

LEGAL SUPPLEMENT

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Ports (Operations and Safety) Regulations 2005

GN No. 52 of 2005

THE PORTS ACT

Regulations made by the Authority with the approval of the Minister under section 65 of the Ports Act 1998

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PART I -PRELIMINARY

1. Short title

These regulations may be cited as the **Ports (Operations and Safety) Regulations 2005**.

PART II - INTERPRETATION AND APPLICATION

2. Interpretation

(1) In these regulations, unless the context otherwise requires -

"Act" means the Ports Act;

"agent" means licensed ship's agent;

"approved surveyor" means any inspector or surveyor appointed -

(i) under the Merchant Shipping Act; or

(ii) by a recognized Classification Society

(iii) to act as surveyor of vessels or goods

"Authority" means the Mauritius Ports Authority established under the Ports Act;

"access to" includes egress from;

"berth"

(a) means any dock, pier, jetty, quay, wharf, marine terminal or similar structure (whether floating or not) at which a ship may tie up; and

(b) includes any plant or premises, other than a ship, used for purposes ancillary or incidental to the loading or unloading of dangerous cargoes;

"berth operator" means any person or body of persons who has for the time being the day-to-day control of the operation of a berth;

"bulk" means cargoes which are intended to be carried without any intermediate form of containment in a cargo space, which is a structural part of a ship, or in a tank permanently fixed in or on a ship;

"cargo deck" means the deck of the vessels on which openings to tanks are situated;

"cargo interests" means a shipper, carrier, forwarder, consolidator, packing centre or any person, company or entity involved in the identification, containment, packaging, packing, securing, marking, labelling, placarding or documentation as appropriate, of dangerous cargoes for receipt by a port and transport by sea and having control over the cargo at any time;

"certificate of fitness" means a certificate issued by or on behalf of an administrative authority or under any relevant Code for the construction and equipment of a type of ship certifying that the construction and equipment of the ship are such that certain specified dangerous cargoes may be carried in that ship;

"certified chemist" means a person:

(i) who holds a minimum of a Bachelor of Science degree (B.Sc) in Chemistry with not less than two years laboratory experience;

- (ii) who has undergone specialized training in the testing of atmosphere in ships as approved by the ministry responsible for shipping matters.

"cargo" means any goods, wares, merchandise and articles of any kind carried out on a ship, other than mail, ship's equipment, crew's effects and passenger's accompanied baggage;

"Collision Regulations" means the Collision Regulations 1972 established by the International Maritime Organisation and the Merchant Shipping Distress Signals and Prevention of Collisions Regulations 1993;

"competent person" means any person qualified and authorized in writing by the Authority to carry out the proper test and examination referred to in Part VII of these regulations;

"craft" means any vessel not exceeding 12 metres in overall length and includes launches, tugs, lighters, barges or plying boats operating within the port or outer port;

"customs" means the Customs and Excise Department;

"cyclone class I" means a warning issued by the Mauritius Meteorological Services 36 to 48 hours before Mauritius or Rodrigues is likely to be affected by a depression or cyclone;

"dangerous cargoes"

- (a) means any of the following cargoes, whether packaged, carried in bulk packaging or in bulk, within the scope of the following regulations and conventions -

- (i) oils covered by Annex I of MARPOL 73/78;
- (ii) gases covered by the Codes for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
- (iii) noxious liquid substances or chemicals, including wastes covered by the Codes for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk and Annex II of MARPOL 73/ 78;
- (iv) dangerous, hazardous and harmful substances, materials and articles including environmentally hazardous substances and wastes, marine pollutants covered by the International Maritime Dangerous Goods Code;

- (v) solid bulk materials possessing chemical hazards and solid bulk materials hazardous only in bulk including wastes covered by Appendix B of the Code of Safe Practice for Solid Bulk Cargoes; and
- (b) includes any empty packaging which previously contained dangerous cargoes, unless the packaging has been sufficiently cleaned of residue of the dangerous cargoes and purged of vapours so as to nullify any hazard or has been filled with a non-dangerous substance;

"dangerous goods"

- (a) means -
 - (i) any goods classified as such in section 142(a) of the Merchant Shipping Act and any goods that may be classified as dangerous by the IMDG Code, as amended from time to time;
 - (ii) any goods that the Minister responsible for shipping matters may, by regulations, add to the list of goods in paragraph (i);
 - (iii) any goods not listed in paragraphs (i) and (ii) that the Authority may consider temporarily as dangerous goods, given the circumstances; and
- (b) includes any receptacle which has been used for the carriage of dangerous goods unless it has been rendered safe;

"diving operations" means commercial diving operations;

"document of compliance" means a document issued by or on behalf of an Administrative Authority or specially authorised Classification Society in a State to ships carrying dangerous goods in packaged form or in solid form in bulk under SOLAS chapter II - Regulation 2/54;

"emergency" means any happening which threatens or is likely to threaten either life, property or the environment;

"explosive" has the same meaning as in the Explosives Act;

"flammable liquid" means a liquid or a mixture of liquids containing solids in solution or suspension (except substances otherwise classified on account of their dangerous characteristics) having a flash point not exceeding 61 degrees Celcius and Reid vapour pressure not exceeding 100 kPa absolute at 38 degrees Celcius;

"flammable liquid in bulk" means any flammable liquid conveyed otherwise than in a container;

"flash point" means the lowest temperature of a liquid at which its vapour forms an ignitable mixture with air at 100 kPa under the close-up conditions of testing;

"flexible pipe" means a flexible hose and its end fittings, which may include means of sealing the ends, used for the purpose of transferring dangerous cargoes;

"fly jib" means an accessory to a jib to form an extended jib;

"foreign port" means any place in a country, other than Mauritius, to which ships may have access;

"gas-free certificate" means a certificate given by a certified chemist, in respect of any tank, pipeline, compartment or space, or other part of a ship which has been carrying oil or flammable liquid or cargo, certifying that he has carried out a test in an adequate and suitable manner, and that the residues, in the judgment of the certified chemist, are not capable of producing dangerous gases under atmospheric conditions or in the presence of fire;

"general declaration" means a general declaration issued under regulation 15 in the form set by the Authority;

"goods" means all articles and merchandise of every description and includes fish, livestock, animals, waste and solid ballast;

"handling":-

(a) means the operation of:-

- (i) loading or unloading of a ship, vehicle, freight container or other means of transport;
- (ii) transfer to, from or within a warehouse or terminal area or within a ship; or
- (iii) transshipment between ships or other modes of transport; and

(b) includes intermediate keeping namely the temporary storage of dangerous cargoes in the port area during their transport from the point of origin to their destination for the purpose of changing the modes or means of transport;

"hatch" means a ship's hatch;

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

"health officer" has the same meaning as in the Quarantine Act;

"hot work" means the use of open fires and flames, power tools or hot rivets, grinding, soldering, burning, cutting, welding or any other repair work involving heat or creating sparks which may lead to a hazard;

"hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

"IMDG Code" means the International Maritime Dangerous Goods Code, applicable in Mauritius pursuant to the International Convention for the Safety of Life at Sea (SOLAS) 1974;

"International Code of Signals" means the International Code of Signals as established by the International Maritime Organisation;

«ISPS Code» means the International Ship and Port Facility Security Code 2003 as established by the International Maritime Organisation;

"jet craft" means any watercraft (not normally used in navigation and not being a structure which by reason of its concave shape provides buoyancy for the carriage of persons or goods) propelled' by a jet engine or other mechanical means of propulsion and steered either:-

(a) by means of a handlebar operated linkage system (with or without a rudder at the stem); or

(b) by the person or persons riding the craft using his or their body weight for the purpose; or

(c) by a combination of the methods referred to respectively in(a)

or (b);

"licensed operator" means a body appointed and authorized in writing by the Authority;

"lifting appliance" means:-

- (a) any stationary or mobile equipment which is used in port premises for the purposes of suspending, raising, or lowering loads or moving them from one position to another whilst suspended and includes a lift truck; but
- (b) does not include:-
 - (i) a pipe, roadway or gangway;
 - (ii) a screw, belt, bucket or other conveyor; or
 - (iii) any pilot hoist;

"lifting arm" means any articulated hard pipe system and its associated equipment, which may include quick release couplings, emergency release systems or hydraulic power back, used for the purpose of transferring dangerous cargoes;

"lifting gear" means:-

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

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

"loading arm" has the same meaning as "lifting arm"

"locked jib" means a part of the crane extended from the jib to form an extended jib;

"London Convention on Facilitation of 1995" means the London Convention on Facilitation of International Maritime Traffic (FAL) 1965 established by the International Maritime Organisation;

"loss or damage" means injury, loss or damage whether physical or pecuniary and whether direct or consequential and includes loss of life, injury to persons, loss, damage or expense consisting of or caused by delay or otherwise arising without physical loss or damage to property and loss, damage or expense consisting of or caused by liability of any kind of third parties, including any employee or agent of the Authority;

"LPG Operator" means the operator licensed by the Authority to receive, discharge, store or otherwise handle liquefied petroleum gas;

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

"MARPOL" means the International Convention for the Prevention of Pollution from Ships 73/78;

"master" when used in relation to any vessel means any person other than a pilot, having the command, charge or management of the vessel for the time being;

"Minister" means the Minister responsible for the subject of ports;

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

"Operations and Commercial Manager" means the Operations and Commercial Manager or any officer duly appointed by the Authority to act as such or any person having authority so to act;

"outer port" means the area specified as such in the Schedule to the Ports Act;

"packing" means the packing, loading or filling of dangerous cargoes into receptacles, intermediate bulk containers, freight containers, tank containers, portable tanks, bulk packaging, vehicles, shipborne barges or other cargo transport units;

"passenger" means a person other than:-

(a) the master and a member of the crew or other persons employed or engaged in any capacity on board a ship or on the business of the ship; and

(b) a child under the age of one year.

"petroleum" includes liquefied petroleum gas, kerosene, petrol, gasoline, benzol naphtha, diesel and any like flammable liquid, whether a natural product or one that is made from petroleum, coal, schist, shale or any other bituminous substances or from any products thereof;

"pipeline" means all pipes, connections, valves and other ancillary plant, apparatus and appliances in a port provided or used for or in connection with the handling of dangerous cargoes, but does not include a flexible pipe, loading arm or any part of a ship's pipes, apparatus or equipment other than the termination of those parts of the ship's pipes, apparatus or equipment to which a flexible pipe is connected;

"pleasure craft" means a vessel operated solely for the purpose of recreational or sporting activities and not for hire or reward;

"Port Notice" means a Notice issued under regulation 14(2);

"port operations" -

(a) means -

- (i) the loading or unloading and movement of goods on, from or to a ship in port premises;
- (ii) the embarking or disembarking of passengers on or from a ship in port premises;
- (iii) any activity incidental to the activities in paragraphs (a) and (b) of this definition which takes place in port premises, including any of the following activities specified in this definition if they are so incidental and take place in port premises -
 - (A) the fuelling and provisioning of a ship;
 - (B) the mooring of a ship;
 - (C) the storing, sorting, inspecting, checking, weighing or handling of goods;
 - (D) the movement of goods, passengers or vehicles;
 - (E) the use of welfare amenities in relation to the carrying out of activities referred to in sub- paragraphs (a) and (b);
 - (F) attending port premises for the purposes of the activities referred to in subparagraphs (a)(i) and (ii) and subparagraphs (a)(iii)(A) to (E) above; and
- (iv) the embarking and disembarking on or from a ship of its crew in port premises;

(b) does not include -

- (i) the loading and unloading of goods, or embarking or disembarking of persons from a pleasure craft or any activity incidental to those activities; and
- (ii) operations wholly carried out by serving members of the National Coast Guard or Mauritius Police Force or visiting forces;

"port operator" means a person who holds a licence under the Ports Act;

"port premises" means any land, landing place, buildings, sheds, quays, wharves, waters and places vested in the Authority or under its control;

"port stakeholders" include:-

- (a) the Authority;
- (b) the Customs and Excise Department;
- (c) a licensed operator;
- (d) the owner, agent, master and crew of every vessel;
- (e) every employer, employee or self employed person engaged in port operations;

"quays" means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto:

"safe working load" in relation to a lifting plant means:-

- (a) the safe working load for that plant specified in the latest certificate or report of examination; or
- (b) the safe working load specified by the manufacturer of the plant in any written information supplied with the plant;

"sail board" means a raft with a sailor sails designed to be operated by a person or persons standing upright thereon;

"ship" includes all vessels and hovercraft which operate on water or land and also includes any ship registered under the Merchant Shipping Act;

"shipowner" means the owner of the vessel or the charterer thereof or the persons otherwise in possession or control of the vessel;

"ship stores" means materials which are on board a ship for the upkeep, maintenance, safety, operation or navigation of the ship (except for fuel and compressed air used for the ship's primary propulsion machinery or for fixed auxiliary equipment) or for the safety or comfort of the ships' passenger or crew;

"small vessel" means any vessel of more than 12 metres but not exceeding 20 metres in length or a sailing vessel and for the purposes of this definition "sailing vessel" means a vessel designed to carry sail, whether as the sole or as a primary or supplementary means of propulsion;

"skilled person" means any person having the current knowledge, experience and competence to perform a certain duty;

"stowage" means the positioning of packages, intermediate bulk containers, freight containers, tank containers, portable tanks, bulk packagings, vehicles, shipborne barges, other cargo transport units and bulk cargoes on board ships, in warehouses, sheds and other areas;

"tanker" means a cargo ship constructed or adapted for the carriage of liquid bulk cargo including oil, chemicals, gas and molasses;

"towage" means any operation in connection with holding, pushing, pulling, moving or attending any vessel for that purpose by one or more other vessels and includes pushing of vessel during towage operations;

"under way" in relation to a vessel means a vessel which is not -

- (a) at anchor;
- (b) moored or berthed alongside a berth or jetty;
- (c) made fast to the shore or quay; and
- (d) aground;

"unstable substance" means a substance which, by nature of its chemical make-up, tends to polymerize or otherwise react in a dangerous manner under certain conditions of temperature or in contact with a catalyst. Mitigation of this tendency can be carried out either by special transport conditions or by introducing adequate amounts of chemical inhibitors or stabilizers to the product;

"vapour pressure" means vapour pressure at 38 degrees Celsius as determined by the Reid method;

"weather deck" means a deck exposed to the weather including the cargo deck, bridge, forecastle and upper decks;

"welfare amenities" means:-

- (1)
 - (a) sanitary conveniences;
 - (b) baths and shower baths;
 - (c) washing facilities (including wash basins, running water and soap and clean towels or other suitable, means of cleaning and drying);
 - (d) a supply of wholesome drinking water;
 - (e) a supply of protective clothing, i.e. to say, clothing suitable for the protection of the wearer in refrigerated spaces or against dirt from handling dirty goods or against inclement weather;
 - (f) accommodation and facilities for changing into work clothing during working hours and for storing clothing so worn;
 - (g) canteens or accommodation and facilities (including facilities for heating food and boiling water) for workers employed at port premises to take their meals provided either by themselves or by such canteen facilities as may be provided;
 - (h) shelters for use during inclement weather.
- (2) Any word or expression not included in subsection (1) but referred to in these regulations shall have such meaning as may have been assigned to it in the General Definitions of the International Regulations for Prevention Collision at Sea 1972, Rule 3, Definitions, as acceded to by the Republic of Mauritius on 26 November 1988.

3. Application and exercise

These regulations shall apply to and in all port operations in Port Louis Harbour and Port Mathurin, Rodrigues, as defined in the Schedule to Ports Act.

4. Persons upon whom duties are imposed

- (1) Every employer, employee and self-employed person shall comply with all provisions of these regulations in so far as matters within the control of, and related to any work performed by, the employer, the employee or the self-employed person in the course of port operations, are concerned.

- (2) Subject to paragraph (1), no duty imposed by these regulations shall be placed upon -
- (a) the master or crew of a ship; or
 - (b) any person employing the persons in paragraph (a), in relation to plant which remains on board the ship and repairs carried out in the ship solely by the master or crew of the ship.

5. Damage to notices, etc.

No person shall remove, alter, deface, damage or otherwise interfere with any notice placed by the Authority whether on any vessel in the port or on the port premises.

PART III - GENERAL

6. Jurisdiction of Port Master

- (1) The Port Master shall be responsible for the enforcement of any regulation relating to the port including port operations, port policing, vessel movements, buoyage and signalling, land traffic, fire and environmental safety within the port.
- (2) Any notice required to be given to the Authority under these regulations shall be given to the Port Master.
- (3) Notwithstanding any other provisions of these regulations, the Port Master may -
 - (a) in case of emergency, issue such instructions or order such further precautions as he considers necessary for the safety of the harbour and of the vessels therein and for the preservation of life, property and the environment;
 - (b) for the purpose of implementing the obligations of Mauritius under the ISPS Code pertaining to security in the Port, issue such guidelines as may be necessary.
- (4) No Government agent may allege one's specific duty and jurisdiction to disregard any order pursuant to these regulations by the Port Master or his representative for the immediate safety of vessels, goods, individuals, premises and port operations and for the immediate preservation of life, property and the environment where these regulations are applicable pursuant to regulation 3.

7. Reasons for directions

- (1) Where the Port Master gives any direction under section 32 of the Act, he shall inform the person to whom the direction is given of the reasons thereof, unless it is not reasonably practicable for him to do so.
- (2) Without prejudice to the powers of the Port Master under the Act, the Port Master may, where a person fails to comply with the direction, board any vessel or enter any premises within the port to abate a nuisance, or take such measures as he considers necessary.
- (3) Any expenses incurred by the Authority under paragraph (2) shall be borne by the owner or master or any other person failing to comply with such directions and shall be recoverable.
- (4) The Authority shall not be liable for any act under paragraph (2) where it is shown that the officers of the Authority acted upon reasonable cause.

8. Obstruction to officers of the Authority

Any person who obstructs an officer of the Authority in the execution of his duties under these regulations shall commit an offence.

9. Restriction on movements

- (1) Subject to any other enactment, no vessel shall-
 - (a) enter or leave the port;
 - (b) move from one point to another within the port;
 - (c) effect any movement within the port which is reasonably likely to endanger the port operations without first obtaining the necessary authorisation from the Port Master.
- (2) The master or other person in charge of a vessel shall for the purposes of paragraph (1) notify the Port Master not less than 3 hours before the intended movement of the vessel of such movement and obtain his approval.

10. Dangerous vessels

- (1) Without prejudice to the powers under section 31 of the Act, the Port Master or his representative may refuse entry to any vessel into the port or require its removal from the port, if in the opinion of the Port

Master or his representative, the condition of the vessel, or the nature or condition of anything it contains, is such that its presence in the port might give rise to -

- (a) grave and imminent danger to the safety of any person or property;
 - (b) grave and imminent risk that the vessel may, by sinking or foundering in the port, prevent or seriously prejudice the use of the port by other vessels; and
 - (c) grave and imminent risk that the vessel may cause pollution in port waters.
- (2) The Port Master shall, in respect of any decision under paragraph (1), immediately inform in writing, the Director-General and Director of Shipping.
 - (3) The master or the agent of the vessel aggrieved by a decision of the Port Master under paragraph (1) may appeal to the Director-General.
 - (4) Where an appeal is lodged with the Director-General under paragraph (3), the Director-General may, after consultation with the Director of Shipping and such other persons he considers necessary, allow or reject the appeal.

PART IV - VESSEL MOVEMENTS

11. Notices of arrival, movement or departure through electronic mail or facsimile

- (1) The master of a vessel shall, by himself or through the owner or agent of the vessel, give written notice to the Port Maser, of the vessel's arrival, movement within the Port or departure therefrom.
- (2) Subject to regulation 12, a notice under paragraph (1) may be c served either by electronic mail or by facsimile transmission.
- (3) A notice of arrival setting out the main particulars of the vessel, draught, length overall, name of the agent in the port and expected time of arrival shall -
 - (a) be delivered not later than 24 hours prior to the expected arrival;
 - (b) be accompanied by an application for a berth or an anchorage.
- (4) A notice of movement shall be communicated to the Port Master not less than 3 hours prior to such movement.

