



Bunkering: Service Provider Requirements

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Introduction

With effect from 23 March 2019, all Bunkering Operators operating within one or more of the ABP Ports must comply with (and must be able to demonstrate that they comply with) these Service Provider Requirements for bunkering (the “**Requirements**”).

Any person wishing to provide a Bunkering Service in any ABP Port should contact the local Harbour/Dock Master. Any person wishing to provide a Bunkering Service will be required to demonstrate their compliance with these Requirements before being granted the right to provide a Bunkering Service.

All capitalised terms used in these Requirements will have the meanings set out in Appendix A (Definitions and Interpretation).

Bunkering Requirements

<u>1. Professional Standards and Certification</u>	<p>The Bunkering Operator must comply with the following requirements on professional standards and certification:</p> <ol style="list-style-type: none">1. All Representatives must be qualified and competent in accordance with the minimum national standards required to perform the work for which they have been engaged by the Bunkering Operator. All Representatives must be fit to carry out the work for which they are engaged.2. All Representatives whose role involves the operation of a Bunker Vessel and/or Road Tanker must be properly and adequately trained to operate the Bunker Vessel and/or Road Tanker in accordance with Good Industry Practice and Applicable Laws.
<u>2. Safety Awareness</u>	<p>The Bunkering Operator must comply with the following safety requirements:</p> <ol style="list-style-type: none">1. The Bunkering Operator must comply with all Applicable Law and ABP Regulations relating to health and safety.2. The Bunkering Operator must work in accordance with its own published safety policy, safe systems of work and risk assessments which have been developed in accordance with Applicable Laws and Good Industry Practice.3. Any Bunkering Service must be undertaken in accordance with the International Convention for the Prevention of Pollution from Ships (“MARPOL”).
<u>3. Bunker Vessels, Road Tankers and Ancillary Equipment</u>	<p>All Bunker Vessels, Road Tankers and any other equipment used by the Bunkering Operator in the provision of a Bunkering Service must be fit for purpose, in a good state of repair and maintained in accordance with Good Industry Practice and Applicable Law (including MARPOL).</p>

<p><u>4. Training</u></p>	<p>All Representatives must be trained in accordance with a structured safety and operational training programme appropriate to the work that they are carrying out.</p> <p>Notwithstanding the generality of this requirement, training for each Representative must include as a minimum:</p> <ul style="list-style-type: none"> (a) knowledge of local bye-laws, directions, contingency plans and guidelines which are relevant to provision of the Bunkering Service at each ABP Port where they provide a Bunkering Service; and (b) fire safety and prevention.
<p><u>5. Security</u></p>	<p>The Bunkering Operator is required to adhere strictly to the requirements of the International Ship and Port Security Code (ISPS), as applied by ABP. The Bunkering Operator will also assist ABP with security requirements in connection with its activities at each ABP Port in accordance with the ISPS Code and any requirements of the United Kingdom Department for Transport or any other Competent Authority.</p>
<p><u>6. Damage and Incident Reporting Procedures</u></p>	<p>The Bunkering Operator must have in place procedures for incident reporting and investigation and must report all damage, accidents and/or incidents of which it becomes aware to the emergency contact at the relevant ABP Port as soon as possible.</p>
<p><u>7. Personal Protective Clothing and Equipment</u></p>	<p>The Bunkering Operator must ensure that, at all times, each of its Representatives wears appropriate PPE for the work he or she is undertaking.</p> <p>Where the Bunkering Operator is providing a Bunkering Service by Bunker Vessel, the Bunkering Operator must supply a portable marine radio with multi-channel selection. Radios must be capable of transmitting and receiving on all operational channels used in each ABP Port where the Bunkering Operator operates.</p>
<p><u>8. Insurance</u></p>	<p>The Bunkering Operator must have in place and maintain the following policies of insurance (the “Insurance Policies”):</p> <ul style="list-style-type: none"> (a) protection and indemnity insurance in respect of third party liability risks (including pollution and wreck removal) and for levels of cover as would normally be taken out by a prudent bunkering provider working under the same conditions as the Bunkering Operator; and (b) such other insurance policies as are required by Applicable Law. <p>The Bunkering Operator must not take or omit to take any action which would invalidate any of the Insurance Policies in respect of any claim.</p>
<p><u>9. Compliance with Law and ABP Regulations</u></p>	<p>The Bunkering Operator will comply with and keep itself informed of all Applicable Law and ABP Regulations that apply to its performance of the Bunkering Service, including:</p> <ul style="list-style-type: none"> (a) all Applicable Law relating to the environment and environmental protection, including the Environmental Protection Act 1990, the Environmental Permitting (England

