

STATUTORY INSTRUMENTS

1986 No. 1069

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Dangerous Goods) (Amendment)
Regulations 1986***Laid before Parliament in draft**Made - - - 25th June 1986**Coming into Operation 1st July 1986*

The Secretary of State for Transport, in exercise of powers conferred by section 23 of the Merchant Shipping (Safety Convention) Act 1949(a) and now vested in him(b) and after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(c) in exercise of the powers conferred on him by sub-sections (1)(a) and (b), (3), (4) and (6) of section 21 and section 22(1) and (3) of that Act and all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Merchant Shipping (Dangerous Goods) (Amendment) Regulations 1986 and shall come into operation on 1st July 1986.

2. The Merchant Shipping (Dangerous Goods) Regulations 1981(d) are hereby amended as follows:

- (1) in regulation 1(2)
 - (a) in the definition of “dangerous goods declaration” the word “signed” shall be inserted before the words “certificate or declaration in writing”;
 - (b) in the definition of “package” there shall be added at the end the words “and “packaged” shall be construed accordingly”;
 - (c) the definitions of “IMCO”, “IMCO Bulk Dangerous Chemicals Code”, “IMCO Bulk Liquefied Gases Code for New Ships”, “IMCO Bulk Liquefied Gases Code for Existing Ships”, “IMCO Solid Bulk Cargoes Code”, “loaded in bulk” and “Merchant Shipping Notice” shall be deleted, and the following definitions shall be inserted:—

(a) 1949 c.43.

(b) See S.I. 1970/1537.

(c) 1979 c.39; section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c.48).

(d) S.I. 1981/1747.

“Bulk Chemical Code” means the 1985 edition of the IMO Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“Gas Carrier Code” means the 1983 edition of the IMO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;

“Gas Carrier Code for Existing Ships” means the 1976 edition of the IMO Code for Existing Ships Carrying Liquefied Gases in Bulk, including the first set of amendments (adopted by the Maritime Safety Committee of the IMO in April 1978), the second set of amendments (adopted by the Maritime Safety Committee of the IMO in May 1979), the third set of amendments (adopted by the Maritime Safety Committee of the IMO in May 1980) and the fourth set of amendments (adopted by the Maritime Safety Committee of the IMO in November 1984);

“IMO” means the International Maritime Organization, formerly known as the Inter-governmental Maritime Consultative Organization;

“in bulk” means directly and without intermediate form of containment in the structural cargo spaces of a ship;

“International Bulk Chemical Code” means the 1983 edition of the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“International Gas Carrier Code” means the 1983 edition of the IMO International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;

“Merchant Shipping Notice” means a Notice described as such issued by the Department of Transport, and any reference to a particular Merchant Shipping Notice includes a reference to any Merchant Shipping Notice amending or replacing it;

“Solid Bulk Cargoes Code” means the 1983 edition of the IMO Code of Safe Practice for Solid Bulk Cargoes, including the 1985 amendments adopted by the Maritime Safety Committee of the IMO in November 1984;”;

(d) in the definition of “United Nations number” for the words “specified in their publication entitled “Transport of Dangerous Goods” published in 1977 by the United Nations Organisation” there shall be substituted “specified in the fourth revised edition of their publication entitled “Recommendations on the Transport of Dangerous Goods” published in 1986 by the United Nations Organisation”;

(2) in regulation 1 the following paragraph shall be substituted for paragraph (3):

“(3) Any reference in these Regulations to the Blue Book, the Bulk Chemical Code, the Gas Carrier Code, the Gas Carrier Code for Existing

Ships, the Solid Bulk Cargoes Code, the IMDG Code or the United Nations 1986 publication entitled "Recommendations on the Transport of Dangerous Goods" shall include a reference to any document amending that publication which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.";

(3) regulation 1(6)(a) shall be deleted;

(4) in regulation 1(6)(b) for the words "regulation 11 of the Merchant Shipping (Dangerous Goods) Regulations 1981" there shall be substituted the words "regulation 12 of the Merchant Shipping (Dangerous Goods) Regulations 1981";

(5) in regulation 2(2)(a) and (b), the words "IIA" shall be inserted before the words "and III";

(6) the following regulation shall be substituted for regulation 3:

3.—(1) It shall be the duty of every shipowner and employer of persons aboard a ship and of every master of a ship to ensure, so far as is reasonably practicable, that when any dangerous goods are being carried, stowed, or handled on the ship or loaded onto or unloaded from the ship, nothing in the manner in which those goods are carried, stowed, handled, loaded or unloaded as the case may be is such as might create a risk to the health or safety of any person.

(2) Without prejudice to the generality of the shipowner's or employer's or master's duty under paragraph (1) above—

(a) the matters to which the duty of the shipowner and of the employer extends shall include in particular:

(i) the provision and maintenance of ship's equipment for the handling, stowage and transport of dangerous goods which is, so far as is reasonably practicable, safe and without risk to health;

(ii) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety aboard ship of employees in connection with the handling, stowage and transport of dangerous goods on the ship; and

(b) the duty of the master of a ship registered outside the United Kingdom shall include the matters specified in sub-paragraphs (2)(a)(i) and (ii).

