

DANGEROUS SUBSTANCES
IN BULK BYELAWS

1991

(as amended)



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DANGEROUS SUBSTANCES IN BULK BYELAWS 1991 (AS AMENDED)

The Port of London Authority in exercise of their powers under Regulation 43 of the Dangerous Substances in Harbour Areas Regulations 1987 and of all other enabling powers hereby make the following byelaws:

GENERAL

1. CITATION AND COMMENCEMENT

These byelaws may be cited as the Port of London Dangerous Substances in Bulk Byelaws 1991 (as amended) and shall come into force on the expiration of one month from the date on which they are confirmed.

These byelaws are as amended by the Port of London Dangerous Substances in Bulk (Amendment) Byelaws 2006, which came into force on 30th October 2006.

2. INTERPRETATION

In these byelaws, unless the context otherwise requires:

“the Barking Creek limit” means a line drawn across the Thames on the line of longitude 00°06'00" east;

“the Chapman limit” means a line drawn across the Thames on the line of longitude 00°37'00" east (which is in the vicinity of No. 7 Sea Reach Buoy);

“Class” means a reference to that class within the classification specified in column 2 of Part 1 of Schedule 1 to the Dangerous Substances in Harbour Areas Regulations 1987;

“the Coalhouse Point limit” means a line drawn across the Thames from Coalhouse Point on the north bank to Shornmead Beacon on the south bank;

“the Crayfordness limit” means a line drawn across the Thames from Crayfordness on the south bank on the line of longitude 00°12'50" east;
“facility” means any pier, jetty, wharf, terminal, quay, anchorage, landing stairs, shore or other landing or loading place in, on, or alongside the Thames;

“the landward limit of the Port” means a line drawn across the Thames from a stone pillar erected at grid co-ordinates TQ. 16361 71912 on the Surrey Bank by the Port Authority and the Thames Conservators to the nearest point of mean high water mark on the Middlesex Bank;

“Port Authority” means the Port of London Authority;

“the seaward limit of the Port” means lines drawn from latitude 51°37'00" north, longitude 00°57'19" east (Foulness Point in the county of Essex) to latitude 51°46'05" north, longitude 01°20'32" east (Gunfleet Old Lighthouse) and thence to latitude 51°26'36" north, longitude 01°25'30" east and thence to latitude 51°24'55" north, longitude 00°54'21" east (Warden Point in the county of Kent);

“the Thames” shall mean so much of the River Thames as is within the limits specified in Schedule 1 Section 2 of the Port of London Act 1968 as amended, except that it does not include the Medway Approach Area and the areas off Southend on Sea and Sheerness described in Schedule 8 to that Act;

“vessel” in a case where a vessel or dumb craft is being towed by another vessel, includes both the towing and the towed vessel or craft.

3. REVOCATION

The Port of London Dangerous Substances (Petroleum-Spirit and Liquid Methane) Byelaws 1989 are hereby revoked.

NAVIGATION, BERTHING, MOORING

4. NOTICE OF INTENTION TO NAVIGATE

- (1) Subject to paragraph (3) below, the master of a vessel carrying in bulk either a toxic or flammable substance of Class 2, or a liquid of Class 3 with a flashpoint of less than 23°C or a substance of Class 6.1 or Class 8, shall not start to navigate the vessel within the Thames unless he or the vessel's agent has given to the harbourmaster notice containing the particulars referred to in paragraph (2) below not less than 24 hours before so starting or, if the vessel is an approved vessel, as much time before so starting (being less than 24 hours, but not less than 30 minutes) as it is reasonably practicable to give.
- (2) Any notice required under paragraph (1) above shall contain:
 - (a) such information as is adequate to evaluate the risk created by the substance to the health and safety of any person; and
- (3) Paragraph (1) above shall not apply where both:
 - (a) the master is navigating the vessel into the Thames, including to or from the Medway ports, from outside the Thames; and
 - (b) notice in respect of the substance has been given to the harbourmaster in accordance with regulation 6(1) or 6(2) of the Dangerous Substances in Harbour Areas Regulations 1987.
- (4) In this byelaw
“approved vessel” means a vessel approved in writing by the Port Authority for the conveyance on the Thames of petroleum-spirit or of any other liquid of Class 3 with a flashpoint of less than 23°C or of a substance of Class 6.1 or Class 8.

