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STATUTORY INSTRUMENTS

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**2022 No. 1218**

**The Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 2022**

**PART 1**

Preliminary

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 2022 and come into force on the 22nd day after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

**Revocations**

2. The Regulations listed in the first column of the Table in the Schedule are revoked to the extent specified in the third column of that Table.

**Amendment of Regulations**

3.—(1) The Merchant Shipping (Cargo Ship Construction) Regulations 1997(1) are amended as follows.

(2) In regulation 7 (peak and machinery space bulkheads and stern tubes), in paragraph (3), for “Subject to regulation 12E(4) and (5) of the Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 1999(2)” substitute “Subject to the requirements in regulation 13 of Chapter XII in the Annex to the International Convention for the Safety of Life at Sea, 1974(3) (availability of pumping systems)”.

(3) The Merchant Shipping (Fees) Regulations 2018(4) are amended as follows.

(4) In Part 1 of Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc.), in Section I (construction and equipment), at the end—

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(1) [S.I. 1997/1509](#), amended by [S.I. 2004/2151](#). There are other amending instruments but none is relevant.

(2) [S.I. 1999/1644](#), amended by [S.I. 2004/2151](#) and [S.I. 2018/1221](#).

(3) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd 8277) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

(4) [S.I. 2018/1104](#). There are amending instruments which are not relevant.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (a) in the first column, insert “The Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 2022”;
- (b) in the second column, insert “2022/1218”;
- (c) in the third column, insert “None”.

## Interpretation

### 4. In these Regulations—

“breadth” has the same meaning as in the Load Line Convention<sup>(5)</sup>;

“bulk carrier” means a ship which is intended primarily to carry solid bulk cargo and constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces, including such types as combination carriers and ore carriers, where—

- (a) “combination carrier” means a ship designed to carry oil or alternatively solid bulk cargo; and
- (b) “ore carrier” means a sea-going single deck ship having two longitudinal bulkheads and a double bottom throughout the cargo region and intended for the carriage of ore cargoes in the centre holds only<sup>(6)</sup>;

“bulk carrier of double-side skin construction” means a bulk carrier in which all cargo holds are bounded by a double-side skin other than that described in paragraph (b) in the definition of “bulk carrier of single-side skin construction”;

“bulk carrier of single-side skin construction” means a bulk carrier in which—

- (a) any part of a cargo hold is bounded by the side shell; or
- (b) one or more cargo holds are bounded by a double-side skin, the width of which is—
  - (i) in bulk carriers constructed before 1st January 2000, less than 760 millimetres; or
  - (ii) in bulk carriers constructed on or after 1st January 2000 but before 1st July 2006, less than 1,000 millimetres,

the distance being measured perpendicular to the side shell;

“bulk carriers constructed” means bulk carriers the keels of which are laid or which are at a similar stage of construction and for the purposes of this definition “similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced, comprising at least 50 gross tons or one per cent of the estimated mass of all structural material, whichever is less;

“Certifying Authority” has the meaning given to it in regulation 4 of the Merchant Shipping (Survey and Certification) Regulations 2015<sup>(7)</sup>;

“Chapter II-1” means Chapter II-1 in the Annex to the Convention (construction: structure, subdivisions and stability, machinery and electrical installations)<sup>(8)</sup>;

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<sup>(5)</sup> See regulation 3 of Chapter 1 of Annex I to the Load Line Convention. For further information on the Load Line Convention see the footnote to its definition.

<sup>(6)</sup> Further guidance is given in International Maritime Organization (IMO) Resolution MSC.277(85). MSC.277(85) is available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>).

<sup>(7)</sup> S.I. 2015/508. There are amending instruments but none is relevant.

