

ORKNEY ISLANDS COUNCIL



**The Orkney Harbours
(Petroleum Spirit)
Byelaws**

1978

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Orkney Islands Council

THE ORKNEY HARBOURS (PETROLEUM SPIRIT) BYELAWS 1978

The Orkney Islands Council in pursuance of the provisions of section 7 of the Petroleum (Consolidation) Act 1928 and of all other powers thereunto enabling them, hereby make the following byelaws: -

1

Citation and commencement

These byelaws may be cited as the Orkney Harbours (Petroleum Spirit) Byelaws 1978 and shall come into operation on 17th August 1978.

2

Application and revocation

- (1) These byelaws shall apply to the conveyance, loading and unloading of petroleum spirit in the harbours areas within the jurisdiction of the Orkney Islands Council in its capacity as a harbour authority, the limits of which are specified in Schedule 1 to these byelaws.
- (2) Byelaws 5, 7(2), 7(4), 8, 10, 17(4), 17(6), 17(13), 17(14), 17(15), 17(17) and 17(18) below shall not apply to a petroleum ship carrying no petroleum spirit other than packed petroleum spirit of a quantity not exceeding 25 tons net.
- (3) As from the date of the coming into operation of these byelaw under the Petroleum (Consolidation) Act 1928 relating to the conveyance of petroleum spirit in the aforesaid jurisdiction are hereby revoked.

3

Interpretation

- (1) In these byelaws, save where the context otherwise requires-
 - “Berth” means any berth, dock, pier, jetty, quay, wharf, mooring, offshore terminal, or other place at which petroleum ships lie;
 - “The Council” means the Orkney Islands Council;
 - “Dumb barge” mean any ship without the means of self-propulsion;

“Gas” means petroleum spirit vapours and their mixtures with air;
“Harbour area” means any of the areas within the limits of jurisdiction of the Council referred to in byelaw 2(1);
“Harbour craft” means a ship which is used mainly within the harbour;
“Harbour master” means the harbour master or other officer duly appointed by the Council to act in such capacity or any person having authority so to act;
“Loading” and “discharging”, in relation to petroleum spirit or ballast water, includes the actual operations of loading and discharging, transfer within a petroleum ship, and any acts of ullaging, sounding or sampling, whether or not carried out in connection with such operations;
“Master” means the person (except a pilot) for the time being having or taking the command, charge or management of a petroleum ship;
“Naked light” means an open flame or fire, exposed incandescent material or any other unconfined source of ignition, and includes electrical and other equipment liable to cause sparking, and unprotected light bulbs;
“Owner” means so far as applicable, the owner or master of a petroleum ship and the owner of any petroleum spirit;
“Packed petroleum spirit” means petroleum spirit contained in tins, drums or other portable receptacles;
“Petroleum ship” means a ship having on board or being about to take on board a cargo the whole or nay part of which consists of petroleum spirit, or having discharged petroleum spirit but not yet rendered free from inflammable vapour to the satisfaction of the harbour aster;
“Petroleum spirit” means such petroleum as when tested in the manner set forth in Part II of the Second Schedule to the Petroleum (Consolidation) Act 1928 gives off inflammable vapour at a temperature of less then 73 degrees Fahrenheit;
“Ship” means every description of vessel used in navigation.

- (2) The interpretation Act 1889 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

Inspection

The owner of petroleum spirit or the owner or master of a petroleum ship shall, when so required by the harbourmaster or a constable, afford him every reasonable facility to ascertain whether these byelaws are duly observed.

Red flag and light

- (1) Save as provided in paragraph (3) below, the master of every ship which has petroleum spirit on board or which, having discharged petroleum spirit, has not been rendered free from inflammable vapour to the satisfaction of the harbour master, shall ensure that the ship shall display: -
- a) At all times moored, anchored or under way, Flag 'B' of the International Code of Signals, as shown for ships in the Second Schedule; and
 - b) When moored or anchored but not otherwise, a red light so constructed as to give a clear, uniform and unbroken light in conditions of normal visibility all round the horizon for a distance of at least 2 nautical miles.
- (2) Every such flag and light shall be displayed in such a position as may best ensure its visibility, and the light shall be displayed above any other light which the ship may show.
- (3) The master of every harbour craft which cannot comply with the foregoing provisions of this byelaw, and which has petroleum spirit on board or which, having discharged petroleum spirit, has not been rendered free of petroleum vapour to the satisfaction of the harbour master, shall ensure that the craft displays, in a conspicuous position above the deck, Flag 'B' of the International Code of Signals made of metal and of the dimensions shown for harbour craft in the Second Schedule, and an all round red light:
 Provided that, except where the harbour master otherwise directs, this paragraph shall not apply in relation to petroleum spirit carried as cargo packed in portable containers.

