

REGULATORY IMPACT ANALYSIS (RIA)

**Proposal to review Docks (Safety, Health and Welfare) Regulations 1960
(S.I. No. 279 of 1960)**

Consultation Draft

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1.0 Foreword

This Regulatory Impact Analysis (RIA) has been prepared as part of the review of the Docks (Safety, Health and Welfare) Regulations 1960 (referred to as the Docks Regulations hereafter) and the related Docks (Safety, Health and Welfare)(Forms) Regulations 1965. Elements of the Docks Regulations are now obsolete in light of developments in the docking industry since the 1960s. The aim of this review is to ensure that there are relevant and proportionate Regulations to protect the safety, health and welfare of workers involved in docking activity.

This RIA will examine the available options and their potential impacts on key stakeholders.

2.0 Background information

2.1 Legislation and guidance

The Docks Regulations 1960 were made under the Factories Act 1955. They apply to the processes of loading, unloading, moving and handling goods in, on or at any dock, wharf or quay and the processes of loading, unloading and coaling any ship in any dock, harbour or canal.

While fishing vessels (i.e. unloading fish from a vessel employed in the catching of fish) are not exempt from the Docks Regulations 1960 per se, the effect of Regulation 3(2) of the Docks (Safety, Health and Welfare) Regulations 1960 does in fact exempt them from most of its provisions, with the exception of Regulations 49 and 50 which relate to interference, misuse and removal and Regulation 55 relating to a register on lifting equipment.

There are eight parts to the Regulations:

- | | |
|----------|---|
| Part I | Definitions and arrangements |
| Part II | Places duties on the person who has general management and control of a dock regarding fencing, rescue from drowning, lighting, first aid. |
| Part III | Places duties on the owner, master or officer in charge of a ship regarding safe means of access: from ship to shore, from deck to hold, in shaft tunnels. Also requires efficient lighting on all parts of ship where persons working and outlines requirements for hatch coverings. |
| Part IV | This relates to work equipment and is now revoked by Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. 299 of 2007). |
| Part V | Places duties on the employer, self employed and employee but in the event the processes are not carried out by the owner of the ship, the duty falls back on the owner, master or officer of ship to comply with Regulation 41 regarding fencing of hatches and replacement of coverings. Duties are also specified in relation to the safe escape of workers from hold in emergencies, clear passage to the ship, fencing of hatches, requirements for hatch coverings, loading, unloading, stacking, use of signaller, transport of persons by water to/from ship. |
| Part VI | Place duties on all persons in relation to misuse or interference |
| Part VII | Places duty on employer to ensure machinery is in compliance. If master, owner, officer doesn't comply with Part III (lighting, gangway, access) this duty falls back on the employer. |

Part VIII Places duties on the person who has general management and control of a dock and refers to sanitary conveniences, washing facilities, drinking water.

Several limitations of the Docks Regulations 1960 prompted the current review:

- Some elements are already revoked (Regulations 8 to 12, 22 to 35, 37 and 38 and the Schedule).
- Some definitions relate to those used in the Factories Act 1955 and are of limited relevance to the modern docking environment.
- There are references to revoked regulations e.g. Regulation 8 refers to “First Aid in the Factories Regulation 1956”.
- The requirements refer to imperial measurements and are prescriptive, e.g. Regulations 5, 15 and 21.
- Working at height requirements (Regulation 15) are prescriptive and contradict the current work at heights legislation.

See Annex I in relation to the current provisions of the Safety in Industry Acts 1955 and 1980 relating specifically to work at docks.

There is a significant amount of legislation and guidance from other agencies and organisations that is relevant to docking activity and safety on board the ship (listed in Annex II). The Department of Transport (DoT) implements the merchant shipping legislation. There are also numerous codes and conventions from the International Labour Organisation (ILO) and the International Maritime Organisation (IMO) which relate to merchant shipping in general.

2.2 The docking industry in Ireland

Irish seaports handle 99.5% of Irish foreign trade (by volume). Ninety per cent of Ireland's GDP is exported - 42% of it through Dublin Port. Seventy-eight per cent of all imports and exports through Dublin Port are transported in containers.

Figure 1: Tonnage of goods handled (000 tonnes) at Irish ports by type of cargo in 2008

	Goods Handled (Received and Forwarded)	Goods Received	Goods handled between Great Britain and Northern Ireland
Total	51081	36049	19949
Roll-on Roll-off units	12080	7015	11552
LoLo(Lift on Lift Off) TEUs (twenty foot equivalent units)	7945	4912	926
Liquid Bulk	13315	10937	5657
Dry Bulk	15905	11990	1507
Break Bulk and all other goods	1836	1196	306

2.2.1 Ten state-owned commercial port companies are established under the Harbour Act 1996 in the following locations:

- Dublin
- Dun Laoghaire
- Cork
- Waterford
- New Ross
- Shannon Foynes
- Galway
- Dundalk
- Drogheda
- Wicklow

These companies are responsible for vessel traffic management, dredging, pilotage and infrastructure. However, some of the infrastructure within the ports may be owned by other companies e.g. the Electricity Supply Board tends to own its own port infrastructure. The Department of Transport has responsibility for these ports, that is, the Minister is the shareholder.

2.2.2 Six additional Harbour Authorities still remain under the 1946 Harbours Act. These are run on a day to day basis by Harbour Commissioners and are also the responsibility of the Department of Transport.

- Wexford
- Baltimore and Skibbereen
- Bantry (oil)
- Kinsale (grain ship activity)
- Tralee and Fenit (export of cranes)
- Arklow

2.2.3 There are six Fishery Harbour Centres owned and run by the Department of Agriculture, Fisheries and Food:

- Rossaveal and Cashla Bay
- Killybegs – has some cargo operations regarding processed fish exports.
- Howth
- Dunmore East
- Castletownbere
- Dingle

These ports are involved in loading/unloading activities with respect to fishing vessels and cruise liners/sightseeing boats.

2.2.4 There are many harbours, slips and quays around the country which are owned by the relevant Local Authority, with the following exceptions:

- Rosslare Port is a division of Irish Rail. There is some loading/unloading of container ships and importing of new cars.
- Greenore Port in Co Louth is privately owned.

See Annex IV for a breakdown of goods handled at all Irish ports.

2.3 Key hazards in the docking industry

Falls from height - can occur when carrying out trimming, sheeting, container lashing operations, securing loads, accessing hold, accessing ships and working on board the ship. Falls also occur when mounting/dismounting from vehicles. Working around unfenced dock edges and accessing the ship also carries the risk of falling into water and subsequent drowning.

