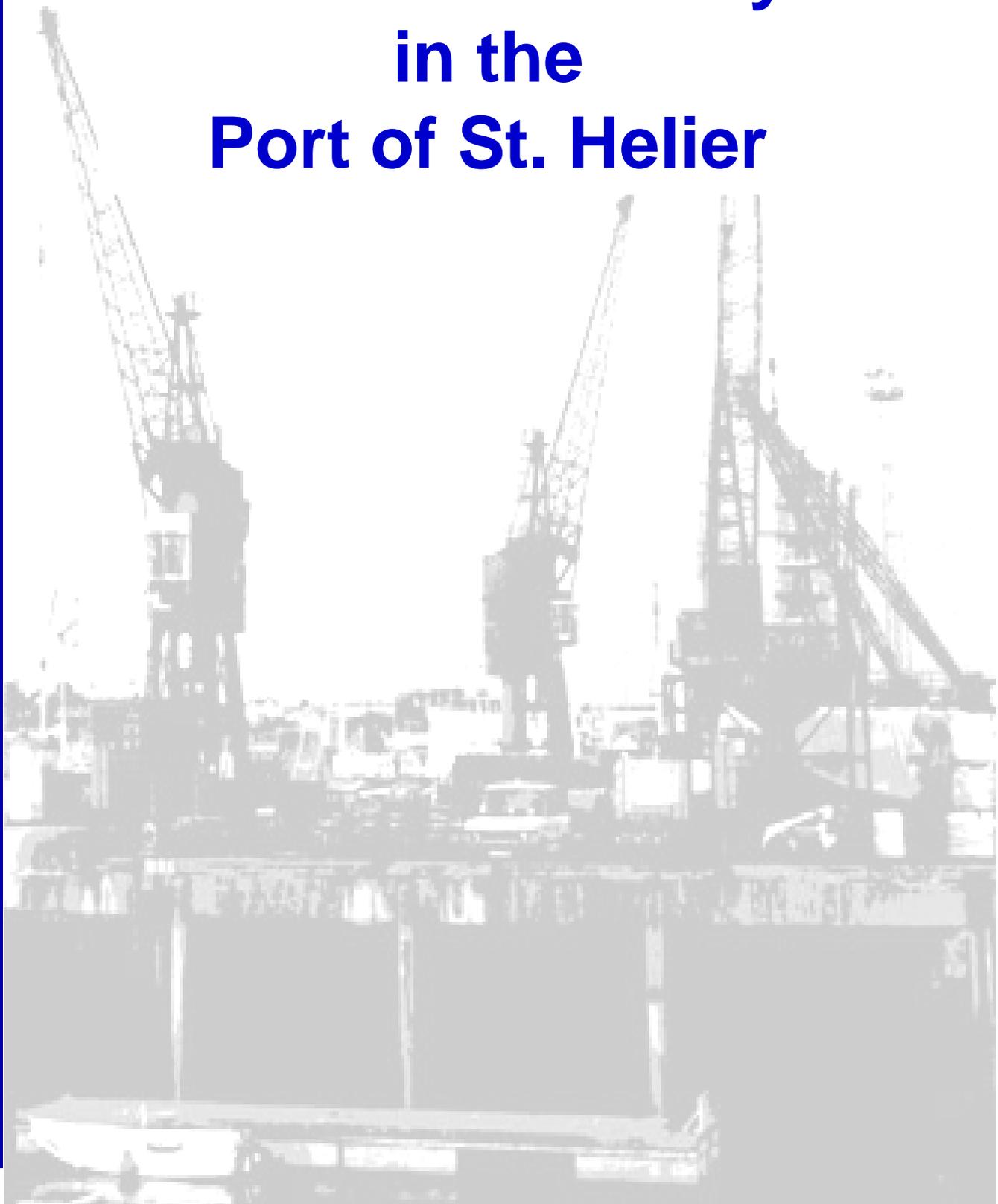


**Approved  
Code of Practice  
on  
Health and Safety  
in the  
Port of St. Helier**



**APPROVED CODE OF PRACTICE  
ON HEALTH AND SAFETY  
IN  
THE PORT OF ST HELIER,  
JERSEY**

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## **1. Preamble**

- 1.1 The Health and Safety at Work (Jersey) Law 1989 places general duties on all employers, employees and owners of premises in Jersey in respect of health and safety at work. Although of a general nature, the Law applies to all activities and approved premises within St Helier Harbour. However, the Law clearly provides for Codes of Practice to be developed for specific industries or activities which would detail the more precise application of those general duties.
- 1.2 Following an initiative of Jersey Harbours, this Code of Practice has, therefore, been developed for the Port of St Helier to accord with the 1989 Law. It has been developed by Jersey Harbours as the body having overall responsibility for safety in the Harbour area in conjunction and consultation with port users and with the full support of the Inspectorate. The Approved Code has a certain status in Law in which in relevant circumstances a duty holder can be confident of conformity with the law whilst, at the same time, if it is not followed the duty holder must be prepared to show that he has complied with the Law in some other way.
- 1.3 The Code is based upon good practice already undertaken in the Harbour area, together with general standards found in ports in neighbouring countries. In particular, following advice from the Ports' Safety Organization regarding the situation elsewhere, the Docks Regulations 1988 and the Dangerous Substances in Harbour Areas Regulations 1987 of Great Britain were both taken as general guides in those aspects of the port's activities where they were relevant. The former is based upon the International Labour Office's (ILO) Convention 152 on Health and Safety in Dockwork and the latter on the International Maritime Organization's (IMO) Recommendations on the Safe Transport of Dangerous Cargoes and related activities in Port Areas and, therefore the Code is reflecting international standards.
- 1.4 It may be necessary to revise the Code from time to time. No revision will be undertaken, however, without full consultation with harbour users and with the Health and Safety Inspectorate and the Employment & Social Security Committee.

