

## GALWAY HARBOUR COMPANY

### PETROLEUM BYE-LAWS

#### PART I

##### Authorisation, Citation and Commencement

- 1) These Bye-Laws may be cited as the Petroleum (Galway Harbour Company) Bye-Laws, 2023.
- 2) The Interpretation Act, 2005 (No. 23 of 2005), applies to these Bye-Laws.
- 3) These Bye-Laws come into operation on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

##### Application

- 4) These Bye-Laws shall apply within the limits of Galway Harbour Company, as defined by the Third Schedule of the Harbours Act, 1996 as amended.

##### Interpretation

- 5) In these Bye-Laws, except where the context otherwise requires –

*"Approved standards"* means such current relevant Irish, British or other standard specification or code as may from time to time be accepted or specified by the Company;

*"ATEX Rated"* means equipment that conforms with and is suitably rated under Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres, as may be amended or recast from time to time;

*"Company"* means Galway Harbour Company trading as Port of Galway (a limited liability company incorporated in Ireland with company number 262364 and having its address at New Dock, Galway) and shall include its subsidiaries and successors;

*"Competent Person"* means any person who has special training for the purpose and who has been recognised by the Company and the Licensee concerned as being competent to perform the necessary tests and qualified to give such a certificate;

*"Discharging or Loading"* means the actual operations of discharging and loading and includes any acts of ullaging, sounding or sampling carried out in connection with such operations;

*"Fire Warden"* means the person designated by the Harbour Master for the purposes of monitoring and overseeing the activities of any Petroleum Ship while it is in Port;

*"Flash point"* means the temperature at which petroleum, when tested by such method as may from time to time be approved by statute, gives off a flammable vapour;

"*Handling*" and "*handled*" when used in relation to petroleum means the movement of petroleum (other than discharging and loading) and includes displacement of petroleum (liquid or vapour) by any operation such as ballasting or gas-freeing or by any other operation;

"*Harbour*" means the Harbour as defined in Part I of the Third Schedule to the Harbours Acts;

"*Harbours Acts*" means the Harbours Act 1996 and the Harbours Act 2015 together with all subsequent or prior amendments to or variations thereof together with all provisions contained in any such enactments;

"*Harbour Master*" means the person appointed by the Company to act as Harbour Master in accordance with Section 37(1)(a)(i) of the Harbours Acts, and for the purposes of these Bye-Laws, shall include representatives of the Company to whom the Harbour Master may delegate any of his or her functions pursuant to Section 37(1)(b) of the Harbours Acts, as amended;

"*IBC*" means intermediate bulk container that conforms to approved standards for the transport of petroleum;

"*Licensed Premises*" shall mean a premises licensed under the Dangerous Substances Acts 1972 and 1979 or the Chemicals Acts 2008 and 2010 as amended from time to time or any regulations made thereunder;

"*Licensee*" means a person, company, or other legal entity having a licence under the Dangerous Substances Acts 1972 and 1979 or the Chemicals Acts 2008 and 2010 or any regulations made thereunder and is hereby deemed to include any person required to have a licence (whether or not that person in fact holds a licence) in respect of any store for the storage of petroleum;

"*Licence*" means a licence under the Dangerous Substances Acts 1972 and 1979 or any regulations made thereunder in respect of a store for the storage of flammable liquids and fuels at the store for the purposes of distribution or commercial supply, and cognate words shall be construed accordingly or an authorisation under the Chemicals Acts 2008 and 2010 or any regulations made thereunder;

"*Master*" when used in relation to any vessel means the person having command or charge of that vessel for the time being, but does not include Pilots;

"*Officer of the Company*" means the Harbour Master, CEO and any other duly appointed officer of the Company;

"*Owner*" when used in relation to any vessel means the owner or charterer or manager of such vessel and their agent, and every consignee of such vessel and includes any part owner, broker, charterer, agent or mortgagee in possession of the vessel or other persons entitled for the time being to be in possession of the vessel; and when used in relation to petroleum shall mean the owner and any consignor and consignee of such petroleum, and shipper or agent for the sale or custody of such petroleum;