Lifting operations - whilst carrying out loading and unloading operations and stacking and stowing goods there is a risk of falling objects. Items may be loose, incorrectly or poorly slung or stacked or fittings and fixtures used during lashing operations may be dropped. Loads or objects may collapse or fall having become unstable during transport or having been poorly loaded.

Moving Vehicles and Pedestrian interface - terminal tractor drivers, straddle carriers, fork truck and side loader operators operate within the dock environment as well as various types of cranes. Roll-on roll-off traffic may also be present.

Exposure to hazardous substances - loading and unloading solid bulk cargoes may expose employees to dusty cargoes or respiratory sensitizers. Cargoes may be flammable, toxic, poisonous or corrosive. Some cargoes such as grain may also have been fumigated. Some solid bulk cargoes in the hold may not be hazardous themselves, for example, wet fish, fishmeal and bark but may be liable to give rise to hazardous substances like gases due to decomposition or bacterial action. Vehicle exhaust emissions in the ships' hold may also give rise to exposure.

Mooring - can be a hazardous activity on board ship as there is a risk of getting caught in rope or winches. Mooring on the dock/jetty also carries its own risk as the rope can be very heavy and awkward, particularly if it is wet or if rope breaks it can lash back.

Slips and Trips - can occur on wet or icy surfaces. It may also be due to badly stowed ropes, cables, lashing gear, inadequate lighting or poor housekeeping in general.

Musculoskeletal Disorders –from operating container cranes, straddle carriers, tugmasters etc and the manual handling and maneuvering of loads, lifting gear and attachments

Environmental Hazards - Weather and Tidal Movements – cold or wet weather can reduce concentration and make manual tasks more difficult. Tidal movements can have an effect on the safety of access to ships and increase risk of collision between dockside equipment and the vessel.

Fatigue – can affect health, safety and work performance. It can increase risk of accidents through poor perception or physical exhaustion.

The Health and Safety Authority receives very few reports of injuries sustained during docking activity. A summary of the relevant accidents which have been reported to the Authority by employers from 2005 to 2009 inclusive is presented below. The European

NACE classification (for classifying economic activities) does not include dock-work specifically but there are a number of relevant sub-categories under the *Transportation and Storage* category which were used to extrapolate incident data:

NACE code 5020	Sea and coastal freight water transport
NACE code 5222	Service activities incidental to water transportation
NACE code 5224	Cargo handling
NACE code 5229	Other transportation support activities

The results in Figure 2 indicate that there were less than thirty reported incidents each year in these categories. Three fatal injuries related to docking activity were reported in the same period. The majority of the reported incidents were attributed to a slip or fall on the same level or to the loss of control of a machine (Figure 3). Almost half were recorded as sprain or strain injuries, followed by superficial injuries and closed fractures. Six percent lead to concussion and internal injuries and almost 7% lead to open wounds or fractures (Figure 4). The occupations which suffer most reported injuries are drivers or mobile plant operators and labourers (Figure 5).

Figure 2: Incidents reported to the Health and Safety Authority involving docking activity 2005-2009

