

# **STATUTORY INSTRUMENTS**

**S.I. No. 64 of 2005**

**ROSSAVEEL FISHERY HARBOUR CENTRE**

**(EXPLOSIVES)**

**BYE – LAWS 2005**

DUBLIN

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**ROSSAVEEL FISHERY HARBOUR CENTRE  
(EXPLOSIVES) BYE-LAWS 2005**

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## **S.I. No. 64 of 2005**

# **ROSSAVEEL FISHERY HARBOUR CENTRE (EXPLOSIVES) BYE-LAWS 2005**

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I, Noel Dempsey, Minister for Communications, Marine and Natural Resources, in exercise of the power conferred on me by Sections 34, 38 and 39, of the Explosives Act, 1875, as adapted, hereby, with the sanction of Michael McDowell, Minister for Justice, Equality and Law Reform make the following Bye-Laws for Rossaveel Fishery Harbour Centre.

### **Citation, commencement and revocation**

1.     (1)     These Bye-Laws may be cited as the Rossaveel Fishery Harbour Centre (Explosives) Bye-Laws 2005.
- (2)     These Bye-Laws shall come into operation on 10<sup>th</sup> February 2005.
- (3)     The Fishery Harbour Centre (Rossaveel) Dangerous Goods (Cargoes) Bye-Laws 1993, Class 1-Explosives, are revoked.

### **Application**

2.     (1)     These Bye-laws shall apply within the area of the Rossaveel Fishery Harbour Centre (hereinafter referred to as the Harbour Centre), as defined by the Fishery Harbour Centre (Rossaveel) Order 1981 (S.I. No. 208 of 1981), and shall apply to all explosives except: -
    - (a)     explosives in any Division where the quantity of explosives does not exceed 10kgs,
    - (b)     explosives carried on or in any ship or vehicle belonging to the Defence Forces of the State or of any other state,and
    - (c)     subject to Bye-law 5(3) explosives of less than 1 tonne in quantity intended for immediate use in connection with harbour works or for wreck dispersal in the Harbour Centre or harbour area.
  - (2)     The maximum quantities of explosives specified in Bye-Law 5 shall not apply to explosives in Division 1.4
-

- (3) The Interpretation Act, 1937 (No. 38 of 1937), applies to these Bye-Laws.
- (4) Notwithstanding anything contained in these Bye-Laws, the Statutory Instruments relating to Explosives shall apply. Where there has been a breach or departure from any of the Statutory Provisions, it shall be the duty of the Explosives Officer to inform the Harbour Master.

### **Interpretation**

**3. (1) In these Bye-Laws –**

“Division” means a Hazard Division of Explosive Substances and Articles specified in the First Schedule;

“explosives” means Class 1 explosives as classified in the manual published by the United Nations Organisation and entitled “Eleventh Revised Edition of the Recommendations prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods” (ISBN 92-1-139067-2) or a later edition thereof which is in substitution for and not an alternative to the edition aforesaid;

“Explosives Officer” means a person appointed under Bye-law 8;

“Group” means a Compatibility Group of Explosive Substances and Articles specified in the Second Schedule;

“Harbour Master” means the Harbour Master for the time being for the Harbour Centre and any member of the staff of the Harbour Centre authorised by the Harbour Master to perform the functions of the Harbour Master under these Bye-laws (which authorisation may be revoked at any time at the discretion of the Harbour Master);

“passenger ship” means a ship, which has more than 12 passengers on board at the relevant time;

“person in charge”, in relation to an explosive, means the owner of the explosive or, if not the owner, the person acting for or on behalf of the owner who has charge of the explosive for the time being and does not include the Harbour Master or representative of the Harbour Master or a member of the Garda Síochána;

“protected area” means an area of a designated berth or of a ship within which explosives are handled in the course of loading onto or unloading from a ship or vehicle, the boundary of which is not less than 10 metres from any explosives;

“ship” includes any description of vessel or boat used in navigation.

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- (2) In these Bye-Laws a reference to the weight of explosives is a reference to the nett weight of the explosives excluding packaging or inert parts thereof.
- (3) In these Bye-laws -
  - (a) a reference to a Bye-law or Schedule is a reference to a Bye-law of or Schedule to these Bye-laws, and
  - (b) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

### **Designated berths**

- 4. The designated berths for the handling, loading and unloading of explosives in accordance with the conditions laid down in the Third Schedule are those specified as the Temporary Explosives Pier and Pier 2 Cargo Berth on the Map attached to these Bye-Laws.