"*Petroleum*" includes crude petroleum, oil made from petroleum or from coal, shale, peat or other bituminous substances and other fractions of petroleum and petroleum spirit; and shall for the purpose of these Bye-Laws be classified according to the flash point as follows:-

Class I petroleum having a flash point < 23°C

Class II petroleum having a flash point > 23°C and < 65°C

Class III petroleum having a flash point above 65°C

"*Petroleum Ship*" includes any vessel, barge or lighter with a whole or part cargo or consignment of petroleum or intending to load a whole or part cargo or consignment of petroleum with the exception of such petroleum having a flash point above 65°C carried or to be carried in a part of the vessel specially constructed for the holding of bunker oils for use in the propulsion of the vessel itself and includes a vessel

from which petroleum has been discharged if the holds or tanks have not been rendered free from flammable vapour to the satisfaction of the Harbour Master;

"*Pilot*" means a person employed as a pilot by the Company pursuant to section 56(1)(a) of the Harbours Acts and to whom a licence has been issued by the Company;

"*Port*" means the existing Port and Harbour of Galway and the docks, piers, jetties, quays, adjoining lands, banks, inlets, havens and other works vested in the Company (whether owned, licenced or leased) for the time being vested in or occupied by, or administered by the Company and shall also include all places for the time being within the jurisdiction of the Company, being the limits consisting of all the waters with the bed and foreshore thereof lying within an imaginary straight line drawn from Barna Cliff to Kilcolgan Point, both in Galway Bay, and any adjoining lands, banks, inlets, havens, and landing places vested in Galway Harbour Company and the docks, piers, jetties, quays and other works vested in the Company;

"*Quay*" means any quay, pier, jetty, wharf, landing stairs, strand, shore, or any other landing or loading place within the Port to include terminals, owned or under the control of the Company and its subsidiaries;

"*Ship*" includes any description of vessel or boat used in navigation;

"*SSI Portal*" means the SafeSeasIreland portal located at [www.safeseas.ie](http://www.safeseas.ie) which allows the exchange of messages between Ireland maritime authorities and other EU member states;

"*Store*" means a location where petroleum is stored for the purpose of either distribution or commercial supply;

"*Vehicle*" means any motor car, motor lorry, horse drawn lorry, car, cart, carriage, cycle, tractor, trailer and steam driven vehicle, van, bus, mini bus, trailer, caravan, container, motor scooter, electric scooter, moped, forklift, cranes, rubber tyred gantry cranes, including unmanned autonomous vehicles electrically or mechanically propelled; and

"*Vessel*" means a ship, boat, raft or water craft of any description and includes non-displacement craft, including personal watercraft and jet skis, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water.

6) In these Bye-Laws –

- (a) where the word "*Petroleum*" is mentioned without limitation to any particular Class or Classes of petroleum, the Bye-Law shall be deemed to refer to all classes of petroleum;
- (b) where any petroleum is contaminated by other petroleum or products to such an extent that the flash point of the resultant mixture is lower than that accepted for such petroleum such mixture shall be regarded for all the purposes of these Bye-Laws as petroleum of such lower flash point;
- (c) a reference to a Bye-Law or Schedule is a reference to a Bye-Law of or Schedule to these Bye-Laws;
- (d) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended;
- (e) unless the contrary intention appears, words and expressions shall bear the same meaning as in the Harbours Acts;
- (f) every word importing the singular shall, unless the contrary intention appears, be construed as if it also imported the plural, and every word importing the plural shall, unless the contrary intention appears, be construed as if it also imported the singular;