## 2. **Legal Situation**

2.1 Although the Health and Safety at Work (Jersey) Law 1989 has general application, there are a number of other Jersey Regulations and Approved Codes of Practice on health and safety matters which apply within the harbour area (see Appendix 1). However, this Code of Practice represents the specific application of the 1989 Law as far as the detailed activities of the Harbour area is concerned and compliance with the Code will be taken as evidence of compliance with the general duties of the 1989 Law in so far as it applies to the activities described, unless those persons responsible can demonstrate that alternative measures approved ensure equivalent standards of Health & Safety.

## 3. **Application**

3.1 The Code applies to all the listed activities when they are undertaken within the Harbour area of the Port of St Helier where they involve employers, employees, self employed and the use of the Harbour by the general public. This includes cargo operations on board ships.

3.2 The Code does not apply to -

- any area under the sole control of a leaseholder in so far as the activity taking place in that area will not affect anybody outside the area,
- engineering workshops and garages,
- gear stores,
- offices or other administrative buildings,
- marine operations or the marine movements of harbour craft.

It will, however, apply to access through the Harbour area to/from such premises or activities. The 1989 Law lays duties on employers and employees in respect of these operations but it is a matter for each employer and his employees to ensure that they have a safe system of work and that it is being followed.

## 4. **Compliance**

4.1 The Code having been developed in conjunction with the main affected port users, it is expected that they will join with Jersey Harbours and adopt the Code as a health and safety standard in respect of those matters under their control and ensure that it is followed within the Harbour area as far as their activities are concerned. Jersey Harbours accepts responsibility for those matters which are under its control.

- 4.2 To encourage compliance by affected parties, Jersey Harbours will appoint a Safety Officer who will have, as part of his duties, the task of monitoring compliance with the Code including liaising with organizations and individuals as necessary. He will also maintain a close liaison with the Health and Safety Inspectorate.
- 4.3 As the Code has been made under the provisions of Article 10 The Health and Safety at Work (Jersey) Law 1989, any formal enforcement action under the Law will be taken by the Health and Safety Inspectorate of the Employment and Social Security Department.
- 4.4. Each company operating within the Harbour, including lessees, should designate a responsible person from the staff who will liaise with Jersey Harbours and the Harbour Master regarding the Code and its implementation