(3) If a shipowner or employer or master fails to comply with any of the provisions of this regulation he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(4) It shall be a good defence to a charge under this regulation in relation to the handling, loading or unloading of dangerous goods that such handling, loading or unloading, as the case may be, was carried out in accordance with the Code of Practice at annex 1 to Merchant Shipping Notice No. M. 1213.";

(7) in the first lines of regulation 7(1)(a), 7(1)(b), 7(5) and 7(6) the word “packaged” shall be inserted before the words “dangerous goods”;

(8) in regulation 8 the first line shall be amended to read as follows: “Packaged dangerous goods shall not be taken”;

(9) after regulation 9 the following new headings shall be inserted:

“PART IIA
STOWAGE AND CARRIAGE”;

(10) regulation 10 shall be replaced by the following:

“10.—(1) Dangerous goods taken on board any ship to which these Regulations apply for carriage in that ship shall be stowed in that ship in a manner which is a safe and proper manner of stowage for the goods, having regard to their identity and dangerous properties, indicated (in the case of packaged goods) by the markings referred to in regulation 9.

(2) In the case of goods packed in a freight container or vehicle, the goods shall be packed in the container or vehicle in a manner which is a safe and proper manner of packing for the goods, having regard to their identity and dangerous properties, indicated by the markings referred to in regulation 9.

(3) Packaged dangerous goods which give off dangerous vapours shall be stowed in a mechanically ventilated space or on deck.

(4) Dangerous goods in solid form in bulk which give off dangerous vapours shall be stowed in a well ventilated space.

(5) Dangerous goods of different kinds which the shipowner or any of his servants or agents knows or ought to know are liable to interact dangerously in the quantities carried shall be effectively segregated from one another.

(6) If a shipowner or any of his servants or agents or master, or the person responsible for packing goods in a freight container or vehicle or for stowing the goods in the ship, fails to comply with the provisions of this regulation, he shall be guilty of an offence.

(7) In any proceedings against an owner or master in respect of a failure to comply with the provisions of this regulation, it shall be a good defence to prove:

- (a) that the goods were stowed in accordance with the provisions of the Blue Book or, where there are no relevant provisions in the Blue Book, of the IMDG Code; or
- (b) in respect of a failure to comply with paragraph (2), that before the freight container or vehicle was taken on board the ship the person responsible for packing the goods into the container or vehicle had furnished the shipowner or master of the ship with a signed packing certificate certifying that the goods had been properly packed in the container or vehicle; or

- (c) in the case of solid goods in bulk, that the goods were stowed in accordance with the recommendations of the Solid Bulk Cargoes Code.”;
- (11) in regulation 13
- (a) the following sentence shall be added to paragraph (1):
- “Such notification shall specify the correct technical name of the goods, the United Nations number (if any) and, for dangerous goods carried in solid form in bulk, the class listed in regulation 7(2) to which the goods belong.”;
- (b) the following paragraph shall be added at the end:
- “(3) The master of a ship carrying dangerous goods in solid form in bulk listed in Appendix B to the Solid Bulk Cargoes Code shall cause a specific list, manifest or detailed stowage plan to be carried in the ship setting forth details of the dangerous goods carried in the ship on the voyage on which she is currently engaged (including the correct technical name of the goods, their classification in accordance with regulation 7(2) and their weight or quantity); such details shall be obtained from the shipping documents prepared by the shipper. Additionally the master shall cause details of the location in the ship where the goods are stowed to be recorded. He shall also cause to be carried in the ship any additional special documents required for the acceptance of dangerous goods for carriage. Such list, manifest or stowage plan and additional special documents referred to in this paragraph shall be available on board the ship carrying those dangerous goods.”;
- (12) in regulation 14:
- (a) the proviso shall be deleted from paragraph (1);
- (b) the following paragraph shall be added at the end:
- “(3) It shall be a good defence in proceedings for an offence under this regulation for the person charged to prove—
- (a) that he did not know that the goods could not be safely carried as required by paragraph (1); and
- (b) (i) where the dangerous goods in question are goods listed in Chapter VI of the Bulk Chemical Code, or in Chapter 17 of the International Bulk Chemical Code, or in Chapter XIX of the Gas Carrier Code, or in Chapter XIX of the Gas Carrier Code for Existing Ships, or in Chapter 19 of the International Gas Carrier Code, or are classified dangerous goods listed in Appendix B of the Solid Bulk Cargoes Code, that they were loaded in accordance with the recommendations of whichever of those Codes was appropriate; or
- (ii) where the dangerous goods in question consist of a liquid chemical or a liquefied gas which is not listed in

the Codes mentioned in sub-paragraph (i), that they were loaded in accordance with conditions determined by the Secretary of State.”;

- (13) (a) in the first lines of regulations 15 and 16, the words “Part IIA” shall be inserted before the words “or Part III”; and
- (b) in regulation 17, second line, and in regulation 18(1), first line, the words “IIA” shall be inserted before the words “or III”.

John Moore,
Secretary of State for Transport.

25th June 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Merchant Shipping (Dangerous Goods) Regulations 1981.

The principal changes are that in Part I the duty to ensure that dangerous goods are carried in such a way that they do not create a risk to the health or safety of any person is extended to all masters; it is made clear that regulations 7-9 apply to packaged goods only and that regulations 10-12 apply generally to dangerous goods; the Regulations are extended to give effect to additional requirements (mainly applying to dangerous goods carried in solid form in bulk) in Part A of Chapter VII of the International Convention for the Safety of Life at Sea, 1974 as set out in the amendments to that Convention (“the 1983 Amendments”) which were adopted by the Maritime Safety Committee of the International Maritime Organization on 17th June 1983; and account has been taken of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk and the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, which were adopted by the Maritime Safety Committee on the same date as the 1983 Amendments.

Copies of the Codes, which are contained in volumes II and III, respectively, of the 1983 Amendments, are obtainable from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR. Merchant Shipping Notices are obtainable from the Department of Transport Marine Library, Sunley House, 90 High Holborn, London WC1V 6LP, and from any Department of Transport Marine Office.

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