6

Notice on arrival

The owner or master of a petroleum ship, when complying with his duty under section 8 of the Petroleum (Consolidation) Act 1928 to give notice of its cargo to the harbour master, shall also inform him of the quantity of petroleum spirit in the ship.

7

Berthing of ship

- (1) **Place.** The master of a petroleum ship shall anchor or moor it only at such places as the harbour master shall direct, and shall not move it from berth to berth except by his permission or order.
- (2) **Distance between ships.** Except for the purpose of transshipment, a petroleum ship shall not lie within 30 metres (98.42 feet) of any other ship unless authorised by the harbourmaster so to do.
- (3) **Moorings.** A petroleum ship shall be secured at all times with moorings of sufficient strength and number having regard to the size of the ship and to local conditions.
- (4) **Towing wires.** The master of a petroleum ship whilst it is a berth shall provide towing wires of sufficient strength secured to the offshore bow and quarter bollards, with the towing eyes maintained at water level.

8

Supervision

On a petroleum ship the master shall ensure that at all times a responsible person is on watch and adequate crew on board to carry out and give effect to these byelaws and to deal with emergencies.

9

Intoxicated persons

The master shall take all due precautions to ensure that no person under the influence of drink or drugs to such an extent that his actions are not under proper control is allowed to approach the berth at which a petroleum ship is lying, or to board it.

10

Engine repairs

- (1) The master shall not allow engine repairs or other repair work which would immobilise a petroleum ship to be undertaken without the consent of the harbour master.

(2) This byelaw shall not apply in respect of any dumb barge.

11

Use of tools

Where there is a possibility of gas being in the vicinity-

- a) Tools may be employed only on operations required for the loading or discharging of petroleum spirit or in an emergency;
- b) Care must be exercised to avoid causing a spark when using any tools; and
- c) No hammering or chipping or other work capable of causing ignition shall be carried out.

12

Shore electricity

Where electric power is supplied to a petroleum ship from the shore the cable connecting fittings and switchgear shall meet the following requirements-

- a) All electrical equipment shall be so constructed and installed that there shall be no danger of injury to any person handling it in a proper manner;
- b) All conductors shall be adequately electrically insulated and protected against physical damage and chafing;
- c) Each separate electrical circuit shall be protected against short circuit;
- d) Each overload protective device shall be permanently marked with its rated current-carrying capacity;
- e) No cable shall be suspended in an overhead position where it may be liable to damage from vehicles, cranes or other mobile equipment.
- f) The switching arrangements for the connection of the shore supply to the ship's equipment shall be such as to prevent inadvertent connection to any circuit which might give rise to danger;
- g) An earth conductor of appropriate size shall be provided for connection to the earth terminal of the ship or the ship's hull.

13

Naked lights at berth

No naked light shall be permitted at any berth at which a petroleum ship is lying.

14

Portable electrical equipment and naked light

- (1) No naked light, portable electrical equipment or lamp on wandering electrical lead shall be used in-
 - a) Any cargo oil tank;
 - b) Any cofferdam adjoining a cargo oil tank;
 - c) Any cargo pump room;
 - d) Any enclosed space immediately above a cargo tank crown (for example, between decks);
 - e) Any enclosed space other than a cofferdam adjacent to and below the top of a cargo oil tank;
 - f) Any place which is over the cargo deck; or
 - g) Any cargo space containing packed petroleum spirit;of a petroleum ship without the permission of the harbour master not unless the atmosphere has been tested and shown to be suitable for such use by tests with a combustible vapour indicator.
- (2) This byelaw shall not apply to the proper use of such signal lamps, portable artificial lighting or battery operated hand lamps as shall be of a pattern tested and found suitable for use in an inflammable atmosphere.

