

TRANSPORT, HANDLING AND STORAGE OF DANGEROUS GOODS IN THE PORT OF KANDLA REGULATIONS, 1991

CONTENTS

PART 1 :-

1. Short title and Commencement.
2. Application.
3. Definitions.
4. Classification of Dangerous Goods.

PART 2 :-

5. Arrival of the Vessel.
6. Deposit.
7. Grant of permit.
8. Commencement of cargo handling.
9. Responsibilities of the Master.
10. Responsibilities of Owner/Agent.
11. Obligation to take precautions.
12. Determination of Categories of new Substances.
13. Responsibility of Barge Owner/Operator.

PART 3 :- IMPORT OR EXPORT OF EXPLOSIVE BY SEA

14. General Provisions.
15. Power to exempt.
16. Penalties.

PART 4 :- REGULATIONS FOR HANDLING OF DANGEROUS GOODS (IMDG CODE) CLASS II TO IX)

98. SAVINGS:

PART 4 :-

98. SAVINGS:

SCHEDULE 1 :- APPLICATION FORM FOR DISCHARGING/LOADING OF DANGEROUS GOODS

SCHEDULE 2 :- "Handling of dangerous goods in Kandla Port"

TRANSPORT, HANDLING AND STORAGE OF DANGEROUS GOODS IN THE PORT OF KANDLA REGULATIONS, 1991

TRANSPORT, HANDLING AND STORAGE OF DANGEROUS GOODS IN THE PORT OF KANDLA REGULATIONS, 1991

PART 1

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1. Short title and Commencement. :-

(1) These regulations may be called 'The Transport, Handling and storage of Dangerous goods in the Port of Kandla Regulations. 1991", and are framed under provisions of Clause (f) and (n) of Section 123 of Major Port Trusts Act. 1963 (38 of 1963) in supersession of all previous regulations on the subject made by the Port of Kandla.

(2) They shall come into force on the date of publication of the approval of the Central Government there to in the official Gazette under Section 124 (1) of the Major Port Trusts Act. 1963.

2. Application. :-

These regulations shall apply within the Port limits of Kandla Port and in all the Docks, wharves. Quays, Bunders and on lands under the control and superintendence of the Officer appointed by the Board of Trustees or nominated by the competent authority for the purpose of superintending the handling/storage and disposal of dangerous goods at the Port of Kandla.

3. Definitions. :-

In these regulations unless the context otherwise requires.

(a) Boat.- 'Boat' means a barge or similar craft used for movement of goods within the Port.

(b) Chairman.- 'Chairman' means the Chairman of the Board of Trustees of the Port.

(c) Competent Authority.- 'Competent Authority' for the purpose of these regulations means an Officer duly appointed by the Board of Trustees to administer the provisions of these regulations.

(d) Dangerous goods,- 'Dangerous goods' means goods which by reason of the nature, quantity or mode of storage of such goods are either singly or collectively liable to endanger the life or the health of the persons within the Port Limits or on a vessel or to cause damage to property within such Port Limits and includes such goods contained in a receptacle, portable tank. Freight container or vehicles as defined in the IMDG Code. The term include an empty

receptacle. portable tank or tank vehicle which has been previously used for carriage of dangerous goods unless such receptacle has been cleaned and dried or, when the nature of the former contents permits such carriage with safety and allow the container to be closed securely. Dangerous goods include all substances

(i) Having properties coming within the classes listed in the IMDG Code.

(ii) Substances defined as explosives as defined by the Indian Explosives Act, 1884. and/or the Explosives Rules. 1983.

(iii) Any other goods which the competent authority may specify as dangerous goods.

(iv) Hazardous chemicals listed in Schedule-I of the manufacture, storage and import of Hazardous chemicals Rules. 1989.

(e) Handling.- 'Handling' means the operation of loading and unloading of a vessel, railway wagon or vehicle transfer to, from or within a storage area and/or within a vessel and transshipment between vessels and any ancillary operations in the Port Area and includes stuffing and de-stuffing of freight container

(f) IMDG Code.- 'IMDG Code' means the latest edition of international Maritime Dangerous goods Code issued by the International Maritime Organisation, London.