- (g) every word importing the masculine gender shall, unless the contrary intention appears, be construed as if it also imported the feminine gender and any word importing the feminine gender shall, unless the contrary intention appears, be construed as if it also imported the masculine gender; and
  - (h) any reference to, or to any provision of, any enactment, regulations, convention, maritime agreement or any other bye-laws shall be construed, unless the context otherwise requires, as a reference to such enactment, regulation, convention, maritime agreement, bye-laws or such provision thereof as amended, re-enacted or replaced, whether before or after the commencement of these Bye-Laws, by any other subsequent enactment, regulation, convention, maritime agreement or bye-laws.
- 7) These Bye-Laws are without prejudice to the right to exercise any other powers conferred on the Company by statute, bye-law or otherwise.
- 8) As from the date of coming into operation of these Bye-Laws the previous Bye-Laws shall cease to have effect, but the substitution of these Bye-Laws for the previous Bye-Laws shall not affect the liability of any person to the Company under the previous Bye-Laws or any proceedings for the recovery of any sum due thereunder.

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## PART II

### 1) Penalties

A person who contravenes any one of these Bye-Laws shall be liable on summary conviction to a fine as provided for by the Harbours Acts, or by the Dangerous Substances Acts 1972 and 1979, as amended, as may be appropriate.

### 2) Informing the Harbour Master on the quantity of petroleum

The owner of every Petroleum Ship, on entering the Harbour, shall without delay inform the Harbour Master either directly or by entering the required details into the SSI Portal of the quantity of petroleum in his or her ship and the flash point of every type of petroleum thereon and the manner in which such petroleum is stowed.

### 3) Display of signal

The Master of every Petroleum Ship shall display a signal by day and by night where the signal can best be seen.

### 4) Petroleum Ships to lie afloat

A Petroleum Ship carrying petroleum in bulk, or which is not free from flammable vapour, must at all times lie afloat, save and except with the express permission of the Harbour Master.

### 5) Petroleum Ships to keep distance

Except for the purpose of transshipment, two or more Petroleum Ships shall not lie within 30 metres of one another unless, in the opinion of the Harbour Master, it is impracticable to maintain such distance.

### 6) Emergencies

(a) If fire, explosion, leakage, suspected leakage, spillage, accident, or other emergency should occur in or adjacent to a licensed premises or in any pipe, pipes, vessel or vessels, connected therewith or on a Petroleum Ship, the following immediate action shall be taken:

- i. all relevant operations shall cease;
- ii. in case of fire and explosion, the fire alarm shall be raised;
- iii. the Licensee, installation manager, Master of the ship or other appropriate official shall be notified by the person in charge where the emergency has occurred; and
- iv. notice of any fire, explosion, leakage, suspected leakage, accident, spillage, or other emergency shall be given to the Harbour Master as soon as possible by the Master of the ship or such other person as may be in charge where the emergency has occurred.

(b) The Licensee, installation manager, Master of the ship or other appropriate official shall confirm in writing such notices to the Harbour Master as soon as possible after the incident giving a full report of the incident, its cause(s), and effect(s).

(c) The Licensee shall comply with any notices served by the Harbour Master.

## **7) Electrical Equipment**

Electrical equipment shall be ATEX Rated to prevent the possibility of ignition from a spark, or other source of heat and any other equipment shall not be used upon or in proximity to the quay where petroleum is being discharged or loaded or upon which petroleum is lying.

## **8) Exemptions**

The Company may from time to time by order exempt from the provisions of these Bye-Laws relating to Petroleum Ships, vessels carrying motor vehicles containing petroleum in closed tanks and vessels carrying not more than a specified quantity of petroleum in tanks or IBCs that conform with approved standards, and may likewise revoke or alter any such exemption. Any such exemption may be subject to compliance with such conditions (if any) as are laid down in the order declaring the exemption.