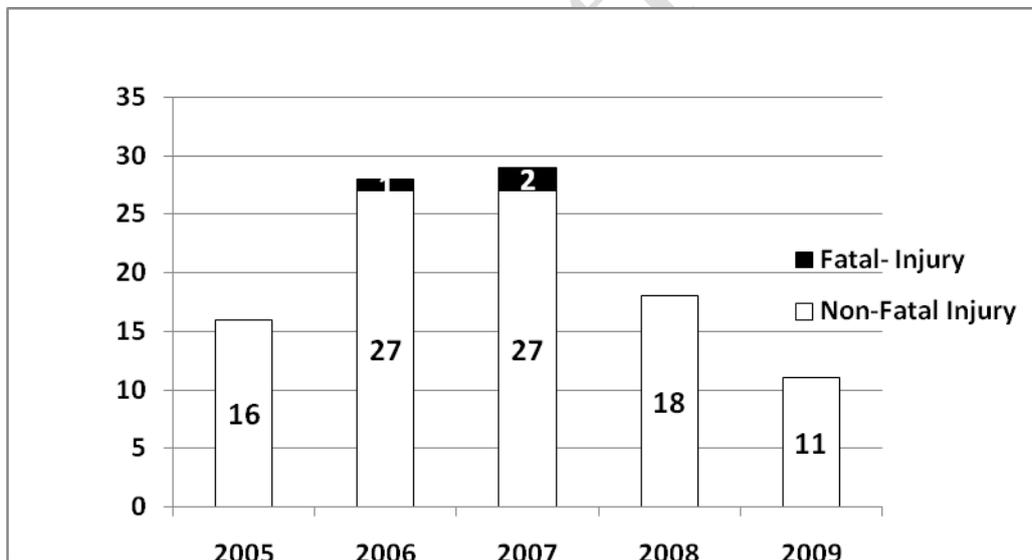


Figure 3: Reported docking incidents by accident trigger 2005-2009

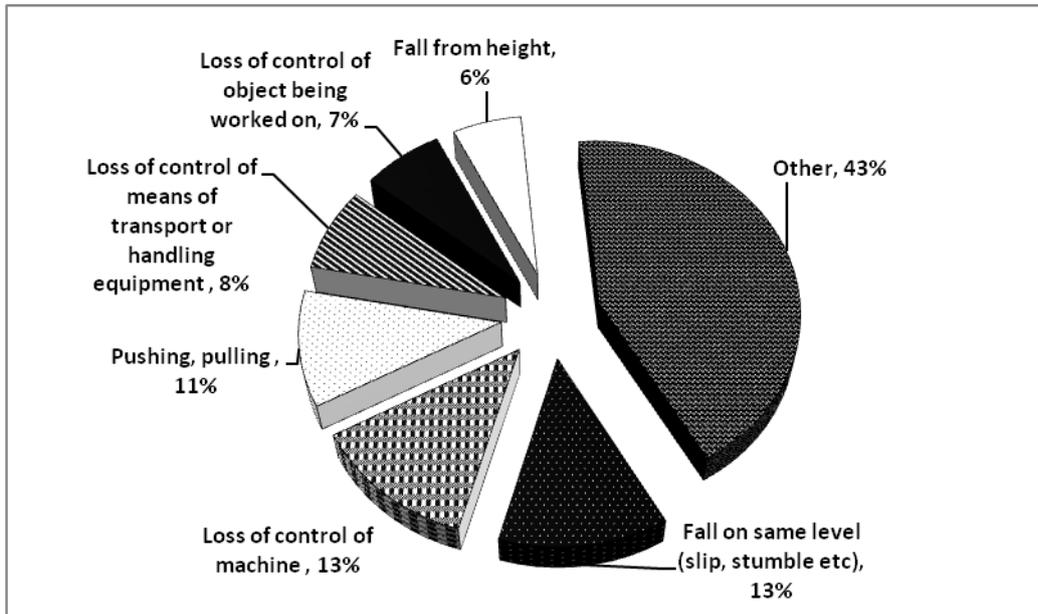


Figure 4: Reported docking incidents by injury type 2005-2009

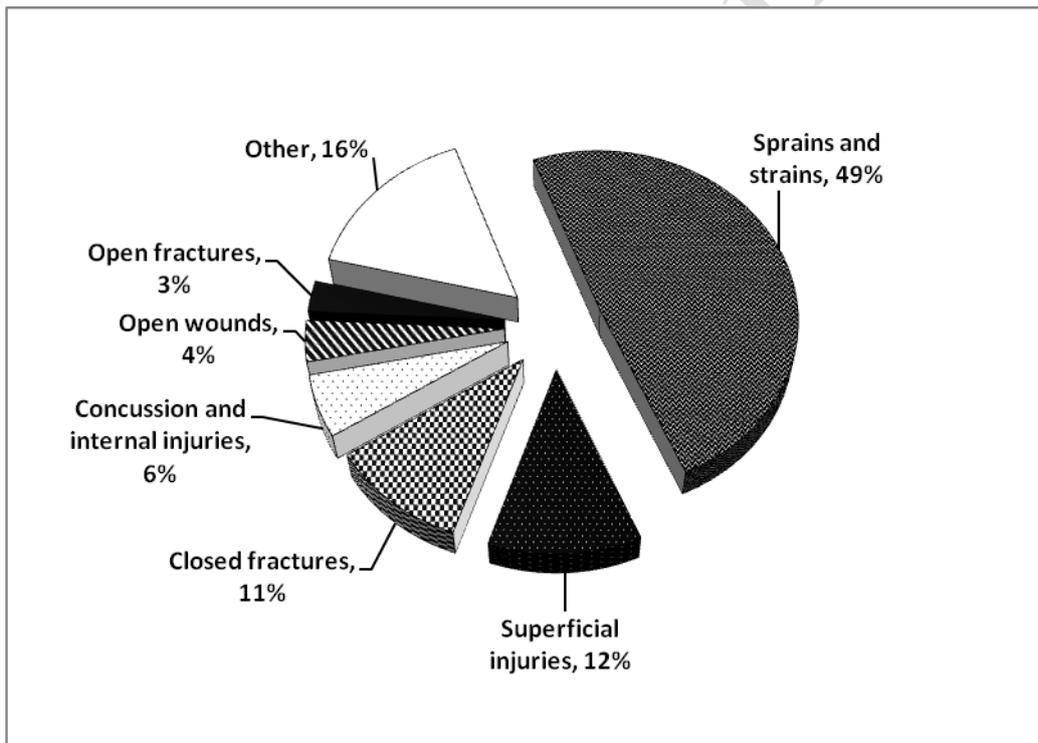
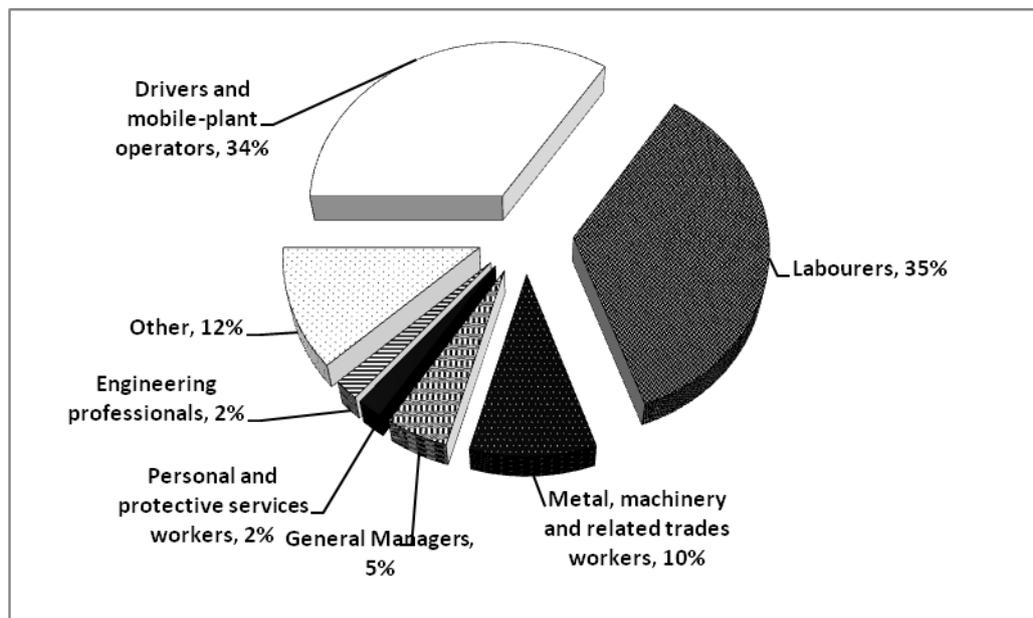


Figure 5: Reported docking incidents by occupation 2005-2009



3.0 Objectives of the review of Regulations

The primary objective of this review is to ensure an up-to-date and comprehensive legislative basis for applying necessary safety, health and welfare at work requirements in the docking industry.

Many of the provisions of the Docks Regulations have been identified as obsolete and, therefore, offer limited protection to workers in the context of modern docks activity. The case for revoking these obsolete provisions is considered, where this will not represent a diminution in the protection of the safety, health and welfare of those working in the docking industry.

There are other provisions in the Docks Regulations which remain relevant to modern docks activity and which should retain a regulatory status. This review will examine if such provisions are adequately covered by more recent regulatory instruments within the domain of the Authority (or other agencies or departments), or if it is necessary to draft new Docks Regulations.