(g) IMO. 'IMO' means the International Maritime Organisation. (h) Inspector of Dangerous Goods.- 'Inspector of Dangerous goods' for the purpose of this regulations means a person appointed by the Competent Authority to ensure compliance with these rules at any handling or transport of the Dangerous goods.

(i) Master.- 'Master' means the master of a vessel, or a tug master in charge of an unmanned tow or the persons in charge of a vessel and includes any person, other than a lot having charge of a vessel.

(j) Owner.- 'Owner' when used in relation to goods includes any consignor, consignee, shipper or agent for the sale of custody of such goods and when used in relation to any vessel includes any part owner, chartered, consignee or mortgagee in possession thereof.

(k) Agent.- includes shippers agents, clearing and forwarding agents and handling agents working on behalf of shipping agencies,

exporters, importers and charters.

(l) Responsible Person.- 'Responsible Person' means a person appointed by the 'Owner and/or 'Master' and empowered to take all decisions relating to the tasks of transport, handling and storage of dangerous goods, and having the necessary knowledge and experience for that purpose.

(m) Transport. Transport' means the movement of dangerous goods by one or more modes of transport in port.

(n) Unstable Substance.- 'Unstable Substance' means a substance which may present a hazard under transport or storage conditions due to spontaneous reaction (e.g. 'Polymerisation, decomposition etc.) unless the necessary specific precautions are taken to prevent such a hazard (e.g. inhibition, dilution, refrigeration or other equally effective measures.

(o) Vessel.- 'Vessel' means any seagoing vessel or inland water craft including any boats used for the carriage of dangerous substances as cargo.

(p) Marine Pollutants.- A solution or a mixture containing 10% or more of a substance identified in the IMDG Code as a Marine Pollution shall be regarded to be marked as a marine pollutant and be required to comply with the IMDG Code irrespective of the class.

4. Classification of Dangerous Goods. :-

For purpose of these rules. Dangerous Goods will be divided into the following classes.

Class 1 Explosives. Class 2 Gases, Compressed: liquefied or dissolved under pressure. Class 3 Flammable liquids. Class 4.1 Flammable solids. Class 4.2 Flammable solids or substances liable to spontaneous combustion. Class 4.3 Flammable solids or substances sub-stances which in contact with water emit inflammable gases. Class 5.1 Oxidising substances. Class 5.2 Organic Peroxides. Class 6.1 Peisoneous (toxic) substances. Class 6.2 Infactious substances. Class 7 Radioactive substances. Class 8 Corrosive. Class 9. Miscellaneous Dangerous Substances, i.e. and other substances, which experience has shown or may show to be of such dangerous character, are to be of such dangerous character, are to be treated as dangerous Goods.

Note 1.- Regulations for handling of Dangerous Goods of Class 2 to

Class 9 have been specified in Part IV of these Rules.

Note 2.- Supplementary rules for handling of explosives in the Ports of Bombay, Madras and Calcutta are notified under the Indian Explosives Act, 1984.

Note 3. Additional requirements for handling of dangerous goods of class 2 to class 9 for the Port of Kandla are specified in the Schedule II.

Note 4.- Evaluation of the Hazards of the harmful substances if not notified by IMO, the shipper/consignee shall be advised to apply to the Director General of Shipping, Government of India, for the same under the provisions of the Merchant Shipping (Dangerous Goods) Rules.

PART 2

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5. Arrival of the Vessel. :-

The Owner/Agent of a vessel wishing discharge and/or load dangerous goods shall submit to the Competent Authority the following documents at last 48 hours in advance before the vessel's arrival in Port:

- (1) Application form (as described in Schedule I.)
- (2) Dangerous goods list (3 copies) (Schedule I.)
- (3) Dangerous goods Note (3 copies) for export cargo (Schedule I.)
- (4) Certificate of packaging (for Export cargo only, if required).
- (5) Cargo Manifest
- (6) Materials Safety Data Sheet (MSDS) of all dangerous.
- (7) Details of goods marine pollutants.
- (8) Questionnaire on the characteristics of the Dangerous Goods for storage, handling and transport in the Indian Ports (Schedule 2).

