the vehicle from which the explosives were unloaded or to which the explosives were loaded,
 - (i) the name of the driver of the vehicle concerned,
 - (j) the origin and destination of the explosives, and
 - (k) the owner of the explosives.
- (3) Records kept under this Bye-law shall be preserved for not less than 10 years from the end of the year to which they relate and shall be produced to an Inspector of Explosives, a member of the Garda Síochána or an Officer of Customs and Excise upon demand.

17. Offences and Penalties

- (1) The Harbour Master shall be responsible for enforcing these Bye-Laws, and the Explosives Officer shall ensure that the provisions of these Bye-laws are brought to the notice of all persons employed or otherwise engaged in the loading, unloading or handling of explosives at the designated berth.
- (2) A person or body corporate who contravenes a provision of these Bye-laws is guilty of an offence and under these Bye-laws shall be liable;
- (a) on summary conviction, to a fine not exceeding €5,000 or to forfeiture of any explosives of which he is the owner and to which the offence related or to both, or,
 - (b) on conviction on indictment, to a fine not exceeding €10,000 or to forfeiture of any explosives of which he is the owner and to which the offence related or to both.

(3) Where an offence under these Bye-laws is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person who, when the offence was committed was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if that person was guilty of the first-mentioned offence.

(4) Proceedings in relation to an offence under these bye-laws may be brought and prosecuted by the Director of Public Prosecutions, the Minister for Justice and Equality, Wicklow County Council or the Harbour Master.

FIRST SCHEDULE

Part 1 – Hazard Divisions

Hazard Division	Explanation
1.1	Substances and articles which have a mass explosion hazard (A mass explosion is one which affects almost the entire load virtually instantaneously).
1.2	Substances and articles which have a projection hazard but not a mass explosion hazard
1.3	<p>Substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard.</p> <p>This Division comprises substances and articles:</p> <ul style="list-style-type: none">(a) which give rise to considerable radiant heat,or(b) which burn one after another, producing minor blast or projection effects or both.
1.4	<p>Substances and articles which present no significant hazard</p> <p>This division comprises substances and articles which present only a small hazard in the event of ignition or initiation during transport. The effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire must not cause virtually instantaneous explosion of almost the entire contents of the package.</p>

1.5	<p>Very insensitive substances which have a mass explosion hazard</p> <p>This division comprises substances which have a mass explosion hazard but are so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions of transport.</p>
1.6	<p>Extreme insensitive articles which do not have a mass explosion hazard</p> <p>This division comprises articles which contain only extremely insensitive detonating substances and which demonstrate a negligible probability of accidental initiation or propagation.</p>

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Part 2 – Compatibility Groups

Substance or article (1)	Compatibility group (2)	Classification code (3)
Primary explosive substance	A	1.1A
Article containing a primary explosive substance and not containing two or more effective protective features	B	1.1B 1.2B 1.4B
Propellant explosive substance or other deflagrating explosive substance or article containing such explosive substance	C	1.1C 1.2C 1.3C 1.4C
Article containing a secondary detonating explosive substance with its own means of initiation, with a propelling charge (other than one containing a flammable liquid or gel of hypergolic liquids) or without a propelling charge.	F	1.1F 1.2F 1.3F 1.4F
Substance or Article so packed or designed that any hazardous effects arising from any accidental functioning are confined within the package unless the package has been degraded by fire; in which case all blast or projection effects are limited to the extent that they do not significantly hinder firefighting or other emergency response efforts in the immediate vicinity of the package.	S	1.4S

SECOND SCHEDULE

Protected Area Notice

“ IMPORTANT PUBLIC NOTICE ”

This is a Protected Area pursuant to Wicklow County Council (Wicklow Port) Explosives Bye Laws, 2020”

Entry by persons or vehicles into this area is prohibited except for persons and vehicles authorised by the Explosives Officer.

Smoking or any exposed flame in this area, is prohibited. A person shall not bring matches, cigarette lighter, or unapproved flame into this area.

Appropriate Footwear, Clothing and PPE as advised by the Explosives Officer, to be worn by all Personnel

Persons in contravention of this Notice are in breach of Wicklow County Council (Wicklow Port) Explosives Wicklow Bye-laws 2020 and will be prosecuted.