5. VESSEL TO REMAIN AFLOAT

The master of a vessel in the Thames which is carrying in bulk either a flammable or toxic substance of Class 2, or a liquid of Class 3 with a flashpoint of less than 23°C or a substance of Class 6.1 or Class 8 shall, unless the harbourmaster has otherwise permitted in writing, ensure that the vessel remains afloat at all times.

6. RESTRICTION ON NAVIGATION ABOVE THE CHAPMAN LIMIT

The master of a vessel in the Thames which is carrying in bulk:

- (a) a flammable or toxic substance of Class 2;
- (b) a liquid of Class 3 with a flashpoint of less than 23°C, or
- (c) a substance of Class 6.1 or Class 8,

shall not navigate the vessel westward of the Chapman limit unless he or the vessel's agent or the operator of the facility to which the vessel is bound has confirmed to the harbourmaster that the facility will be available for immediate use by the vessel upon its arrival.

7. PROHIBITION OF ANCHORING ABOVE THE CHAPMAN LIMIT

Except in an emergency (including the circumstances mentioned in byelaw 11(2) below), the master of a vessel which is carrying in bulk either a flammable or toxic substance of Class 2 or a liquid of Class 3 with a flashpoint of less than 23°C or a substance of Class 6.1 or Class 8, shall not anchor the vessel in the Thames west of the Chapman limit.

8. RESTRICTION ON NAVIGATION ABOVE COALHOUSE POINT LIMIT

(1) The master of a vessel which is carrying in bulk either a flammable or toxic substance of Class 2 shall not navigate the vessel in the Thames west of the Coalhouse Point limit unless:

- (a) the vessel is accompanied by an escort tug; and
- (b) (i) arrangements have been put in place, and crew is available, to make fast the escort tug immediately if it is required; and
- (ii) a crew member is forward at all times, or arrangements have been put in place, to let go the anchors immediately they are required; and
- (c) the master of the vessel has confirmed to the harbourmaster and, when an authorised pilot is employed, to that pilot, that the requirements of sub-paragraph (b) are satisfied.

(2) In this byelaw

“escort tug” means a tug which, when acting as an escort tug for a vessel described in Byelaw 8(1), is capable of fulfilling towage and firefighting requirements in the event of an incident and is of a suitable size to tow the vessel whilst it is navigating.

9. RESTRICTION ON NAVIGATION ABOVE CRAYFORDNESS

The master of a vessel which is carrying in bulk either a flammable or toxic substance of Class 2 shall not navigate, anchor or moor the vessel in the Thames west of the Crayfordness limit.

10. RESTRICTION ON NAVIGATION ABOVE BARKING CREEK

(1) The master of a vessel (other than an approved vessel) which is carrying in bulk either a liquid of Class 3 with a flashpoint of less than 23°C or a substance of Class 6.1 or Class 8 shall not navigate, anchor or moor the vessel in the Thames west of the Barking Creek limit.

(2) In this byelaw

“approved vessel” has the meaning assigned to it by byelaw 4(4) above.

11. NAVIGATION IN RESTRICTED VISIBILITY WEST OF THE CHAPMAN LIMIT

(1) The master of a vessel anchored or moored west of the Chapman limit and which:

(a) is carrying in bulk either a flammable or toxic substance of Class 2 or a liquid of Class 3 with a flashpoint of less than 23°C or a substance of Class 6.1 or Class 8; or

(b) is carrying the remnants of any such gas, liquid, or other substance which remain after the discharge from a tank which has not subsequently been gas-freed;

shall not commence the navigation of the vessel in conditions restricting visibility to less than half a nautical mile.

(2) The master of a vessel being navigated west of the Chapman limit and which:

(a) is carrying in bulk either a flammable or toxic substance of Class 2 or a liquid of Class 3 with a flashpoint of less than 23°C or a substance of Class 6.1 or Class 8; or

(b) is carrying the remnants of any such gas, liquid, or other substance which remain after the discharge from a tank which has not subsequently been gas-freed; and

(c) is overtaken by conditions restricting visibility to less than half a nautical mile.

shall as soon as practicable anchor or moor the vessel in the most convenient position clear of the navigable fairway.

- (3) The master of a vessel who has anchored or moored his vessel as required in byelaw 11(2) above shall resume the navigation of the vessel as soon as practicable after the conditions restricting visibility to less than half a nautical mile have been cleared or ceased.

- (4) In this byelaw

“Conditions”, in relation to the restriction of visibility, means fog, mist, falling snow, heavy rainstorms or any other similar conditions affecting visibility.