### **Maximum quantities of explosives permitted at a designated berth**

- 5. (1) (a) Subject to subparagraph (b), the aggregate quantity of explosives whether at a designated berth, or on or in a ship at that designated berth, or both, shall not exceed the quantity specified for the Division concerned in column 1 of Part II of the Third Schedule in respect of the designated berth concerned. The respective special conditions stipulated in the said Part II shall be observed in respect of each designated berth.
  - (b) Where explosives at a designated berth, on or in a ship at that designated berth, or both, include explosives in Group A, B, or F, the aggregate quantity of the explosives shall not exceed one-third of the quantity specified in the Third Schedule respectively for each Group unless the explosives in each of the Groups concerned are separated from any other explosives at the designated berth, or on or in a ship at the designated berth, or both, so as to prevent the communication of an explosion to those other explosives.
  - (2) Where explosives in different Divisions are at a designated berth or on or in a ship at that designated berth, then –
    - (a) for the purpose of applying the Third Schedule and subject to subparagraph (b), the explosives shall be deemed to be in the Division amongst them, which comes highest in the following list, that is to say Division 1.1. (highest), 1.2, 1.3, 1.5, 1.6 and 1.4 (lowest), and
    - (b) if the explosives consist of explosives in Division 1.5 and Division 1.2 or 1.6, all of the explosives shall be deemed to be in Division 1.1.
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- (3) In the case of explosives referred to in Bye-law 2(1)(c), the consent of the Harbour Master must be obtained for their entry into the Harbour Centre and the unloading and the use of such explosives in the Harbour Centre. Such unloading and use must be in accordance with any conditions attached to that consent by the Harbour Master.

### **Dwell time of explosives at designated berth**

6. (1) This Bye-Law shall not apply to explosives, which are in both Division 1.4 and Group S.
- (2) Explosives shall not be kept at a designated berth for a time longer than is reasonably necessary for loading them onto a ship or vehicle.
- (3) Persons engaged in the carriage to or from a designated berth or the loading onto or unloading from a ship of explosives shall act with due care and reasonable expedition.
- (4) A designated berth shall not be used for the purpose of the loading or unloading of explosives onto or from ships on more than 50 days in a year.
- (5) If the loading or unloading is interrupted for any reason, then upon the expiration of 3 hours from the time when the loading or unloading first commenced the ship shall
- (a) depart from the designated berth concerned, and
- (b) remain at a distance of not less than 1,000 metres from that designated berth until such time as the loading or unloading can re-commence without delay unless otherwise directed by the Harbour Master, in which case the Harbour Master shall inform the member of the Garda Síochána in charge at Salthill District Garda Síochána Headquarters immediately.
- (6) (a) Where there is a contravention of paragraph (2), the person in charge of the explosives shall be guilty of an offence.
- (b) A person who contravenes paragraph (3) shall be guilty of an offence.
- (c) Where there is a contravention of paragraph (5), the master of the ship concerned shall be guilty of an offence.

### **Duty of master or agent of ship to notify Harbour Master, etc., of expected time of arrival.**

7. (1) The master or agent of the ship shall notify the Harbour Master and the member of the Garda Síochána in charge at Salthill District Garda Síochána Headquarters as soon as possible of, but not later than 48 hours before, the
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expected time of arrival at a designated berth of any ship for the purpose of loading or unloading explosives.

- (2) The Garda Síochána shall, where necessary, consult with the Harbour Master and Explosives Officer, and inform them of any recommendations or precautions which they consider ought to be followed or taken to protect explosives on or at the designated berth from explosion, loss, theft or misuse.
- (3) A person who contravenes paragraph (1) shall be guilty of an offence.

### **Explosives Officer**

- 8. (1) No explosive shall be brought within the Harbour Centre unless and until there is appointed an Explosives Officer in respect of that explosive.
  - (2) A person who is competent to perform the functions of Explosives Officer under these Bye-laws efficiently and in accordance with best current practice and is nominated by the owner of the explosive or the agent of that owner concerned, shall be appointed as Explosives Officer by the Harbour Master at his discretion.
  - (3) At all times the Explosives Officer shall be the servant or agent of the owner of the explosives or the agent of that owner, as the case may require.
  - (4) The Explosives Officer shall be accountable to the Harbour Master and shall report to him or her.
  - (5) It shall be the duty of the Explosives Officer to: -
    - (a) supervise generally the handling (including the loading and unloading onto and from ships and vehicles) and the transport of explosives to or from or at a designated berth,
    - (b) ensure generally the safety and security, as respects explosives, of persons and property on, at or near a designated berth,
    - (c) ensure that explosives being held or transported as aforesaid are secure from explosion, loss, theft, or misuse,
    - (d) inform the Harbour Master immediately of any non compliance with Bye-Law 6,
    - (e) ensure that the handling (including the loading onto and unloading from ships and vehicles) shall only take place when the Harbour Master or a representative of the Harbour Master is present at the designated berth concerned, and only within the hours of sunrise and sunset unless the Harbour Master agrees otherwise in writing,
-



- (f) arrange for the presence of a member of the Garda Síochána before explosives are loaded onto or unloaded from a ship or vehicle at a designated berth.
- (6) The Explosives Officer may give directions for the purposes of paragraph (5); a person who fails or refuses to comply with such a direction shall be guilty of an offence.