SIGNED: _____

HARBOUR MASTER,

WICKLOW PORT

”

THIRD SCHEDULE

Part 1 – Special Conditions Applying to Designated Berth at Packet Pier

Explosive Limits – 200 Kg

Designated Berth	Maximum limit of explosives permitted (kg)			
	Hazard Division			
	1.1 or 1.5	1.2 or 1.6	1.3	1.4
Packet Pier	200	200	500	-

- 1. Limiting Distances - Wicklow County Council - Wicklow Port**
- The minimum limiting distances specified in the Table of Limiting Distances below will be kept from the designated berth to the facilities and vulnerable sites listed
- Any facility or building within the limiting distances specified at Table of Limiting Distances below must be vacated during loading, unloading or handling of explosives otherwise the explosives limits in the Bye-laws are invalid
- Construction of new facilities or buildings within the distances mentioned shall invalidate the explosive limits in the Bye-laws.
- No ship, other than the explosives ship, may be present at the designated berth during loading, unloading or handling of explosives.
- No fertiliser, oxidiser or flammable material may be loaded, unloaded in the harbour while a ship containing explosives is at the berth.

a. **Table of Limiting Distances**

	Designated Berth – Packet Pier		Notes
	Explosive Limit (kg) of HD 1.1, or 1.2, or 1.5 or 1.6	200	
	Facility	Min Distance (m) to be maintained from Designated Berth	
1	Schools, hospitals, institutions, places of worship, leisure facilities or places where public congregate	53	
2	Buildings of vulnerable construction	79	3 Storeys or more in height with extensive glass/light cladding
3	Residential property (normal density)	40	Conventional brick/block houses
4	Residential property (high density)	53	e.g. Apartment Blocks/Terraces
5	Public Houses	40	
6	Factories Dock	40	Using dock shipping regularly (<50 pers)
7	Factories Non Dock	53	
8	Refineries (other than storage)	53	
9	Petrol/Oil/Gas Bulk Storage	20	If fully banded to 110% volume
10	Dock canteens/workshops	40	
11	Dock offices, customs offices etc	40	
12	Passenger Terminal, passenger ships embarking/ disembarking	40	
13	Open areas over which passengers pass during transit to/from ship	20	
14	Tankers for Petrol/LPG/LNG	40	Unless empty/inerted
15	Tankers for Petrol/LPG/LNG discharging/loading	53	Unless empty/inerted
16	Ships - Non dangerous	27	Resident pers on board
17	Bulk Carriers - dangerous goods	27	
18	Lock gates vital to port	20	
19	Transit Sheds - dangerous goods	27	
20	Transit Sheds - Highly Flam goods	40	
21	Transit Sheds - Inert Goods	40	Manned only, otherwise N.A.
22	Roads Access and "B" secondary type	20	(1/5000 veh per day)
23	Roads "A" main type	27	(>5000 veh per day)
24	Rail mainline	20	Passenger trains
25	Pers in open	27	Not connected with Expl

Part 2 – Special Conditions applying to Designated Berth at Packet Pier

1. Explosive Limits – 700 Kg

Designated Berth	Maximum limit of explosives permitted (kg)			
	Hazard Division			
	1.1 or 1.5	1.2 or 1.6	1.3	1.4
Packet Pier	700	700	6000	-

2. Limiting Distances - Wicklow Port

3. The minimum limiting distances specified in the Table of Limiting Distances below will be kept from the designated berth to the facilities and vulnerable sites listed
4. Any facility or building within the limiting distances specified at Table of Limiting Distances below must be vacated during loading, unloading or handling of explosives otherwise the explosives limits in the Bye-laws are invalid
5. The following facilities, as a minimum, must be vacated or unused for use of the berth and limit here
 - a. Building marked No 1 on the attached map. (This is the building containing the port office and the customs office)
6. Construction of new facilities or buildings within the distances mentioned shall invalidate the explosive limits in the Bye-laws.
7. No ship, other than the explosives ship, may be present at the designated berth during loading, unloading or handling of explosives.
8. No fertiliser, oxidiser or flammable material may be loaded, unloaded in the harbour while a ship containing explosives is at the berth.