6. Deposit. :-

In case where a limited period of storage in Port is permitted. Port shall collect a deposit of Rs. 5000/ (Five thousand) from the Owner/Agent to cover the handling, storage. Escort and disposal of such goods. The amount so deposited shall be refunded after the cargo is duly handled and cleared out of Port within the limited period as per permit issued under section 8.0. If the cargo is not

cleared within the permitted period of storage, a penalty of Rs. 3000/- (Three thousand) shall be liable to pay.

7. Grant of permit. :-

Competent Authority on receipt of these documents and the deposit shall give instructions to the Owner/Agent specifying the mode of discharge, storage, separation requirements. equipments to be made available and any other conditions concerning safety of the Port and/or the vessel. In relation to the container cargoes the Competent Authority shall also designated the areas/depot where the container shall be stuffed/de-stuffed.

8. Commencement of cargo handling. :-

(1) The Master shall submit a dangerous goods checklist as prescribed in Schedule I.

(2) The vessel may commence handling of dangerous goods only after obtaining instructions from the Competent Authority, as specified in 8.0 (and after the Inspector of Dangerous Goods has satisfied himself of the correctness of the check-list and any other declaration made by the Owner/Master.

9. Responsibilities of the Master. :-

(1) The masters of vessels carrying dangerous goods while lying in the Port. Limits shall exhibit where it can best be seen. (a) a red flag from sunrise to sunset; and (b) a red light from sunset to sunrise.

(2) He shall whenever dangerous goods are handled.

(i) depute a responsible person to personally supervise the operations. Such Officer shall take and/or cause to be taken all the due precautions as are necessary under the IMDG Code and these regulations.

(ii) Keep the fire fighting gear in readiness with hoses and branch pipes connected.

(iii) Ensure that repairs to any part of the vessel necessitating the use of open flame/open fire are not carried out.

(iv) Blank carefully fires in engine room and extinguish all other fires or non-safety lights.

(v) Maintain efficient and effective communication with the

reasonable person on the shore and signal station Kandla Port.

(vi) Provide and use when necessary the equipment specified in the EMS Schedule as published by the IMO and MFAG published by the same authority.

(vii) Provide access and facility to the officials of the port for the inspection of the Dangerous goods.

(viii) Ensure that no damaged/leaky containers or packages of dangerous goods are landed either in barge or ashore without the express permission of the Competent Authority of the Port.

(ix) Ensure that appropriate personal protective equipment is used by those engaged in handling of these dangerous goods and also ensure that the cargo gear and the accessories used are as required for safe handling of such goods.

(x) Ensure that all the dangerous goods are correctly declared as required by the IMDG Code and the Port and are correctly labeled and marked as per IMDG Code before discharging,

10. Responsibilities of Owner/Agent. :-

(1) Owner/Agent shall make a true and correct declaration of the dangerous goods to be handled in the Port and those in transit through the Port, whether in container's or other packages.

(2) Cases/receptacles of each class of dangerous goods brought into the Port area shall conform strictly with the packaging standard stipulated in the IMDG Code. Such cases/receptacles shall remain in a sound condition while dangerous goods are handled in the Port area.

(3) If any cases/receptacles of dangerous goods is damaged or starts Leaking during handling in the Port. preventive measures as may be indicated by the competent authority shall be followed.

(4) Repairs to be damaged cases/receptacles of dangerous goods or repacking their contents shall be carried out under the supervision of the Competent Authority, subject to special restrictions as applicable to individual classes of dangerous goods.

(5) No case/receptacles of dangerous goods shall be opened anywhere within the Port area except for the purpose of drawing samples by the Customs in an approved manner and with permission to do so from the Competent Authority, Such permission

may be granted subject to such additional restrictions and precautions as may be considered necessary.

(6) Tools liable to produce sparks shall not be used to open/close/repair cases/receptacles of dangerous goods or for drawing samples.

As far as it is practicable to do so, samples shall be drawn by suction method without tilting the container.

(7) Marking, labeling and packing of all the hazardous goods will be as prescribed in IMDG Code.

(8) Handle any goods which are in a leaky, damaged or in a deteriorated condition only on the specific instructions of the Competent Authority.

(9) Provide every facility to the Competent Authority to inspect the dangerous goods.