### **General precautions to be taken at designated berth**

- 9. (1) A person handling or in charge of explosives at a designated berth shall take all reasonable precautions to secure the explosives against explosion, loss, theft or misuse and shall comply with any directions given to him or her for that purpose by the Explosives Officer or member of the Garda Síochána who is present.
- (2) Persons at a designated berth shall -
  - (a) take all reasonable precautions to prevent fire at the designated berth,
  - (b) in the event of fire, raise the alarm immediately by calling the Fire Brigade, the Garda Síochána and the Harbour Master,
  - (c) take such immediate measures as are open to the person to fight, control and extinguish any fire at the designated berth, and
  - (d) obey any directions of a member of the Fire Brigade, Explosives Officer or Harbour Master in relation to a fire at the designated Berth and provide all such assistance in fighting the fire as is reasonable in the particular circumstances.
- (3) A person who contravenes paragraph (1) or (2) shall be guilty of an offence.

### **Putting explosives in charge of another approved person**

- 10. (1) The person who is in charge of any explosive may, only, with the consent of the Explosives Officer, put it into the charge of another suitable person at a designated berth and he or she shall obtain from that other person a written receipt for the explosive which shall be countersigned by the Explosives Officer. Notwithstanding any change in the person in charge of the explosive, the duties of the Explosives Officer in respect of such explosive shall continue until the explosive has left the Harbour Centre.
  - (2) A person who contravenes paragraph (1) shall be guilty of an offence.
-

### **Reporting of certain occurrences in relation to explosives**

11. (1) Where explosives on or in a ship at a designated berth fall into the sea or are lost, the master of the ship, and where explosives on the designated berth fall into the sea or are lost, the person in charge of the explosives shall forthwith –
- (a) report the occurrence to the Explosives Officer, who shall in turn report the occurrence to the Harbour Master,
  - (b) take such steps subject to the directions of the Harbour Master and Explosives Officer, as are reasonably practicable to recover the explosives,
  - (c) if a member of the Garda Síochána is present at the designated berth, inform that member of the occurrence,
  - (d) if a member of the Garda Síochána is not so present, inform the member of the Garda Síochána in charge at Salthill District Garda Síochána Headquarters.
- (2) A person who contravenes paragraph (1) shall be guilty of an offence.

### **Duties of master of ship at designated berth**

12. (1) The master of a ship at a designated berth shall ensure that –
- (a) a competent person is present at all times when a magazine, hold or compartment of, or other place in, the ship containing explosives is open,
  - (b) only persons whose duties so require are permitted access to such a magazine, hold, compartment or other place,
  - (c) such magazine, hold, compartment or other place is secured against unauthorised entry at all times,
  - (d) a record is kept of explosives loaded or unloaded onto or from the ship,
  - (e) packages containing explosives are not opened on board the ship, except in case of necessity,
  - (f) such a magazine, hold, compartment or other place is not opened except for the purpose of loading or unloading explosives onto or from the ship or for any other essential purpose.
- (2) A person who contravenes paragraph (1) shall be guilty of an offence.
-

### **Prohibition on loading, etc., of explosives in certain circumstances**

13. (1) Explosives shall not be: -
- (a) brought to a designated berth for loading onto a ship unless the ship is suitable, prepared and ready for such loading,  
  
or
  - (b) unloaded from a ship at a designated berth unless they are unloaded onto a vehicle and the vehicle is suitable, prepared and ready for such unloading.  
  
or
  - (c) subject to paragraph (d), loaded or unloaded onto or from a ship at the designated berth between sunset and sunrise.
  - (d) paragraph (c) shall not apply if the Harbour Master has given his or her prior consent in writing to such loading or unloading.
- (2) Where any loading or unloading referred to in paragraph (1) has commenced, it shall proceed with due diligence.
- (3) (a) Where there is a contravention of paragraph (1) (a), the person who is in charge of the explosives and the Explosives Officer shall each be guilty of an offence.
- (b) Where there is a contravention of paragraph (1) (b), the master of the ship concerned and the Explosives Officer each shall be guilty of an offence.
- (c) Where there is a contravention of paragraph (1)(c), the master of the ship concerned, the Explosives Officer and the person in charge of the vehicle concerned, where relevant, shall be guilty of an offence.

