

No. 120.

## THE DOCKS (REGULATION) LAW, 1939.

## REGULATIONS MADE UNDER SECTION 3.

A. B. WRIGHT,  
*Acting Governor.*

In exercise of the powers vested in the Governor by section 3 of the Docks (Regulation) Law, 1939, His Excellency the Acting Governor, with the advice of the Executive Council, is pleased to make and hereby makes the following regulations :—

1. These Regulations may be cited as the Docks Regulations, 1939.

## DEFINITIONS.

2. In these Regulations—

“ dock ” includes any wharf, quay, pier or jetty ;

“ hatch ” means an opening in a deck used for the purpose of the processes or for trimming or for ventilation ;

“ hatchway ” means the whole space within the square of the hatches from the top deck to the bottom of the hold ;

“ lifting machinery ” means cranes, winches, hoists, derrick booms, derrick and mast bands, goose necks, eyebolts and all other permanent attachments to the derricks, masts and decks used in hoisting or lowering in connection with the processes ;

“ person employed ” means a person employed in the processes ;

“ processes ” means the processes of loading, unloading, moving and handling goods in, on or at any dock, and the processes of loading, unloading, and coaling any ship in any dock, harbour or port, or alongside any dock ;

“ pulley block ” means pulley, block, gin and similar gear, other than a crane block specially constructed for use with a crane to which it is permanently attached.

## DUTIES.

3.—(a) It shall be the duty of the person in charge or control of any dock to comply with Part I of these regulations.

(b) It shall be the duty of the owner, master or officer in charge of a ship to comply with Part II of these regulations.

(c) It shall be the duty of the owner of machinery or plant used in the processes, and in the case of machinery or plant carried on board a ship, it shall also be the duty of the master of such ship, to comply with Part III of these regulations.

(d) It shall be the duty of every person who by himself, his agents or workmen carries on the processes, and of all agents, workmen and persons employed by him in the processes, to comply with Part IV of these regulations.

(e) It shall be the duty of all persons whether owners, occupiers, or persons employed, to comply with Part V of these regulations.

(f) Part VI of these regulations shall be complied with by the persons on whom the duty is placed in that Part.

## PART I.

4. Every regular approach over a dock which persons employed have to use for going to or from a working place at which the processes are carried on shall be maintained with due regard to the safety of the persons employed.

In particular, all breaks, dangerous corners and other dangerous parts or edges of a dock shall, as far as is practicable having regard to the traffic and working, be securely fenced so that the height of the fence shall be in no place less than  $2\frac{1}{2}$  feet and the fencing shall be maintained in good condition ready for use.

5. An adequate supply of life-saving appliances for the rescue from drowning of persons employed, shall be maintained.

6. All places in which persons employed are employed and any dangerous parts of the regular road or way over any dock forming the approach thereto from the nearest highway, shall be efficiently lighted.

7.—(a) A sufficient number of first-aid boxes or cupboards of a standard to be approved by the Comptroller of Customs shall be provided at every port and, if more than one is provided, at reasonable distances from each other.

(b) All first-aid boxes or cupboards shall be marked plainly with a white cross on a red ground.

8. Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard, and all such boxes or cupboards shall be stocked and in good order and shall be placed under the charge of a responsible person who shall be readily available during working hours.

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## PART II.

9. If a ship is lying at a dock for the purpose of loading or unloading or coaling, there shall be a safe means of access for the use of persons employed at such times as they have to pass from the ship to the shore or from the shore to the ship as follows :—

(a) When reasonably practicable the ship's accommodation ladder or a gangway or a similar construction not less than  $2\frac{1}{2}$  feet wide, properly secured, and fenced throughout on each side to a clear height of 2' 9" by means of upper and lower rails, taut ropes or chains or by other equally safe means, except that in the case of the ship's accommodation ladder such fencing shall be necessary on one side only, provided that the other side is properly protected by the ship's side.

(b) In other cases a ladder of sound material and adequate length which shall be properly secured to prevent slipping :

Provided that nothing in this regulation shall be held to apply to cargo stages or cargo gangways if other proper means of access is provided in conformity with these regulations :

Provided also that as regards any sailing vessel not exceeding 250 tons net registered tonnage and any steam vessel not exceeding 150 tons gross registered tonnage this regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

10. If a ship is alongside any other ship, vessel or boat, and persons employed have to pass from one to the other, safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk without the aid of any special appliance.

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If one of such ships, vessels or boats is a barge or lighter or other similar vessel of relatively low freeboard, the means of access shall be provided by the ship which has the higher freeboard.

11.—(1) If the depth from the level of the deck to the bottom of the hold exceeds five feet, there shall be maintained safe means of access from the deck to the hold in which work is being carried on.