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a. **Table of Limiting Distances**

	Designated Berth – Packet Pier		Notes
	Explosive Limit (kg) of HD 1.1, or 1.2, or 1.5 or 1.6	700	
	Facility	Min Distance (m) to be maintained from Designated Berth	
1	Schools, hospitals, institutions, places of worship, leisure facilities or places where public congregate	120	
2	Buildings of vulnerable construction	179	3 Storeys or more in height with extensive glass/light cladding
3	Residential property (normal density)	90	Conventional brick/block houses
4	Residential property (high density)	120	e.g. Apartment Blocks/Terraces
5	Public Houses	90	
6	Factories Dock	90	Using dock shipping regularly (<50 pers)
7	Factories Non Dock	120	
8	Refineries (other than storage)	120	
9	Petrol/Oil/Gas Bulk Storage	45	If fully banded to 110% volume
10	Dock canteens/workshops	90	
11	Dock offices, customs offices etc	90	
12	Passenger Terminal, passenger ships embarking/ disembarking	90	
13	Open areas over which passengers pass during transit to/from ship	45	
14	Tankers for Petrol/LPG/LNG	90	Unless empty/inerted
15	Tankers for Petrol/LPG/LNG discharging/loading	120	Unless empty/inerted
16	Ships - Non dangerous	60	Resident pers on board
17	Bulk Carriers - dangerous goods	60	
18	Lock gates vital to port	45	
19	Transit Sheds - dangerous goods	60	
20	Transit Sheds - Highly Flam goods	90	
21	Transit Sheds - Inert Goods	90	Manned only, otherwise N.A.
22	Roads Access and "B" secondary type	45	(1/5000 veh per day)
23	Roads "A" main type	60	(>5000 veh per day)
24	Rail mainline	45	Passenger trains
25	Pers in open	60	Not connected with Expl

Part 3 – HSE (UK) Information Sheet –



Introduction

This information sheet is one of a series prepared by HSE's Docks National Interest Group. It supplements the general guidance on emergency arrangements in the Approved Code of Practice and Guide to the Dangerous Substances in Harbour Areas Regulations 1987 (DSHAR); see 'Further information'. It is aimed at harbour authorities who have to prepare emergency plans covering the handling of explosives at places licensed under DSHAR. However, it may also assist berth operators, the emergency services and others who could be involved with such emergencies.

Types of explosive

Explosives are allocated to Class 1 under the United Nations classification scheme for Class 1 dangerous goods. Class 1 is subdivided into six divisions:

- Division 1.1- substances and articles which have a mass explosion hazard;
- Division 1.2- substances and articles which have a projection hazard but not a mass explosion hazard;
- Division 1.3- substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard;
- Division 1.4 – substances and articles which present no significant hazard;
- Division 1.5- very insensitive substances which have a mass explosion hazard. For emergency planning purposes they should be treated as Division 1.1 explosives; and
- Division 1.6 – extremely insensitive articles which do not have a mass explosion hazard.

At the time of this information sheet going to print, no explosives have been classified as Division 1.6 in the UK. Should a need to handle explosives of Division 1.6 arise, further advice should be sought from HSE.

Explosives incidents

The emergency plan should cover all foreseeable incidents identified from the risk assessment required by the Management of Health and Safety at Work Regulations 1992. Incidents involving explosives are likely to fall into one of two categories:

- those where the explosives initiate without warning, eg when a load is dropped from a considerable height; or

Explosives Aspects of Port Emergency Plans

Docks Information Sheet No 3 (Revised)

- Those where the explosives initiate after becoming involved in another event, such as an adjacent fire.

Emergency arrangements

If an explosion occurs without warning, there is little that can be done to prevent injuries. The emergency plan needs to concentrate on the safe rescue of casualties, the evacuation of the uninjured and on any action which will prevent the incident spreading to other explosives, Class 1 dangerous goods or property. The sudden nature of such incidents underlines the importance of only handling explosives at the places designated in the explosives licence, keeping to the limits specified and minimising the number of people involved.

If explosives are not imminently threatened by another event, it may be possible to prevent them becoming involved, eg by spraying them with water. However, if they are threatened, or have already become involved, the action required will depend on the types and quantities of explosives present. You must obtain this information before explosives are allowed into the harbour or harbour area. If there is any doubt about the type of explosives they should be treated as Division 1.1.

Division 1.1 and 1.5 explosives

The main hazard from Division 1.1 and 1.5 explosives is an explosion affecting virtually the entire load almost instantaneously. The resulting blast will shatter anything close by and severely damage buildings in the surrounding area. The flash and firebrands thrown out may start secondary fires. Apart from those at most risk close to the explosion, people will generally be better off in the open and not in buildings or under structures which might collapse on them.