## 5. **General**

### 5.1 Delineation of the Harbour Area

- 5.1.1 Jersey Harbours will delineate the Harbour Area and where practical take steps to indicate to all concerned where the boundary of the Harbour Area is situated as practical (see Appendix 3).
- 5.1.2 Visible identification will be given at all points where shoreside access into the Harbour area is possible.
- 5.1.3 Such notification will consist of suitable Notices plus appropriate marking on the surfaces of roads or footpaths.
- 5.1.4 All Notices will warn of the need to take care whilst in the Harbour area. Only vehicles entering for any of the specific reasons detailed in the Notices will be permitted to enter the Harbour area.
- 5.1.5 Entrance points to cargo operational areas will have a more distinctive notification both on the ground and by Notice.
- 5.1.6 Entry to cargo operational areas will be limited to those persons directly involved in cargo operations, including the delivery and collection of goods.

## 5.2 Access and Egress

5.2.1 A safe means of access and egress should be provided to all places where persons have to go and such accessways should be suitably constructed.

### 5.2.2 Access/Egress onto/off Ships

5.2.2.1 The provision of safe access and egress onto/off ships is the responsibility of the master.

5.2.2.2 However, the employer of persons needing to board a ship should ensure that safe access/egress has been provided before allowing his employees to go onto the ship.

5.2.2.3 The safe access provided by the ship should normally consist of a suitably secured gangway or accommodation ladder, fenced or protected on both sides and with a safety net secured underneath to minimize the risk of injury to a person falling from it.

5.2.2.4 Vessels which cannot provide a means of access under the provisions of 5.2.2.3 or 5.2.2.8 may use the linkspan/ship's ramp provided that suitable control is exercised during cargo operations to ensure that personnel and vehicles are not using the access way at the same time.

5.2.2.5 If the deck and quayside are level with each other and abut with no gap, safe access could be achieved by walking across from one to the other.

5.2.2.6 If the deck is below the level of the quayside, and the use of a gangway is not practicable, safe access may need to incorporate use of ladders in the quay walls.

5.2.2.7 If the deck is substantially above the level of the quayside, suitable provision may need to be made from the shoreside.

5.2.2.8 Passenger access onto vessels should be separate from vehicular access if this is not possible suitable control should be exercised to ensure that passengers and vehicles are not using the accessway at the same time.

## 5.3 Notices and Signs

5.3.1 All notices and signs erected in furtherance of health and safety in the Harbour area should be clear, pictorial wherever possible, use the combination of shape and colour used in the European Safety Signs Directive and be of appropriate size and positioning to maximize attention.

5.3.2 Notices and signs aimed at vehicle drivers should conform to the highway signs.

#### 5.4 Parking

5.4.1 All vehicles, trailers and units, whether corporately or privately owned, cargo in the transportation chain or cargo handling equipment should be safely parked when not in use.

5.4.2 Designated parking areas, trailer parks, car parks and parking bays are provided throughout the Harbour area and, wherever possible, they should be used. No cargo operations should take place in such designated areas.

5.4.3 Such areas should be clearly indicated by suitable signs or in other appropriate ways.

5.4.4 Vehicles should not be parked so as to impede traffic routes.

5.4.5 All parking restrictions within the Harbour area should be observed.

#### 5.5 Leased/Hired Harbour Areas or Equipment

5.5.1 Harbour areas leased to a third party, whether developed or undeveloped, will be subject to the provisions of this Code.

5.5.2 Lessees will be expected to conduct their activities in a safe manner and in conformity with the Health and Safety at Work (Jersey) Law 1989 and such other Regulations as may specifically apply.

5.5.3 Lessees should comply with all the provisions of the lease in relation to health and safety matters, in addition to all other legal duties.

5.5.4 Any dangerous substances which are dangerous within the terms of the IMDG Code and which are stored, handled or used on leased premises should be safely stored, handled or used.

5.5.5 Persons gaining access to leased premises within the Harbour area should comply with the provisions of this Code.

5.5.6 Third parties using Harbour equipment should comply with any requirements of the Jersey Harbours in relation to the safe use of such equipment.