(5) A notice of departure shall be communicated not less than 4 hours prior to the departure.

(6) A notice of arrival, departure or movement shall be deemed to include a request for a pilot.

12. Notices of arrival, movement or departure through radio communication

Notwithstanding regulation 11(2), the master of the vessel may notify its arrival, movement or departure by means of radio communication, but such notification shall be confirmed .in writing or by electronic mail within 2 hours of the radio communication failing which the notification shall be of no effect.

13. Exemptions from requirement of notice of arrival

Any vessel of not more than 100 tonnes net (NRT) shall be exempted from the requirement of a notice of arrival except under regulation 108(1) provided that a general declaration is submitted to the Port Master within 24 hours of its arrival.

14. Order of service

(1) Vessels on arrival shall generally be served, in the order of arrival, with a Notice of Arrival at anchorage, the vessel having arrived first being served first.

(2) Vessels on departure shall generally be served, in the order of departure, with a Notice of Departure, the vessel having deposited its notice first, being served first.

(3) Notwithstanding paragraphs (1) and (2), the Port Master may, where he considers it necessary, decide, after consultation with the Operations and Commercial Manager, the agent of the vessel and any other person, on the priority of entry, departure or movement of any vessel.

15. General declaration

The master of any vessel shall, within 24 hours of arrival, either directly or through the agent or the owner, deposit a General Declaration setting out the following particulars -

(a) the name of vessel and its flag;

(b) the gross and net tonnages;

(c) the draft, length overall and beam;

- (d) the names of the owner, the master and the ship's agent in the Port;
- (e) the expected time of arrival and the expected time of departure of the vessel;
- (f) the tonnage of cargo to be discharged, loaded or transited;
- (g) the number of disembarking and embarking passengers;
- (h) last port .of call and future destination;
- (i) any abnormal circumstances of the vessel which may affect its navigation, movement and departure;
- (j) details and nature of repairs or damage to be conducted in port, if any;
- (k) any information as may be reasonably required by the Operations and Commercial Manager including any other relevant information relating to the working or cargo or safety of the vessel;
- (l) such further information as may be reasonably required by the Port Master for the purposes of issuing a Port Notice to mariners.

16. Hoisting of national colours

- (1) The master of every vessel entering or leaving the port between sunrise and sunset shall cause the flag of the country in which it is registered, to be hoisted.
- (2) Such flag shall be exhibited between sunrise and sunset while the vessel remains in port.
- (3) All vessels shall fly courtesy Mauritian flag at all times the vessel is in the port.

17. Signals and clearances

- (1) The master of every vessel requiring health, customs or other clearances and arriving from a foreign port shall exhibit the signals in accordance with the international code of signals until the necessary clearance has been issued.
- (2) Subject to paragraph (3), no master shall cause a vessel or craft to approach within 200 metres of a vessel which is exhibiting the signals in accordance with paragraph (1).

- (3) Paragraph (2) shall not apply to a Government launch or a craft of the Authority or any craft duly authorized by the Port Master.
- (4) Subject to paragraph (5), no person shall board or disembark from any vessel coming from a foreign port until the vessel is cleared by the Immigration, Health and Customs Officers and the necessary signals have been lowered.
- (5) Paragraph (4) shall not apply to a pilot of the Authority or such a pilot or other person as is authorized by the Port Master.
- (6) The master of any vessel including, but not limited to, a small fishing vessel and yacht arriving and leaving, shall establish and keep contact with the Port Master's office.
- (7) Port traffic and emergency radio telephone frequencies shall not be used for anything other than their purpose and communication shall be no longer than necessary.

18. Allocation of berths

- (1) The Authority may establish such guidelines as it considers necessary for the purposes of allocation of berths.
- (2) Notwithstanding paragraph (1), the Port Master may, where he considers it appropriate, bearing in mind safety of any vessel, the interests of the port or urgency of the matter, grant a priority of berthing to any vessel.
- (3) Where the Port Master has issued any directions in relation to the position or berth which the vessel is to occupy, the pilot manoeuvring the vessel shall comply with any such direction of the Port Master.
- (4) No vessel shall be warped or shifted without the prior authorization of the Port Master and such warping or shifting may, at Port Master's decision, be subject to the services of tugs and a pilot.

19. Berthing of vessels

- (1) A vessel shall be navigated and berthed by the master and crew of the vessel acting under the advice of the pilot on board.
- (2) The master or agent of the vessel may enlist the assistance of any person providing mooring services for the purpose of taking ashore, making fast or casting off wire hawsers or ropes or rendering similar assistance.

20. Compulsory pilotage

- (1) Pilotage shall be compulsory *for any vessel exceeding 100 gross tonnes when the vessel -*
 - (a) enters or leaves the port;
 - (b) is berthed or unberthed; and
 - (c) moves from one part of the port to another.
- (2) Notwithstanding paragraph (1), the master of any vessel entering, leaving or moving within the port, may apply for pilotage services.

21. Duty to exhibit signals

- (1) The master of any vessel, requiring pilotage services shall, between the hours of 7.00 am and 7.00 pm, cause the flag of the International Code of Signals to be exhibited.
- (2) The master of any vessel, requiring pilotage services, shall -
 - (a) between the hours of 7.00 a.m. and 7.00 p.m., when visibility is poor; and
 - (b) between the hours 7.00 p.m. and 7.00 a.m.;cause to be exhibited 2 all-round lights in a vertical line, the highest and middle lights being white and the lowest light being red.

22. Ships under quarantine

- (1) A pilot may board any vessel displaying the international quarantine signal for the purpose of piloting the vessel to the quarantine anchorage.
- (2) Where the master of the vessel has reported a case of infectious disease on board the vessel, the pilot shall not allow any other person on his launch to board the vessel nor shall the pilot leave such vessel without the permission of the Health Officer.
- (3) The pilot shall submit himself to vaccination or other quarantine precautions as the nature of the case may require.

23. Safety of pilot when boarding or leaving a vessel

- (1) The master of a vessel using the services of a pilot shall give such assistance as the pilot may require for the purpose of boarding and leaving the vessel.
- (2) A vessel requiring the services of a pilot shall be equipped with a pilot ladder or any access equipment for the safe boarding and leaving of the pilot as per SOLAS Regulation 17 of Chapter V.
- (3) Where a pilot reports to the Port Master that the pilot ladder of a vessel is unfit for use, the Port Master may direct the master of the vessel to take such remedial action as may be necessary.
- (4) The Authority may refuse to provide pilotage services to a vessel where the master of the vessel has failed to comply with any direction under paragraph (3).
- (5) The master or owner of a vessel shall be responsible for the consequences, including -
 - (a) such costs as may be imposed by the Authority, or
 - (b) loss of priority for pilotage,arising out of any delay due to the vessel not being properly equipped for the boarding and leaving of the vessel by the pilot.

24. Equipment required for vessel to be piloted

- (1) The master of a vessel making use of pilotage services, shall require:
 - (i) a highly efficient VHF telephone on port frequencies;
 - (ii) a suitable automatic telegraph and a rudder indicator;
 - (iii) a highly efficient radar in good condition;
 - (iv) a bow thruster in the vessel and an indicator showing speed and revolution per minute;
 - (v) a standby generator in good condition and ready for use.
- (2) Where a pilot is of the opinion that a vessel is so overloaded that navigation within the port is unsafe, the pilot -
 - (a) shall inform the Port Master of the matter; and

(b) shall not pilot the vessel until otherwise directed by the Port Master.

(3) The master of any vessel requiring pilotage services shall report to the pilot any condition that renders the manoeuvring of the vessel unsafe.

(4) Where a report is being made under paragraph (3), the pilot-

(a) shall inform the Port Master of the matter; and

(b) shall not pilot the vessel until otherwise directed by the Port Master.

(5) The master of any vessel to be piloted shall report to the pilot the presence of any dangerous goods on board.

25. Submission of documents after pilotage

The master of the vessel shall upon completion of pilotage, but before the pilot leaves the vessel, deliver to the pilot such documents as may be approved by the Authority.

26. Pilot to remain on board

(1) Any pilot performing pilotage duties of an outward bound vessel shall remain on board the vessel until the completion of the duties and voyage.

(2) Where a vessel is entering the port, the pilot shall not disembark until the vessel is properly anchored, moored or otherwise secured to the satisfaction of the master.

27. Vessels to be kept clear of cranes

The master of the vessel shall keep the vessel and all boats, rigging, ropes, hawsers and all other equipment or apparel thereof and all gangways used or intended to be used in connection with his vessel at all times free and clear of all cranes, engines, trucks, gear and plants or other things on quays within the port.

28. Anchoring of vessels

Every vessel entering the port shall be anchored or properly secured to a berth before commencing -

(a) the loading or discharging of cargo;

(b) the embarkation or disembarkation of passengers; and

(c) bunkering operations or loading of ship's stores.

29. Collision regulations

Subject to the other provisions of these regulations, for the avoidance of doubt, the Merchant Shipping (Collision) Regulations 1993 shall apply to vessels within the port.

30. Small vessels not to obstruct fairway

The master of a small vessel, which is not confined to a fairway, shall not make use of the fairway in such manner as to cause obstruction to other vessels which can navigate only within the fairway.

31. Vessels not to be made fast to navigation buoys or marks

The master of a vessel shall not make fast his vessel so as to cause, the vessel to lie against any buoy, beacon or marks used for navigational purposes.

32. Vessels to have names marked on them

The master of a vessel shall ensure that the names, port of registration and identification number, if any, allocated to the vessel, are marked conspicuously on the vessel.

33. Signals

(1) The master of any vessel exceeding 12 metres in length overall navigating or lying at anchor in the Port shall ensure that there is exhibited on the vessel the navigational lights, signals and shapes as prescribed under the Merchant Shipping (Collision) Regulations 1993.

(2) The master of any vessel not exceeding 12 metres in length overall shall, when under way in all weather conditions from sunset to sunrise, ensure that the vessel carries -

(a) a white light in the forepart of the vessel where it can best be seen at a height of not less than 2.5 metres above the gunwale, so fixed as to show the light 112 1/2 degrees (10 points) on each side of the vessel, that is, from right ahead 22 1/2 degrees (2 points) abaft the beam on either side, and of such character as to be visible at a distance of not less than 3 nautical miles;

(b) a combined lantern showing a green light on the starboard and a red light on the port side at a height of not less than 1 metre below the masthead above the gunwale, and of such character

as to be visible at a distance of not less than 2 nautical miles and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side; or

- (c) separate green and red lanterns exhibited at the appropriate sides of the vessel; and
- (d) a white light at the stem so fixed as to show the light $67\frac{1}{2}$ degrees (6 points) from right aft on each side. of the vessel and of such character as to be visible at a distance of not less than 2 nautical miles.

(3) Where, on account of bad weather or other sufficient cause, it is not possible for the light specified in paragraph (2)(d)) to be fixed, an electric torch or a lighted lantern showing a white light shall be kept at hand by the master of the vessel ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent a collision.

(4) The master of every craft or a sailing vessel shall have ready at hand in the craft an electric torch or a lighted lantern showing a white light which shall, on the approach of other vessels, be exhibited in sufficient time to prevent a collision.

34. Acts affecting safety of navigation

No person shall do any act or thing adversely affecting the safety of navigation within a port or display a light, whether in or outside the port, which may be mistaken for a navigation light or otherwise impede navigation within a port.

35. Vessel to navigate with care

(1) The master shall navigate his vessel with such care and caution and at such speed and in such manner as not to -

- (a) endanger the lives of or cause injury to persons or damage to property;
- (b) obstruct or prejudice the navigation, manoeuvring, loading or discharging of vessels; and
- (c) cause damage to moorings, river banks or other property.

(2) A vessel proceeding in a port shall be suitably trimmed and shall have no list.

36. Speed of vessel

The master of a vessel under way within the port shall ensure that the vessel proceeds with due caution and at such speed as would enable the vessel to be slowed down and stopped in as short a time as possible having regard to prevailing conditions and the safety of other vessels.

37. Damage caused by wash

The master of any vessel causing damage to any property or vessel by her wash shall be held liable for such damage.

38. Restriction on certain events

No person shall hold a regatta or sporting event of similar nature in the port or outer port except with written authorization from the Port Master.

39. Fishing nets not to obstruct vessels

- (1) No person shall cast or place any fishing net in the port.
- (2) No person shall cast or place any fishing net in the outer port in such a manner as to cause an obstruction or danger to any person or property including any vessel or mooring.

40. Notification of collisions

- (1) The master of a vessel which -
 - (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in the port or outer port;
 - (b) by reason of accident, fire, defect or otherwise, is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property;
 - (c) in any manner gives rise to an obstruction to a fairway, wharf, anchorage or other location open to navigation in a port, shall -
 - (i) immediately report the occurrence to the Port Master and as soon as possible thereafter provide the Port Master with full details in writing and where the damage to a vessel is such as to affect or be likely to affect her seaworthiness;
 - (ii) take immediate steps to avoid any pollution or further deterioration, of the situation resulting from collision, stranding or grounding as the case may be;

- (iii) exhibit the signals as prescribed in the International Code of Signals 1972;
 - (iv) on the approach of another vessel, warn such vessel by whistle or light or radio until she becomes aware of the danger.
- (2) Where as a result of an accident a vessel is so damaged as to affect or is likely to affect its seaworthiness, the master of the vessel shall not move the vessel except with the written permission and in accordance with the directions of the Port Master.
- (3) The Port Master shall forward to the Director of Shipping a copy of any report produced by the master of the vessel under paragraph (1).
- (4) Where, because of stranding, collision, sinking or any other circumstances, salvage operations need to be conducted on the vessel within the limits of a port or its approaches, the master of the vessel shall inform the Port Master of any plan for such salvage and, during salvage operations, of any development of such operations.

41. Prohibited anchorage

No master shall anchor or lie a vessel –

- (a) in the approaches to the Port;
- (b) in any fairway within the Port;
- (c) in the channel;
- (d) in such a manner as to obstruct the approach to an anchorage or wharf used by other vessels;
- (e) in any cable reserve area, or any special anchorage specified in the chart of the port except for the purpose of any work related to such cable, reserve area or any special anchorage;
- (f) in a position which is likely to foul a vessel which is anchored, moored, or made fast to a buoy;
and
- (g) in any location designated by the Port Master as a prohibited anchorage.

42. Private buoys and moorings

- (1) No person shall lay or position any private buoy or mooring in the waters of the port except with the written permission of the Port Master.
- (2) Any person who has obtained permission under paragraph (1) shall at his own expense, at all times, maintain the mooring or buoy in good condition.
- (3) The Port Master may inspect any mooring or buoy, and where he thinks fit to do so, direct repairs or the relaying or removal of any such mooring or buoy.
- (4) Where the Port Master directs the removal of any mooring, buoy or similar tackle, the owner or person in charge of the mooring, buoy or similar tackle shall forthwith remove it.
- (5) Where the owner or person referred to in paragraph (4) fails to comply with the direction of the Port Master, the latter may cause the mooring, buoy or tackle to be removed and he may recover any expenses incurred in relation thereto from the owner or person on charge.

43. Immobilisation of vessel

- (1) No person shall, unless he has obtained the written permission of the Port Master -
 - (a) carry out engine repairs or other work which may render a vessel in the Port unable to move when required to do so; and
 - (b) reduce steam or power to a level below that which is adequate for moving a vessel in the Port when required.
- (2) The Port Master may, where a vessel is unable to move when required by him, perform or direct to be performed all such work as may be necessary to enable the vessel to move.
- (3) Any expense incurred by the Authority under paragraph (2) shall be paid by the agent or owner of the vessel.
- (4) The Authority shall not be liable for the consequences of any work performed in good faith and due diligence by the Port Master under paragraph (2)

44. Access across decks

No vessel shall proceed alongside or lie alongside any other vessel and no person shall board any vessel without the consent of the master of such vessel.

45. Transfer of liquids

Except with the written permission of the Port Master, no transfer of liquids or liquid cargo shall be carried out -

- (a) between 2 vessels berthed in the port or in the approaches to the port; and
- (b) between one vessel lying alongside a berth and another vessel lying alongside such vessel.

46. Delivery of notices

A notice or other document relating to details of working cargo or to the delivery of goods to the premises of the Authority shall be given to the Operations and Commercial Manager.

47. Lost anchor, cable or propeller

- (1) The master of a vessel which is in the port and has slipped or parted from or lost any anchor, chain, cable or propeller shall -
 - (a) as soon as reasonably practicable give written notice to the Port Master and, where appropriate, inform the Port Master of the position of the anchor, chain, cable or propeller; and
 - (b) in the case of an anchor or propeller, leave a buoy to mark the position thereof where this is known.
- (2) Where the Port Master so directs, the master of a vessel referred to in paragraph (1) shall cause the anchor, chain, cable or propeller to be removed within such time as may be determined by the Port Master.

48. Vessel under Master's charge

Every vessel shall, while in port, be under the charge of, and her safety shall be at the sole risk of the master or person in charge and no instruction or direction given or act performed in good faith and with due diligence, by any officer of the Authority designated for that purpose shall render the Authority liable for the safety of the vessel.

49. Persons under influence of alcohol or drugs

No person under the influence of alcohol or drugs shall take charge of or board any vessel and the master of any vessel shall not permit any such person to take charge of or board the vessel.

50. Mooring and crew on board

- (1) Every vessel lying at a berth shall at all times have sufficient hands or crew members on board to attend to her moorings and to cause to be slackened or hove in as may be necessary.
- (2) No chain cable shall be used for mooring alongside except in connection with the use of an anchor.

51. Sufficiency of crew

The master of a vessel shall, at all times when his vessel is within the port, ensure that his vessel is capable of being safely moved and navigated and that there are sufficient number of persons readily available -

- (a) to attend to his vessel's moorings;
- (b) to comply with any directions given by the Port Master for the unmooring, mooring and moving of his vessel; and
- (c) to deal, as far as reasonably practicable, with any emergency that may arise.

52. Vessels to be kept in a movable condition

- (1) The master of a vessel shall at all times keep his vessel so loaded and ballasted and in such condition as to be safely moved.
- (2) Without prejudice to paragraph (1), the master of a vessel shall not take any step which is likely to render his vessel incapable of movement unless he has given written notice to the Port Master.
- (3) Where a vessel becomes incapable of being safely moved by means of its own propulsive machinery, the master or owner shall forthwith inform the Port Master of the matter and shall furnish to the Port Master any further information which he may reasonably require.
- (4) The Port Master may, where a vessel is unable to move when required, perform or direct to be performed all such work as may be necessary to enable the vessel to move and any expenses incurred by the Authority for such purposes shall be paid by the agent or owner of the vessel.

53. Rat guards

The master of every vessel lying alongside a berth shall provide rat guards or other adequate means on her mooring lines to prevent the passage of rats between the vessel and the wharf or pier.

54. Damage to fender and quay

- (1) Where in view of the particular construction of a vessel, it is likely to cause damage to the Authority's quay while berthing, unberthing and working cargo, the master shall take reasonable care to prevent damage to any fender, quay or other property of the Authority.
- (2) Where any vessel causes any damage to any fender, quay or other property belonging to the Authority, the master or owner of the vessel shall be liable to make good any such damage.
- (3) No person shall remove or cause to be lifted from the quay wall any fender provided by the Authority.

55. Access to and egress from vessels and safety nets

- (1) Where a vessel is berthed alongside another vessel which is secured to the quay, the outside vessel shall provide a safe means of access to the inside vessel;
- (2) The master of the vessel secured to the quay shall -
 - (a) allow safe access to the outside vessel;
 - (b) during the hours of darkness, provide sufficient lighting to illuminate the whole length of the gangway; and
 - (c) ensure that such gangways are provided with safety nets.