(2) Save as hereinafter provided, such access shall be afforded by ladder, and by ladder cleats or cups on the coamings, and shall not be deemed to be safe—

- (a) Unless the ladders between the lower decks are in the same line as the ladder from the top deck, if the same is practicable having regard to the position of the lower hatch or hatches.
- (b) Unless the ladders provide a foothold of a depth including any space behind the ladder of not less than  $4\frac{1}{2}$  inches for a width of 10 inches and a firm handhold.
- (c) Unless the cleats or cups provided on coamings (i) provide a foothold of a depth including any space behind the cleats or cups of not less than  $4\frac{1}{2}$  inches for a width of 10 inches and a firm handhold; (ii) are so constructed as to prevent a man's foot slipping off the side; (iii) are placed vertically one above the other and in the same line as the ladders to which they give access.
- (d) Unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder foothold of a depth including any space behind the ladder of not less than  $4\frac{1}{2}$  inches for a width of 10 inches and a firm handhold.
- (e) Unless there is room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck.
- (f) If the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway:

Provided that such access may be afforded—

- (i) where the provision of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, by cleats or cups complying with the requirements of paragraph (c);
- (ii) by ladders or steps, separate from the hatchway or sloping from deck to deck, if such ladders or steps comply with the requirements of paragraphs (b), (d) and (e);
- (iii) Shaft tunnels shall be equipped with adequate handhold and foothold on each side.

12. When the processes are being carried on—

- (a) the places in the hold and on the decks where work is being carried on,
- (b) the means of access provided in pursuance of regulations 9 and 10, and
- (c) all parts of the ship to which persons employed may be required to proceed in the course of their employment,

shall be efficiently lighted, due regard being had to the safety of the ship and cargo, of all persons employed and of the navigation of other vessels.

13. All fore and aft beams and thwartship beams used for hatch covering shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

14. All hatch coverings shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein: provided that this regulation shall not apply in cases where all the hatch coverings

of a ship are interchangeable or, in respect of marking of position, where all hatch coverings of a hatch are interchangeable.

This regulation shall apply to fore and aft beams and to thwartship beams as it applies to hatch coverings.

15. All fore and aft beams, and thwartship beams used for hatch covering and all hatch coverings shall be maintained in good condition.

16. Adequate hand grips shall be provided on all hatch coverings having regard to their size and weight, unless the construction of the hatch or the hatch coverings is of a character rendering the provision of hand grips unnecessary.

17. Where the working space around a hatch is less than two feet wide, such provision shall be made as will enable persons employed to remove and replace in safety all fore and aft beams and thwartship beams used for hatch covering and all hatch coverings.

### PART III.

18. All lifting machinery on any dock shall be tested and examined by a competent person appointed by the Governor for this purpose (hereinafter called "the Inspector") at least once every twelve months, and the result of every such test and examination shall be entered by the Inspector in a register to be kept by him for this purpose, and the Inspector shall if satisfied with the condition of the lifting machinery, issue a certificate to that effect.

19. The master of or officer in charge of any ship shall on request of the officer in charge of any port, harbour or shipping place, produce to such officer evidence to prove that all lifting machinery or appliances, such as winches, derricks and their fittings and/or connections have been properly tested and examined, and found to be in good order, at least once during the preceding twelve months.

20. Chains to be used in any of the processes must not be shortened by tying knots in them, and suitable packing shall be provided to prevent the links coming into contact with sharp edges of loads of hard material.

21. All motors, cogwheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall (unless it can be shown that by their position and construction they are equally safe to every person employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship.

22. Cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while being raised or lowered; in particular, the lever controlling the link motion reversing gear of a crane or winch shall be provided with a suitable spring or other locking arrangement.

23. The driver's platform on every crane or tip driven by mechanical power shall be securely fenced and shall be provided with safe means of access. In particular, where access is by a ladder—

- (a) the sides of the ladder shall extend to a reasonable distance beyond the platform or some other suitable handhold shall be provided;
- (b) the landing place on the platform shall be maintained free from obstruction;
- (c) in cases where the ladder is vertical and exceeds thirty feet in height, a resting place shall be provided approximately midway between the platform and the foot of the ladder.

24. Every crane and derrick shall have the safe working load plainly marked upon it, and every shore crane if so constructed that the safe working load may be varied by the raising or lowering of the jib or otherwise, shall have attached to it an automatic indicator of safe working loads, provided that, in cases where the jib may be raised or lowered, provision on the crane of a table showing the safe working loads at the corresponding inclinations or radii of the jib shall be considered sufficient compliance.

25. Adequate measures shall be taken to prevent exhaust steam from, and so far as is practicable live steam to, any crane or winch obscuring any part of the decks, gangways, stages, or dock where any person is employed in the processes.

26. Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

#### PART IV.

27. Precautions shall be taken to facilitate the escape of the workers when employed in a hold or on 'tween decks in dealing with coal or other bulk cargo.

28.—(a) No lifting machinery, chains or other lifting appliance shall be loaded beyond the safe working load, except that a crane may be loaded beyond the safe working load in exceptional cases to such extent and subject to such conditions as may be approved by the engineer in charge or other competent person, if on each occasion—

- (i) the written permission of the owner or his responsible agent has been obtained ;
- (ii) a record of the overload is kept :

Provided also that, where the load upon a single sheave pulley block is attached to the pulley block instead of to the chain or rope passing round the sheave, the load on the pulley block shall be deemed for the purpose of this regulation to be half the actual load.