15

Fire prevention

- (1) An owner shall take all reasonable precautions for the prevention of accident by fire or explosion.
- (2) All fire-fighting appliances on board a petroleum ship and on shore shall be kept ready for immediate use.
- (3) The master shall ensure that he is adequately informed of fire-fighting arrangements at the shore installation.

16

Spillage

- (1) While a petroleum ship is at a berth the master shall ensure that all scuppers are kept closed except so far as is necessary to allow water to be drained off.
- (2) The master shall arrange for scuppers to be inspected periodically during loading and discharging to ensure they are kept closed (see appended Note 3).

Loading and discharging of petroleum spirit or ballast water, gas-freeing and tank cleaning

(1) Application of byelaw

This byelaw shall apply in respect of every petroleum ship while engaged in the loading or discharging of petroleum spirit or ballast water, gas-freeing or tank cleaning.

(2) Pre-operational procedure

- a) Before any loading or discharging of petroleum spirit or ballast water or any gas-freeing or tank cleaning is carried out, the master shall give adequate notice to the harbour master of the time and place if such loading, discharging, gas-freeing or tank cleaning:
Provided that notice need not be given for the lading or discharging of packed petroleum spirit in amounts not exceeding 25 tons in aggregate.
- b) The master shall ensure that all appropriate controls and safety measures have been carried out and that efficient liaison has been established between ship and shore.

(3) Place

Loading or discharging of petroleum spirit or ballast water or any gas-freeing or tank cleaning shall be carried out only at such places as the harbour master shall direct.

(4) Pumping rates and checks

Before beginning pumping operations, the owner of the ship shall agree with the operators of any berth involved the maximum loading and discharging rates, taking into account the arrangement and capacity of the ship's cargo lines and the gas venting system and the maximum allowable pressure in the ship/shore hoses and associated pipe-work, and the owner shall throughout such operations ensure by frequent checks that the agreed loading and discharging rates are not exceeded.

(5) Fire fighting appliances

An adequate number of deck fire hoses on board a petroleum ship (other than a dumb barge) shall be uncoiled and connected to the fire main and the fire pump shall be ready for immediate operation, and pressure on the main shall be maintained by a pump on board where practicable, or otherwise by supply from the shore.

(6) Ship stores

During loading or discharging of petroleum spirit or ballast water into or from a ship's tank, gas-freeing or tank cleaning, ship's stores shall not be worked or bunkering carried out otherwise than by hand, unless and to the extent that the harbour master authorises the use of lifting gear.

(7) Lighting

No loading or discharging of petroleum spirit or ballast water, nor the rigging or disconnection of hoses, shall take place unless the harbour master, having regard to the need for adequate and safe illumination, so permits.

(8) Matches

An owner shall not allow any person to carry matches or any appliance whatsoever for producing ignition at or near any place where loading or discharging of petroleum spirit or ballast water, gas-freeing or tank cleaning is being carried out.

(9) Smoking

An owner shall take reasonable precautions to ensure that-

- a) Except under conditions and in places approved by the harbour master no person smokes at any berth or on waters adjacent thereto within an area specified by the harbour master.
- b) No person smokes at any place in a petroleum ship, except at such places (being not more than two, and having no door or port opening directly on, to or over them) abaft the cargo tanks as may be approved by the harbour master, but subject always to compliance with such conditions as the harbourmaster may direct or approve.

(10) Cooking equipment

Cooking equipment (including electric toasters, coffee percolators and similar equipment, but not including fixed cooking equipment heated by steam or immersed electric elements) shall not be used without the consent of the harbour master in any location not approved by him for the purpose.

(11) Boiler fires

- a) Boiler fires necessary for the mobility and safety of the ship and the handling of cargo and ballast may be used unless the harbour master directs otherwise.
- b) Boiler fires shall be kept under such supervision as is necessary to avoid external ignition.
- c) Funnel uptakes and boiler tubes shall not be blown without the permission of the harbourmaster.

(12) Leakage

All reasonable care shall be taken to ensure that pipes and associated equipment on the shore and on the petroleum ship are free from leakage and kept constantly under close supervision during loading and discharging.