56. Removal of obstructions

The master of any vessel with its boats swung outwards or with anchors or other projections from the vessel's side or deck which may interfere with the vessel or another vessel loading, discharging, or berthing including berthing alongside the first vessel, shall remove such boats, anchors or projections when required by the Port Master to do so.

57. Use of engines while vessel moored or berthed

- (1) Except with the written permission of the Port Master, no master of a vessel shall try the vessel's main engine or turn its propellers when lying at berth.
- (2) The master of a vessel which is moored at a quay or attached to any mooring device shall not operate the engines of his vessel or turn the propellers in a manner as to cause injury or damage to the bed or banks of the port or to any property.

- (3) A person in charge of a high speed craft shall not operate the engines of the craft in a manner which is likely to cause injury or damage to the bed or banks of the port or to any other vessel or property.

58. Vessel to be ready for work

- (1) The Master of every vessel, shall, on completion of mooring of the vessel alongside a berth, ensure that the working hatches and the cargo of the vessel are ready to commence work.
- (2) The master of every vessel shall ensure that when loading or unloading is taking place or any manoeuvre is being carried for that purpose, the vessel has proper and sufficient lights to prevent any injury or damage to life, limb or property arising from such loading, unloading or manoeuvre.

59. Vessel to work with reasonable diligence

- (1) The master of every vessel shall ensure that the vessel discharges or load her cargo with reasonable despatch and is worked continuously during such time as shall be required by the Authority.
- (2) Where cargo cannot be discharged or loaded as specified in paragraph (1), and the berth is needed for the operations of another vessel, the Port Master may, after having given the master of the vessel an opportunity to show cause in writing why the vessel should not be ordered to vacate the berth, direct the vessel to vacate the berth.
- (3) The criteria for a decision to order a vessel to vacate her berth shall be, but not limited to, whether or not the rate of loading or discharging is below or over the average rate of similar operations in the port, as determined by the Authority.
- (4) The master of the vessel shall forthwith comply with a direction issued under paragraph (2).
- (5) Where the vacation of a berth has been required under paragraph (2), the master shall reberth the vessel in accordance with the guidelines referred to in regulation 18(1).
- (6) Any expenses incurred for the purposes of a direction issued under this regulation shall be borne by the owner of the vessel.

PART V - CRAFT

60. Permits for craft

- (1) No person shall operate a craft and ply in the port area of the Authority without -
 - (a) holding a valid safety certificate from the appropriate authority;
 - (b) a permit or licence issued by the Authority.
- (2) The permit or licence referred to in paragraph (1)(b) shall, on demand, be shown to any officer of the Authority or Police Officer.

61. Marks of craft

In addition to any mark imposed by any applicable regulation, the owner or person in charge of a craft shall ensure that -

- (a) the craft is marked conspicuously with its permit number; and
- (b) in the case of craft carrying passengers, there is legibly painted on its board or other conspicuous part of the craft the number of passengers which such craft is for the time licensed to carry;
- (c) no passengers in excess of that number are carried or embarked in such craft.

62. Prohibition of impeding vessel movement

- (1) No person shall cause a craft to cross the bows or otherwise impede the movement of any vessel under way in any port.
- (2) Any person in charge of a craft shall give to any vessel underway in any port as wide a berth as possible.
- (3) No person shall, with a craft, interfere in any way with any moorings, anchorage, ropes, lines or hawsers.
- (4) Nothing in this regulation shall relieve the master of the vessel from his duty to prevent a collision or accident.

63. General rules applicable to craft in port

- (1) The owner or person in charge of a craft shall -

- (a) arrange that members of the crew remain on board in sufficient number when alongside any wharf or vessel to ensure the safety of such craft;
 - (b) when the craft is not in operation, cause the craft to be securely moored or hauled up in places appointed for that purpose by the Port Master.
 - (c) not bring a craft ashore or beach it for any purpose except at a place appointed for that purpose by the Port Master;
 - (d) not fasten a craft to any wharf, port buoy or bollard within the port without the permission of the Port Master;
- (2) No owner or person in charge of a craft shall -
- (a) position a craft alongside a vessel in such a way as to obstruct the approaches to and from the gangways and ladders of a ship.
 - (b) allow a craft to remain alongside or make fast to any vessel, wharf or landing place longer than necessary for their operations;
 - (c) allow any passenger to embark or disembark except at such places as may be authorised from time to time by the Port Master, Immigration Officer or other competent authorities.

64. Safety rules applicable to craft in port

- (1) No owner or person in charge of a craft which is carrying dangerous goods, shall have an open flame appliance on the craft and any other craft may only have a fire on board in a galley or fire-place properly constructed for that purpose.
- (2) The owner or person in charge of a craft shall -
 - (a) cause the craft to be kept clean;
 - (b) ensure that the craft is equipped with such life-saving equipment and fire extinguishing appliances as may from time to time be prescribed by the Port Master and that such appliances are so kept as to be at all times ready for use and for inspection by the Port Master.

PART VI - LOADING, DISCHARGING AND STORAGE OF CARGO

65. Cargo declaration

- (1) The master or agent of every incoming vessel shall not less than 48 hours before the arrival of the vessel, sign and deposit with the Operations and Commercial Manager and the licensed operator 2 copies of the inwards manifest in the English or French language containing the following particulars:-
 - (a) the gross weight, measurement, marks, numbers and contents of each package or consignment;
 - (b) the names of consignees according to the bills of lading or the names of the persons actually paying the freight for the goods; and
 - (c) such other information as the Authority or its licensed operator may reasonably require.
- (2) The Authority shall not allocate a berth to a vessel unless 2 copies of the manifest have been deposited under paragraph (1).
- (3) Notwithstanding paragraph (2) the Authority may allocate the berth to a vessel which has failed to submit 2 copies of the manifest where the manifest cannot be lodged before the arrival of the vessel because of the short sea voyage of the vessel in which case the manifest shall be deposited upon arrival of the vessel.
- (4) The master or agent shall immediately upon completion of discharge of cargo submit to the Operations and Commercial Manager a certified statement of any alteration made in the manifest by reason of the remeasurement of the goods included therein or otherwise.

66. List of outgoing cargo

- (1) The master or agent of every outgoing vessel shall prepare in the English or French language, sign, and submit, within 3 working days of the departure of the vessel, 2 copies of the manifest of all goods loaded by such vessel containing all particulars relating to-
 - (a) gross weight, measurement, marks, numbers and contents of each package or consignment;
 - (b) the names of the shipper according to the bills of lading; and
 - (c) such other matters as the Authority may reasonably require.
- (2) Any object or package, the weight of which exceeds 3000 kilograms, shall have its weight clearly and durably marked on the outside of the package or object.

67. Offensive or objectionable cargo

The Authority or its licensed operator may prohibit the landing, or may refuse to accept for loading, any cargo which, in its opinion, may imperil the safety of persons or property in the port, or damage any part of the port premises, or adversely affect any cargo in the custody of the Authority or its licensed operator.

68. Production of documents

Without prejudice to the London Convention on Facilitation of International Maritime Traffic (FAL) 1965 and its Annexes, the master or agent of a vessel shall produce to the Authority any book or document which may be reasonably necessary in connection with the landing or shipping of her cargo and the embarkation of her passengers and crew.

69. Discharge of cargo by marks

- (1) The master of a vessel shall, as far as practicable, discharge cargo by marks.
- (2) The Authority or its licensed operator may, in respect of any cargo which has not been discharged in accordance with paragraph (1), impose such charges as it may deem fit for the purposes of sorting out such cargo.

70. Incorrect delivery of goods not easily identified

The Authority or its licensed operator shall not be liable for the incorrect delivery of cargo consisting of goods which cannot be easily or readily identified because of -

- (a) their want or lack of description; or
- (b) illegible or insufficient marking or the absence of proper distinguishing marks.

71. Receipts for cargo received

Every receipt given by the Authority or its licensed operator for cargo received or placed in its custody shall be based only upon the outward appearance of the packages of the cargo.

72. Receipts for cargo shipped

No cargo shall be shipped and the master of a vessel in which cargo is shipped shall not cause the vessel to leave her berth unless the ship or its agent grants to the Authority or its licensed operator a mates receipt without conditions or endorsement.

73. Direct deliveries and shipment

- (1) The master or agent of a vessel shall submit to the Authority and its licensed operator a list in such detail and at such times as the Authority or its licensed operator may require, of all inward and outward deliveries by lighters and all direct deliveries at the wharf and shipment from the wharf or through lighters.
- (2) The agent of a vessel shall ensure that -
 - (a) inward direct deliveries are promptly removed from the port premises; and
 - (b) outward shipments are called in an orderly and smooth manner to permit an expeditious loading of the vessel.
- (3)
 - (a) A shipper shall deposit or cause to be deposited any cargo meant for shipment not later than the time specified by the Authority or its licensed operator for that purpose.
 - (b) Where a shipper fails to comply with the provision of paragraph (a) the Authority or the licensed operator may refuse to accept the cargo meant for shipment.

74. Delays and detention of cargo

The Authority or its licensed operator shall not be liable for delay in the shipment, discharge or delivery of goods arising from congestion in the sheds or of vessels at the berths or from any circumstances beyond its control.

75. Liability for storage space

- (1) The Authority or its licensed operator shall not be bound to find storage for any goods either in warehouses or in open areas.
- (2) The Authority or its licensed operator shall not, after notification to the owners, consignees, shippers, or agents of the vessel that accommodation for such goods is not available, be liable for any loss or damage that may arise from whatever cause to the goods and the Authority or its licensed operator may remove the goods at the expense of the master or agent of the vessel discharging the goods.

76. Valuable cargo

- (1) Any shipper intending to ship valuable cargo, which includes any package containing bullion, species, precious stones, jewellery, through the port shall -
 - (a) inform the Port Master and Operations and Commercial Manager of such shipment;
 - (b) comply with such procedures which may be imposed by the Authority.
- (2) Where valuable cargo, including any bullion, species, precious stones, jewellery is imported, the master or agent of the vessel on which the cargo is brought in, shall, before delivery of the cargo to the Authority or its licensed operator submit to the Authority or its licensed operator, the particulars of the marks, numbers, value and contents of the cargo with the name and address of the consignee.
- (3) The Port Master may issue such directions as he considers necessary in relation to the loading and unloading of the goods referred to in this regulation.

77. Storage in open areas

- (1) The Authority or its licensed operator may store in the open any cargo which, in the opinion of the Authority or its licensed operator, is not suitable, by reason of its bulk or the nature of its contents, for storage in a transit shed or warehouse, or which is suitable for storages in the open.
- (2) The Authority or its licensed operator shall accept no responsibility for any damage or deterioration to any goods stored in the open.

78. General responsibility for cargo

- (1) The Authority or its licensed operator may in respect of fragile or brittle cargo -
 - (a) receive such cargo on the condition that it shall not be responsible for any breakage thereof;
 - (b) refuse to land such cargo if it considers that the cargo is unpacked or the packing is insufficient or inadequate.
- (2) Where a vessel is lying at a berth, and its cargo is landed on the port premises by means of lighters, the master of the vessel or its agents shall enter into an agreement with the licensed operator under which responsibility for transfer of the cargo from the vessel to the quay, shall be assumed by the vessel and the licensed operator.

79. Release of goods

- (1) The Authority or its licensed operator shall not release goods from the vessels, transit sheds, open storage areas or warehouses of the Authority except on production of -
 - (a) a duly endorsed delivery order from the agents of the vessel concerned or, where delivery has been lodged with the Authority or its licensed operator, a sub-delivery order from the owner of the cargo; and
 - (b) the appropriate Customs release documents.
- (2) The Authority or its licensed operator shall not -
 - (a) release cargo otherwise than by marks;
 - (b) sort and release cargo by numbers and submarks except at the request and expense of the master of the vessel or his agent.

80. Conditions of delivery

- (1) The Authority or its licensed operator shall be discharged from all liability in respect of goods by delivery thereof to the person presenting a delivery order.
- (2) The Authority or its licensed operator shall not be bound to make any enquiry whatsoever as to the right or title of such persons thereto.
- (3) The Authority or its licensed operator shall not be bound to make any enquiry whatsoever as to the correctness or otherwise of any endorsement appearing or purporting to have been made on any delivery order.

81. Damaged packages

- (1) The Authority or its licensed operator may, at any time, in order to safeguard the contents of damaged bags or packages and to facilitate their storage in the transit sheds, open storage areas or warehouses, repair damaged bags or packages or goods, irrespective of survey.
- (2) The Authority or its licensed operator may claim the cost of any repair made pursuant to paragraph (1) from the consignee or the agent of the vessel.

82. Damaged cargo

- (1) The Authority or its licensed operator may put aside for survey damaged cargo or cargo in bad order.
- (2) Any cargo which is damaged, defective or in bad order shall be surveyed on board the vessel by a representative of the vessel or his agent and in the presence of a representative of the cargo interest.
- (3) The Authority or its licensed operator may, after notifying the consignor of cargo of any cargo which is damaged, defective or in bad order and, after giving the consignor a reasonable delay to correct the defects in cargo, dispose of such cargo in such manner as it deems fit, subject to the provisions of the Customs Act on abandoned cargo and of any other enactment.
- (4) The owner of the broken or damaged cargo or the master or agent of the vessel discharging the cargo shall be liable to pay the Authority or its licensed operator the expenses incurred in disposing of the goods under this regulation.
- (5) The Authority or its licensed operator may reserve the right not to permit the loading or unloading of any particular consignment where it appears that handling of such consignment is likely to cause
 - (a) damage or contamination of goods;
 - (b) danger to persons working in the holds or on the wharves; or
 - (c) pollution of the adjacent environment.until such cause of damage, danger or pollution has been corrected.

83. Contamination of other cargo

- (1) Where any cargo deteriorates to such an extent that it may contaminate any other cargo, the Authority or its licensed operator, may direct the removal of that cargo within such period as the Authority or its licensed operator may consider advisable given the condition of the cargo.
- (2) Where the goods are not removed within the period stated in paragraph (1) above, the Authority or its licensed operator may dispose of the goods in such manner as it thinks fit.
- (3) The Authority or its licensed operator may recover the cost of removal of the cargo referred to in paragraph (2) from the consignee or the agent of the vessel.
- (4) Paragraph (1) shall be applicable to any cargo whose odour is inconvenient and cannot be eliminated by normal ventilation of the storage space.

84. Right to shift or to remove goods

- (1) The Authority or its licensed operator shall, where the convenient use of the Port premises so requires and at the expense of the shipping agent or the cargo owner, shift cargo within a transit shed or open storage area or remove any goods which may have been landed or received in the Authority's or its licensed operator's custody to any storage area or from one to the other at its discretion.
- (2) The Authority or its licensed operator shall, before shifting or removing any cargo, inform the Comptroller of Customs, the agent of the vessel and the cargo owner of such shifting or removal.

85. Storage of container units in port

- (1) The Authority or its licensed operator shall neither be obliged to provide general storage or handling for containers other than those to be discharged from or loaded into vessels using the particular terminal.
- (2) The Authority or its licensed operator may refuse to accept for storage outbound containers arriving at a container terminal or port premises -
 - (a) earlier than 48 hours before the arrival of the expected carrier vessel; or
 - (b) later than 24 hours before the departure of the carrier vessel.
- (3) No road haulier shall discharge any container in the port area except in designated port locations nor shall load or unload cargo or any goods from such container except in such designated locations.

86. Marking of containers

- (1) The master of the vessel or of the ship's agent shall ensure that labels are attached to the outside of the container door, indicating the name and cable or e-mail address of the consignee together with a packing list.
- (2) The payload, tare weight and gross weight of each container or trailer shall appear on the container.

87. Dunnage and ship's stores

- (1) The master shall not load or cause to be loaded, discharge or cause to be discharged any dunnage or ship's stores unless he has obtained the prior approval of the Operations and Commercial Manager.

- (2) Where the Operations and Commercial Manager grants an approval under paragraph (1), he may attach such conditions as he deems fit.

88. Port working hours

The Authority may, after consultation with operators and users within the port, set or alter from time to time its working hours.

89. Hire of cranes, cargo gear, etc.

- (1) Any crane, cargo gear or other equipment hired from the Authority shall be deemed to be hired on the condition that liability for its use, functioning and possession shall rest with the hirer who shall be required to indemnify the Authority accordingly for any damage or injury caused to third parties.
- (2) The Authority shall not be responsible for any loss, injury or damage resulting from the use of any crane, gear or equipment hired from the Authority unless such loss, injury or damage is shown to have been caused by the want of care or negligence of the Authority.
- (3) The hirer of any crane, cargo gear or equipment shall not use such crane, cargo gear or equipment to hoist, move or displace any weight exceeding the maximum weight for which the crane, cargo gear or equipment has been rated.
- (4) The hirer of any crane, cargo gear or equipment shall be liable for any injury or damage resulting from a failure to comply with paragraph (3).

PART VII - SAFETY OF PORT OPERATIONS

90. Planning and execution of port operations

Port operations shall be planned and executed in such a manner as to ensure, so far as is reasonably practicable, that no person will be exposed to danger.

91. General safety rules regarding equipment in operation

- (1) Any person operating equipment used in cargo operations shall do so under the responsibility of the cargo operator and in conformity with the safety rules applicable to such equipment or applicable pursuant to the provisions of any enactment, including, especially, the occupational safety regulations in force.

- (2) Any person operating any equipment in connection with any port operation shall comply with safety rules applicable to such equipment.
- (3) No crane, cargo gear or other equipment may be used to hoist, move or displace any weight above the maximum weight for which the crane or equipment has been rated.
- (4) When an operator or his employee, or the master of a vessel, or any individual participating in cargo handling and other cargo operations, or a duly appointed officer or appointee of the Authority considers that there is a safety risk in continuing work with the equipment, he shall immediately order or cause to be ordered the stoppage of operations until the cause of the risk has been eliminated.
- (5) The person in charge of the cargo handling operations that has been interrupted or stopped because of a safety risk shall make a report on the matter to the Port Master and port officer responsible for cargo operations and submit such other information on the incident as the Port Master or such officer may reasonably request.
- (6) Operations can be re-started only after evidence of safety has been submitted to the satisfaction of the competent authorities.

92. Safety of stevedoring operations

- (1) On board, stevedoring operations shall be conducted in a manner that shall ensure the safety of persons and cargo.
- (2) The master of a vessel or a person engaged in loading or discharging cargo or other articles shall not use or permit to be used any ropes, tackle or other gear that are or may be worn, frail, or otherwise unsuitable from any cause whatsoever for the purpose of hoisting or lowering cargo or other articles.
- (3) The Port Master may authorise any proper and qualified person to inspect, examine and test, at any time, any rope, tackle or other gear used for the purpose of hoisting or lowering cargo or other articles.

93. Lighting

- (1) Each part of port premises which is being used for port operations shall be suitably and adequately lighted.
- (2) Every obstacle or hazard in port premises which is likely to be dangerous when vehicles, lifting appliances or people move shall be made conspicuous by means of colouring, marking, lighting, or any combination thereof.