5.5.7 Third parties using Harbour equipment should use such equipment safely.

## 5.6 Emergencies

- 5.6.1 Jersey Harbours is responsible for the overall emergency plan for the Harbour area in conjunction with the Emergency Services and the Emergency Planning Officer.
- 5.6.2 Tenants, operating companies and other port users should develop plans for the areas under their control which link in to the Harbour plan and they should consult and advise Jersey Harbours accordingly, lodging a copy of their plans with them.
- 5.6.3 Suitable and sufficient equipment and rescue and emergency escape provisions should be made throughout the Harbour area. This will include life ladders in quay walls, life buoys and other rescue devices, fire extinguishers and other fire fighting equipment.
- 5.6.4 All such provisions should be properly maintained.
- 5.6.5 Suitable arrangements should be made by lessees for the provision of first aid equipment and trained first aiders commensurate with their area of control throughout the Harbour area. Jersey Harbours will make similar arrangements within its area of control.

## 6. Special Processes and Activities

### 6.1 Dock Operations

- 6.1.1 All dock operations should be planned and implemented so as to avoid danger to persons.
- 6.1.2 Each employer, including Jersey Harbours, is responsible for the provision of safe systems of work for his activities within the Harbour.
- 6.1.3 Suitable and sufficient lighting levels should be provided.
- 6.1.4 Accessways for pedestrians should be segregated, wherever possible, from vehicle movements.
- 6.1.5 All drivers of powered vehicles these would include fork lift trucks or lifting appliances should be trained, competent and authorized to drive.
- 6.1.6 Suitable arrangements for traffic control within the Harbour area should be provided. These should include roadways or other vehicle routes, one-way systems, parking arrangements, parking restrictions and segregation from pedestrians wherever possible. Speed limits suitable for the area may be appropriate in some circumstances.

- 6.1.7 All vehicles should be constructed and maintained to a standard equivalent to that required on the public highway.
- 6.1.8 All lifting gear used in the Harbour area should comply with the Chains, Ropes and Lifting Gear (Jersey) Regulations 1980.
- 6.1.9 All cranes and lifting appliances should comply with the Cranes and Lifting Appliances (Jersey) Regulations 1978.
- 6.1.10 Personal protective equipment should be provided as follows:
- i) high visibility garments to be issued to all persons in cargo and vehicle operational areas
  - ii) safety helmets to be issued where the employer assesses that there is a danger of injury to the head. It is expected that this will include all lo/lo (lift on/lift off) operations involving crange.
  - iii) gloves, safety footwear, dust masks, respirators and other protective devices should be issued whenever the employer assesses that there is a need.
- 6.1.11 Personal protective equipment which is provided in accordance with this Code should be maintained and worn at all relevant times.
- 6.1.12 Personal protective equipment should be provided where risks cannot be entirely eliminated or controlled by other means.

## 6.2 Dangerous Goods

- 6.2.1 All packaged dangerous goods as defined in the International Maritime Dangerous Goods Code (IMDG Code) passing through the Harbour area by sea should comply with the IMDG Code in respect of classification, labelling, placarding, marking, packing, securement, compatibility and documentation.
- 6.2.2 Prior to the entry of dangerous goods into the Harbour area from either land or sea, notification should be given to the Harbour Master.
- 6.2.3 The normal period of notice will be 24 hours, although this may be varied at the discretion of the Harbour Master.
- 6.2.4 The details to be given to the Harbour Master as prior notification are - proper shipping name, class (and division where applicable), UN number, packaging group and total quantity. The Harbour Master may vary the information he requires.

6.2.5 Stowage of dangerous goods and parking of vehicles, trailers and units carrying dangerous goods in the harbour area should comply with the segregation principles in the IMDG Code and an effective system of control must be established.

### 6.3. Contractors

6.3.1 Lessees should notify the Harbour Office before a new works contract is started on leased premises in the Harbour area where such work could affect health and safety of other parties.

6.3.2 Contractors starting a new contract in the Harbour area should obtain a copy of this Code of Practice from the Harbour Office and it is expected that they will comply with its provisions in so far as it affects their activities.

6.3.3 Contractors are to conduct their activities in such a way as to avoid danger and risk of ill health to both their employees and other persons in the Harbour area.