### **Control of vehicles for carrying explosives**

14. (1) A vehicle arriving at or departing from a designated berth for the purpose of loading or unloading explosives shall comply with the directions of the Explosives Officer and the Harbour Master.
- (2) The Explosives Officer shall ensure that the minimum number of vehicles required for the efficient loading or unloading of explosives onto or from a ship are present at the designated berth at the same time.
- (3) The driver or other person in charge of any vehicle by which explosives are to be conveyed to or from a designated berth shall ensure that the vehicle is
-

suitable for the purpose and that the floor and interior thereof are in a sound and clean condition.

- (4) Each vehicle on a designated berth shall be equipped with a fire extinguisher of type and size suitable for extinguishing any fire in the vehicle other than a fire involving explosives or likely to involve explosives.
- (5) Where there is a contravention of paragraph (1), (3) or (4), the driver or other person in charge of the vehicle concerned shall be guilty of an offence.

### **Requirements in relation to protected area**

- 15. (1) When a ship carrying explosives or to be loaded with explosives at a designated berth docks at the designated berth –
    - (a) the Harbour Master shall indicate the protected area at the designated berth by means of a Public Notice, in accordance with paragraph (7), displayed at the harbour Centre and shall ensure that the protected area is free of litter and waste of any kind,  
  
and
    - (b) the master of the ship concerned shall indicate the protected area on the ship.
  - (2) A person shall not smoke or display an exposed flame in a protected area.
  - (3) A person shall not bring into a protected area matches, a cigarette lighter or an unapproved torch.
  - (4) A person shall not wear footwear with metal nails, metal heels or exposed metal tips of any kind in or near a protected area.
  - (5) A person unless authorised to do so by the Explosives Officer shall not enter or bring a vehicle into a protected area.
  - (6) A person who contravenes paragraph (2), (3), (4) or (5) shall be guilty of an offence.
  - (7) The Public Notice referred to in paragraph (1) (a) shall be in the following terms:
-

## **"IMPORTANT PUBLIC NOTICE**

### **"This is a Protected Area"**

- (1) Entry by persons or vehicles into this area is prohibited except by persons and vehicles authorised by the Explosives Officer.
- (2) Smoking or any exposed flame in this area, is prohibited. A person shall not bring matches, a cigarette lighter or an unapproved torch into this area.
- (3) Footwear with metal nails, metal heels or exposed metal tips of any kind shall not be worn by any person in or near this area.

**PERSONS ACTING IN CONTRAVENTION OF THIS NOTICE ARE IN BREACH OF THE ROSSAVEEL FISHERY HARBOUR CENTRE (EXPLOSIVES) BYE-LAWS 2005 AND WILL BE PROSECUTED AND LIABLE ON CONVICTION TO A FINE NOT EXCEEDING €634.87 OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH.**

Signed: \_\_\_\_\_

**HARBOUR MASTER,  
ROSSAVEEL FISHERY HARBOUR CENTRE".**

### **Prohibition on bringing an electro-explosive device onto a designated berth in certain circumstances**

16. (1) A person shall not bring an electro-explosive device, that is to say, a one-shot explosive or pyrotechnic device caused to function by the application of electrical energy, onto a designated berth unless he or she has the approval of both the Harbour Master and the Explosives Officer, and unless it is so constructed and packed as to be safe for carriage, that is to say, safe in a field of 10 watts per square metre for frequencies between 30 megahertz and 790 megahertz and in a field of 100 watts per square metre outside of those frequencies.
  - (2) A person who contravenes paragraph (1) shall be guilty of an offence.
-

### **Requirements in case of breakages of packages, etc., containing explosives**

17. (1) When a package or other container containing explosives breaks open or explosives escape from their package or other container at a designated berth or on or in a ship at a designated berth -
- (a) the person in charge of the explosives shall immediately inform the Explosives Officer, the Harbour Master, a member of the Garda Síochána present or if no such member is present, the member of the Garda Síochána in charge at Salthill District Garda Síochána Headquarters and the Fire Brigade;
  - (b) the Explosives Officer shall -
    - (i) cause all loading and unloading of explosives at the designated berth to be stopped immediately,
    - (ii) ensure that all persons at the designated berth or at a place within 100 metres of the package or other container and not required there for safety purposes, are evacuated from the designated berth or place,
    - (iii) collect and repack or dispose of the explosives, in accordance with best current practice,
    - (iv) if he or she considers it necessary to do so, consult with such persons, as are immediately available and he or she considers appropriate,
    - (v) make a record of any deficiency in the quantity of recovered explosives, and notify a member of the Garda Síochána and the Harbour Master immediately.
- (2) (a) A person who contravenes paragraph (1) (a) shall be guilty of an offence.
- (b) An Explosives Officer who contravenes paragraph (1) (b) shall be guilty of an offence.