94. Access

- (1) Subject to paragraph (2), -
 - (a) there shall be provided and properly maintained safe means of access to every part of port premises which any person has to visit for the purpose of port operations; and
 - (b) floors, decks, surfaces, stairs, steps, passages and gangways comprised in port premises shall not be used unless they are of adequate strength for the purpose required, of sound construction and properly maintained.
- (2) So far as is reasonably practicable, the Port Master shall ensure that all floors, decks, surfaces, stairs, steps, passages and gangway in port premises are kept free from any substance or obstacle likely to cause persons to slip or fall or vehicles to skid.
- (3) No person shall use portable ladders as a means of access to -
 - (a) ships;
 - (b) holds;
 - (c) freight container stacks on board ships; and
 - (d) a vertical stack of three or more freight containers on port premises which are not part of a ship. except where no other safer means of access is reasonably practicable.
- (4) All ladders (whether portable or not) shall be of good construction, sound material, of adequate strength for the purpose for which they are used, free from patent defect and properly maintained.
- (5) No person shall use a ladder unless -
 - (a) effective measures are taken to prevent it from slipping or falling; and
 - (b) it extends to not less than one metre above the place of landing to which it provides access, or there is other adequate handhold.
- (6) Subject to paragraph (7) the Port Master shall ensure that there are secure and adequate fencing at the following places where persons are engaged in port operations, -
 - (a) every break, dangerous comer and other dangerous part or edge of a wharf, quay or jetty;

- (b) every open side of a gangway, footway over a bridge; and
- (c) any other place not being a quay or jetty where any person working or passing might fall at a height of more than 2 metres.

(7) Paragraph (6) shall not apply if the provision of fencing as specified in that paragraph is impracticable because of the nature of any work being carried out there.

95. Transport by water

(1) No master of any vessel shall transport any person at work to or from any working place unless the vessel is safe.

(2) Without prejudice to paragraph (1), vessels used for this purpose shall be -

- (a) in a sound and suitable condition;
- (b) properly equipped;
- (c) properly maintained;
- (d) in the charge of a competent person;
- (e) neither overcrowded nor overloaded; and
- (f) subject to paragraph (3), issued by a competent person, with a valid certificate, concerning the matters specified in paragraphs (1) and (2) which shall be submitted to the Authority .

(3) Paragraph (2)(1) shall not apply to a vessel in respect of which there is in force a certificate as to a survey carried out pursuant to the Merchant Shipping Act.

(4) The current certificate referred to in paragraph 2(f) shall be kept by the master of the vessel.

96. Rescue, life-saving and fire-fighting equipment

The Port Master shall ensure that all port premises are provided with adequate and suitable -

- (a) rescue and life saving equipment;

(b) means to effect escape from danger; and

(c) fire-fighting equipment,

which shall be spaced at intervals that are reasonable in all the circumstances and be properly maintained.

97. Hatches, ramps and car-decks

(1) No person shall use a hatch covering unless-

(a) it is of sound construction and material, of adequate strength for the purpose for which it is used, free from patent defect and properly maintained;

(b) it can be removed and replaced, whether manually or with mechanical power, without endangering any person; and

(c) information showing the correct replacement position is clearly marked, except in so far as hatch coverings are interchangeable or incapable of being incorrectly replaced

(2) No person shall use a hatch unless either the hatch covering has been completely removed or, if not completely removed, it is secure.

(3) No person shall replace a hatch covering otherwise than in accordance with the information showing the correct replacement position.

(4) No person shall place a load on a hatch covering where it is likely to affect the safety of the hatch covering or endanger other person.

(5) Except in the event of an emergency endangering health or safety, no person shall operate -

(a) ship's ramp or door associated with a ship's ramp;

(b) power-operated hatch covering; or

(c) retractable car-deck,

in the course of a port operation unless he is authorised to do so by the master of the vessel.

98. Drivers of vehicles and operators of lifting appliances

- (1) Subject to paragraph (6), no powered vehicle shall be driven, or powered lifting appliance operated, by an employee in the course of port operations unless he is authorised to do so by his employer.
- (2) A person shall not be authorised under paragraph (1) to drive a vehicle or operate a lifting appliance unless he is fit to do so.
- (3) Without prejudice to paragraph (2), a person shall be deemed to be unfit for the purpose specified in that paragraph if he is certified as being so unfit by a registered medical practitioner.
- (4) A person shall not be authorised under paragraph (1) to drive a vehicle or operate a lifting appliance unless -
 - (a) he is competent to do so;
 - (b) he has been appropriately trained; and
 - (c) in the case of a lifting appliance, he is over 18 years of age.

except where he is undergoing a suitable course of training under the proper supervision of a competent instructor.

- (5) Every employer shall keep a record of the names of his employees who drive powered vehicles or operate powered lifting appliances in the course of port operations, and such a record shall contain particulars of any relevant training provided by that employee.
- (6) This regulation shall not apply to employees who drive vehicles in port premises only in the course of visiting or passing through the premises or for the purpose of travelling on board a ship with that vehicle.

99. Use of vehicles

- (1) No employer shall permit an employee to use, and no self-employed person shall use, in the course of port operations, any vehicle which is not properly maintained.
- (2) The Port Master shall take all reasonable and practicable steps to minimise the danger arising from the use of vehicles in port premises and such steps shall include -
 - (a) safe and adequate roadways and parking facilities;

- (b) adequate arrangements for traffic control which shall include proper signs and markings informing and warning drivers;
- (c) safe arrangements for operating and moving vehicles where the driver's field of view is not sufficient to carry out the required operation or movement without risk of danger to any person;
- (d) safe arrangements for refuelling vehicles;
- (e) suitable barriers;
- (f) safe arrangements for the movement and stacking of freight containers; and
- (g) safe arrangements for coupling of vehicles.

100. Loads to be secured

- (1) The driver or other person having charge of a vehicle entering, or already in, the port premises shall ensure that any load carried thereon or therein is adequately supported and secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.
- (2) The Port Master or any officer appointed for that purpose may refuse access to the port premises to any vehicle which does not comply with paragraph (1).

101. Load limitation and safety of containers

- (1) No person shall -
 - (a) cause a container to enter or leave a port unless the container carries a valid safety approval plate indicating its rated capacity.
 - (b) ship a container to and from a port or carry such container by road to and from a port if it is loaded in excess of its rated capacity.
- (2) The appropriate ship's agents shall be liable for all damages and losses caused by the gross weight of the payload of a container in excess of its maximum gross weight, in proportion to the role of such excess of gross weight in the production of such damages and losses.

102. Hot work

- (1) No person shall carry out hot work in the port area outside dedicated workshops and installations unless the Port Master or his authorized representative has given his written permission.
- (2) A written request for hot work shall be submitted to the Port Master or his authorized representative at least 48 hours prior to such work being carried out.
- (3) The Port Master or his authorized representative may authorize hot work in the port area subject to the issue of a hot work permit, a confined space entry permit or any other condition as he deems necessary.
- (4) Any change in the initial conditions for which authorization was granted shall render a permit null and void unless the change has been notified to the Port Master or his authorized representative and they have agreed to the continued validity of the permit.
- (5) A hot work permit shall at all times remain on site during its period of validity and must be presented to any officer of the Authority, any police or NCG officer or to any Government official for port state or flag state control requirements.
- (6) All costs incurred for inspection by any authorized representative of the Port Master prior to, during and after the hot work operation shall be borne by the applicant.

PART VIII - DANGEROUS GOODS

103. Compliance with safety standards

- (1) The master of any vessel carrying dangerous goods and, any person in charge of any dangerous goods shall ensure that all loading, unloading, ballasting and other movements are strictly in compliance with the IMDG Code.
- (2) Safety standards pursuant to paragraph (1) shall include but shall not be limited to the designation of a responsible person to be appointed to supervise handling of dangerous goods, the adequate lighting of the area where dangerous goods are handled, the employment of properly trained personnel in the handling of such goods, the provision of appropriate protective equipment for such personnel and the use of suitable equipment for handling, and the observance of all regulations concerning the carriage and handling of dangerous goods.
- (3) The master of any vessel carrying, loading or unloading dangerous goods shall afford every facility to the Port Master or his representatives to enable such officials to check whether these regulations and any special instructions are duly observed.

104. Grouping of dangerous goods

For all purposes connected with transporting, conveying, storing, depositing, handling or other dealings with dangerous goods, the Authority shall group such goods in any manner deemed fit and expedient by it.

105. Exemptions

This Part shall not apply to -

- (a) dangerous goods forming part of the equipment or stores of vessels in which they are carried provided the quantity of such stores is considered reasonable by the Authority;
- (b) small quantities of dangerous goods taken for sample purposes with the Port Master's approval;
- (c) the carriage of petroleum in tanks solely used for propelling the vessel, motor vehicles or any other mechanical structures.

106. Power of inspection and entry

- (1) The Authority or any of its authorized officers may, at any moment, inspect documents and certificates concerning the safe transport, handling and storage of dangerous goods and substances in the port area or port premises.
- (2) The Port Master or any of its authorized officers may enter and inspect any place or vehicle or person or package or storage facility for the purpose of ensuring that these regulations are being complied with.
- (3) A representative of the Port Master may board any vessel having dangerous goods on board or preparing to carry dangerous goods for the purpose of taking samples of such dangerous goods.
- (4) Where the Port Master or any of its authorized officers has reasonable grounds to believe that these regulations are not complied with, he may seize any evidence of such non - compliance.
- (5) The cost of any packing or unpacking of dangerous goods inspected pursuant to this regulation shall be borne by the cargo consignee or the owner of the goods.

107. Marking, packing and labelling of dangerous goods

No person shall bring into a port any dangerous goods, whether on a vessel or by land transport, unless the goods have been certified by the master or the agent of the vessel, or the consignor, or the carrier, that the goods have been properly marked, packed and labelled in accordance with the IMDG Code and with any specific requirement of the Authority in that respect.

108. Notice of arrival of vessel carrying dangerous goods

- (1) The owner, agent or master of every vessel arriving in the port carrying dangerous goods whether in bulk or packaged form shall, not less than 48 hours prior to such arrival -
 - (a) give written notice thereof to the Port Master and furnish a list of the dangerous goods stipulating the technical names, the quantity, the U.N number and the class/division of such goods in accordance with the IMDG Code;
 - (b) communicate to the Port Master all particulars of ship, cargo and crew as at the time of departure from the last port of call.
- (2) Notwithstanding paragraph (1), the Authority may, in certain circumstances, accept or agree to such shorter notice as it may determine.
- (3) In the case of any vessel which intends to berth at any Authority's wharf, the notice shall also be given to the Operations and Commercial Manager.
- (4) Where it is impracticable to give the notice as specified in paragraphs (1) and (2), written notice shall be given immediately upon arrival of the vessel in the outer port.

109. Master to carry manifest and stowage plans

The master of a vessel shall cause a list or manifest and stowage; plan to be carried in a vessel setting out the dangerous goods that are carried in the vessel on the voyage in which she is currently engaged and the places in the vessel where such goods are stowed.

110. Unloading of dangerous goods

- (1) The owner, agent or master or person in charge of every vessel intending to remove or discharge dangerous goods in the port shall give written notice of such intention to the Port Master.
- (2) No dangerous goods shall be removed or discharged without the prior written permission of the Port Master.

- (3) The Port Master may, in giving such permission, impose such conditions as he thinks fit.
- (4) The owner, agent, master or person in charge of any vessel which discharges goods of a flammable, explosive or other dangerous nature into the Authority's premises without the consent or knowledge of the Authority as to the nature and character of such goods shall, on receipt of a notice from the Authority, remove or render innocuous the whole or any part of such goods.
- (5) Notwithstanding paragraph (4), where such goods are not removed, destroyed or rendered innocuous within such time as may be given in the notice under this regulation, the Authority may, at any time, dispose of or render innocuous such goods without compensation and the owner, agent, master or person in charge of such vessel discharges such goods shall be liable to the Authority for all damages and expenses directly or indirectly arising out of or resulting from the discharge of such goods.
- (6) Where practicable and storage permitting, dangerous goods shall be unloaded prior to the commencement of unloading of any other goods aboard any other vessel.
- (7) Any package of dangerous goods, which is required to be opened for customs inspection by an authorized officer, shall be taken on deck for such inspection and shall be refastened after such examination and restowed without delay.

111. Loading of dangerous goods

- (1) The master of a vessel shall furnish to the Port Master, Operations and Commercial manager and licensed operator before loading commences, a copy of declaration that the shipment offered for carriage is properly marked, packed and labelled in accordance with these regulations and in a manner adequate to withstand the ordinary risks of handling and transport by sea.
- (2) The declaration shall indicate with the correct technical name, the identity of goods and the class in which such goods belong to in accordance with the IMDG Code.
- (3) The owner, agent, master or person in charge of every vessel which intends to load dangerous goods shall, not less than 48 hours before such loading, give written notice to the Port Master and shall not load such dangerous goods until written permission to do so has been obtained from the Port Master.
- (4) In the case of any vessel, which intends to load dangerous goods at an Authority's wharf, the written permission shall also be obtained from the Port Master.
- (5) Notwithstanding paragraph (3), the Authority may, in certain circumstances, agree to such shorter notice as it may determine.

112. Anchoring, mooring and berthing of vessels carrying dangerous goods

- (1) No vessel containing dangerous goods shall be berthed alongside any Authority's wharf except with the written permission of the Port Master and subject to such terms and conditions as he may think fit to impose.
- (2) No vessel containing dangerous goods shall be moored or anchored at any place other than at a designated anchorage except with the written permission of the Port Master or for the purpose of obtaining quarantine or immigration clearance.
- (3) No vessel, other than a vessel loading, discharging or intending to load or discharge or carrying dangerous goods, shall be anchored or moored within a designated anchorage.
- (4) No person shall cause a harbour craft to enter such places as are designated by the Authority as petroleum, dangerous goods or explosives anchorages except with the written permission of the Port Master and subject to such conditions as he may think fit to impose.
- (5) No person shall cause to be carried in a harbour craft any dangerous goods within the limits of the port without the permission of the Port Master.

113. Warning signals and communications

- (1) Except when small quantities of dangerous goods are lawfully taken for sampling, the master of every vessel carrying, loading or unloading dangerous goods shall, as long as the goods remain on board, cause to be exhibited in such manner as can clearly be seen all around the horizon, the signals designated for that purpose in the International Code of Signals, flag "B" by day and all round fixed red light by night.
- (2) The master of every vessel loading or unloading dangerous goods in bulk shall ensure that direct communication by telephone and by radio is established and continuously maintained between the vessel, the signal station, the receiving depot and tanks ashore and the Port Emergency and Environment Unit during loading or unloading operations in compliance with the IMDG Code.

114. General safety precautions on vessels carrying dangerous goods

Where a vessel is engaged in loading, discharging or carrying dangerous goods, the owner, agent, master or person in charge thereof shall ensure that -

- (a) the vessel shall be ready to leave berth with full power if necessary at immediate notice;

- (b) a ship's officer is present who shall be responsible for ensuring that the prescribed safety measures are taken and shall remain on duty until relieved by an equally competent person;
- (c) an efficient ship's fire-fighting party is maintained on board the vessel;
- (d) a regular and efficient fire patrol is maintained on board the vessel;
- (e) an adequate pressure of water for fire-fighting is at all times available;
- (f) at least 2 efficient fire extinguishers appropriate in the circumstances are at all times ready for use in the immediate vicinity of the place in which such goods are being worked;
- (g) a competent watchman is stationed at each gangway and every other means of access to the vessel to prevent the boarding of the vessel by any unauthorized person;
- (h) adequate notices in appropriate languages with pictorial representations are posted prominently on both sides of the deck of the vessel and at the forward and after end of each hold or compartment containing dangerous goods prohibiting smoking or the use of naked lights except in places authorized by the master or person in charge of the vessel;
- (i) an efficient anchor and cable is at all times ready to be released or cast away and in the case of an anchor, power shall be immediately available to weigh anchor if required;
- (j) no radio receiving sets including transistor sets shall be permitted in any hold or compartment containing dangerous goods;
- (k) no fire alarm points or emergency call boxes shall be sited where they are likely to be rendered inactive by an explosion;
- (l) any gear required to be used in any operation involved in the loading or discharge of goods is in good order and condition, of sufficient strength and suitable in all other respects for the purpose;
- (m) all reasonable precautions have been taken to prevent damage occurring to any package or freight container containing dangerous goods;
- (n) fire control plans are readily available for fire fighters at the gangway;
- (o) a competent crew is available to operate the fire pumps or other fire extinguishing equipment;

- (p) a sufficient number of officers and crew are at all times available to operate and handle all fire fighting equipment on board and to remove the vessel if so required by the Port Master; and
- (q) a watchman is at each gangway leading to the vessel -
 - (i) to prevent smoking by any person;
 - (ii) to prevent access to the vessel by any unauthorized person;
 - (iii) to warn all persons that dangerous goods are being handled on the vessel; and
 - (iv) to prevent any unauthorized hot work activities.

115. Restrictions on night loading or discharging of dangerous goods

- (1) No dangerous goods shall be loaded or discharged within the limits of the port between 7.00 p.m and 7.00 a.m without the written permission of the Port Master.
- (2) Notwithstanding paragraph (1), the Port Master may prohibit the loading or discharging of dangerous goods in containers between 7.00 p.m and 7.00 a.m, where he considers that it will not be safe for such goods to be so loaded or discharged.
- (3) Dangerous goods, as classified under Class I of IMDG Code, shall be discharged prior to the commencement of discharge of any other goods on board any vessel and shall be loaded after the completion of all other loading operations.
- (4) Where loading or unloading of dangerous goods has commenced, it shall be continued with all due speed and diligence and, where it is impracticable to complete the operation before 7.00 p.m., all holds and hatches, shall, unless permission to continue operations has been obtained from the Port Master, be securely fastened immediately after the loading or unloading has discontinued.
- (5) The agent of every vessel loading dangerous goods at any berth, and intending to depart shall ensure that the dangerous goods to be loaded on a vessel are so loaded -
 - (a) with due speed and diligence before 7.00 p.m. on the day of departure; and
 - (b) as far as possible and subject to storage being available, after all other cargo has been loaded.

- (6) Except with the written permission of the Port Master, no master or other person in charge of a vessel or craft carrying or containing dangerous goods shall leave his vessel or craft alongside any wharf, pier or other landing place between 7.00 p.m. and 7.00 a.m.
- (7) No dangerous goods shall be loaded or discharged while bunkering is in progress.

116. Weather conditions

- (1) The master of a vessel loading or unloading dangerous goods shall not operate such loading or unloading in weather conditions which may seriously increase the hazards presented by such goods.
- (2) The master of a vessel referred to in paragraph (1) and any operator or carrier shall comply with any instruction of the Port Master regarding stoppage of handling of dangerous cargo due to weather conditions.

117. Carriage of dangerous goods in passenger vessels

No person shall take dangerous goods on board any passenger vessel where the goods are of a kind not recommended for such carriage as provided by the IMDG Code.

118. Precautionary measures for carriage of spontaneously combustible substances

No person shall take any substance capable of spontaneous combustion on board any vessel to which these regulations apply for carriage in that vessel as cargo unless precautionary measures reasonably required to be taken in the circumstances of each case are taken for the prevention of the spontaneous combustion of such substances.

119. Removal of dangerous goods

- (1) The owner of any dangerous goods shall either cause the goods to be removed from the Authority's premises with all convenient speed or stored at such place or places as may be authorized in writing for that purpose by the licensed Port Operator.
- (2) The licensed Port Operator shall inform the Authority of any removal or storage of goods under paragraph (1).
- (3) The Authority shall issue a notice to the consignee or master or agent of the vessel to remove or otherwise dispose of any dangerous goods not removed or loaded within delays as set by the Authority.

- (4) In case of an emergency, the Authority may take such steps to guard, remove, destroy or otherwise dispose of any dangerous goods not removed or loaded as provided in these regulations as it may, in its judgment and given the circumstances, think fit and the expenses of so doing shall be borne by the consignee or the agent.
- (5) No person shall cause any dangerous goods to pass over the premises of the Authority unless the contents of each package or crate have been properly and fully described on the respective shipping manifest or landing order and packed and labelled in accordance with the provision of the IMDG Code.