(13) Electrical insulation

The owner shall secure that all pipelines and hoses whilst rigged for loading or unloading petroleum spirit or ballast water are adequately earthed and kept under supervision, that adequate precautions are taken to prevent a short-circuit, and in particular that:

- a) All pipelines and hoses are non-conductive of electricity or if conductive of electricity include a flange length of non-conductive hose;
- b) All metal parts on that side of any such flange or length of non-conductive hose which is away from the vessel are earthed to the quay earthing system and those on the other side are earthed to the vessel; and
- c) Other metallic connections between the quay and the vessel are protected or arranged to ensure that there is no possibility of incendive sparking where inflammable atmospheres may be present.

(14) Cargo openings

- a) Except for the gas venting system all openings from cargo tank shall, save with the special permission of the harbour master be kept closed the loading or discharging of petroleum spirit or ballast water except that ullage plugs or sighting ports not situated in enclosed or partially enclosed spaces may be removed for ullaging, sounding or sampling such ullage plugs or sighting ports to be closed immediately this has been done unless they are adequately protected by strong non-corroding wire gauze, which shall be kept clean and free from obstruction, of mesh not less than 10 to the linear centimetre and of gauze not less than 28 S.W.G or other equally effective flame screen.
- b) Ullage plugs or sighting ports situated in enclosed or partially enclosed spaces may, with the special permission of the harbour master, be removed for ullaging, sounding or sampling, but every such plug or port shall be closed immediately the operation for which it was removed has been completed.

(15) Superstructure and ventilation openings

- a) Precaution shall be taken to prevent gas entering accommodation and machinery spaces during the loading of petroleum spirit or the loading of any bulk cargo into tanks that have previously contained petroleum spirit and are not gas-free and while ballasting, gas-freeing or tank cleaning after discharge of petroleum spirit.
- b) When access into or through accommodation spaces is necessary, doors shall be opened only momentarily, and subject thereto the following precautions shall be observed-
 - i) Midships: All external doors, ports and similar openings in the amidships accommodation shall be closed.
 - ii) Poop: All external doors, ports and similar openings leading from the main cargo deck to the after accommodation or to machinery spaces (other than the pumproom) shall be closed, as shall all doors, ports and similar openings in the after accommodation at any deck level which overlook the main deck cargo.
- c) Ventilators shall be trimmed to prevent gas entering enclosed spaces but if trimming does not prevent gas entering enclosed spaces the ventilators shall be covered or closed. All mechanical ventilation or air-conditioning units serving enclosed spaces other than pumprooms shall be stopped if there is a risk of gas being drawn in. Ventilation systems servicing pumprooms shall remain in normal operation at all times.
- d) Any additional precautions that may under special circumstances be necessary to prevent entry of gas into enclosed spaces shall also be taken when directed by the harbour master.

(16) Packed petroleum spirit

- a) No packed petroleum spirit or general cargo shall be worked on a petroleum ship while engaged in loading petroleum spirit or ballast water into tanks which are not gas-free, or while gas-freeing or tank cleaning.
- b) Any portable receptacle containing petroleum spirit, and any portable receptacle that has previously contained petroleum spirit and is not gas-free, shall be properly closed and handled with due care so as to avoid damage to the receptacle or the release of its contents.

- c) No packed petroleum spirit shall be discharged or loaded unless the receptacles are free from leakage and are of such strength and construction as not to be liable to be broken or leak under normal conditions of handling.
- d) Defective receptacles may not be discharged except with the approval of the harbourmaster and under such circumstances as he may direct.
- e) No packed petroleum spirit shall be brought to the place of loading or discharged, as the case may be, until the petroleum ship or means of conveyance by which it is to be carried is in place and ready to receive it.
- f) When discharged, packed petroleum spirit shall forthwith be removed from the harbour area or to some duly licensed place of storage within that area.
- g) No person shall be allowed to enter a hold used for the storage of packed petroleum spirit nor shall any handling operation be begun until the hold has been thoroughly ventilated and the absence of inflammable vapour confirmed by tests with a combustible vapour indicator. Ventilation and periodic testing shall continue throughout handling operations. If handling operations are interrupted and hatches closed, work shall not be resumed until the atmosphere in the hold has been tested and shown to be gas-free.

(17) Interruption of operations

Should anything occur during the loading or discharging of petroleum spirit or ballast water which necessitates a repair to the plant, pipes or connections or which interferes in any way with the uninterrupted flow of the petroleum spirit, or ballast water, such operations shall be stopped and not resumed until adequate safety measures have been taken.