6.3.4 This section applies to contractors working for Jersey Harbours as well as those working for other organizations in the Harbour area.

### 6.4 Fires and Hotwork

6.4.1 No burning, cutting, fires or other hotwork may be carried out in the open within the Harbour area without permission from the Harbour Master.

6.4.2 Such operations should be carried out in a safe and efficient manner.

6.4.3 Such permission may be granted for a specific occasion, for a specific activity or for a specific time. Specified precautionary measures may be required as a condition of the permission being granted.

6.4.4 This section applies to fires and hotwork on the shoreside within the Harbour area and also on the decks of ships, including yachts, within harbour waters.

### 6.5 Underwater Operations

6.5.1 No underwater operations should be undertaken within the Harbour area without the permission of the Harbour Master.

6.5.2 Diving operations should conform to a standard approved by the Harbour Master.

6.5.3 Whilst underwater operations are being carried out, such signals as the Harbour Master may require, should be exhibited to warn other harbour users of the operations underway.

## **7. Special Areas**

### **7.1 Water Safety**

- 7.1.1 All persons who work on or around the Harbour area should be aware that the waters are tidal, often deep, usually cold and represent a hazard which should be recognized at all times.
- 7.1.2 Escape ladders are provided at regular intervals around the harbour walls.
- 7.1.3 Life buoys are provided at regular intervals around the harbour quays.
- 7.1.4 Fencing, appropriate to the use of the quay or area, is provided wherever practicable.
- 7.1.5 Whilst it is not practicable to fence operational quaysides, breaks and corners in quays should be fenced.
- 7.1.6 All quay edges alongside designated public walkways should be fenced.
- 7.1.7 Persons working over the water or at unprotected edges should wear life jackets or buoyancy aids whilst so working, with a safety boat in attendance.

### **7.2. Fish Quays**

- 7.2.1 The provisions of this Code apply to the Fish Quays in the Harbour area.
- 7.2.2 All operations at fish quays are to be conducted in a safe and proper manner.

### **7.3 Pleasure Craft Mooring Areas, Yacht Basins and Marinas**

- 7.3.1 The provisions of this Code apply to all Pleasure Craft Mooring Areas, Yacht Basins and Marinas in the Harbour area.
- 7.3.2 These areas are under the general control of the Harbour Master who may set out conditions for use.
- 7.3.3 The person in control should ensure that any activity undertaken in such areas should be conducted in a safe and proper manner.

## **8. Persons**

### **8.1 The Public**

- 8.1.1 The public should be encouraged to visit those parts of the Harbour area where it is safe to do so.
- 8.1.2 Children should not be allowed to enter the Harbour area unsupervised.
- 8.1.3 The public should be informed that the Harbour area is there to be enjoyed but that, at the same time, due to the presence of certain hazards due care and attention should be paid at all times
- 8.1.4 The public should be forbidden to enter areas of the commercial port where there are cargo operational areas and where cargo handling is taking place.

### **8.2. Small Boat Owners and Operators**

- 8.2.1 The provisions of this Code apply to the owners and operators of small boats in the Harbour area.
- 8.2.2 Any work in the Harbour area on small boats, whether in the water or ashore, should be controlled for the safety and health of the operator and other persons in the surrounding areas, e.g. paint spraying.

## **9. Miscellaneous**

### **9.1 Publicity**

- 9.1.1 Jersey Harbours will publish the Code and make it available to all relevant parties within the Harbour.
- 9.1.2 It will be the responsibility of each company operating within the Harbour area to ensure that its own employees are aware of the Code and of the provisions which are likely to affect them.

### **9.2. Insurance**

- 9.2.1 All companies operating within the Harbour area are to ensure that they have third party insurance commensurate with their undertaking.