120. Defective and damaged receptacles

- (1) No defective or damaged receptacle, package or container containing dangerous goods shall be landed on or be brought into port premises.
- (2) The owner, agent, master or person in charge of any vessel in which there is any leaking or damaged receptacle containing dangerous goods shall -
 - (a) ensure that all loading and discharging operations cease immediately on discovery thereof; and
 - (b) inform the Port Master, Operations and Commercial Manager and the licensed Operator of such leakage or damaged receptacle as soon as possible; and
 - (c) comply with the directions of the Port Master relating to the handling and storage of such receptacle.
- (3) Any person who fails to comply with any directions given pursuant to this regulation shall commit an offence.

121. Harbour craft carrying dangerous goods

- (1) Where any dangerous goods are being carried in any harbour craft, the person controlling or in charge of the harbour craft shall not permit persons other than the authorized crew and the representatives of the Authority, if any, to remain on board the craft.
- (2) Where dangerous goods are being carried in a harbour craft, which is under tow by another vessel, the person in charge of such harbour craft shall ensure that the harbour craft is being towed at a safe distance of such towing vessel.

122. Powers to stop operations

The Port Master may -

- (a) order a complete stoppage of all movement of dangerous goods on board any vessel if, in his opinion, any action which is being taken is hazardous or in any way contrary to the provisions of this Part; and
- (b) call to his assistances such aid as is necessary to enforce such call.

123. Power to order further precautions

Notwithstanding anything contained in Part III of these regulations, the Port Master may issue instructions or order such further precautions and take such emergency measures as he may deem necessary for the safety of the harbour and of the ships. therein and for the preservation of life, property and the environment.

PART IX - HANDLING OF FLAMMABLE LIQUIDS IN BULK

124. Approval of the Authority

No person or company shall handle, load, discharge, or otherwise deal with petroleum or cause or permit petroleum to be so handled, loaded, discharged, or otherwise dealt with in the port except with the approval of the Authority and in accordance with the requirement prescribed by the regulations.

125. Applicability

- (1) All provisions of Part VIII are applicable to flammable liquids in bulk.
- (2) Foreign warships fitted with proper magazines and safety equipment not capable of being flooded are exempted of these regulations, provided that -
 - (a) the master of such a vessel inform the Port Master before any movement of flammable liquid and/or explosives;
 - (b) a copy of these regulations shall be handed to such master as best practice to be observed; and
 - (c) the provisions of paragraph (1) of this regulation, regarding the prohibited area, shall in any case apply.

- (3) This regulation does not apply to the carriage of petroleum in tanks solely for propelling the vessel, motor vehicle and/or any other mechanical structure.

126. Notice of arrival

- (1) The agent of a ship having on board any flammable liquid in bulk or in containers shall not less than 48 hours (excluding Sundays and Public Holidays) before the arrival of the ship at Port Louis Harbour, give written particulars of such flammable liquid, including quantities, flash-point and (where applicable) vapour pressure, as well as the maximum arrival draught of the ship, to the Port Master.
- (2) In the case of a ship which has conveyed flammable liquids in bulk to any other harbour on the same voyage, the master of the vessel shall advise the Port Master not less than 48 hours (excluding Sundays and Public Holidays) before the arrival of the ship whether the empty or ballasted tank concerned is gas free.

127. Survey certificate

- (1) The master of every tanker shall ensure that he has in his possession a valid survey certificate issued by the Maritime Administration or by a recognised classification society, for the carriage of any flammable liquid with a flash point not exceeding 61 degrees Celsius.
- (2) The Port Master may refuse to allow any ship, which is not in possession of such a certificate, to handle flammable liquid in Ports.

128. Separation distance

The master of a tanker shall not allow the tanker to lie within 50 metres of any other ship except by express direction of the Port Master provided that, in the case of transshipment, this paragraph may be departed from on the written authority of the Port Master if it is impracticable to place the tankers at separate berths.

129. Prohibited area

- (1) Any tanker in operation and any land or sea area adjacent to such tanker and within a distance of 50 metres shall be deemed to be a prohibited area for the purpose of these regulations and no person shall have access to the area unless that person has lawful business in the area or is specially authorized by the Port master.
- (2) No person shall enter, remain in, or leave a prohibited area at a tanker berth except after production of a permit issued by the Authority or at the discretion of the officer in charge of the Port Emergency and Environment Unit on duty at the berth.

- (3) During shipping and discharging operations of containers or tanktainers carrying or having carried flammable liquids, the Port Master may, if he deems it advisable, cordon off the wharf area and cause a notice bearing the words "PROHIBITED AREA" to be displayed conspicuously.

130. Vessel's complement during handling of flammable liquids

The master of the vessel handling flammable liquids shall at all times provide for -

- (a) a crew member to operate the fire pumps or other fire extinguishing equipment;
- (b) a crew member to operate and handle all fire fighting equipment on board and to move the vessel if so required by the Port Master;
- (c) a watchman to be stationed at each gangway leading to the vessel -
 - (i) to prevent smoking by any person;
 - (ii) to prevent access to the vessel by any unauthorised person;
 - (iii) to warn all persons that flammable liquids are being handled on the vessel; and
 - (iv) to prevent any unauthorized hot work activities.

131. Tanker ready to move

- (1) Where the Port Master considers it necessary or in the interests of safe, orderly and efficient harbour working, he may order the removal of a tanker with flammable liquids on board, from the berth at which she is lying, and the master of the tanker shall be responsible for the charges incurred in connection with such removal.
- (2) Except with the Port Master's permission, the main engines, steering gear or deck equipment of a tanker shall not be immobilized.
- (3) The master of a tanker shall ensure that -
 - (a) all moorings of a tanker are capable of being readily cut or slipped in an emergency from both ship and shore;

- (b) the wire towing pendants are made fast to bitts and ranged out through bow and stem on a tanker's offshore side, convenient to tugs, and these wires are rigged at all times while a tanker is in the harbour; and
- (c) where insulation exists between the ship and pipelines, all moorings are insulated with fibre tails for a distance of at least 2 metres and the fibre tails are at least 25 percent stronger than the wire ropes to which they are attached.

132. Towing-off wires

The master of any tanker carrying flammable liquids in bulk shall ensure that before discharging operation starts, towing-off wires are secured forward and aft and that such wires are -

- (a) capable of bearing any strain which it may be necessary to impose upon them in towing-off the vessel and be suspended so that the eyes shall not be more than 2 metres above the level of the sea;
- (b) of such length so as to provide an effective towing length of not less than 50 metres;
- (c) made fast to bitts or bollards and ranged out through bow and stem on a tanker's offshore side, convenient to tugs, and that these wires are rigged at all times while a tanker is in the harbour.

133. Closing and opening of oil tanks

- (1) The master of an oil tanker shall ensure that -
 - (a) before the tanker enters a harbour, all her oil tanks are securely and safely closed;
 - (b) all such oil tanks remain safely and securely closed during such time as the ship is in the harbour except where otherwise provided in these regulations, or where it has been established that the tank is gas free; and
 - (c) inert gas plants are operational at all times.
- (2) During loading or ballasting operations the gases displaced shall as far as possible be vented up the mast.

134. Prohibited discharge in harbour

- (1) No person shall discharge or allow to escape into a harbour any flammable liquid of any description or any water, which is contaminated with oil or flammable liquid or with any other substance.
- (2) Where flammable liquid or contaminated water is discharged or allowed to escape into a harbour from a tanker or ship's pipeline, the master of the tanker shall be liable for any costs which may be incurred for the removal of such liquid or water.
- (3) No master of a vessel shall discharge clean ballast water into the harbour prior to "back loading" without the permission of the Port Master who shall not grant such permission unless a current certificate is produced by a certified chemist certifying that the ballast water is free of oil or other matter.

135. Diligent discharge

The master of a tanker shall ensure that -

- (a) once the discharge of flammable liquids has commenced, such discharge shall be continued with due diligence;
- (b) where it is impracticable to complete the discharge of the flammable liquids, all oil tanks are securely closed immediately the discharge is discontinued and all the precautionary measures that would have had to be taken if discharge had not commenced are thereupon put into effect;
- (c) if, during discharge anything occurs which necessitates the carrying out of repairs to the plant, pipes or connections, or which interferes in any way with the uninterrupted discharge of the flammable liquids, the discharge is discontinued and adequate fire and safety precautions are taken to the satisfaction of the Port Master.

136. Special provision during handling of flammable liquids

- (1) The master of a tanker shall ensure that, from the time when the oil tanks of any tanker are first opened for the purpose of handling flammable liquids in the process of discharging, shipping, ballasting or transfer of cargo within the ship, and during one hour after all the tanks are securely closed and sealed after completion of the abovementioned operations -
 - (a) if the ship is fitted with masthead venting or other gasline venting, the vent is open;
 - (b) no smoking is permitted except in the designated area of the ship's accommodation and then only at the discretion and under the responsibility of the master.
 - (c) if galleys are used, no sparks escape from the funnel or other outlet.

- (2) No person shall use the ship's electrical installation unless they comply fully with international standards.
- (3) No person on board the ship shall be in possession of matches or a cigarette lighter in any place other than one where smoking is permitted in accordance with subparagraph (1)(b).

137. Handling of ship's stores and equipment

- (1) Any person responsible for the handling of ship's stores and equipment shall ensure that, subject to paragraph (2), such handling is completed before any oil tank on the tanker is opened for any purpose.
- (2) Consumable stores for consumption on a voyage may be shipped during cargo or goods handling operations on condition that they are placed aboard on the after deck away from the discharge and loading manifolds.
- (3) No person shall engage in the handling of package cargo unless -
 - (a) bulk discharging operations on flammable liquids have been suspended;
 - (b) all tank openings have been closed; and
 - (c) a gas-free certificate has been issued by a certified chemist in respect of the hold from which such cargo is to be removed or into which it is to be loaded.
- (4) Every person engaged in the handling of consumable stores or package cargo contained in metal containers shall take such precautions as may be necessary to prevent the creation of sparks including the landing of such containers on board the ship on canvas or other insulating material.

138. Hot and repair work on tanker

- (1) No person shall carry out on a tanker or within a prohibited area any work of any description that may cause a fire except with the written permission of the Port Master.
- (2) Where there is any spillage of flammable liquid apart from minor drip leakage or anything occurs which necessitates repair to the plant, pipes, pumps or connections or which may endanger the ship or wharf, the Port Master or his authorized representative shall immediately -
 - (a) order pumping to be stopped in which event pumping shall not be resumed without the permission of the Port Master or his authorized representative;

- (b) ensure that all possible safety precautions are taken together with the mobilisation of the Port Emergency and Environment Unit should it be considered necessary.
- (3) Every person engaged in the pumping of flammable liquids and ballasting shall cease to do so upon the order of the Port Master or his authorised representative -
 - (a) where such order is given in terms of any other provisions of this regulation;
 - (b) during the failure of lighting either on the cargo deck or on the wharf;
 - (c) at the close approach of an electric storm and until all danger has passed;
 - (d) in the event of any undue concentration of vapour being detected in the accommodation or the engine room or pump room.

139. Flexible hoses

- (1) No person shall use any flexible hose in cargo handling and bunkering operations unless it is of the electrically conducting type and has all metal armouring continuous and securely bonded to the flanges of each section.
- (2) The Authority may, where it considers it desirable, require -
 - (a) any flexible hose to be subjected to a test of half-hour duration at a pressure of 25 per cent in excess of the normal working pressure or 850 kPa, whichever is the greater; and
 - (b) that electrical continuity tests be undertaken to confirm that the flexible hoses are electrically conducted.
- (3) The master of a tanker shall ensure that -
 - (a) on first installation and annually thereafter, the hoses are fitted to the tanker and tested to ensure that they are of the electrically conducting type.
 - (b) sufficient flexible hose are used to provide for all possible movement of the ship while moored;
 - (c) all connections are properly and tightly made, with oil-tight gaskets and every bolt hole in the flange is securely fastened;

- (d) in the event of any section of flexible hose showing signs of bulging or of percolation, the section in question is replaced immediately;
- (e) the flexible hose shall be supported by a derrick and raised above deck or wharf level by means of chocks or other suitable means with all due provision made to prevent chafing;
- (f) drip pans are placed under each joint where practicable; and
- (g) the flexible hose and drip pans are kept under constant supervision at all times while pumping is in progress.

140. Gas-free certification, tank cleaning, etc.

- (1) The master of a vessel shall ensure that the vessel, if it is conveying or has conveyed flammable liquids, does not enter a dry-dock nor undergo any repairs while it is in the harbour, unless a gas-free certificate for the ship has been issued by a certified chemist and permission has been obtained from the Port Master in the interests of safe, orderly and efficient harbour working and subject to such conditions as he may impose.
- (2) The Port Master may :-
 - (i) direct that a fresh gas-free certificate, issued by a certified chemist, shall be obtained daily before work is commenced, and if during the course of the working, any risk of flammable vapour arises, work shall be suspended until a further gas-free certificate has been obtained;
 - (ii) insist on the production of a gas-free certificate in any circumstances in which he deems such a certificate to be necessary.
- (3) Any person wishing to ballast or gas-free any vessel within the port subsequent to the carriage of petroleum in such vessel shall notify the Port Master or his authorized representative who may direct where any such operation shall be carried out and impose such conditions as he may consider necessary in the circumstances.
- (4) No person shall clean or gas-free the tanks of a vessel in port without permission of the Port Master and any application for such permission shall be accompanied by full details of the arrangements proposed for the disposal of sludge, residue or waste material.

- (5) The owner or person in charge of the tank-cleaning or gas-freeing operation shall ensure that no person who is employed in the cleaning of the tank shall smoke, carry or take into the tank any matches or other substances that produce or are capable of producing any fire or spark.
- (6) Minor repairs may be carried out on board a tanker at the discretion of the Port Master, subject to the following conditions in the interests of safe, orderly and efficient harbour working -
- (a) a gas-free certificate shall be obtained daily in respect of the tank, compartment or hose concerned and for each adjoining tank, compartment or hold;
 - (b) a pictograph shall be prominently displayed on each tank hatch on the cargo deck indicating the condition of that tank, i.e. «Danger» or «Gas Free» as the case may be;
 - (c) similar pictographs shall be displayed at the entrance to any hold or compartment affected;
 - (d) such pictographs shall not be of smaller dimensions than 61 cm by 38 cm and the size of each letter shall not be less than 15 cm by 8 cm;
 - (e) "Danger" pictographs shall have white letters on a red background and «Gas Free» pictographs shall have letters on a white background; and
 - (f) where the Port Master so directs, any electrical equipment to carry out repairs shall have been examined before it is used.
- (7) With the prior approval in writing of the Port Master, a tanker may be immobilised in harbour in order to enable repairs to be effected.
- (8) Every request for immobilisation shall be accompanied by a gas-free certificate in respect of engine room issued by an approved surveyor.
- (9) Where the ship is not gas-free, immobilisation shall be permitted only at the discretion of the Port Master.

141. Non gas-free tank and gas concentration testing

Notwithstanding the requirement of safety system of a vessel to which the ISM Code applies, no person shall -

- (a) take into any oil tank, compartment or hold, any naked light, fire, hot rivet or anything that could cause ignition or bring any such object or thing as aforementioned within such closed proximity to any such oil tank, compartment or hold as to constitute a hazard; and

- (b) enter such oil tank, compartment or hold unless he is provided with a suitable breathing apparatus consisting of a helmet or face piece with necessary connections by means of which he can breathe outside air or with an approved self-contained breathing apparatus and unless he is wearing a safety belt connected to a life line, which life line shall be tended at deck level by 2 men

unless the oil tank, compartment or hold has been certified gas free.

142. Prohibition of unsafe equipment and apparatus

- (1) No person shall use, within any prohibited area or on a cargo deck or in any oil tank, hold or compartment immediately adjacent to and below the top of the oil tanks in any tanker, any portable lamp other than a self-contained battery-fed lamp of an approved type.
- (2) No person shall use in any prohibited area, any portable radio equipment and radar which has not been certified as intrinsically safe by a competent person.
- (3) No person shall wear, in a prohibited area or on iron or steel surfaces on board a vessel carrying flammable cargo, any boots or shoes shod or strengthened with iron.

143. Closing of cargo deck doors and ports

The master of a vessel shall ensure that when cargo is being handled or ballast taken on board, all cargo deck doors and ports as well as all upper deck doors facing the cargo are kept closed and that such doors are only opened for the purpose of entry and exit where this is essential to the working of the ship.

144. Conditions to discharge gas

- (1) Except with the prior permission in writing of the Port Master and subject to such conditions as he may impose in the interests of safe, orderly and efficient harbour working, the master of a vessel shall cause the tanker to discharge gas in the port.
- (2) Any application to the Port Master for permission to discharge gas in a port shall be accompanied by a statement signed by the master of the vessel to the effect that suitable and efficient mechanical equipment for discharging gas is on board the vessel.
- (3) Where pressure is built up in any tank by compressed air or other means, prior to discharging gas, the master of the vessel shall certify that all gas line vent valves are in working order.

- (4) No person shall open the lid of any tank except where it has been established that such tank is gas free.
- (5) In instances where discharging gas is permitted prior to back loading, the master of a vessel shall ensure that tanks are securely closed before back loading is commenced.

145. Stray electric currents

To guard against the dangers of stray electric currents during cargo handling and bunkering operations, the master of a vessel shall ensure that the flow of such currents in discharge pipelines are effectively prevented by means of different forms of insulation in accordance with best industry practice.

146. Valves and conditions for pumping

- (1) The ship's officer on duty shall ensure that the vessel's manifold valves are kept closed until -
 - (a) hose connection has been made;
 - (b) ship's cargo valves have been set and outlet valves checked;
 - (c) all safety precautions have been complied with; and
 - (d) the permission of the Port Master's representative to commence pumping has been obtained.
- (2) As soon as pumping has commenced, and again when full pressure has been reached, the ship's officer on duty shall ensure that no oil is discharged into the sea.
- (3) In case there is any spillage of flammable liquid apart from minor drip leakage or should anything occur which necessitates repair to the plant, pipes, pumps or connections or which might endanger the ship or wharf, the Port Master or his authorized representative shall immediately -
 - (a) order pumping to be stopped in which event pumping shall not be resumed without the permission of the Port Master or his authorized representative; and
 - (b) ensure that all possible safety precautions are taken together with the mobilisation of the services of the Port Emergency and Environment Unit should this be considered necessary by the Port Master or his authorized representative.
- (4) Pumping of flammable liquids and ballasting shall cease upon the order of the Port Master or his authorized representative who shall inform the Port Master of any action taken:-

- (a) when such order is given in terms of any other provisions of this regulation;
 - (b) during the failure of lighting either on the cargo deck or on the wharf;
 - (c) at the close approach of an electric storm and until all danger has passed;
 - (d) in the event of any undue concentration of vapour being detected in the accommodation or the engine room or pump room; and
 - (e) in the event of any condition being observed which in the opinion of the said representative is not conducive to the safe working of the ship.
- (5) Immediately upon cessation of pumping in any oil tank, the master of the ship shall cause such tank to be securely closed.

147. Closure of sea valve and overboard discharges

Prior to the commencement of cargo handling operations, the master of a vessel shall ensure that -

- (a) all sea valve and overboard discharges in the pump rooms and cofferdams are securely closed, except for such valves as it may become necessary to open for the purpose of flushing shore lines with water;
- (b) such valves and discharges shall remain lashed, closed during discharging or shipping operations; and
- (c) all scuppers are effectively plugged and in order to minimise the risk of spills, the pressure during pumping is increased gradually and all flexible pipe joints are carefully examined during this period.

148. Immediate handling

- (1) The licensed operator shall ensure that flammable liquids, empty containers or tanktainers are loaded directly into trunks or semi-trailers or loaded therefrom into the ship.
- (2) Where, in the opinion of the Port Master, this is not practicable, such liquids or containers, shall be stacked in an open space and sheeted, and protective measures prescribed in connection with loading and unloading shall be observed.