(18) Completion of operations

As soon as practicable after a petroleum ship within a harbour area has completed the loading or discharging of petroleum spirit and any necessary voyage requirement, including ballasting, storing and bunkering, the ship shall not leave that area unless the harbour master otherwise directs or permits.

Notification of unusual occurrences

The master shall immediately inform the harbour master of any unusual incident occurring during the period in which the ship is within the harbour which could, whether or not any serious consequence in fact ensued, have threatened safety.

Given under the Common Seal of the Orkney Islands Council this Sixth day of June, 1978.

(Signed) EDWIN R. EUNSON,
Councillor.

(Signed) GEORGE STEVENSON,
Councillor.

(Signed) H. A. GRAEME LAPSLEY,
Chief Executive.

The Secretary of State hereby confirms the foregoing byelaws.

Signed by authority of the secretary of State this 3rd day of August 1978.

(Signed) J. PEELER,
An Under Secretary in the Department of
Transport.

SCHEDULE 1 (Byelaw 2)

Harbour Jurisdiction of the Council

1. Scapa Flow

The area bounded as follows: -

Commencing at the Out Taings point on Hoy;

Thence in a straight line to Breckness on Mainland;

Thence in a generally eastern direction following the line of low water on the southern boundaries of mainland to the northern end of the north most Churchill Barrier;

Thence in a generally southerly direction following the western sides of the four Churchill barriers and the lines of low water on the western boundaries of the islands of South Ronaldsay (other than Swona) to Brough Ness;

Thence in a generally Westerly direction by a straight line to the south most part of Swona and a straight line from the point to Brims Ness on South Walls on the island of Hoy;

Thence following the line of low water on the western and northern sides of Aith Hope and the seaward boundaries of South Walls and of Hoy to the point of commencement.

2. Wide Firth/Shapinsay Sound

The area bounded as follows: -

Commencing at Harpy Taing on Mainland;

Thence in a straight line to Stromberry on Shapinsay;

Thence following the line of low water on the southern boundary of Shapinsay to Hacksness;

Thence in a straight line to Rerwick Point on Mainland;

Thence in a generally westerly and northeasterly direction following the line of low water on part of the northern boundary of Mainland to the point of commencement.

SCHEDULE 2 – (Byelaw 5)

Flag ‘B’ of the International Code of Signals

(Red flat to be flown)

Dimensions:

“a” shall not be less than 75 centimetres (29.5 inches) for a ship and 45 centimetres (17.7 inches) for a harbour craft.

“b” shall not be less than 90 centimetres (35.4 inches) for a ship and 54 centimetres (21.3 inches) for a harbour craft.

NOTES

(These Notes do not form part of the Byelaws)

1. Statutory requirements for the carriage of dangerous goods in ships including explosives are contained in the Merchant Shipping (Dangerous Goods) Rules 1965 (S.I. 1965 No. 1067) as amended by the Merchant Shipping (Dangerous Goods) (Amendment) Order 1968 – (S.I. 1968 No. 332). Recommendations to assist ship owners and masters to discharge their statutory obligations appear in the Report of the Standing Advisory Committee on the Carriage of Dangerous Goods in Ships (the “Blue Book”).
2. These Byelaws shall be printed and published, and a printed copy shall be exhibited at some conspicuous place within the harbour. Copies can be obtained at the Office of the Harbour Authority, and at the Office of the Harbour Master.
3. Section 2 of the Prevention of Oil Pollution Act 1971 creates an offence by the owner or master of a vessel where it discharges oil into United Kingdom Waters, but provides a defence where such discharge occurs in the course of the transfer of the oil to or from another vessel or a place and is caused by the act or omission of any person in charge of apparatus in that other vessel or place. An offence is then created by the owner or master of that other vessel or place. The Act also provides in section 5(2)(b) for a defence where the oil escaped because of a leakage and any delay in discovering it was not due to any want of reasonable care. Section 11 creates a duty on the owner or master of the vessel to report any leakage or discharge to the harbour master or, if the harbour has no harbour master, to the harbour authority.
4. These Byelaws shall be enforced and carried into effect within the area by the Director of Harbours, Orkney Islands Council and the officers of his directorate duly authorised in that behalf or by any police constable.
5. Expressions used in these Byelaws which are not given a special meaning and are used in the Petroleum, (Consolidation) Act 1928 are to be given the same meanings as in that act.