An associated objective of this review is to reduce the regulatory burden on business by revoking obsolete requirements and ensuring that remaining or updated legislation is rationalised and coherent. This is in line with both the Government's objectives of reducing the regulatory burden and promoting better regulation and the European Commission's objective of simplifying the legislative framework and reducing the administrative burden on companies (Community Strategy 2007-2012 on Health and Safety at Work). To this end, it is proposed that those elements of the Factories Act that are referenced in the Docks (Safety, Health and Welfare) Regulations 1960 which are no longer considered relevant, will also be revoked.

4.0 Options considered in this analysis

- Option 1: Do nothing. Continue to implement the Docks (Safety, Health and Welfare) Regulations 1960
- Option 2: Revoke the current Docks Regulations and develop proposals for new Docks Regulations. The new Regulations would be accompanied by a Code of Practice or other guidance document to address specific docking hazards which are within the Health and Safety Authority's remit.
- Option 3: Revoke the current Docks Regulations (and associated elements of the Safety in Industry Acts 1955 and 1980) on the basis that all relevant provisions are covered by other regulatory instruments within the domain of the Authority or other agencies. The Authority would issue a Code of Practice or other guidance document to address specific docking hazards which are within its remit.

The following analysis will consider the potential benefits and costs of each of these options for a range of stakeholders.

5.0 Information sources

Information on port ownership in Ireland was supplied by the Department of Transport (DoT). Information on the Merchant Shipping legislation and IMO and ILO conventions was provided by the DoT and relevant websites.

Data on goods handled was obtained from the Central Statistics Office. Data on reported incidents during dock work were extracted from the Health and Safety Authority's incident database.

The public consultation phase will afford an opportunity for testing the assumptions in this document. The analysis may be updated after the consultation to take account of relevant and reliable data provided by stakeholders.

6.0 Impact analysis

6.1 Option 1 Analysis – Do nothing

Health and safety costs: The many out-dated provisions in the current Docks Regulations mean that they offer limited protection to workers involved in docking activity. Modern hazards such as use of automatic hatches, hazards associated with containerised loads and use of various types of mechanical equipment are not covered by the current Docks Regulations.

Business costs: Currently, employers involved in docking activity must comply with a number of regulatory instruments promulgated and enforced by a range of agencies. Costs are incurred in terms of the time required to familiarise with the range of regulations and to deal with inspections and administration initiated by these agencies.

6.2 Option 2 Analysis – Revoke current Docks Regulations and develop new Docks Regulations

Health and safety benefits: New Docks Regulations would include specific provisions addressing existing docking hazards. More specific Regulations should facilitate compliance and bring health and safety benefits to workers in the industry.

Business benefits: The process of developing proposals for new Docks Regulations would include revoking current Regulations together with the associated sections of the Safety in Industry Acts 1955 and 1980. Employers will benefit from a simplified legislative framework and a reduced regulatory burden. Duplication between the legislation within the Authority's domain and legislation administered and enforced by other agencies should be eliminated. The accompanying guidance publication would explain the provisions of the new Docks Regulation and would identify the relevant provisions in the legislation enforced by other agencies.

Business costs: Some level of cost is likely to be incurred by business in terms of the time required to familiarise with new Regulations.

Enforcement costs: Updated Docks Regulations would be administered and enforced by the Health and Safety Authority. The Authority does not expect enforcement of such Regulations to require significant additional resources. The Authority would be responsible for preparing a new guidance document but it is anticipated that the associated costs could be accommodated within existing budgets.

6.3 Option 3 Analysis – Revoke Docks Regulations 1960 and relevant elements of the Safety in Industry Acts 1955 and 1980

In revoking any Regulations it is critical that there is no diminution of existing safety, health and welfare requirements. The schedule in Annex III maps all of the provisions of the current Docks Regulation on to alternative legal instruments. Many of the current provisions can be enforced by the Authority under the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007. Other provisions are covered under the Merchant Shipping legislation. The Marine Survey Office at Department of Transport has been consulted in the development of this draft RIA.

Health and safety benefits:

A specific and practical Code of Practice or other guidance document dealing with the hazards and risks associated with docks would assist employers and clarify their legal obligations with associated health and safety benefits.

Business benefit: Revoking the current Docks Regulations and associated provisions of the Safety in Industry Acts 1955 and 1980 (on the basis that all relevant provisions are covered by other legislation) would reduce the regulatory burden on business. The Authority's guidance publication or Code of Practice would outline best practice with specific practical guidance for the industry and direct employers to relevant provisions of other legal instruments within the Authority's domain and would identify the relevant provisions in legislation which is enforced by other agencies. Such Code of Practice or guidance would

simplify the requirements for employers and would be more user friendly to both employer and employee.

Enforcement costs: The option to revoke the Docks Regulations would be cost-neutral for the Authority. Inspectors would continue to inspect docks and take enforcement actions under the aegis of the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007. This option requires the preparation of a guidance document by the Authority but it is anticipated that the costs could be accommodated within existing budgets. This option may also reduce inspection costs in terms of the time inspectors spend navigating the range of legislation associated with docks. The option would also bring clarity to the role and crossover between different agencies.

6.4 Environmental impact

The Authority does not foresee that any of the options will have environmental impacts.

6.5 Administrative burden

None of the options will require employers to keep any additional records; there is no intended requirement to report additional data to the Authority or any other agency.

7.0 Summary of impacts

Based on the summary of the potential impacts below, the Health and Safety Authority recommends adopting option 3, i.e. revoking the Docks Regulations 1960 and relevant elements of the Safety in Industry Acts 1955 and 1980 and publishing a guidance document or a Code of Practice to address specific docking hazards which are within the Authority's administration and enforcement remit.

Impacts	Option 1	Option 2	Option 3
Health and safety	—	+	+
Business	—	+	++
Enforcement	~	~	~

Key: — negative impact
+ positive impact
~ neutral

8.0 Consultation

This RIA will be made available for public consultation on the Authority's website for a one month period in accordance with the Authority's standard public consultation policy. Selected stakeholders may be contacted directly by the Authority and invited to make submissions. The submissions from the public consultation will be collated and considered by the Authority and relevant additions or amendments may be incorporated in this RIA.

The revised RIA will be submitted to the Legislation and Guidance Sub-Committee of the Board and the Board of the Authority for consideration and approval. Any resultant proposals for legislative change will be submitted to the Minister for Labour Affairs at the

Department of Enterprise, Trade and Employment for his consideration with a view to formal legal settlement by the Office of the Parliamentary Counsel to the Government and any resultant proposals for a Code of Practice will be submitted to the Minister for his consent to its publication by the Authority.