- (3) The boundaries of the prohibited areas shall at no point be less than 15 metres from the outside of the stack.

149. Prohibited handling during electrical storms

No person shall handle flammable liquids or empty tanktainers during any electrical storm.

150. Leakage restrictions

- (1) No person shall discharge or ship flammable liquids in containers unless such containers are tight and free from leakage and are of such strength and construction as not to be liable to be broken or to leak except in consequence of gross carelessness or accidents.
- (2) Any damaged container may be discharged with the approval of the Port Master subject to such conditions as he may impose in the interests of safe, orderly and efficient harbour working.

151. Precautions during transit

- (1) Where flammable liquids in transit are stowed in a hold which is not opened, or are stowed on deck, such precautionary measures shall be taken as may be required by the Port Master in the interests of safe, orderly and efficient harbour working.
- (2) Where flammable liquids in transit are stowed in a hold which is being worked for other cargo -
 - (a) no person shall smoke or carry out any repair or hot work in such hold; and
 - (b) a fireman, equipped with flammable gas-intensity detector, shall be in attendance.
- (3) No person shall be engaged in the working of ships carrying flammable liquids in transit between the hours of 7.00 p.m. to 7.00 a.m. unless adequate lighting and safety measures to the satisfaction of the Port Master are available.

152. Packed cargo on deck

- (1) No petroleum products shall be loaded on the deck of any vessel as packaged cargo unless approval has been obtained from the maritime administration.
- (2) Where petroleum is carried out in receptacles on any vessel as packaged cargo -
 - (a) the receptacles are to be manufactured to internationally accepted standards;

- (b) no receptacle shall contain more than 95 percent of the liquid;
- (c) every receptacle containing petroleum products has marked or stamped upon it in conspicuous characters the words «HIGHLY FLAMMABLE» with the trade name of such petroleum;
- (d) no leaking receptacle containing petroleum is on board; and
- (e) in case there is any leakage or damaged receptacle containing petroleum -
 - (i) all loading and discharging operations cease immediately on discovery thereof;
 - (ii) the Port Master is immediately informed of such leaking or damaged receptacle and all directions of the Port Master relating to the handling and storage of such receptacle are complied with;
 - (iii) work is not resumed unless permission is granted by the Port Master.

PART X - HANDLING OF LIQUEFIED PETROLEUM GAS

153. Applicability

The safety measures relating to the operations of a vessel, jetty or berth or installation prescribed in Parts II to VIII shall apply to the carriage, handling and operation of liquefied petroleum gas (LPG) with such modifications as may be necessary.

154. General responsibility of licensed operator of liquefied petroleum gas operations

- (1) A licensed operator of LPG shall be responsible for overseeing the discharge of the tanker's load.
- (2) A licensed operator may delegate his functions under paragraph (1) to his LPG Operations Supervisor.
- (3) The LPG Operations Supervisor shall at all times liaise with the: tanker's master so as to agree on all operational procedures set out in this part.
- (4) Where provision is made in this Part for a shared or joint responsibility between the tanker and the shore personnel, the vessel's personnel shall be specifically responsible for operations on the vessel up to the ship's rail.

155. Checks on LPG vessel before arrival at terminal

- (1) Prior to arrival at the terminal, the master of a vessel shall ensure that the cargo system and transfer equipment of the vessel has been inspected and tested.
- (2) The test under paragraph (1) shall include or apply to the following -
 - (a) moving the remotely operated valves through a complete open/close cycle to ensure proper functioning and to confirm the correct closure times;
 - (b) the correct operation of the gas detection analysers;
 - (c) activating the cargo transfer system emergency stops from all locations to ensure correct operation of all associated alarms and interlocks;
 - (d) the operation of the tank high level alarms and valve closures; and
 - (e) the tank high and low pressure alarms and the interlock operation;
- (3) Prior to entry into the port,
 - (a) the master of a vessel shall ensure that the vessel's Certificate of Fitness is valid and endorsements shall be noted and discussed with the Authority; and
 - (b) The Authority shall require confirmation that all navigational equipment and propulsion machinery of the vessel are fully operational.

156. Access to vessel

- (1) Once the vessel has berthed alongside the quay -
 - (a) access from the terminal to the ship shall be positioned as far away from the manifolds as practicable;
 - (b) the means of access shall be safe and may consist of an appropriate gangway;
 - (c) safety net shall be provided and properly secured;

- (d) there shall be an adequate landing area on the berth so as to provide the gangway with sufficient clear run of space to maintain safe and convenient access to the ship at all states of tide and changes in the ship's freeboard;
- (e) near the access ashore, suitable life-saving equipment shall be available;
- (f) a lifebuoy shall be available on board the ship near the gangway or accommodation ladder.
- (g) the access shall be safely and properly illuminated during darkness;
- (h) a safe and quick emergency escape shall be available both on board and ashore and fire protection is provided for emergency escapes;
- (i) no access shall be given to any person who has no legitimate business on board or who does not have the master's permission; and
- (j) the Authority and LPG Operator shall be made aware of the dangers of entering any compartment on the ship including the motor room or the compressor room and no such compartment shall be entered by the staff unless accompanied by a responsible member of the ship's staff.

(2) The Authority shall control access to the jetty or berth in agreement with the ship's master.

157. Vessel to be able to move

The master of any ship shall ensure that the ship is able to move under its own power at short notice unless permission to immobilise the ship has been granted by the Port Master.

158. Procedures before commencing cargo operations

Once a vessel is safely moored and the jetty is manned, and prior to commencing any cargo handling operations -

- (a) the LPG operator shall carry out the checks specified in regulation 155(2)(a) to (e);
- (b) the jetty shall be inspected by the LPG Operator to ensure that all is safe and in order and checks carried out on the safety clothing and equipment used by the jetty operators;
- (c) no person shall board the vessel until it is properly alongside, safely and securely moored with an approved gangway erected and safety nets are slung in position;

- (d) where required, an additional means of access to the vessel shall be provided by the LPG Operator for use in an emergency and all personnel shall be made aware of its purpose;
- (e) space shall be provided by the LPG Operator to accommodate the ship's gangway and allow safe, convenient access to the vessel;
- (f) shore hoses and pipelines shall be checked by the LPG Operator for visible defects, cleaned and purged as necessary;
- (g) the LPG Operator shall hold a pre-discharge meeting with the ship's master and the Port Master;
- (h) a system of communication between the vessel and the shore shall be established and agreed between the vessel and LPG Operator to ensure that appropriate action can be taken in the event of an emergency arising either on the ship or on shore;
- (i) ship and shore procedures shall be discussed and agreed between the vessel and LPG Operator;
- (j) all jetty valves and sample cocks shall be closed; and
- (k) manifold valves and lines shall be set in preparation for movement of the product.

159. Checking cargo hoses

Before commencing cargo handling operations, every cargo hose shall be checked by the LPG Operator who shall also ensure that -

- (a) the back flanges are removed from the ends of the cargo hoses that are to be used for the operation;
- (b) the fittings for the hose connection are installed;
- (c) the hose, if not empty, is drained;
- (d) the hose is inspected before each use to ensure that it is in good condition and that it is not obviously contaminated;
- (e) the hose is pressure tested annually and relevant certificates are submitted to the Authority;

- (f) the hose is connected to the shore pipeline using full-length bolts with adequate thread available to enable the bolts to be fully secured and tightened so that the bolts protrude through the nuts when in position;
- (g) only new gaskets of adequate size and materials are used between the flanges;
- (h) the hose is slung from the ship's derricks using a spread or straddle type of sling on the hose to distribute the weight more evenly and avoid the stresses that a concentration of weight in one position can impose;
- (i) manifold valves are closed and the bank flange removed from the valve, if this has not already been done, and due care is exercised so that pressure is not released uncontrollably, even though the valve is closed;
- (j) the ship end of the hose is presented to the appropriately marked flange at the ship's manifold and connected to the flange and that ropes or slings adequately support the weight;
- (k) only hoses of sufficient length are used to allow for flexing and for the movement of the vessel against the berth, both vertically and laterally;
- (l) the hose, after being connected to the pipeline on the shore, is connected to the correct line on the ship as indicated by the product grade boards and checked against the agreed cargo plan;
and
- (m) the hoses are properly slung, without tight bends, and will not chaff against any fixed equipment and that hose running on the hardstanding is supported or choked to prevent abrasion.

160. Procedures for discharge of cargo

- (1) Before starting to discharge, the master of the vessel and LPG Operator shall -
 - (a) ensure that all connections are properly made; and
 - (b) settings of shore, line and vessel manifold valves are checked.
- (2) When the receiver is ready to accept the cargo, the LPG Operator shall advise the master's representative accordingly and the discharge operation can start according to the following procedure -
 - (a) pumping shall start slowly to allow minimal generation of static electricity;

- (b) the line, hose connections and other system facilities shall be inspected for leaks that might occur under initial pumping pressure;
- (c) rapid shut down shall be effected should leaks or other problems occur on the initial start up; and
- (d) the discharge rate shall be increased progressively to the agreed pumping capacity, avoiding line shock;

161. Smoking and naked lights

No person shall smoke or ignite lights or cause any sources of ignition within the hazardous areas that may be created by the cargo transfer operations or within areas defined by the vessels or shore personnel and indicated by appropriately displayed warning signals.

162. Vessel moorings during operations

- (1) While cargo transfer operations are under way, the master of the vessel shall ensure that -
 - (a) the operations are continuously monitored with regular attention paid to moorings and other ship to shore connections such as cargo hoses;
 - (b) the ship remains adequately secured in its moorings;
 - (c) attention is given to the movement of the ship caused by passing ships, wind current, tides and the cargo or ballast operation in progress;
 - (d) wire ropes and fiber ropes are not used together in the same direction, namely breast, springs, head or stem;
 - (e) once moored, the automatic tension winches of the ship, if it is fitted with such winches, are not used in the automatic mode; and
 - (f) means are provided to enable the quick and safe release of the ship in case of an emergency;
- (2) The method used for the emergency release operation shall be agreed with the Authority, taking into account the full implications of releasing the moorings.

163. Emergency towing wires

The master of the vessel shall ensure that-

- (a) emergency towing wires are positioned both on offshore bow and quarter of the ship;
- (b) the eyes of these wires are -
 - (i) maintained above the waterline and regularly checked and adjusted if necessary during the operations; and
 - (ii) properly made fast on the ship's bollards with sufficient slack on deck to permit a tug to achieve a suitable towing position; and
- (c) a light lashing is used to prevent the slack from accidentally running into the water and that such lashing can easily be broken by the tug if necessary.

164. Control of cargo transfer operations

- (1) Cargo transfer operations shall be under constant control from both on board ship and ashore.
- (2) Supervision shall be aimed at preventing the development of hazardous situations; if, however, such a situation arises, the controlling personnel shall have adequate means available to take corrective action.
- (3) The controlling personnel on board ship and ashore shall maintain an effective communication with their respective supervisors.
- (4) All personnel connected with the operations shall be familiar with the dangers of the substances handled.

165. Communications

The responsible officer on duty on the ship and the responsible person ashore representing LPG Operator shall communicate with each other on the appropriate channels.

166. Operations procedures

- (1) The operation procedures shall be discussed and agreed upon by the vessel master and LPG Operator prior to the start of the operations, and the agreed arrangements shall be recorded on a ship *or* shore safety checklist which shall be signed by, both representatives.

- (2) The LPG Operator shall ensure that the manifold area both on board and the shore hose connection are safely and properly illuminated during darkness.
- (3) The maximum flow rate of the operations shall be determined taking into account all relevant product properties and line and valve characteristics in order to prevent any pressure surges in the event of an emergency shutdown.
- (4) The operation shall be suspended on the approach of an electrical storm within a short distance, of the handling location.

167. Fire fighting equipment

- (1) Fire-fighting equipment both on board and ashore shall be correctly positioned and ready for immediate use.
- (2) The master of a vessel shall ensure that -
 - (a) adequate units of fixed or portable equipment shall be stationed to cover the ship's cargo deck;
and
 - (b) the ship fire main systems are pressurised, or are capable of being pressurised at short notice.

168. Cargo hoses

LPG Operator shall ensure that -

- (a) cargo hoses comply with the provisions of the International Maritime Organisation Gas Codes for Gas Carriers;
- (b) cargo hoses are identifiable with regard to their suitability for the intended operation.
- (c) cargo hoses are in good condition and properly fitted and rigged so as to prevent strain and stress beyond design limitations;
- (d) all flanged connections are to be fully bolted and other types of connections properly secured;
and
- (e) the hoses are constructed of a material suitable for the substance to be handled taking into account its temperature and maximum operating pressure.

169. Unused cargo and bunker line connections

The master of a vessel shall ensure -

- (a) that unused cargo and bunker line connections are closed and blanked; and
- (b) blanked flanges are fully bolted and other types of fittings, if used, properly secured.

170. Openings

- (1) Apart from openings required for tank venting when bunkering or inspecting tanks, all openings to cargo and bunker shall be closed gastight
- (2) Ullage and sampling operations may be opened for the short period of ullaging and sampling.
- (3) Closed ullaging and sampling systems shall be used where required by international and national regulations.

171. Portable electrical and communications equipment

- (1) The master of a vessel shall ensure that -
 - (a) battery operated hand torches and VHF radio-telephone sets are of a safe type which meet international standards; and
 - (b) ship telephones, other than those intended to be placed in a safe place in the vessel's accommodation comply with requirements for explosion-proof construction.
- (2) VHF radio-telephone sets may not operate otherwise than in the international-agreed wave band.

172. Vessels radio and radar equipment

The master of the vessel shall ensure that during a vessel's stay in port -

- (a) the vessel's main radio installation is not used except for receiving purposes;
- (b) the main transmitting aerials are disconnected and earthed; and

- (c) the vessel's radar installation is not used unless the master, in consultation with the LPG Operations Supervisor and the Port Master, have established the conditions under which the installation may be used safely.

173. Telephone cables

- (1) No person shall, in any hazardous zone, use on wandering leads, portable electrical equipment or any equipment that would render the zone unsafe.
- (2) The supply cables for such equipment shall be disconnected and removed from the hazardous zone.
- (3) Telephone cables in use in the ship or shore communication system shall be routed outside the hazardous zone.
- (4) For the purposes of this regulation, «hazardous zone» means a safety perimeter of 50 metres from a vessel.

174. Closure of openings

- (1) External doors, windows and portholes facing or near the cargo area shall be closed, but not locked, during operations.
- (2) All doors that shall be closed shall be clearly marked.

175. Air Conditioning

- (1) Air conditioning and ventilator intakes, which are likely to draw air from the cargo area, shall be closed.
- (2) Air conditioning units which are located wholly within the accommodation, and which do not draw air from the outside, may remain in operation.
- (3) Window type air conditioning units shall be disconnected from the power supply.

176. Bonding wires

Bonding wires shall not be used between the ship and the shore on any vessel.

177. Electrical continuity

- (1) Unless preventive measures are taken, the ship and shore connection hoses shall provide a continuous electrical path between shore and ship pipework.
- (2) An insulating flange inserted at each jetty manifold outlet shall prevent the passage of these currents.
- (3) The electrical discontinuity may be provided by the inclusion of one length of electrically discontinuous hose in each hose string.
- (4) The means for electrical discontinuity shall be in place and in good condition and it shall not be by-passed by contact with external metal such as wire stop on the crane hook.

178. Harbour craft and road vehicles

- (1) No person in charge of a craft supplying services to a ship shall moor alongside without the permission of the master of the ship and the agreement of the Port Master.
- (2) The Port Master may -
 - (a) issue appropriate instructions to the operator of authorised craft on the suitability of engines, apparatus, and equipment to avoid sources of ignition when going alongside a tanker or a jetty and spark arresters on engine exhausts where applicable and on proper fendering; and
 - (b) direct the owner or person in charge of a craft to prominently post suitable notices on the craft informing personnel and passengers of the safety precautions to be observed.
- (3) No person shall drive or move a road vehicle in the vicinity of a berthed vessel during cargo transfer.

179. Lighting

The Operations and Commercial Manager shall ensure that during hours of darkness all working areas are to be well lit and if required for normal operations, adequate lights ashore are also provided to illuminate the storage and operating areas.

180. Weather reports

LPG Operator shall make available weather reports to the vessel at maximum intervals of 12 hours.

181. Hot work

- (1) The Port Master shall not, unless there are exceptional circumstances, permit any hot work, hammering, chipping or operations involving the use of power-tools to be undertaken whilst the vessel is at the terminal.
- (2) In the unlikely event that such work shall be carried out on the vessel or terminal, the person carrying out such works shall take such precautions as may be required from the Authority. .

182. Information on products to be handled

- (1) Information on the products to be handled and the procedures to be used shall be available on board the vessel and ashore before and during the operations.
- (2) The information shall include -
 - (a) a cargo stowage plan;
 - (b) a full description of the physical and chemical properties necessary for the safe containment of the cargo;
 - (c) action to be taken in event of spills or leaks;
 - (d) counter measures against accidental personal contact;
 - (e) fire-fighting procedures and fire-fighting media;
 - (f) special equipment needed for the safe handling of the particular cargo;
 - (g) minimum cargo containment system pressure and temperature;
 - (h) the closure time and characteristics of all relevant automatic shutdown valves fitted on the shore;
 - (i) agreed safe cargo handling rate;
 - (j) procedures for cargo transfer;
 - (k) position of the jetty emergency alarm and ship/shore emergency shut down buttons;
 - (l) ship and shore alert and fire alarm signals;

- (m) position of jetty emergency escape facilities; and
- (n) cargo pipeline and control plan and electrical installation plan.

183. Water spray systems

- (1) In cases where LPG is handled, water spray systems shall be regularly tested and details of the last tests shall be exchanged.
- (2) During operations the systems shall be kept ready for immediate use.

184. Protection equipment

- (1) Suitable protection equipment, including self-contained breathing apparatus and protective clothing, appropriate to the specific dangers of the product handled, shall be readily available in sufficient numbers for operational personnel both on board and ashore.
- (2) All personnel directly involved in the operations shall utilise this equipment and clothing whenever the situation requires.
- (3) Personnel required to use the breathing apparatus during operations shall be physically fit and trained in its safe use.

185. Spaces to be isolated

The vessel's master shall ensure that prior to arrival, spaces required by the International Maritime Organisation Gas Carrier Codes are isolated.

186. Remote valves

- (1) All vessel and shore cargo system remote control valves and their position indicating systems shall be regularly tested and details of the last test~ shall be exchanged.
- (2) Where any such valves either on the vessel or in the terminal are not working correctly the alternative arrangements shall be clearly understood and agreed by those responsible for the transfer.

187. Venting systems

- (1) Where the vessel's venting system is fitted with relief valve bypasses, the bypasses shall be closed.

- (2) Where different grades of cargo are carried simultaneously independent-venting systems are available and segregation between systems shall be checked.
- (3) In cases where cargo tanks are permitted to have more than one relief valve setting, it shall be verified that the relief valve is set as required according to the cargo to be handled and that the actual setting of relief valve is clearly and visibly displayed and has been properly recorded.

188. Reliquification and boil-off systems

- (1) The reliquification and boil-off control systems shall function correctly prior to the commencement of operations.
- (2) It shall be agreed beforehand between the master of the vessel and LPG Operator whether vapour shall be returned to the vessel from the shore tank or whether the vessel shall be required to use its own vaporizer.

189. Gas detection equipment

- (1) The vessel shall have gas detection equipment with audible and visual alarms, both local and centralised, provided for the following spaces-
 - (a) cargo pump rooms;
 - (b) cargo compressor rooms;
 - (c) motor rooms for handling cargo machinery;
 - (d) cargo control rooms unless designated as gas safe;
 - (e) other enclosed spaces in the cargo area where vapour may accumulate; and
 - (f) airlocks.
- (2) Spare gas shall be available to permit the calibration of gas detection equipment.
- (3) Fixed gas detection equipment shall be calibrated for the product to be handled prior to commencement of operations or that correction factors are applied.
- (4) The alarm function shall be tested and details of the last test shall be exchanged.