<sup>(8)</sup> Chapter II-1 was revised and replaced by International Maritime Organization (IMO) Resolution MSC.1(45) and has been further amended by IMO Resolutions MSC.6(48) (Cm 3926), MSC.11(55) (Cm 1251), MSC.12(56) (Cm 3848), MSC.13(57), MSC.19(58) (Cm 3845), MSC.26(60), MSC.27(61), MSC.31(63) (Cm 3849), MSC.47(66) (Cm 4046), MSC.57(67), MSC.65(68), MSC.69(69) (Cm 5771), MSC.99(73) (Cm 6001), MSC.134(76) (Cm 6587), MSC.151(78), MSC.170(79), MSC.194(80), MSC.216(82), MSC.256(84), MSC.269(85), MSC.282(86), MSC.290(87), MSC.291(87), MSC.308(88), MSC.325(90), MSC.338(91), MSC.365(93), MSC.392(95), MSC.409(97), MSC.421(98), MSC.429(98) and MSC.436(99).

“Chapter VI” means Chapter VI in the Annex to the Convention (carriage of cargoes and oil fuels)(9);

“Chapter XII” means Chapter XII in the Annex to the Convention (additional safety measures for bulk carriers)(10);

“Convention” means the International Convention for the Safety of Life at Sea, 1974;

“double-side skin” means a configuration where each ship side is constructed by the side shell and a longitudinal bulkhead connecting the double bottom and the deck;

“ESP Code” means the International Code on the Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil Tankers, 2011 (special measures to enhance maritime safety)(11);

“gross tons” means gross tonnage determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(12);

“ISM Code” means the International Management Code for the Safe Operation of Ships and for Pollution Prevention(13);

“length” has the same meaning as in the Load Line Convention(14);

“load line” means the line marked on a ship indicating the maximum depth to which a ship may be loaded;

“Load Line Convention” means the International Convention on Load Lines 1966(15);

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any document amending or replacing that notice which is considered by the

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The amendments to Chapter II-1 are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). See the footnote to the Convention for further information on the Convention.

- (9) Chapter VI in the Annex to the Convention was revised and replaced by International Maritime Organization (IMO) Resolution A.264(VIII) and has been further amended by IMO Resolutions MSC.23(59), MSC.47(66), MSC.69(69) (Cm 5771), MSC.123(75) (Cm 6587), MSC.193(79), MSC.194(80), MSC.239(83), MSC.268(85), MSC.269(85), MSC.282(86), MSC.318(89), MSC.325(90), MSC.354(92), MSC.380(94), MSC.393(95), MSC.426(98) and MSC.462(101). The amendments to Chapter VI are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). See the footnote to the Convention for further information on the Convention.
- (10) Chapter XII was revised and replaced by International Maritime Organization (IMO) Resolution MSC.170(79) (CP 262) and has been amended by MSC.216(82) (CM 9698). The amendments to Chapter XII are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). See the footnote to the Convention for further information on the Convention.
- (11) The ESP Code is made mandatory by regulation 2 of Chapter XI-1 in the Annex to the Convention (special measures to enhance maritime safety). It was adopted by IMO Resolution A.1049(27) and amended by IMO Resolutions MSC.371(93), MSC.381(94), MSC.405(96), MSC.412(97) and MSC.461(101). The ESP Code is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR.
- (12) S.I. 1997/1510, amended by S.I. 2020/362. There are other amendments but none is relevant to these Regulations.
- (13) The International Safety Management (ISM) Code was adopted by the IMO in Resolution A.741(18) and made mandatory by regulation 3 of Chapter IX in the Annex to the Convention. It was amended by IMO Resolutions MSC.104(73) (Cm 8063), MSC.179(79), MSC.195(80), MSC.273(85) and MSC.353(92).
- (14) See regulation 3 of Chapter 1 of Annex I to the Load Line Convention. For further information on the Load Line Convention see the footnote to its definition.
- (15) Cmnd. 3708. The Convention was amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28) and by its Protocol of 1988 (Cmnd. 4829). The Protocol was amended by IMO Resolutions MSC.143(77) (Cm 9698), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92) and MSC.375(93), which are contained in CM 9698 and found at <https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=70223>. The Convention and the Protocol of 1988 may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office (FCDO) treaties database. On the database, the Convention is located at <https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=66633> and the Protocol is located at <https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69527>. The text of the amendments to the Convention and the Protocol may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the FCDO treaties database at <https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>.

Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“sea-going” means operating outside Category A, B, C or D waters and for the purposes of this definition “Category A, B, C or D waters” means the waters specified as such in Merchant Shipping Notice 1837(M) Amendment 2(16);

“shipper” means any person who, whether as principal or agent for another, consigns goods for carriage by sea;

“solid bulk cargo” means any material, other than liquid or gas, consisting of a combination of particles, granules or any larger pieces of material, generally uniform in composition, which is loaded directly into the cargo spaces of a ship without any intermediate form of containment;

“summer load line” means the upper edge of the load line marked on a ship, indicated by the upper edge of that line which passes through the centre of the load line mark and also by a line marked “S”, and “load line mark” means a ring with a width of 25 millimetres and an outer diameter of 300 millimetres and a horizontal line with a width of 25 millimetres and a length of 450 millimetres, the upper edge of which bisects the ring, and both of which are placed on the side of a ship at amidships port and starboard;

“United Kingdom bulk carrier” means a bulk carrier that is a United Kingdom ship.

### Application

5.—(1) Subject to paragraph (2), these Regulations apply to sea-going bulk carriers of 500 gross tons or over which are—

- (a) United Kingdom bulk carriers, wherever they may be; or
- (b) non-United Kingdom bulk carriers, while they are within United Kingdom waters.

(2) A non-United Kingdom bulk carrier flying the flag of a State which is not a party to the Convention is not subject to these Regulations if it would not have been in United Kingdom waters but for stress of weather or any other circumstances which the master, owner or charterer could not have prevented.

(3) Where persons are on board a bulk carrier as a consequence of—

- (a) the circumstances described in paragraph (2); or
- (b) an obligation laid upon the master to carry shipwrecked or other persons(17),

those persons are not to be taken into account for the purpose of determining the application to that bulk carrier of any provision of these Regulations.

### Ambulatory reference

6.—(1) In these Regulations, any reference to an instrument referred to in paragraph (2) is to be construed—

- (a) as a reference to that instrument as modified from time to time; and
- (b) as, if that instrument is replaced, a reference to the replacement.

(2) The instruments are—

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(16) Merchant Shipping Notice 1837(M) Amendment 2, published 9th October 2017, is available on <https://www.gov.uk/government/publications/msn-1837-m-amendment-2-categorisation-of-waters>, and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)).

(17) Regulation 33 in Chapter V of the Convention (safety of navigation) places an obligation on the master to provide assistance to persons in distress at sea and this obligation is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673).

- (a) Chapter II-1;
  - (b) Chapter VI;
  - (c) Chapter XII;
  - (d) the ESP Code;
  - (e) the ISM Code; and
  - (f) the Load Line Convention.
- (3) For the purposes of paragraph (1)—
- (a) an instrument referred to in sub-paragraphs (a) to (e) of paragraph (2) is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention; and
  - (b) the Load Line Convention is modified or replaced if the modification or replacement takes effect in accordance with paragraph (4) of Article 28 of the Load Line Convention or Article VI of the Protocol of 1988<sup>(18)</sup> to the Load Line Convention.
- (4) A modification or replacement of an instrument referred to in sub-paragraphs (a) to (e) of paragraph (2) has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.
- (5) A modification or replacement of the Load Line Convention has effect at the time such modification or replacement comes into force in accordance with paragraph (4) of Article 28 of the Load Line Convention or Article VI of the Protocol of 1988 to the Load Line Convention.

### **Exemptions**

7.—(1) The Secretary of State may exempt from any provision of these Regulations or of Chapter XII, a bulk carrier which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage.