### **Marking and protection of fire-prevention and fire-fighting equipment**

18. (1) The Harbour Master shall ensure that fire-prevention and fire-fighting equipment at a designated berth shall be clearly marked and shall be so positioned as to ensure that vehicles or cargo parked or stored on the designated berth do not cover, conceal or impede access to that equipment.
- (2) A person who covers, conceals or impedes access to the equipment referred to in paragraph (1) shall be guilty of an offence.
-

### **Duties of Harbour Master in relation to fire-prevention and fire-fighting**

19. (1) The Harbour Master shall organise and supervise any action to be taken by the persons at a designated berth at the request of the Fire Brigade in the event of fire at or in the vicinity of the designated berth, or in or on a ship at or in the vicinity of the designated berth, and shall be responsible for and shall put in place appropriate fire-prevention and fire-fighting measures.
- (2) Without prejudice to the generality of paragraph (1), the Harbour Master shall ensure that –
- (a) adequate and serviceable fire-fighting equipment is available at the designated berth during loading and unloading of explosives,
  - (b) all persons required to use the fire-fighting equipment at the designated berth are aware of the location of the equipment and method of operation,
  - (c) in the event of a fire at the designated berth, persons not required for fire-fighting or safety purposes are evacuated from the designated berth,
  - (d) measures and equipment proposed to be employed at the designated berth to prevent, control and extinguish fires are brought to the attention of the Chief Fire Officer of Galway County Council for his recommendations and advice”.

### **Deteriorated explosives**

20. (1) A person in charge of explosives within the Harbour Centre who becomes aware of a deterioration in the condition of the explosives, or of any other change in relation thereto, that might significantly increase the risks associated with their transportation and handling at a designated berth shall notify immediately
- (a) the Explosives Officer, who in turn shall inform the Harbour Master,
  - (b) a member of the Garda Síochána present at the designated berth or, if there is no such member present, the member of the Garda Síochána in charge at Salthill District Garda Síochána Headquarters
- and
- (c) the Fire Brigade,
- of the deterioration or other change.
- (2) A person who contravenes paragraph (1) shall be guilty of an offence.
-

## **Records**

21. (1) The Explosives Officer shall keep a record of all explosives unloaded and loaded at a designated berth and shall furnish a copy of said record to the Harbour Master immediately after such unloading and loading has been completed.
- (2) The record required under paragraph (1) shall include particulars of the type, quantity and condition of such explosives, their origin, destination and owner, time and date of loading and unloading, name of ship, master of ship and identification of vehicle or vehicles used.
- (3) Records kept under this Bye-Law shall be preserved for not less than 5 years after the end of the year to which they relate and shall be made available for inspection on request to a member of the Garda Síochána and to the Harbour Master.