- (5) Portable gas detection instruments, suitable for the products handled and capable of measuring flammable or toxic levels, shall be located at the ship's manifold and shore hose connection.
- (6) Portable instruments capable of measuring the flammable range shall be calibrated for the product to be handled before the operations commence or correction factors are applied.

190. Level gauges

- (1) Cargo tank on the vessel shall be fitted with at least one liquid level-gauging device, and where more than one system is fitted, the ship's master shall advise which is the primary means of measurement.
- (2) Prior to commencing any operation, the master of the vessel shall confirm that all liquid level gauges are functioning correctly and establish the accuracy of the particular system fitted on the ship.
- (3) The master of the vessel shall ensure that -
 - (a) all tanks are fitted with high level alarms, which operate independently of the gauging system and may cause the shutting of line valves, manifold valves and cause the cargo pumps to shut down; and
 - (b) the alarms are audible and visual, and the correct operation are confirmed prior to commencing operations.

191. Shut-down systems

- (1) The master of the vessel shall ensure that each cargo tank is fitted with a vacuum protection system which will activate an alarm and subsequently stop all suction of cargo liquid or vapour from the tank when the pressure falls below a predetermined minimum setting.
- (2) The vessel may be fitted with an emergency shut down system, which will be activated by one or more of the following -
 - (a) the cargo tank high level alarm;
 - (b) high pressure or vacuum in a cargo tank;
 - (c) fire in vicinity of cargo domes or manifold;
 - (d) emergency shut down button (manual activation); and

- (e) signal from ashore.
- (3) The shore may be fitted with an emergency shut down system, which will be activated by one or more of the following -
- (a) emergency shut down button (manual activation); and
 - (b) signal from ship.
- (4) The master of the vessel and LPG Operator shall inform each other of the design and operation of each other's emergency shutdown.
- (5) The vessel and shore emergency shut down systems shall be interlinked and tested regularly, and the test procedures shall include the testing of as many elements of the cargo transfer system as possible and details of the test shall be exchanged.

192. Pressure surges

- (1) The cargo handling rate shall be so adjusted that a pressure surge evolving from the automatic closure of any such valve does not exceed the safe working pressure of either the ship or shore pipeline system.
- (2) A written agreement shall be made between the master of the vessel and the shore supervisor LPG Operator indicating the agreed safe cargo-handling rate, and the rate shall be noted in the agreement and in the Ship/Shore safety Checklist.
- (3) The master of the vessel shall emphasize to all personnel engaged in cargo transfer operations the potential hazards of pressure surges (shock waves or 'liquid hammer') resulting from rapid operation of valves.
- (4) Before operations commence, information shall be exchanged between the master of the vessel and LPG Operator representatives on cargo temperature or pressure requirements to avoid stresses beyond the design of the cargo system and such information shall be entered on the Ship/Shore Safety Checklist.

193. Checklist

The internationally recognized Ship/Shore Safety Checklist shall be filled in, reviewed and agreed between LPG Operator and the master of the vessel or his authorised representatives.

194. Provisions applicable to employees

- (1) LPG Operator shall ensure that every employee is trained about LPG hazard and current Material Safety Data Sheets shall be available for all products and other materials used.
- (2) No employee shall eat, drink or smoke in the vicinity of LPG products.

195. Alarm

- (1) Every port stakeholder shall be familiar with the Port Louis Harbour Emergency Procedures, and the alarm systems.
- (2) Where an alarm is given -
 - (a) personnel on the vessel shall immediately make preparations for the vessel to leave the berth shall it prove necessary;
 - (b) all transfer operations shall cease and all manifold valves closed;
 - (c) ship to shore hoses shall be disconnected;
 - (d) the vessel's engines shall be ready for departure;
 - (e) the vessel's crew shall man emergency stations;
 - (f) in the event of fire, the Fire Brigade in attendance at the quay shall take immediate action; and
 - (g) the Authority's fire tug shall be ready to take immediate action.

196. Emergency party

The master of the vessel shall ensure that at all times during a ship's stay at the terminal a sufficient number of suitably-trained personnel are present on board the ship to form an emergency and rescue party.

197. Procedures to be followed after discharge of cargo

After the cargo has been discharged, the following procedures shall be followed -

- (a) the main gate valve and pneumatic ball valve on the shore pipeline shall be closed;

- (b) the pipeline valves shall be bypassed and the cargo hose to the shore shall be drained using the provided flame proof pump;
- (c) manifold and tank inlet valves in the depot shall be closed and locked;
- (d) the hose shall be disconnected and safely stowed and the blank flange or drip cover shall be replaced; and
- (e) all equipment shall be cleared and stowed for further use with the exception of emergency equipment, which shall be left available for use until the vessel has left the berth.

PART XI - EXPLOSIVES, ARMS AND AMMUNITIONS

198. Applicability

- (1) Subject to paragraph (2), these regulations shall not apply to warships fitted with proper magazines and capable of being flooded.
- (2) No person shall start the loading and unloading of explosives from ships of war unless related arrangements and procedures have been worked out and agreed upon with the Port Master.

199. Handling and discharging explosives

- (1) No person shall bring into any port in Mauritius any explosives which are on board a vessel in transit without the prior authorisation of the Port Master.
- (2) The master of any vessel with explosives on board for destinations in Mauritius or for transportation through Mauritius to a neighbouring port shall cause such explosives to be discharged immediately before any other cargo and the handling of such explosive shall continue uninterrupted until completion at the first port of call of the ship.
- (3) The representative or agent of the ship carrying explosives, shall arrange for extracts of the particulars of the explosives contained in the ship's manifest, to be sent by the quickest means from the country of origin and, immediately upon receipt of the extract, 4 copies shall be sent by the quickest means to the Port Master and the Operations and Commercial Manager, so as to reach them not less than 14 days before the expected arrival of the explosives in Mauritius.

200. Notice and information on explosives

- (1) The master of every ship having explosives, other than its own supplies for signaling and life-saving equipment on board shall, before entering a harbour, give notice to the Port Master of the nature, quantity and destination of such explosives.
- (2) The master or agent of the ship shall make available and hand over to the Port Master or his representative on request -
 - (a) the plans of the hold, drawn to a scale of 1:50 and showing -
 - (i) the situation of the magazine in ground plan, front and side elevations;
 - (ii) position of any cupboard and tanks in the hold;
 - (iii) the position of the coaming of the hatch where the «danger - no smoking» notice is to be affixed; and
 - (iv) the position of any oil tanks in the vicinity of the hold; and
 - (b) the plans of the magazine, drawn to a scale of 1:10 and showing -
 - (i) the design and specifications of the proposed magazine;
 - (ii) that the exterior is covered with heavy gauge galvanized iron;
 - (iii) that the interior is close-lined with tongued and. grooved boarding; and
 - (iv) that the door is close-fitting and has a brass mortice lock and brass butt hinges.

201. Port Master's direction

The master of every vessel having explosives on board shall anchor or berth the vessel only in such a position as has been assigned to the vessel by the Port Master.

202. International signals for explosives

The master of every vessel having explosives on board shall, whilst the vessel is within the limits of the harbour, keep conspicuously exhibited at the fore, by day, a red flag (International Code B) and a red light showing a clear uniform unbroken light all round the horizon visible on a clear night at a distance of one kilometre from such vessel.

203. Attendance of firemen

The Port Master shall ensure that, where there is a vessel with explosives on board berthed alongside a wharf, there is a fully equipped fire fighting team in attendance, the cost of which is to be borne by the owner of the vessel.

204. Conditions to discharge

No person shall discharge any explosives from a vessel except -

- (a) under the direction and superintendence of the Port Master or his authorized representative whose order shall be complied with;
- (b) on production by the vessel's agent of the permit for importation of explosives; and
- (c) on production of a certificate to the effect that the explosives have been packed and labelled in accordance with the IMDG Codes and are safe to be transported and handled in warm climate.

205. Special conditions

The Port Master may permit vessels with explosives on board to be brought alongside a wharf specified by him for discharge provided that -

- (a) the work of discharging is carried out as expeditiously as possible from one hold at a time, due regards being given to safety;
- (b) a hold containing explosives is opened only when discharging from the hold is about to begin;
- (c) whilst explosives are being loaded into or discharged from a hold no other work is performed on board the vessel without the written authority of the Port Master;
- (d) the vessel keeps its main engines ready to move the vessel from the wharf at any time;
- (e) a fire fighting team with adequate and suitable equipment in a state of readiness to intervene at short notice is posted at the wharf to deal with any emergency; and
- (f) a gangway is provided at or near the hold being worked, for the sole use of the firemen and those persons directly concerned with the discharging of the explosives.

206. Unloading quay

- (1) No explosives shall be shipped from, discharged at, brought to, or deposited upon any wharf or place except at such place as the Port Master or his authorized representative shall from time to time direct and such wharf or place shall be cordoned off to the satisfaction of the Port Master or his authorized representative and the quantity of explosives to be conveyed to and allowed on such wharf or place shall be regulated by the Port Master or his authorized representative.
- (2) No person shall handle any other goods or articles on such a wharf or place concurrently with explosives, and no person other than those actually engaged in or superintending the work of loading or unloading shall enter into the cordons.
- (3) During the time a vessel is loading or discharging explosives, no person shall cause any other vessel to approach within less than 50 metres of the side of the vessel.

207. Berthing of vessel with explosives on board

Notwithstanding anything to the contrary contained in this Part, the Port Master may allow the master of any vessel with explosives on board and requiring bunker, coal or oil fuel, ship's stores, provisions or water, to bring the vessel alongside a wharf specified by him provided that -

- (a) the coal, oil fuel, ship's stores, provisions or water, as the case may be, are taken on board as expeditiously as possible;
- (b) the holds containing explosives are not opened or entered except for inspection and the taking of temperatures and only under the supervision of the Port Master or his authorized representative; and
- (c) the ship keeps its main engines ready to move from the wharf at any time, should this be necessary, in the opinion of the master or the Port Master.

208. Loading and unloading of explosives

- (1) No person shall load or unload or permit any other person to load or unload explosives between sunset and sunrise, except with the written permission of and subject to any conditions, which may be imposed by the Port Master.
- (2) Subject to paragraph (3), any person loading or unloading explosives shall ensure that there are -
 - (a) no lights or fires on board the ship; and

- (b) no artificial lights at the open hatches or in the hold in which explosives are stowed or within the cordons.
- (3) This regulation shall not prevent the use of a safety lamp of an approved construction by an artificer of the Special Mobile Force or Police Force nor shall this regulation prevent the employment of an artificial light or ship's signals lights 'which, in the opinion of the Port Master, are constructed and disposed in such a manner as to prevent any risk or fire or explosion;
- (4) No person shall -
 - (a) smoke in or within 100 metres of the hold of a ship that is being loaded or unloaded or within the cordons;
 - (b) carry matches or any other means of producing ignition, or wear boots or shoes with steel or iron heels, tips or exposed nails of any kind whilst engaged in handling explosives;
 - (c) do any act which may cause a fire, ignition or explosion while on board ship or within the cordons during the loading and unloading of explosives;
 - (d) drag or roll any package containing explosives; and
 - (e) Use a stevedoring gear that is not of a suitable nature for the safe handling of explosives.
 - (f) Engage in loading and discharging operations where -
 - (i) a cyclone warning is in place;
 - (ii) an electrical storm occurs in the immediate vicinity;
 - (iii) the product spills because of a system failure or tank overfill;
 - (iv) conditions develop that jeopardize the safety of the vessel or its moorings; or
 - (v) fire or other emergency occurs.
- (5) A person engaged in the handling of a package containing explosives shall ensure that the package is lifted carefully, deposited, stowed and not thrown or dropped.
- (6) Where wharf cranes' or ships' loading or discharging gear are not available, packages shall be landed from ship to shore or loaded from shore to ship by direct handling.

209. Action by master of any vessel

- (1) The master of any vessel shall ensure that -
 - (a) no naked light or light attached to a trailing cable is taken, into or used within the hold;
 - (b) no smoking is allowed in the hold; and
 - (c) no repairs are done inside the hold or to the outside of the vessel round that hold;
- (2) Where a vessel is in harbour and the vessel has explosives on board other than its own supply of pyrotechnic articles used in connection with signalling or life saving -
 - (a) no person shall open any tin, canister or other package containing explosives;
 - (b) no person shall bring the vessel in a dry dock or on a slipway without the permission, in writing, of the Port Master; and
 - (c) the master of the vessel shall not keep the vessel in the harbour longer than the authorized stay without the written permission of the Port Master.

210. Explosives, arms and ammunitions

- (1) No owner of any vessel and no employee or agent of any such owner shall take any arms or explosives on board any vessel; other than safety ammunition, which the owner, the employee or the agent knows or ought to know present a serious risk when carried in a vessel as cargo unless such arms or explosives are -
 - (a) stowed in an approved magazine which shall be kept securely closed while the vessel is at sea;
 - (b) effectively separated from detonators; and
 - (c) stowed in a compartment provided that, if there are electrical apparatus and cables, such apparatus and cables are designed and used so as to minimize in the compartment, the risk of fire or explosion.
- (2) The owner, agent, master or person in charge of every vessel entering a port shall require every person on board having in his possession arms or explosives to deposit them with him, and shall -

- (a) in case of arms or explosives belonging to a person disembarking in the port of Port Louis, as soon as possible after arrival, deliver such arms or explosives to a Customs Officer and forthwith inform Harbour Police; and
- (b) in case of arms and explosives belonging to a person not disembarking in Port Louis Harbour, deposit or place the same in an approved strong-room or safe on board the vessel until such vessel has left the port.

211. Carriage of explosives in harbour craft

- (1) No person in charge of a harbour craft shall carry or permit to be carried in the same harbour craft any explosive concurrently with any bi-sulphide of carbon, petroleum, paraffin, naphtha or other mineral oil, spirit, any liquid or substance liable to give off flammable vapour or any substance liable to spontaneous ignition or any article which, in the opinion of the Port Master, is liable to cause fire or explosion or any goods or article of any kind, except such articles as may be necessary for ensuring the safety of the goods or article.
- (2) No person in charge of a harbour craft shall carry or permit to be carried in the craft any fulminate fireworks, or any ammunition which contains its own means of ignition.
- (3) Except with the written permission of the Port Master, no person shall carry goods other than explosives in any harbour craft which is loading, discharging or conveying explosives.

PART XII - CONSERVANCY, POLLUTION AND ENVIRONMENTAL PROTECTION

212. No gear to be placed on wharf

- (1) No person shall place any boat, spar, anchor, cable, fishing gear or other article of ship's gear, dunnage, loose box form belonging to any vessel on quay except with the written permission of the Port Master.
- (2) No person shall -
 - (i) throw, pump or discharge into the waters of the port; or
 - (ii) land, deposit, throw or pump on a quay,

any dirt, ash, rubbish, plastic products, excreta, oil or oily residues.

213. Obstruction on wharf

- (1) In the event of any accumulation of goods on a wharf or of any other circumstances which, in the opinion of the Port Master or of the officer or licensed operator in charge of cargo handling may give rise to the obstruction of the working and circulation on a wharf, the Port Master may require the master of any vessel, in consultation with the officer or licensed operator concerned, to suspend or reduce the rate of loading or unloading.
- (2) Every person engaged in the loading or unloading of a vessel shall take all steps to ensure that the wharves alongside the vessel are kept clear during the loading and unloading operations in the area.

214. Discharge from vessels

- (1) The master of a vessel lying alongside a berth shall ensure that exhaust steam water is not released down the side of the vessel below the level of the berth otherwise than by a hose or other appliance.
- (2) The master of a vessel shall ensure that any water or steam pipe of the vessel lying at a berth is properly screened.
- (3) The master of a vessel shall ensure that no refuse, filth, or excreta is discharged from any discharge pipe, water closet or latrine upon any quay.
- (4) Where the master of a vessel contravenes paragraph (1), (2) or (3) he shall, notwithstanding any other provision of these regulations, be liable for the cost incurred by the Authority for the purposes of cleaning or taking any remedial measures as a result of a contravention of these regulations.

215. Littering, leaking, spilling and dropping

- (1) No person shall, while discharging or loading cargo, cause or permit port premises to be dirtied or littered with the remnants or spillage of the cargo, including, but not limited to, broken pallets, cases, boxes, cartons, wrappings and other litter produced by the removal of goods.
- (2) Subject to paragraph (3), the operator or agent in charge of shore, side operations shall be responsible for the removal of such spillage and remnants and for the cleansing of the wharves.
- (3) Where such spillage and remnants are not cleansed to the satisfaction of the Port Master within reasonable limits as set by the Port Master, cleansing may be done by the Authority at its discretion and the cost thereof shall be charged to the defaulting cargo operator and agent.

- (4) No owner, driver or other person having charge of a vehicle in port premises shall permit any article or substance to leak, spill or drop from the vehicle.
- (5) Paragraph (4) shall not apply to any spillage from a vehicle in which fish is being transported in bulk where that spillage could not have reasonably been prevented.

216. Disposal of refuse

- (1) Every vessel shall, while berthed in the port, provide for segregation of garbage in compliance with MARPOL.
- (2) Subject to paragraph (3), garbage shall be disposed of on a daily basis.
- (3) No person shall dispose of any refuse, sweeping or garbage from a vessel berthed in the port except in approved facilities provided by the Authority or its licensed operator.
- (4) A Health Officer of the Ministry of Health or his representative shall board every vessel for the purpose of ensuring that the provisions of paragraphs (1) and (2) have been complied with and submit a report on his findings to the Port Master.

217. Articles thrown overboard

- (1) No person shall drop or throw any article from a vessel in a port.
- (2) The master of a vessel and any person undertaking the loading of cargo into, or the discharging of cargo from, a vessel shall use or cause to be used such methods as the Port Master may direct for preventing any cargo or other materials from falling or escaping into the waters of the port.
- (3) Any person who drops any article overboard that may be dangerous for shipping or may exceed one cubic meter or 400 kgs shall cause the article to be marked by a buoy.
- (4) In the cases enumerated in paragraphs (1) and (3), the person concerned shall cause the articles dropped in the water to be recovered forthwith.
- (5) Where the articles dropped overboard as described in the preceding paragraphs are not marked and recovered, the Authority or its licensed operator may mark and recover the articles and charge the cost thereof to the person concerned.

- (6) The master of a vessel shall, on leaving a port, furnish to the Port Master a list of all articles and cargo dropped overboard and not recovered, whatever their measurement and weight, together with a report on the arrangement made, if any, for their recovery.
- (7) No master of a vessel shall leave the port with the vessel unless the arrangements referred to in paragraph (6) are considered satisfactory to the Port Master or a guarantee has been deposited to cover the cost of recovery.

218. Prohibition of grappling or dragging

No person shall drag or grapple for any material or article nor remove same from the bed of any water area of the port without the written authorisation of the Port Master.

219. Smoke, soot, etc.

- (1) The master of a vessel shall ensure that the vessel does not emit sparks, smoke, soot, ash, grit or oil from the funnel or any part of the vessel in such quantity as would, in the opinion of the Port Master, cause a nuisance.
- (2) The Port Master may issue directives or instructions to the master of any vessel to abate or reduce a nuisance and the master or other person in charge of the vessel shall comply forthwith with such directives or instructions.

220. Excessive noise or use of siren

No person shall, in a port, use any steam whistle, siren, horn or instrument of any kind, other than as a signal of danger, or as a signal properly essential to give warning of vessel manoeuvres.