	<p>and Wales) Regulations 2016 and the Water Environment (Controlled Activities) (Scotland) Regulations 2011;</p> <p>(b) all ABP Regulations issued at a local or regional level regarding navigational safety, road safety, the use of Bunker Vessels and/or Road Tankers and the performance of a Bunkering Service based on local/regional requirements; and</p> <p>(c) any ABP Regulations which prevent or prohibit the use of a Bunker Vessel within any ABP Port(s).</p>
<u>10. Supervision</u>	The Bunkering Operator will ensure that all Representatives are properly and adequately supervised at all times when carrying out the Bunkering Service. The Bunkering Operator will be deemed to assume full responsibility for the supervision and conduct of any Bunkering Service.
<u>11. Audit</u>	<p>The Bunkering Operator must keep clear, accurate and up-to-date records and information relating to:</p> <p>(a) all matters relating to the Bunkering Service and its performance for which records must be kept under Applicable Law; and</p> <p>(b) its compliance with these Requirements, including appropriately detailed information regarding: (i) its Bunker Vessels, Road Tankers and all other equipment used in connection with the Bunkering Service; (ii) training carried out by its Representatives; (iii) the Insurance Policies; and (iv) all professional qualifications and certificates held by the Bunkering Operator and its Representatives.</p> <p>ABP shall be entitled to audit the Bunkering Operator's compliance with these Requirements at any time on reasonable prior notice to the Bunkering Operator. The Bunkering Operator must comply with ABP during such audit and must give ABP access to all records and information it holds in connection with the Bunkering Service on reasonable prior request and must provide all assistance necessary for ABP to carry out such an audit.</p>
<u>12. General</u>	<p>Any deviation from these Requirements by a Bunkering Operator must be expressly approved in writing by ABP.</p> <p>ABP makes no warranty or representation to any Bunkering Operator that it will be permitted to operate within any ABP Port(s).</p> <p>These Requirements do not affect and are issued without prejudice to:</p> <p>(a) any rights or remedies that are available to ABP that arise out of or in connection with a Bunkering Operator's performance of a Bunkering Service; and</p> <p>(b) the statutory rights of Dock Masters, Pier Masters, Harbour Masters, Marina Masters or Lockkeepers within the prescribed areas in which they exercise their respective statutory jurisdictions.</p>

Appendix A: Definitions and Interpretation

1.1. The following terms shall have the following meanings where used in these Requirements:

“**ABP**” means Associated British Ports;

“**ABP Ports**” means the ABP ports of Immingham, Grimsby, Hull, Goole, Southampton, Newport, Port Talbot, Cardiff, Barry, Swansea, Ipswich, Lowestoft, King’s Lynn, Teignmouth, Plymouth, Garston, Fleetwood, Barrow, Silloth, Troon and Ayr (and “**ABP Port**” shall mean any one of them);

“**ABP Regulations**” means any port rules, byelaws, code of conduct, or other directions or regulations issued by ABP from time to time in connection with any ABP Port;

“**Applicable Law**” means all applicable law and legislation of any jurisdiction including all or any statutes, rules, regulations, statutory guidance, treaties, directives, decisions, directions, recommendations, codes of practice, guidance notes, circulars, bylaws, orders, notices, demands, regulations or official guidance issued by any Competent Authority which are applicable to the Bunkering Operator, the ABP Port(s) and/or any aspect of the compliance with these Requirements;

“**Bunker Barge**” means a bunker vessel certified to supply bunkers with a narrow beam capable of transiting an inland waterway system;

“**Bunker Vessel**” means any vessel certified to supply bunkers (including a Bunker Barge);

“**Bunkering Operator**” means any person providing a Bunkering Service within any ABP Port(s);

“**Bunkering Service**” means a service which involves the transfer of a substance (whether by Road Tanker, Bunker Vessel or otherwise) consisting wholly or mainly of oil for consumption by the engines of the vessel receiving the substance (including: (i) where such a substance is transferred for the purpose of lubricating the vessel’s engine or other machinery; and (ii) the transfer of slops);

“**Competent Authority**” means any supranational, national, regional, local or municipal government or regulatory authority, body, agency, court, ministry, inspectorate or department, or any official, public or statutory person or body, police, customs or port authority, in each case acting in accordance with its or their statutory or legal authority in any jurisdiction having authority over the Bunkering Operator / ABP or having responsibility for the regulation or governance of any aspect of the performance of these Requirements and/or the ABP Port(s) and/or any activities carried out at the ABP Port(s);

“**Good Industry Practice**” means the exercise of that degree of skill, care and diligence which would reasonably and ordinarily be expected of a highly skilled and experienced person carrying out a Bunkering Service under the same conditions as the Bunkering Operator;

“**Representative**” means any person engaged by the Bunkering Operator in the provision of a Bunkering Service;

“**Road Tanker**” means a tanker lorry designed and capable of delivering, carrying and receiving bulk liquids by road.

1.2. In these Requirements:

- (a) the words “include”, “includes” or “including” will be deemed to be followed by the words “without limitation”;
- (b) references to any Applicable Law includes that Applicable Law as from time to time modified or re-enacted or consolidated (whether before or after the date on which these Requirements were last updated) and includes, in the case of legislation, any subordinate legislation made under it; and

- (c) the word “person” includes all forms of legal entity including an individual, company, body corporate (wherever incorporated or carrying on business), unincorporated association, governmental entity and a partnership and, in relation to a party who is an individual, his or her legal personal representative(s).