## **9) Rules for discharging and loading petroleum**

The following rules in respect of the discharging or loading of petroleum shall in every case be complied with:

- (a) No petroleum (other than Class III) contained in IBCs shall be discharged at any quay until the vessel by which the same is to be removed is ready and available to receive the same and all petroleum discharged in the Port shall be removed immediately, or to an appropriately licensed facility.
- (b) No petroleum (other than Class III) shall be brought to the place of loading until the Petroleum Ship into which it is to be loaded is ready and available to receive it.
- (c) While any petroleum (other than Class III) is located on a quay or is being discharged or loaded, the following provisions shall apply:
  - i. The owner of the petroleum shall appoint or arrange with the Harbour Master to appoint a fire warden who shall be responsible for watching and for preventing unauthorised persons from entering or being on the quay or place of discharge or loading;
  - ii. Any precautions to be taken shall be subject to the directions of the fire warden and/or the Harbour Master; and
  - iii. The owner of the petroleum shall pay to the Company in respect of the services of any fire warden appointed by the Harbour Master and in respect of any precautions taken by them and at such rates as shall be fixed by the Company.
- (d) If the Harbour Master considers it expedient in order to lessen the risk of accident he may direct that all persons be excluded from a specified part of the Port in which petroleum is being or has been loaded or otherwise dealt with, or during ballasting or tank cleaning, or in which the presence of unauthorised persons would, in his or her opinion, constitute a danger, except persons whose work makes it necessary for them to have access to such part or persons specially authorised by the Harbour Master to visit such part. It shall be a contravention of this Bye-Law for a person to grant or obtain admittance to or to remain within a part of the Port contrary to a direction given hereunder.
- (e) Petroleum contained in IBCs which may have been damaged in transit may be discharged when all reasonable precautions have been taken to the satisfaction of the Harbour Master to prevent leakage of the contents into the waters of the Port, or on the quays or roadways of the Port.

## **10) Fire, Flame, Heat**

No hot work shall be carried out on-board any other vessel within the port while a Petroleum Ship is loading or discharging without the express consent of the Harbour Master.

### **11) Precautions against lightning**

All necessary precautions in accordance with approved standards shall be taken to minimise the danger of fire or explosion resulting from atmospheric electrical disturbances.

### **12) Tanks, Pipelines and Pumps, Construction, Maintenance, Operation and Identification**

All tanks and all valves, pipelines, pumps and other fittings used in connection with the discharging, loading, handling, storage and distribution of petroleum, whether situated within or outside licensed premises, including those at the quay, other than the fittings belonging to a Petroleum Ship, shall be constructed, maintained and operated in accordance with approved standards, and shall bear colour markings or other identification to indicate the product or service for which the line is used.

### **13) Plant and Equipment Prevention of Leakage**

All filling and/or pumping plant, pipelines, fittings, flexible hoses and other equipment used in connection with the discharging, loading, handling, storage and distribution of petroleum shall be so constructed, maintained and operated as to prevent leakage and in accordance with approved standards.

### **14) Inspection**

- (a) The owner of a Petroleum Ship shall, when so required by the Harbour Master or other official authorised by the Company, afford every reasonable facility to enable the Harbour Master or such official to inspect the Petroleum Ship upon request.
- (b) The owner of a Petroleum Ship shall also comply with Port State Control (**PSC**) inspections while in the Port.

### **15) Berthing of ship**

The Master of every Petroleum Ship shall moor his or her ship only at such places as the Harbour Master shall from time to time direct, and shall not remove his or her ship therefrom, without the permission the Harbour Master.

### **16) Notification**

Prior to the discharging or loading of any petroleum the owner shall give due notice to the Harbour Master via the SSI Portal of the time and shall comply with any direction given by the Harbour Master relative to such discharging or loading.

### **17) Watchmen**

Every Petroleum Ship shall be watched by a Competent Person on board such ship until all petroleum has been discharged or loaded and the holds or tanks securely closed and every Petroleum Ship shall at all times have on board a responsible person to carry out and give effect to the provisions of these Bye-Laws.

### **18) No vapour-freeing of holds**

After all petroleum has been removed from any Petroleum Ship, the holds and tanks shall not be rendered free from flammable vapour within the Port. For the avoidance of doubt, this does not include gas freeing at anchor which is permitted.