9.0 Review

The Authority will maintain records of accident reports and inspection and enforcement actions in the docking industry. This data will be monitored to assess if any further preventive action is required.

REFERENCES

Regulating Better, Department of the Taoiseach

Improving quality and productivity at work: Community Strategy 2007-2012 on Health and Safety at Work, Communication from the European Commission, Brussels, 21 February 2007, COM (2007) 62

12 January 2010

ANNEX I Provisions of the Factories Act 1955 (No. 10 of 1955) as amended by the Safety in Industry Act 1980 (No. 9 of 1980) applying to Work at Docks

Docks, wharves, and warehouses.

86.—(1) The provisions of this Act hereinafter in this subsection mentioned shall apply to every dock, wharf, or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, as if it were a factory, and as if the person having the actual use or occupation of it, or of any premises within it or forming part of it, were the occupier of a factory, that is to say:—

(a) the provisions of Part I [**Preliminary and General - Sections 1 to 9**];

~~** (b) the provisions of Part II with respect to sanitary conveniences, to such extent as may be specified, and subject to such adaptations and modifications as may be made, by regulations of the Minister;~~

(c) the provisions of Part III [**Safety (General Provisions) - Sections 21 to 23, 26, 29, 31 to 36***, 38 to 43***, 50 and 51**] with respect to steam boilers (including the provisions as to exceptions as to steam boilers) so, however, that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions;

~~** (d) the provisions of Part III with respect to the power of the Minister to require special safety arrangements for the prevention of accidents and to the power of the District Court to make orders as to dangerous conditions and practices;~~

~~** (e) the provisions of Part IV with respect to welfare regulations; [the provisions referred to were section 57 relating to “Welfare Regulations” the repeal of which was activated by the Safety, Health and Welfare at Work Act, 1989 (Repeals and Revocations) Order 1995 (S.I. No. 357 of 1995)]~~

~~(f) the provisions of Part V with respect to special regulations for safety and health;~~

~~(g) the provisions of Part VI;~~

(h) the provisions of Part VII [**section 57 relating to certificates of fitness for employment of young persons**] so, however, that the said provisions shall apply in the case of warehouses only;

~~** (i) the provisions of this Part with respect to premises where part of a building is a separate factory, subject to such adaptations and modifications as may be made by regulations of the Minister;~~

(j) the provisions of Part X with respect to appointment and duties of certifying doctors and fees of certifying doctors [**sections 96 and 97**], subject to such adaptations and modifications as may be made by regulations of the Minister, and the

provisions of the said Part X with respect to powers and duties of inspectors and to regulations, orders and certificates of the Minister;

~~** (k) the provisions of Part XI;~~

~~** (l) the provisions of Part XIII with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, subject to such adaptations and modifications as may be made by regulations of the Minister, and the provisions of the said Part XIII with respect to duties of persons employed and the prohibition of deductions from wages.~~

(2) The provisions of this Act mentioned in paragraph (a), in paragraph (c) (subject to the modification mentioned in that paragraph) and in paragraphs (d), (f), (g), (j), (k), and (l) of sub-section (1) of this section shall apply to the processes of loading, unloading or coaling of any ship in any dock, harbour or canal and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory, but the provisions of this Act mentioned in the said paragraphs (c) and (d) shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the ship owner.

For the purposes of this subsection, "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship.

(3) The provisions of Part III of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction of machinery, cleaning of machinery by young persons, training and supervision of persons working at machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of the District Court to make orders as to dangerous factories shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and as if the person having the actual use or occupation thereof were the occupier of a factory.

Safety in Industry Act 1980 (No. 9 of 1980)

Docks, wharves, quays and warehouses.

24.—(1) Section 32^{^^} (inserted by section 17 of this Act) [**Training and supervision of persons working at machines**], ~~section 45^{****}~~ and section 58^{^^^} (as amended by section 20 of this Act) [**Removal of dust and fumes**] of the Principal Act shall apply to every dock, wharf, or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, as if it were a factory, ~~or, pending the commencement of section 7(b) of this Act a factory to which the said section 45^{****} applies,~~ as may be appropriate, and as if the person having the actual use or occupation of it, or of any premises within or forming part of it, were the occupier of a factory.

(2) Subsection (3) of section 86 of the Principal Act is hereby amended by the substitution of "persons working at machines" for "young persons working at dangerous machines", and the

said subsection (3), as amended by this subsection and by section 7 of this Act, is set out in the Table to this subsection.

TABLE

The provisions of Part III of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction of machinery, cleaning of machinery by young persons, training and supervision of persons working at machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of the District Court to make orders as to dangerous factories shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and as if the person having the actual use or occupation thereof were the occupier of a factory.

Notes:

** Safety, Health and Welfare at Work Act, 1989 (Repeals and Revocations) Order 1995 (S.I. No. 357 of 1995), inter alia, activated the repeal of sections 57, 86 (1) (b), (d), (f), (g), (i), (k) and (l) of the Factories Act 1955.

*** Sections 33 to 35, 36(5) and 37 of the Factories Act 1955 repealed through the Safety, Health and Welfare at Work Act, 1989 (Repeals and Revocations) Order 1995 (S.I. No. 357 of 1995) and the Safety, Health and Welfare at Work Act 2005 (Repeals)(Commencement) Order 2007 (S.I. No. 300 of 2007).

Sections 40, 41 42 and 43 of the Factories Act 1955 (No. 10 of 1955) as amended by sections 31, 32 and 33 of the Safety in Industry Act 1980 (No. 9 of 1980) are scheduled for repeal on the coming into operation of the proposed Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2009 relating to Pressure Systems.

**** Section 45 (as amended) of the Factories Act 1955 was repealed by section 55(2) of the Safety, Health and Welfare at Work Act 1989 (No. 7 of 1989)

^^ Section 32 of the Factories Act 1955 (inserted by section 17 of the Safety in Industry Act 1980, relating to training and supervision of persons working at machines, is possibly now superseded by section 10 [Instruction, training and supervision of employees] of the Safety, Health and Welfare at Work Act 2005 and Regulation 29 [Use of Work Equipment – Information and instruction] of the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007).

^^^ Section 58(1) of the Factories Act 1955 (amended by section 20 of the Safety in Industry Act 1980, relating to Removal of dust and fumes, is possibly now superseded by section 10 [Instruction, training and supervision of employees] of the Safety, Health and Welfare at Work Act 2005 and Regulation 6 [Workplace – Ventilation of enclosed places of work] of the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007).