March 1999

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## APPENDIX 1

The following Regulations and their amendments deal with specific matters or areas of health and safety which may be relevant in the Harbour area -

- a) HARBOURS (JERSEY) REGULATIONS 1962
- b) MACHINERY AND WOODWORKING MACHINES (JERSEY) REGULATIONS 1967
- c) CONSTRUCTION SAFETY PROVISIONS (JERSEY) REGULATIONS 1979
- d) HIGHLY FLAMMABLE LIQUIDS (JERSEY) REGULATIONS 1979
- e) CRANES AND LIFTING APPLIANCES (JERSEY) 1978
- f) CHAINS, ROPES AND LIFTING GEAR (JERSEY) REGULATIONS 1980
- g) ELECTRICITY AT WORK (JERSEY) REGULATIONS 1983
- h) LIQUEFIED PETROLEUM GAS (JERSEY) REGULATIONS 1984
- i) LIFTS (JERSEY) REGULATIONS 1990
- j) FREIGHT CONTAINERS SAFETY CONVENTION (JERSEY) REGULATIONS 1994
- k) EMPLOYERS LIABILITY (COMPULSORY INSURANCE) (JERSEY) REGULATIONS 1973

Further information and relevant publications are obtainable from the Health and Safety at Work Inspectorate

Regulations and their amendments are available from the States Greffe Bookshop, Morier House, St Helier

## APPENDIX 2

Copy of a letter detailing the areas of St Helier Harbour under the jurisdiction of the Harbours & Airport Committee which are roads or 'public places'  
BJSN/jmc 4/112

14<sup>th</sup> March 1997

Mr Gordon Forrest  
Secretary  
Jersey Port Users (Commercial) Association  
c/o Emeraude Lines  
Elisabeth Harbour Terminal  
St Helier  
Jersey

Dear Gordon

### **St Helier Harbour: Areas Under the Jurisdiction of the Harbours & Airport Committee Considered as 'Public Places'**

Following a recent meeting held at Police Headquarters and the decision deriving therefrom, I am writing to advise all users of the Port of St Helier with regard to the definition of 'public places' and the effect of this on the policy of the Harbours & Airport Committee for persons engaged in any manner by way of business or pleasure taking place on the quays, piers and connecting roads within the Harbours administration.

This opportunity is being taken to advise all concerned that the areas previously mentioned are subject to the Harbours Administration Law and the regulations that flow from it and are not public roads but public places. To clarify the understanding of a 'public place', the following definition applies:-

“Public place' includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.”

Following on from this, areas previously thought to be excluded from the requirements of the Road Traffic Law, and in particular Article 16, are now in fact places to which the public have access and therefore have implications from a policing and Harbours organizational standpoint. Insofar as the Harbours & Airport Committee are concerned, those utilizing the quays, piers and connecting roads within the Harbours administration are to act as if these 'public places' were public roads, subject to the Jersey Road Traffic Law.

Continued/

In conclusion it should be brought to your attention that there are certain Harbours areas which are denoted other than 'public places'. These are the areas from which the public are specifically excluded and are all in the La Collette area, being the areas outlined or hatched in red on the attached plan.

It is appreciated that having promulgated this information to Port Users on as wide a circulation as possible, that the States of Jersey Police will act accordingly when dealing with any infractions occurring on any quays, piers and connecting roads which will be subject to the Harbours Administration Law and/or the Road Traffic Law as appropriate.

Whilst I will be pleased to attempt to reply to any points arising from this letter, it is suggested that the matter should be brought to the attention of your insurers and/or legal advisers to ensure that your company and employees have for instance the relevant licences and insurance cover.

Yours sincerely

**Captain Brian Nibbs**  
**Harbourmaster Designate**

### **APPENDIX 3**

A map showing the land administered by the Harbours & Airport Committee within which the Code of Practice on Health and Safety in the Port of St Helier will apply

## **Appendix 4**

### **Code of Practice on Health and Safety in the Port of St Helier**

#### **Movement of Dangerous Goods**

##### **Within the Port of St Helier.**

The following points are in clarification of sub-section 6.2.2 / 6.2.3 / 6.2.4 / 6.2.5 of the above code.

1. **Vessels carrying Dangerous Cargo arriving at St Helier :-**
  - a) Vessels carrying explosives (but excluding those categories stated in Regulation No 23 of Harbours Administration (Jersey) Law 1961) are required to give the Harbour Master 48 hours notice or such notice as is reasonable in the case of a voyage of less than 48 hours before the ship enters harbour. (Harbour Administration (Jersey) Law 1961 amendment No 10 Reg. No 6642).
  - b) Other vessels -- notification will be given by their respective freight or shipping agents.
  - c) The appropriate international signals for carrying, loading and discharging dangerous cargo are required to be displayed.
  