### **19) Protection and use of openings**

All openings from cargo tanks to the atmosphere, except the gas escape line, shall, save with the express permission of the Harbour Master, be kept closed during the discharging or loading of petroleum (other

than Class III petroleum) on board a Petroleum Ship, except that ullage plugs or sighting ports may be removed for taking dips or samples, but such ullage plugs or sighting ports shall be closed immediately after the taking of any dips or samples.

#### **20) Iron or Steel Tools**

Iron or steel hammers or other instruments capable of causing a spark, shall not be used for the purpose of opening or closing the hatches or tank lids or connecting or disconnecting ship to shore hose and pipe connections of a Petroleum Ship.

#### **21) Work on Petroleum Ship Likely to cause sparks**

No hot work or any other work likely to cause sparks, shall be carried out on a Petroleum Ship while it is moored alongside the quay, without the consent of the Harbour Master and without carrying out any precautionary measures that he may require as a condition of his or her consent.

#### **22) Pipelines and Hoses**

All pipes and other appliances used in the discharging or loading of petroleum in bulk shall be reasonably free from leakage. All pipelines and hoses shall, whilst rigged for discharging or loading of petroleum be adequately and continuously earthed electrically and kept constantly under supervision and shall be rigged to the satisfaction of the Harbour Master. All pipelines and hoses shall be appropriately pressure tested and certificates demonstrating same shall be provided to the Harbour Master on request.

#### **23) Quay Designation**

No petroleum shall be discharged or loaded at any quay other than such quay as the Harbour Master shall from time to time direct.

#### **24) Petroleum not to be discharged or loaded in unsuitable IBCs**

Petroleum contained in IBCs shall not be discharged or loaded in the Harbour, unless such IBCs are free from leakage and conform with approved standards, provided that any defective IBCs may be discharged with the approval of the Harbour Master and under such conditions as he may direct.

#### **25) Containers to be removed immediately from quays**

Except with the permission of the Harbour Master petroleum (other than Class III petroleum) contained in IBCs shall not be brought to the place of loading until the Petroleum Ship is ready to receive it, or shall not be discharged at any quay until the vehicle or ship by which it is to be removed shall be at its place and ready to receive it, and all petroleum discharged in the Harbour shall be forthwith removed therefrom or to some licensed premises.

#### **26) Empty IBCs**

All empty IBCs which have contained petroleum shall be securely closed while in the Harbour or upon any quay. No such empty IBCs shall be allowed to remain on any quay at any time.

#### **27) Tanks and Holds to be secured**

When the discharging or loading of petroleum has commenced, such discharging or loading shall be proceeded with due diligence, and if it is discontinued the tanks and holds of the Petroleum Ship shall be immediately closed and all the necessary precautions shall be taken as if the vessel were fully loaded or the bulk had not been broken. No other cargo likely to cause a spark shall be discharged or loaded until all openings to tanks except the gas escape line are screwed down and gas tight.



## **28) Interruption of Night Operations**

Should any accident or emergency occur during discharging, loading or handling of petroleum to or from ships between sunset and sunrise which necessitates a repair to the plant, pipes or connections or interferes in any way with the uninterrupted discharging, loading or handling of petroleum to or from ships, the whole of the operations shall cease and the tanks and holds of the Petroleum Ship and the receptacles on shore shall be immediately closed and shall remain so until after sunrise unless the Harbour Master otherwise permits.

## **29) Fire, Flame, Artificial Light and Electrical Apparatus (on ship)**

From the time when the holds or tanks of a Petroleum Ship are first opened for the purpose of discharging, loading or handling petroleum (other than Class III petroleum) until such time as all petroleum shall have been removed from or loaded into such holds or tanks and the holds or tanks shall have been securely closed down, there shall be no fire or artificial light on board such ship. Provided that this Bye-Law shall not prevent the use of suitably ATEX Rated and protected electrical equipment to prevent the possibility of ignition from a spark, or other source of heat and provided also that this Bye-Law shall not be deemed to prohibit a Petroleum Ship from discharging, loading or handling petroleum, under conditions approved by the Harbour Master.

## **30) Accident by Fire**

The owner shall take all due precautions for the prevention of accident by fire in discharging, loading or handling petroleum.