12. NAVIGATION IN RESTRICTED VISIBILITY EAST OF THE CHAPMAN LIMIT

- (1) The master of a vessel which is east of The Chapman limit and which:

- (a) is carrying in bulk either a flammable or toxic substance of Class 2 or a liquid of Class 3 with a flashpoint of less than 23°C or a substance of Class 6.1 or Class 8; or
- (b) is carrying the remnants of any such gas, liquid, or other substance which remain after the discharge from a tank which has not subsequently been gas-freed;

shall not navigate the vessel in conditions restricting visibility to less than half a nautical mile unless the harbourmaster has permitted the vessel to be navigated in those conditions.

- (2) In this byelaw

“Conditions”, in relation to the restriction of visibility, has the meaning assigned to it by byelaw 11(4) above.

THE COMMON SEAL of the
Port of London Authority
was affixed in my presence
on 13 March 1991.

G E ENNALS
Secretary

The Secretary of State for Transport, after consulting the Health and Safety Commission, hereby confirms the foregoing byelaws.

Signed by authority of the Secretary of State for Transport 27th June 1991

M W JACKSON

An Assistant Secretary
In the Department of Transport

EXPLANATORY NOTES

(These Notes are not part of the byelaws)

Introduction

These byelaws, which relate to the Thames within the limits of jurisdiction of the Port of London Authority (PLA), make provision in respect of the navigation etc. of vessels carrying certain dangerous substances in bulk. The byelaws have been made by the PLA in the exercise of powers conferred on statutory harbour authorities by the DSHA Regulations (The Dangerous Substances in Harbour Areas Regulations 1987 (S.I. 1987/37)). The byelaws supersede and revoke the Port of London Dangerous Substances (Petroleum-Spirit and Liquid Methane) Byelaws 1989 (the 1989 Byelaws).

The only substances to which the 1989 Byelaws applied were petroleum-spirit and liquid methane. The new byelaws apply to:

- a) toxic and flammable gases (Class 2);
- b) flammable liquids with flash points below 23°C (Class 3);
- c) toxic and harmful substances (Class 6.1) and
- d) corrosive substances (Class 8).

In this note, reference to Classes 2, 3, and 6.1 and 8 are to those Classes in the classification in the DSHA Regulations, Schedule 1. The flash point criterion for Class 3 liquids is based on the flash point for petroleum-spirit (i.e. below 23°C). The new byelaws thus include, but extend to many more substances than liquid methane (a flammable gas within Class 2) and petroleum-spirit (a liquid of Class 3 with a flashpoint of less than 23°C).

Byelaws 1 to 3 are introductory. The substantive requirements are in byelaws 4 to 12.

Byelaw 1 provides for the byelaws to come into operation a month after they are confirmed.

Byelaw 2 defines certain expressions used in the byelaws. Where an expression is the same as one used in the 1989 Byelaws, the definition usually follows the one in those byelaws.

Byelaw 3 revokes the 1989 Byelaws.

Byelaw 4 required advance notice to be given to the harbourmaster of intention to navigate in the Thames a vessel carrying a dangerous substance in bulk. The byelaw is to some extent based on regulation 6(1) and (3) of DSHA Regulations, which require notice to be given if it is intended to bring a dangerous substance into a harbour area. If the vessel is to be navigated into the Thames **from beyond** the port limits, compliance with regulation 6(1) will ensure that the harbourmaster has the information he requires, and byelaw 4 will not apply. Byelaw 4 will however apply if the vessel is to be navigated **from within** the port (whether to another place within the port or to a place outside the port).

Byelaw 5 requires a vessel carrying a dangerous substance in bulk to remain afloat at all times, unless the harbourmaster has otherwise permitted in writing.

Byelaw 6 and the remaining byelaws impose requirements for reference to whether the vessel is above or below one of four specified limits; which are, from east to west:

- a) the Chapman limit;
- b) the Coalhouse Point limit;
- c) the Crayfordness limit;
- d) the Barking Creek limit.

Byelaw 6 applies to a vessel carrying a flammable or toxic substance of Class 2, a liquid of Class 3 with a flashpoint of less than 23°C or a substance of Class 6.1 or Class 8 in bulk **east** of the **Chapman limit**. The vessel must not navigate westward of the limit unless the berth at which it is to lie is available so that the vessel can lie there immediately on arrival.