With these types of explosives, rapid evacuation is the primary course of action. The relevant schedule to the explosives licence can be used as a guide to the minimum evacuation distance offering protection. Based on the maximum quantity of explosives liable to be present, everyone should be evacuated to at least the distance shown in the column headed 'Distance to other explosives or persons in the open'. Remember that this distance is the **absolute minimum**.

If time allows, evacuation should continue to as far away as practicable or to the safeguarding distance SD2 given in the schedule. Buildings need to be cleared of people to at least the distance shown in the column headed 'Distance to a passenger vessel' and, if possible, the safeguarding distance SD2. As projectiles are a possibility, assembly points should be on the far sides of buildings to shield people from any explosion. However, the assembly point should not be immediately outside a building because of the risk of flying glass and other debris.

Division 1.2 explosives

The main hazard from Division 1.2 explosives is missiles; some fast, some lobbed and including firebrands, possibly whole or part sub-munitions, packaging etc. Some may explode on impact. The fragment throw will not necessarily depend on the quantity of explosives involved. There could be secondary fires.

Incidents involving Division 1.2 explosives are characterised by sporadic explosions of individual articles over a prolonged period, possibly several hours. The best protection from this type of explosive is shelter, but it is essential that people stay well clear of windows. People in the open should be evacuated as far as possible, at least 400 m and more if possible. As a guide, the limit of fragment throw may be 1250 m from 5 tonnes (net explosives quantity) and 2000 m from 16 tonnes.

Division 1.3 and 1.6 explosives

The main hazard from Division 1.3 and 1.6 explosives is intense radiant heat. The explosives are liable to burst into flames, probably violently, without warning. There could be flying firebrands, as well as flame jetting. The best protection is a combination of distance and shelter. If it is not possible to evacuate people to the distance shown in the column headed 'Distance to other explosives or persons in the open' for Division 1.3 explosives in the relevant licence schedule, they should be advised to seek shelter behind buildings wherever possible.

Division 1.4 explosives

Division 1.4 explosives, if initiated, give rise to a serious, but localised fire. The normal emergency procedures for fires should be adequate for this type of incident.

Evacuation

Emergency plans need to specify when and how evacuation is organised. They should consider any particularly vulnerable populations nearby, such as schools, hospitals and accommodation for the elderly and infirm. Staged evacuation may be necessary, but where this is likely to be slow or impracticable, alternative measures may be needed. For instance, if a hospital cannot be evacuated, it may be necessary to issue advice to close all curtains and blinds, and to move patients away from windows.

Access

It is essential to maintain adequate means of escape and access for emergency services whenever explosives are present. While the most likely site of an incident is a licensed berth, an accident could occur to a vehicle, train or vessel going to or from the berth. The emergency plan needs to cover all such foreseeable incidents.

Emergency information

If an incident occurs the emergency plan must be implemented quickly and the emergency services informed of all hazards without delay. The berth operator needs to notify the master of an explosives ship of the emergency arrangements at the berth as soon as is practicable after the ship has berthed. The master must be given written details of the signals to be used in an emergency and how to call the emergency services. Arrangements may be needed to cope with language difficulties.

Further information

Additional advice and information on the explosives aspects of this guidance may be obtained from HSE's Explosives Inspectorate, St Anne's House, Stanley Precinct, Bootle L20 3RA, telephone 0151 951 4741.

Further information on the other aspects of the emergency plans required by DSHAR is given in *Dangerous Substances in Harbour Areas. Dangerous Substances in Harbour Areas Regulations 1987. Approved Code of Practice COP18* HSE Books 1987 ISBN 0 11 883857 1 and *Guide to the Dangerous Substances in Harbour Areas Regulations 1987* HSR27 HSE Books 1988 ISBN 0 11 883991 8.

HSE priced and free publications are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS. Tel: 01787 881165 Fax: 01787 313995.

HSE priced publications are also available from good booksellers.

For other enquiries ring HSE's InfoLine Tel: 0541 545500, or write to HSE's Information Centre, Broad Lane, Sheffield S3 7HQ.

HSE home page on the World Wide Web:
<http://www.open.gov.uk/hse/hsehome.htm>

This leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

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FOURTH SCHEDULE

MAP OF HARBOUR

DRAFT

Signed on behalf of
Wicklow County Council:

Date _____

The Minister for Justice, Equality and
Law Reform hereby sanctions these
Bye-laws.

GIVEN under my Official Seal,
this _____ day
of _____ 2020

Charles Flanagan, T.D
Minister for Justice and Equality