ANNEX II List of existing legislation and codes relevant to dock work activity

Relevant legislation enforced by Health and Safety Authority:

Factories Act (No. 10 of 1955)

Docks (Safety, Health and Welfare) Regulations 1960 (S.I. No. 279 of 1960)

Docks (Safety, Health and Welfare) (Forms) Regulations 1965 (S.I. No. 63 of 1965)

Shipbuilding and Ship Repairing (Safety, Health and Welfare) Regulations 1975 (S.I. No. 322 of 1975)

Safety, Health and Welfare at Work (Biological Agents) Regulations 1994 (S.I. No. 146 of 1994) as amended by the Safety, Health and Welfare at Work (Biological Agents) (Amendment) Regulations 1998 (S.I. No. 248 of 1998)

Safety, Health and Welfare at Work (Fishing Vessels) Regulations 1999 (S.I. No. 325 of 1999)

Safety, Health and Welfare at Work (Carcinogens) Regulations 2001 (S.I. No. 78 of 2001)

Safety, Health and Welfare at Work (Confined Spaces) Regulations 2001 (S.I. No. 218 of 2001) and Code of Practice

Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001)

Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005)

Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006)

Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006)

Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health and Welfare at Work (General Application)(Amendment) Regulations 2007 (S.I. No. 732 of 2007)

Chemicals Act 2008 (No. 13 of 2008)

Relevant legislation enforced by Department of Transport:

Merchant Shipping (Means of Access) Regulations 1988 (S.I. No. 108 of 1988)

Merchant Shipping (Health and Safety: General Duties) Regulations 1988 (S.I. No. 109 of 1988)

Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulations 1988 (S.I. No. 110 of 1988)

Merchant Shipping (Pilot Ladders and Hoists) Rules 1993 (S.I. No. 55 of 1993)

Merchant Shipping (Passenger Boat) Regulations 2002 (S.I. No. 273 of 2002)

European Communities (Safe Loading and Unloading of Bulk Carriers) Regulations 2003 (S.I. No. 347 of 2003)

Relevant ILO Conventions

ILO Convention 134 Prevention of Accidents (Seafarers) 1970

ILO Convention 147 Merchant Shipping (Minimum Standards) 1976

ANNEX III Schedule of provisions in the Docks (Safety, Health and Welfare) Regulations 1960 mapped on to alternative legal instruments

Docks Regulations 1960	Alternative legal instrument
Part I	
Regulation 2 - definitions	
Regulation 3 – application and exemptions	
Regulation 4(1) - duty on person having control of dock to comply with Parts II and VIII of the Regulations	
Regulation 4(2) - duty on owner, master, officer to comply with Part III of the Regulations	
Regulation 4(3) - duty on owner of machinery and plant to comply with Part IV of the Regulations re plant and machinery	Should be revoked, as Part IV of the Regulations is already revoked
Regulation 4(4) - places duty on employee, employer to comply with Part V of the Regulations	
Part II –Duty of person in control of dock	
Regulation 5 (a) and (b) – maintenance of approaches and fencing	Section 15 (2) of the Safety, Health and Welfare at Work Act 2005 (SHWWA 2005)
Regulation 6 (a) and (b) – provision for rescue from drowning on wharf/quay	Section 8 (2)(c) of the SHWWA 2005 and/or Regulation 23(c) of the General Application Regulations 2007 (GAR 2007), Part 1
Regulation 7(1) – lighting of road or way over dock	Section 8 of the SHWWA 2005
Regulation 8-12 - first aid	Regulation 8 of the GAR 2007, Part 2, Chapter 1
Part III – Duty on owner/master/officer charge of ship	Revoked by the Safety, Health and Welfare at Work Act 1989 (Repeals and Revocations) Order 1995. Provisions now replaced by Part 7, Chapter 2 of the GAR 2007
Regulations 13 and 14 - safe means of access from ship to shore and ship to ship	Section 8 (2)(c)(ii) of the SHWWA 2005 and Regulations 98 and 99 of the GAR 2007 or the Merchant Shipping (Means of Access) Regulations 1988 (S.I. No. 108 of 1988) (enforced by Department of Transport)
Regulation 15 – safe access from deck to hold	Part 4 of the GAR 2007 and Section 8(2)(c)(ii) of the SHWWA 2005
Regulation 16 (a) and (c) – lighting on hold, deck and all parts of ship	Sections 8, 19 and 20 of the SHWWA 2005 and/or Regulation 4(2) of the Merchant Shipping (Health and Safety: General Duties) Regulations 1988 (S.I. No. 109 of 1988) (enforced by Department of Transport)

Regulation 16 (b) – illumination of the means of access	Regulation 4(2)(c) of the Merchant Shipping (Means of Access) Regulations 1988 (enforced by Department of Transport)
Regulation 17 – suitable gear for lifting hatch coverings on/off	Regulations 17-20 are no longer relevant for large cargo ships as hatches are now panel type automatically operated. However, some sailing vessels and small vessels have traditional beams for closure of hatches. Section 8(2)(a) of the SHWWA 2005 and/or Regulation 4(2) of the Merchant Shipping (Health and Safety: General Duties) Regulations 1988 covers these requirements in a general sense. (enforced by Department of Transport)
Regulation 18(1) and (2) – marking positions of hatches	Section 8(2) (a) of the SHWWA 2005 and/or Regulation 4(2) of the Merchant Shipping (Health and Safety: General Duties) Regulations 1988 covers these requirements in a general sense.
Regulation 19 – maintenance of hatch coverings	Section 8(2)(a) of the SHWWA 2005 and/or Regulation 4(2) of the Merchant Shipping (Health and Safety: General Duties) Regulations 1988 covers these requirements in a general sense.
Regulation 20 – adequate hand grips on hatch coverings	Section 8(2)(a) of the SHWWA 2005 and/or Regulation 4(2) of the Merchant Shipping (Health and Safety: General Duties) Regulations 1988 covers these requirements in a general sense.
Regulation 21 – working space around hatch coverings	This Regulation may still be relevant for older ships and reefer ships. Section 8(2) (a) of the SHWWA 2005 and/or Regulation 4(2) of the Merchant Shipping (Health and Safety: General Duties) Regulations 1988 covers these requirements in a general sense.
Part IV – Regulations 22-35 revoked	Revoked by the GAR 2007, Part 2, Chapter 2
Part V – Duty on employer/self employed/employee	
Regulation 36 – emergency escape from hold	Section 11 of the SHWWA 2005
Regulations 37 and 38 – already revoked	Revoked by the GAR 2007, Part 2, Chapter 2
Regulation 39(a) and (b) – clear passage leading to means of access to ship	Sections 8 (2)(c) and 15 of the SHWWA 2005
Regulation 40(1) – (3) –refers to deck stage or cargo stage	Appears to be obsolete. No one in industry or DoT can define deck stage/cargo stage
Regulation 41 (1)(a) – work at height around hatch of hold	Regulations 98 - 100 of the GAR 2007, Part 4
Regulation 41(1)(b) – excludes vessels <200tons with 1 hatchway or during	Should be revoked as it contradicts the general principles of prevention in the