(10) Agents/Owners bringing dangerous goods shall ensure that all the formalities for the clearance of the goods especially with the Customs are completed so that the delivery of the cargo can be taken almost immediately

(11) Stuffing and de-stuffing of dangerous goods in freight containers shall be undertaken as per recommendations of the IMO and the inspect of dangerous goods.

11. Obligation to take precautions. :-

(1) Steamer Agents/ Consignors/Consignees of dangerous goods and occupiers or custodian of all premises within the Port area shall always observe and/or cause to be observed any safety precautions required by the Competent Authority and prescribed in these regulations.

(2) When dangerous goods are handled or stored within the Port area Agents/Owner/Consignors/Consignees fail to take reasonable precautions to prevent accidents, the Competent Authority may take such action as is reasonable for the safety of the Port and may recover from such Agents/Owners/Consignors/Consignees such reasonable expenses as may have been incurred from the amount deposited and if the amount so deposited is not adequate, the Port may recover its expenses by sale of the cargo.

12. Determination of Categories of new Substances. :-

When Owner/Agent seeks to import cargo which is dangerous but not covered by the IMDG Code sufficient notice shall be given to the competent authority to arrange for the modalities for the reception of such cargo, tiling which such cargo may be refused entry. If such cargo is listed in Schedule 18 the manufacture, storage and Import of hazardous Chemicals Rules, 1989. the owner/Agent shall seek specific permission and inform the Pollutant Control Board of the Safety measure being taken for the receptions of such cargo.

13. Responsibility of Barge Owner/Operator. :-

(1) Barges carrying dangerous goods shall not load different classes of cargoes which are incompatible and shall maintain sufficient segregation between classes when carrying more than two classes which are compatible. In every case, the instructions given by the Inspector of Dangerous Goods or the Competent Authority will be complied with.

(2) Surface area in holds as well as on deck of barges/lighters carrying dangerous goods should be of non-friction and non-sparking type.

(3) Lighting of naked lights or open flames on barges carrying dangerous goods at any place is strictly prohibited.

(4) A safe distance of 9.0 meters should be maintain between two barges berthed along side at any designated wharf or pier.

(5) As far as practicable Barges will note be Double Banked while handling.

(6) Overnight stay at any wharf of pier of barges/lighters with dangerous goods shall be with the express permit granted by Inspector of Dangerous Goods.

(7) Barges shall be permitted to come alongside by the Shed Superintendent and he shall be given sufficient notice to receive such barge and plan handling.

PART 3

IMPORT OR EXPORT OF EXPLOSIVE BY SEA

14. General Provisions. :-

(1) The Competent Authority may refuse Dangerous foods intended for storage within or transit through the Port, if it is considered that

their presence is likely to endanger life or property, because of their condition, the condition of their mode of conveyance, or the conditions that may be prevailing in the PORT AREA.

(2) If any dangerous substance within the Area constitutes an unacceptable hazard, the Competent person may order the removal of such substances or packages, freight, container, portable tank, vessel or vehicle containing it to any other place or to sea as considered necessary.

(3) An unsuitable substances will not be accepted unless all conditions necessary to ensure its safe transport and handling have been met and properly certified.

(4) Only one class of cargo will be handled at a time.

(5) The competent Authority may destroy in a safe manner such dangerous goods which in their opinion endanger the safety of Port. Where such Dangerous Goods are so destroyed, the Owner/Agents of the goods shall not be entitled to any compensation whatsoever. The Port may remove or destroy any Dangerous Goods which have been handled or transported contrary to the instructions of the Competent Authority. The expenses for so doing may be recovered from the deposits or from the sale of the cargo, if the deposit is not adequate to meet these expenses.

(6) The vessel will retain on board all the pollutants and slop caused by the leakages of any dangerous cargoes and take every precautions as per antipollution rules of the Port.

(7) Competent Authority shall direct the handling of marine pollutants. Every precaution shall be taken to ensure that such pollutants are not dumped in the Marine Environment of dumped at sea.

15. Power to exempt. :-

(1) Any reason may appeal with respect to any order issued by the Inspector of Dangerous Goods of the Port or by the competent Authority. Such appeal shall be heard by the chairman and his decision shall be final.

(2) The Chairman on advice of the Competent Authority may in exceptional cases exempt conditionally or unconditionally any person or consignment of dangerous goods from all or any of the provisions of these rules.