Byelaw 7 applies to a vessel carrying a dangerous substance in bulk west of the **Chapman limit**. It forbids the vessel to anchor; but the prohibition does not apply in an emergency (including in conditions of restricted visibility in which byelaw 11(2)(a) requires a vessel to anchor or moor).

Byelaw 8 and **Byelaw 9** apply **only** to a vessel carrying in bulk a flammable or toxic gas of Class 2; they do not apply to a vessel carrying any other bulk dangerous substance.

Byelaw 9 applies only to a vessel carrying in bulk a toxic or flammable substance of Class 2. It forbids the vessel to navigate **west** of **Crayfordness**.

Byelaw 10 applies to a vessel carrying in bulk a liquid of class 3 with a flashpoint of less than 23°C or a toxic or harmful substance of Class 6.1 or Class 8. (Vessels carrying in bulk a Class 2 substance being already excluded under byelaw 9). It forbids the vessel to navigate **west** of the **Barking Creek limit** unless it is an approved vessel (i.e. a vessel approved by the PLA for the conveyance on the Thames of any such liquid or other substance). The exception for approved vessels corresponds to the exception for petroleum barges contained in byelaw 8 of the 1989 Byelaws (which itself continued an exception contained in previous petroleum-spirit byelaws).

Byelaw 11 regulates the movement of a vessel carrying a dangerous substance in bulk or non gas-free from such a substance when visibility is restricted **west** of the **Chapman limit**.

Paragraph (1) forbids the vessel to commence navigation in conditions reducing visibility to less than half a nautical mile. Paragraph (2) requires a vessel to anchor or moor clear of the navigable fairway if overtaken by such conditions when under way. Paragraph (3) requires the vessel to resume navigation when conditions have cleared.

Byelaw 12 applies to the movement of a vessel carrying a dangerous substance in bulk or non gas-free from such a substance when visibility is restricted **east** of the **Chapman limit**. It forbids a vessel to navigate unless the harbourmaster has given permission to do so in conditions which reduce visibility to less than half a nautical mile.

Offences

Contravention of a byelaw will be an offence by virtue of section 33(1)(c) of the Health and Safety at Work etc. Act 1974; and, by offence will be liable:

- a) on summary conviction, to a fine not exceeding the “prescribed sum” within the meaning of the Magistrates Courts Act 1980, section 32 (the amount is presently £2,000, but a different amount may be substituted by order made under section 143(1) of that Act);
- b) on conviction on indictment, to a fine.

In any proceedings for an offence of contravening any of the byelaws, it will be a defence for the person accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence (regulation 45 of the DSHA Regulations).

Changes affected by the Port of London Dangerous Substances in Bulk (Amendment) Byelaws 2006

Byelaw 2 has been amended to change the description in the definition of “the Coalhouse Point limit” from Shornmead Light to Shornmead Beacon. In addition the definition of “quay” has been deleted and replaced with a wider definition of “facility” and a definition of “vessel” has been inserted to bring vessels or dumb craft being towed by another vessel within the scope of the byelaws.

Byelaw 4 (2) (b) has been revoked following the withdrawal of the Schedule 2 Checklist for vessels carrying dangerous substances, as revoked by the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. It has been made clear in byelaw 4(3)(a) that the requirements of byelaw 4 also apply to vessels navigating to and from the Medway ports. In addition, the requirement to provide notice also applies in respect of Regulation 6(2) of the Dangerous Substances in Harbour Areas Regulations 1987, which is now reflected in byelaw 4(3)(b).

Byelaw 6 has been revised and now refers to a facility. In addition confirmation to the harbourmaster may now be given by the operator of the facility at which the vessel is to lie as an alternative to the master or vessel’s agent. Furthermore, Byelaw 6 now allows a vessel to proceed to the west of the Chapman limit, if the facility will be available for immediate use by the vessel upon its arrival, rather than the facility being available when the vessel passes the Chapman limit.

Byelaw 8 has been revised and no longer requires a vessel which is carrying in bulk either a flammable or toxic substance of Class 2 to be navigated in daylight. Now, to navigate above the Coalhouse Point limit, such a vessel must have an escorting tug and the master must confirm to the harbourmaster and any authorised pilot, that he has arranged to have crew available to make fast the tug, or let go the anchors if needed.

Byelaw 11 (3) (b), which relates to resuming in the dark with permission from the harbourmaster, the navigating of a vessel carrying the type of cargo covered by Byelaw 8 which has had to anchor or moor until visibility improves, is revoked.

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