## **31) Firefighting Appliances**

All Petroleum Ship and shore fire-fighting appliances shall be kept in a state of readiness during the operations of discharging, loading and handling petroleum and also during the operations of ballasting, tank cleaning and gas freeing at anchor.

## **32) Smoking, Naked Flames**

The owner shall take adequate steps to prevent any person under his or her control from smoking, vaping or using electronic mobile devices of any sort at or near the place where petroleum is being discharged, loaded or handled and to prevent any person engaged in such discharging, loading or handling, from any devices or appliances whatsoever capable of producing ignition. Where any petroleum is carried on the deck of a Petroleum Ship the owner of the ship shall cause conspicuous notices to be posted up on board drawing attention to the danger arising from smoking, striking matches near, vaping or using electronic mobile devices of any sort at or near such petroleum; no person engaged in discharging, loading or handling petroleum shall smoke, vape or use a mobile device of any kind at or near the place where petroleum is being discharged, loaded or handled or carry any appliances capable of producing ignition.

## **33) Exclusion of vehicles**

Except for the purpose of complying with Bye-Law 25, no vehicle capable of igniting flammable vapour shall enter or remain upon any quay at which petroleum (other than Class III petroleum) is being discharged or loaded or on which petroleum is lying and the Harbour Master shall be entitled to prohibit any vehicle from entering or remaining upon such quay and the person in charge of any such vehicle shall comply with such prohibition. All vehicles shall remain beyond the wall at Folan Quay and North Dun Aengus, and at all times more than 30 metres from the shore manifold connection.

## **34) Oil in Navigable Waters**

No petroleum shall be discharged or allowed to escape into the waters of the Harbour.

### **35) Access to licensed premises**

The Harbour Master or any other authorised Officer of the Company shall at all reasonable times be allowed free access to all parts of the licensed premises and the Licensee shall give the Harbour Master or such Officer any assistance he or she may require for the purpose of:

- (a) Ascertaining that the requirements of these Bye-Laws are duly observed; and
- (b) Examining the condition of the premises.

### **36) Tank and Interceptor Manhole Covers**

Where fitted, the manhole covers of all tanks and interceptors shall be kept closed except on the occasion of cleaning or repairing of the tanks and interceptors.

### **37) Tanks Alterations**

No alteration shall be made in any of the tanks in which petroleum is authorised to be kept by virtue of these Bye-Laws save with the approval in writing of the Harbour Master.

### **38) Tanks, Filling and Emptying**

Each petroleum tank shall be provided with independent connections for the filling and emptying of its contents. The internal arrangements of both inlet and outlet shall be such as to allow the flow of petroleum to take place without excessive agitation and so that the orifices shall so far as is reasonably possible be below the surface level of the petroleum in the tank, to avoid the accumulation of static electricity.

### **39) Tanks out of Commission**

Should a Licensee discontinue to use any tank for the storage of Class I or Class II petroleum, he or she shall furnish to the Harbour Master a certificate from a Competent Person that the tank is free of flammable vapour.

### **40) Buildings, Materials, Specification**

All the buildings on licensed premises shall be constructed in compliance with the Building Control Regulations 1997 to 2021 and approved standards.

### **41) Vehicles, Rail Tank Cars, Discharging, Loading and Refuelling**

The operations of discharging, loading and re-fuelling petroleum vehicles and of discharging and loading rail tank cars shall be carried out in accordance with approved standards.

### **42) Objectionable Vapour**

No objectionable vapour shall be discharged so as to cause a nuisance.

### **43) Liquefied Petroleum Gas**

- (a) No vehicle carrying liquefied petroleum gas shall in any circumstances be allowed within 30 metres of where a concentration of flammable vapour may occur except in safe containers which accord and are in compliance with approved standards.
- (b) No person shall bring, or permit to be brought, on to any quay within the Port, a vehicle containing liquefied petroleum gas unless such gas is contained in safe containers which accord and are in compliance with approved standards.