(2) The Secretary of State may exempt a bulk carrier to which regulation 12(4) (damage stability requirements for bulk carriers constructed before 1st July 1999) applies from the requirements of that provision and of regulation 14 (structural and other requirements for bulk carriers), where that bulk carrier—

- (a) has been constructed with an insufficient number of transverse watertight bulkheads to satisfy the requirements of that provision; and
  - (b) complies with the requirements in paragraph (3).
- (3) The requirements are that—
- (a) for the foremost cargo hold, the inspections prescribed for the annual survey in the enhanced programme of inspections during surveys required by the ESP Code are replaced with inspections prescribed by the ESP Code for the intermediate survey of cargo holds;
  - (b) the bulk carrier is provided with bilge well high water level alarms in all cargo holds, or in cargo conveyor tunnels, as appropriate, giving an audible and visual alarm on the navigation bridge, as approved by the Certifying Authority;
  - (c) detailed information is carried on the bulk carrier about specific cargo hold flooding scenarios, accompanied by detailed instructions on evacuation preparedness in accordance with section 8 of the ISM Code, to be used as the basis for crew training and drills.
- (4) The Secretary of State may, in exceptional circumstances not provided for in paragraphs (1) and (2), exempt from any of the provisions of these Regulations or of Chapter XII, a bulk carrier

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<sup>(18)</sup> Cmnd. 4829. Further information on the Protocol of 1988 is given in the footnote to the Load Line Convention.

if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that bulk carrier.

(5) An exemption under paragraph (1), (2) or (4) or an approval under paragraph (3)(b), may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the bulk carrier.

(6) An exemption granted under paragraph (1), (2) or (4) or an approval under paragraph (3)(b), may, on the giving of reasonable notice, be altered or cancelled.

(7) An exemption granted under paragraph (1), (2) or (4), an approval under paragraph (3)(b) or an alteration or cancellation under paragraph (6), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(8) The requirement that an exemption granted under paragraph (1), (2) or (4), an approval under paragraph (3)(b) or an alteration or cancellation under paragraph (6), be in writing is satisfied where the text of the exemption, approval, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(9) Where an exemption under paragraph (1), (2) or (4) is granted subject to safety requirements under paragraph (5), the exemption ceases to have effect if those requirements are not complied with.

(10) In this regulation—

“international voyage” means a voyage between—

- (a) a port in the United Kingdom and a port outside the United Kingdom; or
- (b) a port in a Convention country (other than the United Kingdom) and a port in any other country or territory (whether a Convention country or not) which is outside the United Kingdom,

and, for the purposes of paragraph (b), “Convention country” means a country or territory which is either a country the Government of which is party to the Convention or a territory to which the Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the Convention;

“watertight” has the same meaning as in Chapter II-1(19).

## Equivalents

8.—(1) Where these Regulations or Chapter XII require that—

- (a) the hull or machinery of a bulk carrier must be constructed in a particular manner;
- (b) a particular fitting, material, appliance or apparatus, or a type of fitting, material, appliance or apparatus be fitted on, or carried in, a bulk carrier; or
- (c) any other particular arrangement or provision be made in relation to a bulk carrier,

the Secretary of State may approve the hull or machinery of the bulk carrier to be constructed in any other manner, or any other fitting, material, appliance, apparatus, arrangement or other provision if satisfied that it is at least as effective as that required by these Regulations or by Chapter XII, as the case may be.

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(19) See regulation 2 of Chapter II-1.

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(4) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation under paragraph (2), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

## **Approvals**

**9.—**(1) Unless approved under the Merchant Shipping (Marine Equipment) Regulations 2016~~(20)~~, any equipment required by these Regulations or Chapter XII and placed on board a United Kingdom bulk carrier must be approved by the Secretary of State, or any person authorised by the Secretary of State.

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(4) The requirement that the approval referred to in paragraph (1) or a continuation, alteration or cancellation under paragraph (2), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.