221. Breaking-up vessels

No vessel may be broken up either wholly or in part within the port premises or the port limits without the written permission of the Port Master, who may impose such conditions as he deems appropriate to the circumstances of the case and who may require sufficient security that such conditions will be observed.

222. Launching of new vessels

No person shall cause or permit to be launched or otherwise placed into the waters within the port limits any newly constructed vessel of more than 15 metres in length without the prior written permission of the Port Master.

223. Abandonment of vessels

- (1) No person shall abandon a vessel on the banks or shore of a port.
- (2) For the purpose of paragraph (1), a person who leaves a vessel on the banks or shore of the port in such circumstances or for such period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.
- (3) Abandoned vessels shall be disposed of in accordance with the Merchant Shipping Act, with rules applicable to unclaimed cargo and goods in ports as set in the Customs Act and any other enactment.
- (4) Nothing in this regulation shall prejudice the validity of any stipulation of any international convention on maritime liens and limitations of liability ratified by the Republic of Mauritius.

224. Liability for damage to Authority's property and equipment and for pollution

- (1) Any person who, whether wilfully or not, damages harbour works, roads, buildings and other fixture or mobile equipment shall report it immediately to the Port Master or to the licensed operator who, in turn, will report to the Port Master.
- (2) The owner of a vessel shall be liable to pay to the Authority the cost of making good any damage or any pollution caused by any means whatsoever by the vessel or by any person employed on or about the vessel, to any works, roads, buildings, equipment or other property of the Authority.
- (3) The Authority may require any person who has caused the damage or the pollution, as described in paragraph (1) or his employer if that person was an employee, or the master of the vessel, or its owner, if the damage has been caused by a vessel specified in paragraph (2), to furnish such guarantee or indemnity as may be required to secure the payment of the likely costs of any repair to any property specified in that paragraph.
- (4) Any measure that the Port Master or an authorized officer of the Authority takes in the interest of port safety or good order, or as a precaution to prevent an accident, including the appointment of fire patrols, safety measures, movements of vessels ordered by the Port Master and services of tug boats shall be paid (or by the master of the vessel or any other person having control on the vessel or its operations).
- (5) No vessel shall, where it has caused any damage as described in paragraph (1), and where costs of repairs or others are expected to be incurred or have been incurred by the Authority, be authorized to leave the port until the damage has been made good, the costs have been paid or the guarantee or indemnity required under paragraph (3) has been furnished by the owner of the vessel.

- (6) Whether at fault or not, or whether the master of his vessel or any other of his employees or agents is at fault or not, a shipowner is answerable to the Authority and liable for damage caused by his vessel to harbour works, roads, buildings and other fixtures or mobile equipment.
- (7) The Authority may, to recover the cost of any damage under paragraph (6), obtain a judgment debt against the owner of the ship, to be recovered in the manner of a mortgage debt in favour of the judgment creditor in respect of the ship would be recovered.
- (8) Nothing in this regulation shall prejudice the validity of any stipulation of any international convention on maritime liens and limitations of liability ratified by the Republic of Mauritius.

PART XIII - CONTROL OF PORT PREMISES AND LAND TRAFFIC

225. Passes

- (1) No person shall be issued with a pass by the Authority or its licensed operator unless he has lawful business with the Authority.
- (2) No person issued with a pass shall transfer the pass to any other person.
- (3) The Authority may limit the validity of a pass to certain areas of its premises.

226. Access to premises

- (1) No person shall -
 - (a) subject to paragraph (2), enter, or remain in, any part of port premises unless he is in possession of a valid pass issued by the Authority or, in respect of access to any part of the port premises under the control of its licensed operator, by the licensed operator, and
 - (b) bring any vehicle into port premises unless he is in possession of a valid pass issued by the Authority with respect to the vehicle.
- (2) Every person in charge of a vehicle in port premises shall, at the request of an officer of the Authority or a police officer, allow the officer, or police officer to examine the vehicle and its contents or to check the weight thereof.

- (3) Every person within the port premises shall, if so required by an officer of the Authority or a police officer, state his business or leave the premises as the case may be.
- (4) No person or vehicle shall enter or leave port premises except by the entrances and exits designated by the Authority for that purpose.
- (5) The Authority may, where special or exceptional circumstances justify it -
 - (a) for a period of time, refuse entry to any person or vehicle, whether or not the person or vehicle is in possession of or covered by a pass issued by the Authority; and
 - (b) close any wharf, berth or port premises.
- (6) Notwithstanding the issue of a pass for entry into the premises of the Authority or that of its licensed operator, the Authority or its licensed operator shall not be liable for any loss or damage to property or injury to any person whilst in the premises of the Authority unless it is proved that such loss, damage or injury was caused by the negligence of the Authority or its employees or its licensed operator or its employees

227. Vehicles

- (1) Every person driving a vehicle within the port premises shall -
 - (a) drive with due care, account being taken of operations on the premises;
 - (b) observe such speed limits and regulations as may be imposed by the Authority; and
 - (c) do so at his own risk.
- (2) Every person using a vehicle within the port premises shall -
 - (a) keep a constant look out for all types of mobile cargo handling and mechanical equipment; and
 - (b) take all precautions to avoid collisions.
- (3) No person shall take or drive any vehicle along any quay apron or inside any shed or warehouse without the permission of the Authority or its licensed operator.
- (4) Every person shall comply with the directions given by an authorized officer of the Authority or its licensed operator or by a police officer for the purpose of regulating traffic within port premises.

- (5) No person shall park a vehicle on or obstruct any passage or gangway leading to or from any wharf, dock, shed, warehouse, or pier or other part of port premises.
- (6) No person shall cause a vehicle to be left unattended while in port premises.
- (7) No person shall cause a vehicle in the port premises to be fuelled or refuelled at any place other than an authorized fuelling point without the permission of the Authority or its licensed operator.
- (8) Where, in the opinion of an officer of the Authority or a police officer, any vehicle should be moved from any place in port premises, he may direct the driver to move such vehicle to another place and, in the absence of such driver or his failure to comply with such direction, the officer of the Authority or its licensed operator or police officer may move the vehicle.
- (9) Every driver of a mobile cargo handling equipment such as a forklift truck, straddle carrier, mobile crane shall operate the equipment in conformity with the operating rules applicable to each type of equipment and with the necessary caution.
- (10) In all circumstances, priority on roads, wharves, storage areas and other locations shall be given to the mobile cargo handling equipment referred to in paragraph (9).
- (11) No person shall drive or otherwise operate a vehicle across any weighbridge within the port premises except for the purpose of weighing the vehicle.

228. Overloading of vehicles

- (1) No driver shall -
 - (a) load or permit his vehicle to be loaded more than permitted by the vehicle's licence; and
 - (b) move his overloaded vehicle from the port premises before the vehicle is unloaded down to the maximum weight acceptable for this type of vehicle.
- (2) An authorized officer of the Authority may order the driver of a vehicle to have the weight of his vehicle checked at a weighing station.

229. Trailers

A person in charge of a trailer shall ensure that all goods on the trailer are sufficiently protected against falling due to adverse weather conditions and from pilferage.

230. Mobile cargo handling equipment

- (1) No driver of a forklift truck, straddle carrier, mobile crane or other mobile cargo handling equipment shall operate the equipment otherwise than in conformity with the operating rules applicable to each type of equipment and with necessary caution.
- (2) Every person shall give priority on roads, wharves, storage areas and other locations within port premises to the mobile cargo handling equipment enumerated in paragraph (1).
- (3) The priority granted to mobile cargo handling equipment pursuant to paragraph (2) shall not constitute a waiver of the duty of every driver to observe driving codes, speed limitations and other traffic regulations.

231. Accidents to be reported

Any person driving or otherwise operating a vehicle involved in an accident in the port premises, whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle and report the accident to the Operations and Commercial Manager and give his name and address to the Harbour Police.

232. Animals

No animal shall be landed or brought into the port premises except for direct delivery or shipment and the master and owner shall be solely responsible for the animals and their actions.

233. Individual behaviour

No person shall -

- (a) fish or bathe within the limits of a port;
- (b) ease himself on any part of the port premises except in such place as may be set aside for the purpose;
- (c) knowingly permit any dog or other animal to be on the premises of the Authority or its licensed operator without the permission of the Authority or its licensed operator;
- (d) being a trespasser, that is being in the port without a pass or without a valid reason, refuse to leave after being warned to do so by an authorized officer or other employee of the Authority;

- (e) be drunk or under the influence of drugs or behave in an offensive or disorderly manner;
- (f) commit a nuisance or act of indecency;
- (g) knowingly or being in a position to know that a room or other place is reserved, for the exclusive use of males or females or different classes of persons, enter it without lawful excuse or, having so entered, shall remain therein after having been requested by an authorized officer or other employee of the Authority to leave;
- (h) refuse to obey a lawful request of an officer or other employee of the Authority; or
- (i) without the permission of the Authority, hawk, sell or expose for sale any goods or tout, ply for, or solicit customers or employment of any description.

234. Interference with Authority's property and works

No person shall -

- (a) tamper with any navigational aids, machinery, water appliances, electric fitting, or equipment of whatever kind, in or on port premises;
- (b) damage, injure, deface or in any way interfere with any property of the Authority;
- (c) obstruct any work, way, rolling stock, vessel, or any property of the Authority;
- (d) remove or attempt to remove any property of the Authority or unlawfully keep any such property in his possession or on his premises;
- (e) remove, alter, deface, damage or otherwise interfere with any notice placed by the Authority, whether on any vessel in a port or on port premises;
- (f) write, or fix any profane, indecent or abusive word or matter on any property of the Authority;
- (g) remove or break the wire seals on fire fighting equipment in port premises and use the extinguishing medium from the fire fighting equipment for purposes other than extinguishing a fire; and
- (h) obstruct any fire fighting appliance or apparatus or fire hydrant in port premises.

235. Meetings

- (1) No person shall, within port premises, organize or take part in any public meeting or deliver an address in a general meeting except with the permission of the Authority.
- (2) No person shall organize or take part in any gathering, meeting or other assembly within port premises whereby any work or business in the port is, or likely to be, obstructed, impeded or hindered.

236. Obstructions to Authority's officers and others

No person shall, within port premises, interfere with, obstruct, impede, molest, threaten or interrupt the Port Master or any other officer, workman, agent, employed by the Authority in the performance of his duty or in the execution of any of the work, matters or things to be done by him, or use any offensive or obscene language to the annoyance of such person.

PART XIV - DISTRESS, CYCLONES, EMERGENCY AND SAFETY PRECAUTIONS

237. Identification of hazardous products and processes

Every operator and person in charge of an industrial undertaking in the port shall inform the Authority of the level of hazard of his products and of its processes and of the permissible limits for storage of such products and their components.

238. Systems of hazards control

Every operator of port services and facilities situated in the port area shall establish and maintain a documented system of hazards control -

- (a) covering, but not limited to, fire, distress, accidents and spills of substance causing pollution;
- (b) which shall include the necessary equipment to control the identified hazards specific to each operation and activity; and
- (c) which shall be open for review by officers of the Authority designated for that purpose.

239. Emergency plans of operators

- (1) Every operator in the port area, whether operating fixed facilities or mobile equipment, shall have an on-site emergency plan covering fire, distress, accidents, spills of substances causing pollution and other operations related incidents.

- (2) The emergency plan of an operator shall be -
- (a) filed with the Authority for review and approval for a validity period set by the Authority;
 - (b) changed as and when required by the Authority after consultation with the operator, to take into account the imperatives of safety and the preservation of the environment;
 - (c) tested periodically through appropriate drills whose date, location and results shall be reported to the Port Master; and
 - (d) be based, where appropriate, on relevant international standards.

240. Incident manager

- (1) Every port operator and enterprise operating within the port area shall designate an official incident manager to manage fire, accidents, pollution and other emergencies.
- (2) Every incident manager shall make himself known to the Authority and shall liaise with the Authority on all matters within his jurisdiction.

241. Fire signal

- (1) Where fire occurs on board any vessel in the Port, the master of the vessel shall cause to be sounded 5 prolonged blasts of the whistle or siren, each blast to be of 4 to 6 seconds duration.
- (2) The signal described in paragraph (1) may be repeated at intervals to attract attention and shall be used in addition to other means of reporting a fire.
- (3) Where the signal is given, the master shall immediately inform Port Louis Harbour Radio on VHF Radio channel 16.

242. Smoking and naked flames

No person shall smoke or ignite a naked flame -

- (a) in any shed, warehouse or other closed storage facilities;
- (b) next to cotton, liquid petroleum products or other fire sensitive materials, even if stored in the open; and

- (c) in any place where such prohibition is indicated by permanent or temporary non-smoking signs.

243. Fire

Where a fire occurs on board any vessel in port or any craft alongside any such vessel, the master or other person in charge of the vessel shall -

- (a) take immediate steps to combat the fire;
- (b) inform the Port Master of the occurrence without delay by the most direct means;
- (c) exhibit the appropriate international signal under the International Code of Signals;
- (d) ensure that every assistance to combat the fire is given by the crew of such vessel to the Port Emergency and Environment Unit of the Authority and to any other authorized fire fighting party or vessel;
- (e) prepare the vessel for shifting as required by the Port Master;
- (f) after the fire has been extinguished, exhibit for a reasonable period, the appropriate international signal under the International Code of Signals to indicate that the fire has been extinguished; and
- (g) submit a written report to the Port Master on the circumstances relating to the fire within 24 hours of the occurrence and, in any case, before application is made for the port clearance; and satisfy the Port Master that the vessel or craft is in a seaworthy condition for the voyage.

244. Duties of master of vessels as regards fire and emergencies

- (1) The master of a vessel shall take all reasonable precautions for the prevention of accidental fire or accidents by fire.
- (2) The master of a vessel shall give every reasonable facility and assistance to the police, ambulance and other emergency services for dealing with, alleviating or preventing an emergency.
- (3) Where an accident or emergency not provided for under subsections (1) and (2) occurs, the master or the person in charge of the vessel involved shall forthwith inform the Port Master and shall comply with such instructions as the Port Master may Issue.

- (4) The master or person in charge of a vessel shall, not later than 24 hours of an accident or emergency involving the vessel or before the vessel leaves the port, whichever is the earlier, submit to the Port Master a written report of the accident.

245. Cyclones

- (1) When a class I cyclone warning is issued by the Meteorological Services, the master or person in charge of every vessel in port shall -
 - (a) proceed to his vessel and await instructions from the Port Master; and
 - (b) thereafter liaise with the Port Master and be prepared to leave the port as directed by him.
- (2) Except with the written permission of the Port Master, no master or person in charge of a vessel shall allow the vessel to remain in the port after having been requested to leave the port by the Port Master.
- (3) Where permission in writing has been given by the Port Master for a vessel to remain in the port, or where a vessel remains in port after the master or person in charge of the vessel has been requested to move his vessel out of the port, the Port Master may require the master or other person in charge of the vessel to indemnify the Authority against any damage or loss which may arise as a consequence of that vessel remaining in port.

246. Vessels adrift

The master of a vessel which parts from its moorings shall immediately report the matter to the Port Master.

247. Stranding or grounding

Subject to the Merchant Shipping Act, where a vessel is stranded or grounded in the port, or in any area in circumstances where it may directly or indirectly affect navigation, safety and environment, the master or person in charge of the vessel shall -

- (a) take immediate steps to prevent any oil pollution or further deterioration resulting from grounding or stranding as the case may be;
- (b) inform the Port Master without delay by the most direct means stating whether assistance is required and the nature of such assistance;
- (c) Exhibit the signals under the International Code of Signals 1972;

- (d) on the approach of another vessel, warn the approaching vessel by her whistle or siren until the approaching vessel becomes aware of the danger;
- (e) ensure that every assistance is given by the crew of such vessel to any other vessel or person rendering assistance;
- (f) inform the Port Master promptly when the vessel has been safely refloated and no further assistance is required; and
- (g) submit a written report within 24 hours to the Port Master, with copy to the Director of Shipping, setting out in detail the circumstances relating to the stranding or grounding and whether any damage has occurred which may affect the seaworthiness of the vessel.

248. Sinking, etc.

- (1) Where a vessel, craft, raft or float, sinks, strands, capsizes or catches fire in the port, the master, owner and other person in charge of the vessel, craft, raft or float shall jointly and generally be held responsible for all consequences arising therefrom and shall immediately remove, at their own expenses, the vessel, craft, raft or float when called upon to do so by the Port Master.
- (2) Where the master, owner or other person in charge of a vessel, craft, raft or float specified in paragraph (1) fails or is unable to remove the vessel when called upon to do so, the Port Master may cause the vessel to be removed and the costs so incurred shall be borne by the master, owner or person in charge of the vessel, craft, raft or float.
- (3) The Port Master may require the master, owner or other person in charge of the vessel, craft, raft or float specified in paragraph (1) to furnish such guarantee or indemnity as may be required to secure the payment of any costs incurred under paragraph (2).
- (4) Where costs have been incurred by the Authority under paragraph (2), the vessel shall not be allowed to leave the port unless the cost has been paid or the guarantee or indemnity required under paragraph (3) has been furnished.
- (5) The Authority may, to recover any cost incurred under paragraph (2), obtain from the Judge in Chambers an order that the ship shall be detained in port until payment of costs or the furnishing of the guarantee referred to in paragraph (3).
- (6) Any amount, which is due pursuant to this regulation, may be claimed as a civil debt.

- (7) This regulation shall be without prejudice to any convention on the arrest and seizure of vessels, or on rules relating to maritime liens and mortgages ratified or adhered to by the Republic of Mauritius.

PART XV - TOWING

249. Content

- (1) A notice of arrival, departure or movement shall be deemed to include a request for the necessary tug or tugs to be in readiness alongside the vessel at the time appointed for the arrival, departure or movement.
- (2) A vessel requiring towage shall provide towing lines in good condition and of sufficient strength and length for towing.

250. Terms of towage by the Authority

- (1) The Authority may effect towing operations subject to the provisions of these regulations.
- (2) One tug shall be compulsory for vessels up to 1000 gross tonnage and 2 tugs for vessels over such tonnage if so required by the master of the vessel.
- (3) The towage shall -
- (a) commence only when the tug is in a position to receive orders direct from the tow or to pass or to receive the towrope, whichever is the sooner; and
 - (b) end when final orders from the master of the vessel under tow to cease attending have been carried out or when the towrope has been finally slipped and the tug is safely clear of the tow, whichever is the later.
- (4) From the commencement to the end of towage as provided in paragraph (3), the tug shall be deemed to be under the direct control of the master of the vessel under tow and the master of the tug shall be deemed to be the servant of the master of the vessel.
- (5) The owner of the vessel undertow shall be liable to the Authority for any loss or damage which may arise during the course of or in connection with the towage, other than any loss or damage arising out of the gross negligence or want of lack of care of the Authority or its employees.

251. Towage service at Authority's wharves

No vessel or other object requiring towage or other assistance for the purpose of approaching or leaving a berth of the Authority shall make use of any towage other than that provided by the Authority on the terms and conditions specified in regulation 250.

PART XVI - GENERAL

252. Offences

- (1) Subject to subsection (2), any person who does an act which is prohibited by these regulations or omits or fails or neglects to do an act which he is required to do by these regulations or fails or neglects to comply with any lawful order, direction or instruction issued by or on behalf of the Port Master or the Authority under these regulations, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5000 rupees and to imprisonment for a term not exceeding 12 months.
- (2) It shall be a defence for any person charged with an offence under these regulations to prove -
 - (a) that the commission of the offence was due to reliance on information supplied to him or to the act or default of another person or some other cause beyond his control; and
 - (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any other person under his control.

253. Repeal

The following regulations are repealed -

- (a) Port (Operations) Regulations 1987;
- (b) Shipping and Harbour Regulations 1939.

254. Commencement

These regulations shall come into force on 1 April 2005.

Made by the Authority on 28 February 2005 and approved by the Minister on 28 March 2005.