(b) No load shall be left suspended from a crane, winch, or other machine unless there is a competent person actually in charge of the machine while the load is so left.

29. No person under 16 years of age and no person who is not sufficiently competent and reliable shall be employed as driver of a crane or winch, whether driven by mechanical power or otherwise or to give signals to a driver or to attend to cargo falls on winch-ends or winch bodies.

30. Where goods are placed on a dock—

- (a) a clear passage leading to the means of access to the ship required by regulation 9 shall be maintained on the dock ; and
- (b) if any space is left on the edge of the dock it shall be at least 3 feet wide and clear of all obstruction other than fixed structures, plant and appliances in use.

31.—(a) No deck-stage or cargo-stage shall be used in the processes unless it is substantially and firmly constructed and adequately supported, and, where necessary, securely fastened.

(b) No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

(c) Any stage which is slippery shall be made safe by the use of sand or otherwise.

32.—(a) If any hatch of a hold accessible to any person employed and exceeding five feet in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, is not in use for the passage of goods, coal or other material, or for trimming, and the coamings are less than  $2\frac{1}{2}$  feet in height, such hatch shall either be fenced to a height of 3 feet or be securely covered :

Provided that this requirement shall not apply (i) to vessels not exceeding 200 tons net registered tonnage which have only one hatchway ; (ii) to any vessel during meal times or other short interruptions of work during the period of employment.

(b) Hatch coverings shall not be used in the construction of deck or cargo stages, or for any purpose which may expose them to damage.

(c) Hatch coverings shall be replaced on the hatches in the positions indicated by the markings made thereon in pursuance of regulation 14.

33. No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at that deck is securely covered or a secure landing platform of a width not less than that of one section of hatch coverings has been placed across it :

Provided that this regulation shall not apply to any process of unloading the whole of which will be completed within a period of half an hour.

34. When the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny bags or other similar goods, nor shall can hooks be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.

Nothing in this regulation shall apply to breaking out or making up slings.

35. When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to within a distance of two feet of such deck.

36. Where stacking, unstacking, stowing or unstowing of cargo or handling in connection therewith cannot be safely carried out unaided reasonable measures to guard against accident shall be taken by shoring or otherwise.

37. The beams of any hatch in use for the processes shall, if not removed, be adequately secured to prevent their displacement.

38. When cargo is being loaded or unloaded by a fall at a hatchway a signaller shall be employed, and where more than one fall is being worked at a hatchway, a separate signaller shall be employed to attend to each fall :

Provided—

(i) That this regulation shall not apply in cases where a barge, lighter or other similar vessel is being loaded or unloaded if the driver of the crane or winch working the fall has a clear and unrestricted view of those parts of the hold where work is being carried on.

(ii) That where the Officer in Charge of the Port is of opinion that, owing to the nature of the crane or winch or other appliance in use or by reason of any special arrangements, the requirements of this regulation are not necessary for the safety of persons employed he may by certificate in writing (which he may in his discretion revoke) suspend such requirements subject to such conditions as may be specified in such certificate.

39. When any person employed has to proceed to or from a ship by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport. Vessels used for this purpose shall be in charge of a competent person, shall not be overcrowded, and shall be properly equipped for safe navigation and maintained in good condition.

#### PART V.

40. No person shall, unless duly authorized or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, hatch covering, life-saving means or appliances, lights, marks, stages or other things whatsoever required by these regulations to be provided. If removed, such things shall be restored at the end of the period during which their removal was necessary by the person last engaged in the work that necessitated such removal.

41. The fencing required by regulation 4 shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or ship, or for repairing any fencing. If removed it shall be restored forthwith at the end of that period by the persons engaged in the work that necessitated its removal.

42. Every person employed shall use the means of access provided in accordance with regulations 9, 10 and 11, and no person shall authorize or order another to use means of access other than those provided in accordance therewith.

43. No person shall go upon the fore and aft beams or thwartship beams for the purpose of adjusting the gear for lifting them on and off nor shall any person authorize or order another to do so.

#### PART VI.

44. No employer of persons in the processes shall allow machinery or gear to be used by such persons which do not comply with Part III of these regulations.

45. If the persons whose duty it is to comply with regulations 9, 10 and 12 fail to do so, then it shall also be the duty of the employers of the persons employed for whose use the means of access and the lights are required, to comply with the said regulations within the shortest time reasonably practicable after such failure.

#### EXEMPTIONS.

46. Nothing in Parts II to VI inclusive of these regulations shall apply to the unloading of fish from a vessel employed in the catching of fish.

47. Nothing in regulations 9, 10 (so far as regards liability to provide means of access), 11, 14, 16, 17, 32 and 43, shall apply to a barge, lighter or any small undecked vessel.

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Made in Council, this 16th day of May, 1939.

(M.P. 982/35.)

T. S. BELL,  
*Clerk of the Executive Council.*