16. Penalties. :-

(1) Any person who commits a breach of any regulations shall be liable to pay penalty of Rupees Ten Thousands and if the breach continues, a further penalty of Rupees One Thousand per day or part thereof for period during which the said breach continues. The penalty as aforesaid shall be in addition to any action that may be or may be taken under applicable Port regulations for the time being in force.

(2) If the default continues, the Competent Authority may with the concurrence of the Chairman have the vessel removed from the berth. This will be in addition to the other penalties levied.

PART 4

REGULATIONS FOR HANDLING OF DANGEROUS GOODS (IMDG CODE) CLASS II TO IX)

98. SAVINGS: :-

Nothing contained in these regulations shall be deemed to be derogatory to the provisions of the Merchant Shipping Act. 1958. the Explosive Act. 1884. Petroleum Act. 1934/1976. the Inflammable Substance Act, 1952. Dock Workers (Safety, Health and Welfare) Regulations 1990. the environment Act. 1986 and the Regulations framed thereunder.

PART 4

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98. SAVINGS: :-

Nothing contained in these regulations shall be deemed to be derogatory to the provisions of the Merchant Shipping Act. 1958. the Explosive Act. 1884. Petroleum Act. 1934/1976. the Inflammable Substance Act, 1952. Dock Workers (Safety, Health and Welfare) Regulations 1990. the environment Act. 1986 and the Regulations framed thereunder.

SCHEDULE 1

APPLICATION FORM FOR DISCHARGING/LOADING OF DANGEROUS GOODS

<p>\\ \\ \\ \\ \\ Name of Clearing and Shipping Agency. To. \\ The deputy Conservator, \\ Kandla Ports Trust. Sir. Ref: Name of the ship and Voyage No. Due Date. The above vessel is expected to arrive at this Port from..... (Port) on..... (date). 2. *She will be carrying on board dangerous goods for discharge at this port. (Attach separate list). 3. *The vessel also carries the following dangerous Goods as transit cargo for the next port/s of call of..... (Names of Port/s). (Attached Separate list). 4. *We propose to load the following dangerous goods on the subject vessel for the ports mentioned below: (Attach separate list). 5. Please</p>
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acknowledge and issue necessary instructions for the above cargo on the lists attached. Thanking you. \ \ \ \ \ \ \ \ Yours faithfully. This Schedule should contain the following Enclosures: 1. Dangerous Goods lists. 2. Dangerous Goods note. 3. Check list. 4. Cert. of packaging. (For export cargo if required). 5. List of transit cargo if on board.

SHIP'S CHECKLIST FOR DANGEROUS GOODS

Ship's name: Port:

Berth: Date:

Instruction for completion.

The Safety of operations require all the questions to be answered in the affirmative. If an affirmative answer is not possible the reason should be given.

Remarks.

1.	Is the vessel securely moored?
2.	Is there an effective deck-watch <i>in</i> attendance on Board?
3.	Is the ship-shore communication system operative?
4.	Are fire hoses and fire fighting equipment ready for immediate use?
5.	Are sea and overboard discharge valve, when not in used.
	Closed, so that the pollutants are not discharged overboard?
6.	Are 'No Smoking' signs prominently displayed in work area and smoking requirements being observed?
7.	Are the requirements for the use of galley and other cooking appliances being observed?
8.	Are naked light requirements being observed?
9.	Is the personal protective gear available for use by the work force?
10.	Is the work area properly illuminated for the piirposes of carrying on the work?
11.	Is the handling equipment properly tested and certified and suitable for use?
12.	Are you ready to implement the EMS plan as prescribed for the cargo?
13.	Do you have the necessary antidotes as prescribed by MFAG Code?
14.	Are repairs involving hot work in the vicinity of the work place stopped?
15.	Are the containers, packages, carboys, bottles or drums or any other means of packing, and free of damage, free of leakage and otherwise safe for the purpose?