mealtimes	SHWWA 2005
Regulation 41(1)(2) – use of hatch coverings for deck/cargo stages	See comment on Regulation 40 above
Regulation 41(3) - replacement of hatch coverings	Sections 8, 19 and 20 of the SHWWA 2005
Regulation 42(1) – loading/unloading using slings	Regulation 100 of the GAR2007, Part 4
Regulation 42(2) – preventive measures not required if completed within 30mins	Should be revoked as it contradicts the general principles of prevention in the SHWWA 2005
Regulation 43(1) and (2) – lifting/lowering using hooks	Archaic provision which is no longer in use. In any event, Regulations 57(c) and 116 of the GAR 2007, Part 4 cover this.
Regulation 44 – skeleton decks	Appears to be obsolete. No one in industry or DoT can define skeleton decks
Regulation 45 – shoring of cargo to prevent displacement	Regulation 116 of the GAR 2007, Part 4
Regulation 46 – securing of beams to prevent displacement	Archaic provision which is no longer in use. In any event, Section19 of the SHWWA 2005 or Regulation 116 of the GAR 2007, Part 4 covers this.
Regulation 47(1) and 47(2)(a) - use of signaller during loading/unloading	Regulations 50(c) and 51 of the GAR 2007, Chapter 2, Part 2
Regulation 47(2)(b) - exemption by Minister to comply with Regulation 47(1)	Should be revoked as no exemption exists in Chapter 2, Part2, of the GAR 2007 concerning work equipment
Regulation 48 – Proceeding to/from ship by water - Requires safe transport of personnel and safe craft, e.g. pilots, marine surveyors, customs officials who may require access to ship before it is docked	Section8 (2) (c) of SHWWA 2005 and/or the Merchant Shipping (Passenger Boat) Regulations 2002 (S.I. No. 273 of 2002) (enforced by Department of Transport)
Part VI – duty on all persons	
Regulation 49 – relates to interference/misuse	Section14(a) of the SHWWA 2005
Regulation 50 – removal of fencing required under Regulation 5	Section 8(2) of the SHWWA 2005
Regulation 51 – Requires employees to use means of access provided under Regulations 13,14 and 15	Section13 of the SHWWA 2005 or Regulation 4(4) of the Merchant Shipping (Means of Access) Regulations 1988 (enforced by Department of Transport)
Regulation 52 – forbidding persons from going onto fore and aft beams to adjust lifting gear and forbidding persons to order another to do so	Section13 of the SHWWA 2005
Part VII – duties on different persons	
Regulation 53 – refers to machinery under Part IV	Should be revoked. Chapter 2, Part 2 of the GAR 2007 is now the correct reference
Regulation 54 – if owner, master, officer fails to comply with Regulations 13,14 or 16 duty falls on other employers	Revoke - Duplication of duties. In any event, Sections 8 and 21 of the SHWWA 2005 cover this

Regulation 55 – register of lifting machinery and gear	Now obsolete and should be revoked, having regard to the requirements of Regulations 52, 53, 54 and 60 of the GAR 2007
Part VIII – duty on person in control of dock	
Regulation 56 and Regulation 57(1)(2)(3) – sanitary accommodation and conveniences	Regulation 20, Chapter 1, Part 2 of the GAR 2007
Regulation 58 – Drinking water and washing	Regulations 18(d) and 20, Chapter 1, Part 2 of the GAR 2007

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Annex IV: Tonnage of goods handled by Port, Statistic, Type of Cargo and Year (CSO)

	2007	2008
Arklow		
All Goods Handled (000 Tonnes)		
Break bulk and all other goods	0	..
Goods Received (000 Tonnes)		
Goods Forwarded (000 Tonnes)		
Break bulk and all other goods	0	..
Bantry Bay		
All Goods Handled (000 Tonnes)		
Liquid bulk	1,347	784
Dry bulk	55	225
Break bulk and all other goods	0	..
Goods Received (000 Tonnes)		
Liquid bulk	626	470
Dry bulk	..	..
Break bulk and all other goods	0	..
Goods Forwarded (000 Tonnes)		
Liquid bulk	721	314
Dry bulk	55	225
Break bulk and all other goods	..	..
Castletownbere		
All Goods Handled (000 Tonnes)		
Dry bulk	20	42
Break bulk and all other goods	..	6
Goods Received (000 Tonnes)		
Dry bulk	18	19
Break bulk and all other goods	..	6
Goods Forwarded (000 Tonnes)		
Dry bulk	2	23
Break bulk and all other goods	..	..
Cork		
All Goods Handled (000 Tonnes)		
Roll-on/roll-off traffic	117	87
Lift-on/lift-off traffic	1,597	1,495
Liquid bulk	6,246	6,002
Dry bulk	1,752	1,763
Break bulk and all other goods	386	286
Goods Received (000 Tonnes)		
Roll-on/roll-off traffic	105	71
Lift-on/lift-off traffic	896	810
Liquid bulk	4,138	3,939