2. **Records of Dangerous Cargo.**
  - a) For Scheduled Ro - Ro and Schedule Lo - Lo Carriers**

Hazardous Cargo Stowage Plans and/or list for each voyage to be kept in the appropriate shipping companies freight office. A copy of the Hazardous Cargo Manifest is to be faxed to the Harbour Office by the loading port freight office on the vessels departure from that Port.
  
  - b) For Tankers**

Notification must be given by shipping agents using “ The Berthing Application Book and The Unloading of Petroleum Spirit Book” at least 24 hours in advance. Both books are kept in the Harbour Office Administration Section.
  
  - c) For vessels carrying I.M.D.G. Class 1 (Explosives)**

Any vessel carrying I.M.D.G. Class 1 Cargo except those categories which are exempt by The Harbours Administration (Jersey) Law 1961 : Harbours Amendment No 10 (Jersey) Regulation 1979 No 6642, are required to comply with the following :-

    - i) “The Master of an explosive ship shall give 48 hours notice to the Harbourmaster or such notice as is reasonable in the case of a voyage of less then 48 hours before arrival”
    - ii) “The Owner or Master of the explosive ship shall before entering the harbour inform the Harbour Master of the Quantity by weight of the explosive carried in

the ship”. When the shipping Agent books the vessel in; The use of the Berthing Application Book would cover this requirement.

**d) General cargo vessels other than scheduled carriers.**

When the Berthing Application Book is completed under the “description of cargo” details of IMDG class cargo can be entered. The Hazardous Cargo Manifest to be held by the Shipping Agent and a copy to be available on request by the Harbour Master.

3. **Dangerous Cargo being shipped out of the Port of St Helier.**

a) For all Cargo’s except Class 1 and Petroleum Spirit.

When dangerous cargo either loose or in a trailer/container arrives at the carriers depot and is “booked in”. A record is to be entered onto a Hazardous Cargo Manifest. The cargoes location is to be known at all stages until the cargo unit has been shipped out of the island. The Hazardous Cargo Manifest is to be faxed to the office on the vessel’s departure.

b) For Class 1 Cargoes

Class 1 (Explosives) Cargoes except those exempt by Harbours Administration Law 1961 : Harbours Amendment No 10 (Jersey) Regulation 1979 No 6642 , require 48 hrs notice of entering the harbour and must be loaded onto a vessel immediately as required by the above Regulation. Berthing times as specified by the Regulations.

(Explosives can not be held within the Port of St Helier).

c) For Petroleum Spirit & Liquefied Gas.

When the Shipping Agent completes “The Berthing Application Book and Unloading of Petroleum Spirit Book at least 24 hours in advance. In the cargo description section indicate “Loading” and a description of the cargo to be loaded. Both books are kept in the Harbour Office Administration Section.

4. **For Trailer/Vehicles carrying Dangerous cargo parked within the Trailer Parks of Elizabeth Harbour.**

When a vehicle or a trailer containing dangerous cargo is presented at Elizabeth Terminal freight compound for shipment. The driver MUST report to the Commodore’s freight office to be allocated a “ Numbered Bay”. The information is to be entered onto a board (perspex) which shows the bay’s position in the trailer park/s . The Duty Manager is to ensure that segregation complies with IMDG Code.

For inward bound cargo units carrying dangerous cargo the Duty Manager will indicate which bays are to be used. “The Board” shall be completed when practicable and before the freight office closes.

The board to show the bay, trailer or vehicle registration number, IMDG class and code number. The board is to be readily available to the Harbour Office and Fire Service Officer for inspection.

When other shipping companies using the trailer park require a bay for a vehicle or a trailer carrying dangerous cargo, they are to liaise with Commodore's Duty Manager for a bay allocation.

These requirements are in addition to any statutory duties required by the Flag State and regulatory bodies.

The Harbour Office Fax Number supplied is direct to a computer which will record the information.