SCHEDULE 2

"Handling of dangerous goods in Kandla Port"

1.0 Competent authority for handling of dangerous goods is the Port Dy. Conservator. 2. Inspector of dangerous goods is any person who look after the day to day working and handling of dangerous goods. 3.0 The dangerous goods are divided into four categories depending on flash point and nature of hazard. 4.0 Category 'A': Low flash point (below 10 degree 0C) or other goods which are too dangerous to be handled through the Dock. These can be discharged in stream and landed on Bender area for direct delivery. Goods not to stay in the docks. Export of 'A' Category cargo in containers shall be permitted on container freight station at berth No 6 for direct loading on the vessel subject to the conditions in the permit issued for the purpose 4.1 Category 'B': Intermediate flash point (above 10 degree C to 24 degree C) or other substance which present moderate degree of hazard. These shall be landed in the docks on trucks for immediate direct delivery only. Containers containing Category 'B' cargo shall be landed in dock on trucks and immediately removed to hazardous cargo yard for storage for a limited period of 5 days. Stuffing/de-stuffing of container of category B, C and D shall be permitted in the hazardous container yard under fire watch. The fire watch charges as per the port scale of rate shall be payable by the owner/agent. 4.2 Category 'C': High flash point (above 24 degree C to 60 degree C) or other goods which present lesser degree of hazard: Category C. Cargo shall be permitted to be discharged on truck for storage in the hazardous cargo shed for a period of 5 days under fire watch. The fire watch charges are to be payable by the Owner/Agent as per the Port scale of rate. Category 'C' Cargo in containers shall be discharged on trucks and removed to hazard container yard for storage for a period of 5 days pending delivery. 4.3 Category 'D': Flash point above 60 degree C or other goods like poisonous, toxic and corrosives etc. which also have hazardous properties. Category D shall be discharged in the dock and stored in the hazardous cargo shed subject to handling and storage instantiations stipulated by the competent authority D category cargo in containers also shall be landed in the dock and stored in hazardous cargo yard for maximum period of 10 days pending delivery. 5. Responsibility of the Owner/Agent. The Owner/Charterer/Agents or consignees shall obtain prior clearance from the Inspector hazardous Goods regarding the mode of handling of the dangerous goods prior to the vessel's arrival in the Port. Even when the vessel in carrying Category 'C-' or "D" type cargo where vessels are allowed to come into the docks prior permission will have to be obtained failing which the vessel may be refused dock entry. 6.0 Responsibility of Ship's Master. The Ship Master will make to the Pilot correct and true declaration of the dangerous goods on the ship prior to vessel's berthing in stream or in docks. 7.0 Responsibility of Barge Owner 7.1 Barges carrying dangerous goods shall not mix different classes of cargoes which are incompatible and also will maintain sufficient segregation between classes when carrying more than two classes which may be compatible. In every case, the instructions given by the Inspector of dangerous goods or the competent authority will be complied with. 7.2 foreface area of barges/lighters carrying dangerous goods should be of non-friction and non sparking type. 7-3 Lighting of naked lights or open flames on barges carrying dangerous goods at nominated location is strictly prohibited. 7.4 A safe distance as determined by the competent authority should be maintained between two barges berthed alongside the nominated location. 7.5 Barges will not be double banked at nominated location. 7.6 Overnight stay of barges/lighters at nominated location is prohibited. They can also come alongside with the prior permission of Shed Superintendent on duty to enable him to make adequate arrangement in time to receive the barges

and ensure enforcement of prescribed procedure regarding unloading during day-light hours. 7.7 The Port Department Inspector or an officer with Police powers as nominated by the competent authority, shall be responsible to see that the provisions of these regulations from and including 7.4 to 7.6 are complied with. 8.0 The vessels carrying 'A' or any other category of dangerous goods, in container for other ports are allowed to retain these cargoes on board. Similarly, when the cargo is in packages for other port in categories 'B', 'C', and 'D', these cargoes also may be retained on board. However, in all cases of transit cargoes, the true and correct declaration will be made by the Agent / Owner to the Dy. Conservator Kandla Port Trust and he shall abide by such precaution as may be prescribed by Dr. Conservator. The Master of the incoming vessel shall also make a correct and true declaration of the dangerous cargo in transit to the Pilot. Resolution 58. Resolved to approve the Transport. Handling and Storage of Dangerous Goods in the Port of Kandla Regulations. 1991. as per Annexure-II, under section 123 of the Major Port Trusts Act, 1963.