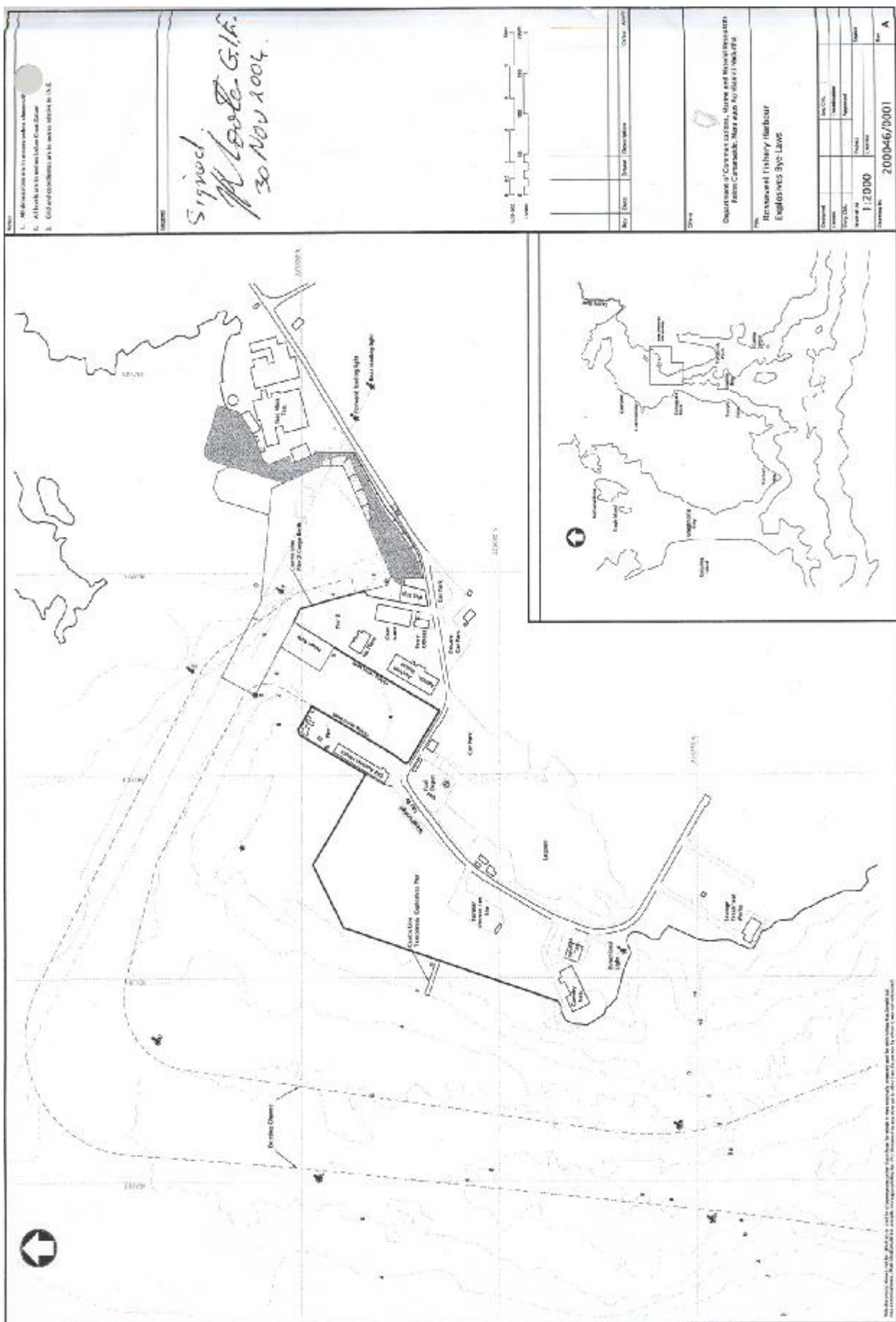
## **Enforcement**

22. (1) The Harbour Master shall be responsible for enforcing these Bye-Laws.
- (2) The Explosives Officer shall -
- (a) bring these Bye-laws to the attention of all persons who are engaged in the loading and unloading of explosives onto or from a ship or vehicle at a designated berth, and
- (b) inform a member of the Garda Síochána who is present and the Harbour Master immediately of any contravention of the Bye-Laws that comes to the notice of the Explosives Officer.

## **Offences**

23. (1) Where an offence under these Bye-laws is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person who, when the offence was committed was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if that person was guilty of the first-mentioned offence.
- (2) Proceedings in relation to an offence under these bye-laws may be brought and prosecuted by the Minister for Justice, Equality and Law Reform or the Harbour Master.
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# FIRST SCHEDULE

Bye-Law 3

## Hazard Divisions of Explosive Substances and Articles

<b>Hazard Division</b> <b>(1)</b>	<b>Explosive Substances and Articles</b> <b>(2)</b>
1.1	Substances and articles which have a mass explosion hazard (A mass explosion is one, which affects almost the entire load virtually instantaneously).
1.2	Substances and articles which have a projection hazard but not a mass explosion hazard.
1.3	Substances and articles, which have a fire hazard and either a minor projection hazard or both, but not a mass explosive hazard. This Division comprises substances and articles: <b>(a)</b> which give rise to considerable radiant heat, or <b>(b)</b> which burn one after another, producing minor blast or projection affects or both.
1.4	Substances and articles which present no significant hazard This Division comprises substances and articles that present only a small hazard in the event of ignition or initiation during transport. The effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire must not cause virtually instantaneous explosion of almost the entire contents of the package.
1.5	Very insensitive substances that have a mass explosion hazard. This Division comprises substances which have a mass explosion hazard but are so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions of transport.

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<b>Hazard Division</b> <b>(1)</b>	<b>Explosive Substances and Articles</b> <b>(2)</b>
1.6	Extreme insensitive articles which do not have a mass explosion hazard. This Division comprises articles which contain only extremely insensitive detonating substances and which demonstrate a negligible probability of accidental initiation or propagation.

