
STATUTORY INSTRUMENTS

1999 No. 336

The Merchant Shipping (Carriage of Cargoes) Regulations 1999

PART II

General Provisions

Cargo information

- (a) **4.** (1) (a) The shipper shall, subject to paragraph (4) below, provide such information to the owner or master sufficiently in advance of loading as is necessary to enable them to ensure that—
- (i) the different commodities to be carried are compatible with each other or suitably separated;
 - (ii) the cargo is suitable for the ship;
 - (iii) the ship is suitable for the cargo; and
 - (iv) the cargo can be safely stowed and secured on board the ship and transported under all expected conditions during the intended voyage.
- (b) The cargo information referred to in sub-paragraph (a) shall include:
- (i) in the case of general cargo and cargo carried in cargo units, a general description of the cargo, the gross mass of the cargo or cargo units and any relevant special properties of the cargo;
 - (ii) in the case of bulk cargoes, information on the stowage factor of the cargo, the trimming procedures, the likelihood of shifting including angle of repose, if applicable, and any other relevant special properties. In the case of a concentrate or other cargo which may liquefy, additional information in the form of a certificate indicating the moisture content of the cargo and its transportable moisture limit;
 - (iii) in the case of bulk cargoes which are not classified in accordance with Regulation VII/2 of the SOLAS Convention, but have chemical properties that may create a potential hazard, information on its chemical properties in addition to that required by sub-paragraph (ii) above.
- (2) The information shall be confirmed in writing and by appropriate shipping documents prior to loading the cargo on the ship.
- (3) In preparing cargo units for carriage by ships, the shipper or, as the case may be, the forwarder, shall ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents.
- (4) Where the shipper does not deliver the cargo to the ship or its agent he shall provide the forwarder with such cargo information.
- (5) If the shipper does not deliver the cargo to the ship or its agent it shall be the duty of the forwarder to provide the owner or master with the appropriate cargo information.

(6) If a shipper or forwarder fails to provide appropriate cargo information as required by this regulation, or furnishes cargo information which he knows to be false or recklessly furnishes cargo information which is false, he shall be guilty of an offence.

(7) If an owner or master accepts for carriage, or takes or receives on board any cargo for which appropriate cargo information as required by this regulation has not been furnished, he shall be guilty of an offence.

Carriage of documentation

5.—(1) The owner and master of every ship to which these Regulations apply, other than a ship engaged in the carriage of grain, shall ensure that appropriate documentation, relevant to the cargo and its stowage and securing, which should specify in particular the precautions necessary for the safe carriage of that cargo by sea, is carried on board.

(2) Such documentation may consist of one or more of the following Codes of Safe Practice:

- (a) the Code of Safe Practice for Cargo Stowage and Securing adopted by the Organization by Resolution A.714(17), 1992 edition, as amended in 1994 and 1995;
- (b) the Code of Safe Practice for Ships Carrying Timber Deck Cargoes adopted by the Organization by Resolution A.715(17), 1992 edition; and
- (c) the Code of Safe Practice for Solid Bulk Cargoes (BC Code) adopted by the Organisation by Resolution A.434(XI), 1991 edition, as amended in 1996.

(3) The owner and master of every ship carrying grain to which these Regulations apply shall ensure that the International Grain Code is carried on board.

(4) All passenger ships and cargo ships carrying cargoes other than solid bulk cargoes, except cargo ships of less than 500 tons engaged on voyages which are not international voyages, shall carry on board a Cargo Securing Manual.

(5) An owner or master who contravenes paragraph (1) or (3) above shall be guilty of an offence.

Stowage and securing

6.—(1) The owner and master shall ensure that:

- (a) cargo and cargo units carried on or under deck are loaded, stowed and secured so as to prevent as far as is practicable, throughout the voyage, damage or hazard to the ship and the persons on board, and loss of cargo overboard;
- (b) appropriate precautions are taken during loading and transport of heavy cargoes or cargoes with abnormal physical dimensions to ensure that no structural damage to the ship occurs and to maintain adequate stability throughout the voyage;
- (c) appropriate precautions are taken during loading and transport of cargo units on board ro-ro ships, especially with regard to the securing arrangements on board such ships and on the cargo units and with regard to the strength of the securing points and lashings; and
- (d) cargo on board all ships to which regulation 5(4) is applicable is stowed and secured throughout any voyage in accordance with the Cargo Securing Manual; and
- (e) cargo on board all ships to which regulation 5(4) is applicable with roll-on/roll-off cargo spaces, shall be stowed and secured in accordance with the Cargo Securing Manual before the ship leaves a berth.

(2) Where packaged goods have been packed into or onto a cargo unit, the shipper or forwarder of such goods shall ensure that:

- (a) the cargo is packed and secured so as to prevent, throughout any voyage, damage or hazard to the ship and the persons on board; and

- (b) if the cargo unit is a container, it is not loaded to more than the maximum gross weight indicated on the Safety Approval Plate attached to the container in accordance with the International Convention for Safe Containers (CSC 1972), published by the Organization.
- (a) (3) (a) An owner or master who contravenes paragraph (1) shall be guilty of an offence;
- (b) a shipper or forwarder who contravenes paragraph (2) shall be guilty of an offence.

Oxygen analysis and gas detection equipment

7.—(1) In the case of a ship transporting or accepting for transport a bulk cargo which is liable to emit a toxic or flammable gas, or cause oxygen depletion in the cargo hold, an appropriate instrument for measuring the concentration of gas or oxygen in the air shall be provided together with detailed instructions for its use. Such an instrument shall be of a type approved by a certifying authority, and the crew shall be trained in its use.

(2) An owner of a ship which transports, or a master who accepts for carriage, such a bulk cargo without ensuring that paragraph (1) has been complied with shall be guilty of an offence.

The use of pesticides in ships

8.—(1) Where pesticides are used in cargo spaces, they shall be used in accordance with Merchant Shipping Notice M.1718 (“Recommendations on the Safe Use of Pesticides in Ships”).

(2) If paragraph (1) is not complied with the owner and master shall each be guilty of an offence.