Dry bulk	1,339	1,289
Break bulk and all other goods	227	146
Goods Forwarded (000 Tonnes)		
Roll-on/roll-off traffic	13	16
Lift-on/lift-off traffic	701	686
Liquid bulk	2,108	2,064
Dry bulk	413	474
Break bulk and all other goods	159	140
Drogheda		
All Goods Handled (000 Tonnes)		
Lift-on/lift-off traffic	198	56
Liquid bulk	126	70
Dry bulk	420	361
Break bulk and all other goods	290	177
Goods Received (000 Tonnes)		
Lift-on/lift-off traffic	161	29
Liquid bulk	126	70
Dry bulk	357	289
Break bulk and all other goods	286	174
Goods Forwarded (000 Tonnes)		
Lift-on/lift-off traffic	37	26
Liquid bulk	..	..
Dry bulk	63	72
Break bulk and all other goods	5	2
Dublin		
All Goods Handled (000 Tonnes)		
Roll-on/roll-off traffic	9,442	9,222
Lift-on/lift-off traffic	5,677	5,214
Liquid bulk	4,068	4,074
Dry bulk	2,199	2,385
Break bulk and all other goods	415	232
Goods Received (000 Tonnes)		
Roll-on/roll-off traffic	5,814	5,611
Lift-on/lift-off traffic	3,768	3,325
Liquid bulk	4,066	4,074
Dry bulk	1,318	1,388
Break bulk and all other goods	406	214
Goods Forwarded (000 Tonnes)		
Roll-on/roll-off traffic	3,628	3,611
Lift-on/lift-off traffic	1,909	1,889
Liquid bulk	2	..
Dry bulk	881	997
Break bulk and all other goods	9	19
Dundalk		
All Goods Handled (000 Tonnes)		

Liquid bulk	5	..
Dry bulk	229	142
Break bulk and all other goods	137	75
Goods Received (000 Tonnes)		
Liquid bulk	5	..
Dry bulk	226	137
Break bulk and all other goods	82	28
Goods Forwarded (000 Tonnes)		
Dry bulk	3	5
Break bulk and all other goods	55	47
Dun Laoghaire		
All Goods Handled (000 Tonnes)		
Roll-on/roll-off traffic	61	49
Goods Received (000 Tonnes)		
Roll-on/roll-off traffic	45	39
Goods Forwarded (000 Tonnes)		
Roll-on/roll-off traffic	16	10
Galway		
All Goods Handled (000 Tonnes)		
Liquid bulk	857	737
Dry bulk	15	15
Break bulk and all other goods	73	86
Goods Received (000 Tonnes)		
Liquid bulk	857	737
Dry bulk	15	15
Break bulk and all other goods	25	23
Goods Forwarded (000 Tonnes)		
Break bulk and all other goods	47	63
Greenore		
All Goods Handled (000 Tonnes)		
Dry bulk	598	528
Break bulk and all other goods	192	172
Goods Received (000 Tonnes)		
Dry bulk	598	527
Break bulk and all other goods	192	172
Goods Forwarded (000 Tonnes)		
Dry bulk	..	1
Break bulk and all other goods	0	..
Killybegs		
All Goods Handled (000 Tonnes)		
Liquid bulk	..	2
Break bulk and all other goods	68	119
Goods Received (000 Tonnes)		
Liquid bulk	..	1
Break bulk and all other goods	10	34

Goods Forwarded (000 Tonnes)		
Liquid bulk	..	1
Break bulk and all other goods	59	85
Kilrush		
All Goods Handled (000 Tonnes)		
Break bulk and all other goods	1	..
Goods Received (000 Tonnes)		
Break bulk and all other goods	1	..
Kinsale		
All Goods Handled (000 Tonnes)		
Dry bulk	144	133
Goods Received (000 Tonnes)		
Dry bulk	144	133
New Ross		
All Goods Handled (000 Tonnes)		
Liquid bulk	166	138
Dry bulk	499	504
Break bulk and all other goods	63	52
Goods Received (000 Tonnes)		
Liquid bulk	166	138
Dry bulk	375	345
Break bulk and all other goods	54	40
Goods Forwarded (000 Tonnes)		
Dry bulk	124	159
Break bulk and all other goods	9	12
Rosslare		
All Goods Handled (000 Tonnes)		
Roll-on/roll-off traffic	2,926	2,722
Goods Received (000 Tonnes)		
Roll-on/roll-off traffic	1,405	1,294
Goods Forwarded (000 Tonnes)		
Roll-on/roll-off traffic	1,521	1,427
Shannon Foynes		
All Goods Handled (000 Tonnes)		
Roll-on/roll-off traffic	..	..
Lift-on/lift-off traffic	88	..
Liquid bulk	1,519	1,482
Dry bulk	9,086	9,089
Break bulk and all other goods	379	248
Goods Received (000 Tonnes)		
Roll-on/roll-off traffic	..	..
Lift-on/lift-off traffic	68	..
Liquid bulk	1,519	1,482
Dry bulk	7,209	7,147
Break bulk and all other goods	216	95

Goods Forwarded (000 Tonnes)		
Roll-on/roll-off traffic	..	..
Lift-on/lift-off traffic	20	..
Liquid bulk	..	..
Dry bulk	1,877	1,942
Break bulk and all other goods	163	153
Sligo		
All Goods Handled (000 Tonnes)		
Dry bulk	30	14
Break bulk and all other goods	15	27
Goods Received (000 Tonnes)		
Dry bulk	26	11
Break bulk and all other goods	5	5
Goods Forwarded (000 Tonnes)		
Dry bulk	5	3
Break bulk and all other goods	10	22
Tralee Fenit		
All Goods Handled (000 Tonnes)		
Break bulk and all other goods	19	14
Goods Received (000 Tonnes)		
Break bulk and all other goods	1	..
Goods Forwarded (000 Tonnes)		
Roll-on/roll-off traffic	..	..
Lift-on/lift-off traffic	..	..
Liquid bulk	..	..
Dry bulk	..	..
Break bulk and all other goods	19	14
Waterford		
All Goods Handled (000 Tonnes)		
Roll-on/roll-off traffic	..	..
Lift-on/lift-off traffic	1,316	1,180
Liquid bulk	14	25
Dry bulk	773	706
Break bulk and all other goods	149	170
Goods Received (000 Tonnes)		
Roll-on/roll-off traffic	..	..
Lift-on/lift-off traffic	823	748
Liquid bulk	14	25
Dry bulk	740	691
Break bulk and all other goods	76	88
Goods Forwarded (000 Tonnes)		
Roll-on/roll-off traffic	..	..
Lift-on/lift-off traffic	493	433
Liquid bulk	..	..
Dry bulk	34	15

Break bulk and all other goods	73	82
Wicklow		
All Goods Handled (000 Tonnes)		
Break bulk and all other goods	221	85
Goods Received (000 Tonnes)		
Break bulk and all other goods	221	85
Youghal		
All Goods Handled (000 Tonnes)		
Break bulk and all other goods	138	86
Goods Received (000 Tonnes)		
Break bulk and all other goods	138	86

12 January 2010

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