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**SECOND SCHEDULE**

Bye-Laws 3, 5 and 6

**Common Compatibility Groups of Explosive Substances and Articles** (For full list see UN Manual ISBN 92-1-139067-2)

<b>Substance or article (1)</b>	<b>Compatibility Group (2)</b>	<b>Classification code (3)</b>
Primary explosive substance.	A	1.1 A
Article containing a primary explosive substance and not containing two or more effective protective features.	B	1.1 B 1.2 B 1.4 B
Propellant explosive substance or other deflagrating explosive substance or article containing such explosive substance.	C	1.1 C 1.2 C 1.3 C 1.4 C
Secondary detonating explosive substance or black powder or article containing a secondary detonating explosive substance, in each case without means of initiation and without a propelling charge, or article containing a primary explosive substance and having two or more protective features.	D	1.1D 1.2D 1.4D
Article containing a secondary detonating explosive substance with its own means of initiation, with a propelling charge (other than one containing a flammable liquid or gel of hypergolic liquids) or without a propelling charge.	F	1.1 F 1.2 F 1.3 F 1.4 F

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Pyrotechnic substance, or article containing a pyrotechnic substance, or article containing both an explosive substance and an illuminating, incendiary, tear or smoke-producing substance (other than a water-activated article or one which contains white phosphorus, phosphides, a pyrophoric substance, a flammable liquid or gel or hypergolic liquids.	G	1.2G 1.3G 1.4G
Substance or article so packed or designed that any hazardous effects arising from any accidental functioning are confined within the package unless the package has been degraded by fire; in which case all blast or projection effects are limited to the extent that they do not significantly hinder fire fighting or other emergency response efforts in the immediate vicinity of the package.	S	1.4 S

## **THIRD SCHEDULE**

## **Bye-Law 5**

### **PART I - SPECIAL CONDITIONS APPLICABLE TO ALL DESIGNATED BERTHS**

- 1.** A ship carrying or due to carry explosives shall dock only at one of the two designated berths indicated on the attached Maps.
  - 2.** Fire fighting equipment and precautions, as recommended by the Chief Fire Officer, Galway County Council must be in place for the designated berths
  - 3.** No loading, unloading and handling of explosives shall take place if a tanker containing petroleum spirit, LNG or LPG is in the Harbour Centre or due to pass through the Harbour Centre within the planned handling period.
  - 4.** The Helipad shall not be used (except in an emergency) during loading, unloading and handling of explosives.
  - 5.** No fertiliser, oxidiser or flammable substance shall be stored or handled in the Harbour Centre while a ship containing explosives is at a designated berth.
  - 6.** Security precautions and procedures, as advised by the Garda Síochána must be in place for the designated berths.
  - 7.** No passenger ship may dock or undock at the designated berth during loading, unloading or handling of explosives.
  - 8.** No ship with personnel on board or bulk carriers with dangerous goods, other than a ship carrying or due to carry explosives, may be present at the designated berth during loading, unloading or handling of explosives.
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## PART II - SPECIAL CONDITIONS APPLICABLE TO SPECIFIC DESIGNATED BERTHS

### A. Temporary Explosives Pier

#### 1. Explosive Limits

<u>Maximum limit of Explosives permitted</u>			Limiting Distances
Hazard Division			See Paragraph 2 below
1.1 Or 1.5	1.2 Or 1.6	1.3	
1,000 Kgs	1,000 Kgs	12,000 Kgs	

#### 2. Limiting Distances

The following minimum limiting distances will be kept from the designated berth to the facilities and vulnerable sites listed. Construction or use of such facilities within the distances mentioned may invalidate the licence. Any such facilities or sites, within the distances mentioned, must be vacated during loading, unloading or handling of explosives, otherwise the explosives limits in the licence are invalid:

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Category	Facility	Min Distance (M)	Notes
1	Schools, hospitals, institutions, places of worship, leisure facilities or places where public congregate	150	
2	Buildings of vulnerable construction	225	3 Storeys or more in height with extensive glass/light cladding
3	Residential property (normal density)	113	Conventional brick/block construction (Average 4 pers/per house)
4	Residential property (high density)	150	
5	Public Houses	113	
6	Factories using docks	112	Using dock facilities regularly for movement of goods (<50 pers)
7	Factories not using docks	150	
8	Refineries (Other than storage only)	150	
9	Petrol/Oil/Gas Bulk Storage	56	If fully banded to 110% volume
10	Dock canteens/workshops	113	N.B. See condition 3 below
11	Dock offices, customs offices etc	113	N.B. See condition 3 below
12	Passenger Terminal, passenger ships embarking/disembarking	113	N.B. See condition 7 Part 1 above
13	Open areas over which passengers pass during transit to/from ship	56	
14	Tankers for Petrol/LPG/LNG	113	Unless empty/inerted
15	Tankers for Petrol/LPG/LNG	150	Discharging/loading N.B. See condition 3 Part 1 above
16	Ships - non dangerous cargo	75	Resident persons on board N.B. See condition 8 Part 1 above
17	Bulk Carriers - dangerous goods	145	N.B. See condition 8 Part 1 above
18	Lock Gates	56	Vital to Port
19	Transit Sheds - dangerous goods	75	
20	Transit Sheds - Highly flammable goods	113	
21	Transit Sheds - Inert Goods	113	Manned only
22	Roads (1000-5000 vehicles/day)	56	Access and "B" secondary type
23	Roads (>5000 vehicles/day)	75	"A" main type
24	Rail mainline	56	
25	Personnel in open	75	Not involved in explosives shipment

3. Any facility or building within the limiting distance specified at Paragraph 2 above must be vacated during loading, unloading or handling of explosives.



## **(B) Pier 2 - Cargo Berth**

### **1. Explosive Limits**

<b><u>Maximum limit of Explosives permitted</u></b>			<b>Limiting Distances</b>
<b>Hazard Division</b>			<b>See Paragraph 2 below</b>
<b>1.1 Or 1.5</b>	<b>1.2 Or 1.6</b>	<b>1.3</b>	
<b>850 Kgs</b>	<b>850kg</b>	<b>8,000 Kgs</b>	

### **2. Limiting Distances**

The following minimum limiting distances will be kept from the designated berth to the facilities and vulnerable sites listed. Construction or use of such facilities within the distances mentioned may invalidate the licence. Any such facilities or sites, within the distances mentioned, must be vacated during loading, unloading or handling of explosives, otherwise the explosives limits in the licence are invalid:

<b>Category</b>	<b>Facility</b>	<b>Min Distance (M)</b>	<b>Notes</b>
1	Schools, hospitals, institutions, places of worship, leisure facilities or places where public congregate	135	
2	Buildings of vulnerable construction	203	3 Storeys or more in height with extensive glass/light cladding
3	Residential property (normal density)	102	Conventional brick/block construction (Average 4 persons/per house)
4	Residential property (high density)	135	
5	Public Houses	102	
6	Factories using docks	102	Using dock facilities regularly for movement of goods (<50 persons)
7	Factories not using docks	135	
8	Refineries (Other than storage only)	135	
9	Petrol/Oil/Gas Bulk Storage	51	If fully banded to 110% volume
10	Dock canteens/workshops	102	N.B. See condition 3 below
11	Dock offices, customs offices etc	102	N.B. See condition 3 below
12	Passenger Terminal, passenger ships embarking/disembarking	102	N.B. See condition 7 Part 1 above

**Contd.**

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Category	Facility	Min Distance (M)	Notes
13	Open areas over which passengers pass during transit to/from ship	51	
14	Tankers for Petrol/LPG/LNG	102	Unless empty/inerted
15	Tankers for Petrol/LPG/LNG	135	Discharging/loading N.B. See condition 5 below
16	Ships - non dangerous cargo	68	Resident persons on board N.B. See condition 3 Part 1 above
17	Bulk Carriers - dangerous goods	145	N.B. See condition 3 Part 1 above
18	Lock Gates	51	Vital to Port
19	Transit Sheds - dangerous goods	68	
20	Transit Sheds - Highly flammable goods	102	
21	Transit Sheds - Inert Goods	102	Manned only
22	Roads (1000-5000 vehicles/day)	51	Access and "B" secondary type
23	Roads (>5000 vehicles/day)	68	"A" main type
24	Rail mainline	51	
25	Personnel in open	68	Not involved in explosives shipment

3. Any facility or building within the limiting distance specified at Paragraph 2 above must be vacated during loading, unloading or handling of explosives. **This includes**, Auction Hall, Ticket /passenger terminal offices, Galway and Arran whitefish processing factory and Innishmore Fish Sales building.

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

GIVEN under his Official Seal

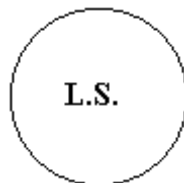
17<sup>th</sup> January 2005.

Michael McDowell

**Minister for Justice, Equality and Law Reform.**

GIVEN under my Official Seal,

10<sup>th</sup> February 2005



**Noel Dempsey**

**Minister for Communications, Marine and Natural Resources**

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## **Explanatory Note**

(This Note is not part of the Bye-laws and does not purport to be a legal interpretation).

The purpose of these comprehensive Bye-laws, operative from 10<sup>th</sup> February 2005, made by the Minister for Communications, Marine and Natural Resources, with the sanction of the Minister for Justice, Equality and Law Reform following publication of a notice of the proposal to make the Bye-Laws (and consideration of objections thereto) is to ensure best practice in the unloading, loading and handling of explosives at two designated piers within Rossaveel Fishery Harbour Centre, Co. Galway, namely, Pier 2 - Cargo Berth and the Temporary Explosives Pier.

Contravention of the Bye-Laws is an offence, which, on summary conviction, would entail a fine of not more than €634.87 or imprisonment for a term not exceeding six months, or both.

These Bye-Laws revoke the Fishery Harbour Centre (Rossaveel) Dangerous Goods (Cargoes) Bye-laws 1993, Class 1 – Explosives.