
STATUTORY INSTRUMENTS

1990 No. 2605

**The Merchant Shipping (Dangerous Goods
and Marine Pollutants) Regulations 1990**

PART II

Carriage of Packaged Goods

Documentation

- (a) 7. (1) (a) No packaged goods shall be offered for carriage or taken on board any ship unless a dangerous goods declaration or a marine pollutants declaration as appropriate has been furnished to the shipowner or master.
- (b) Where goods are both dangerous and a marine pollutant, the dangerous goods declaration and the marine pollutant declaration may be a combined document.
- (2) Such declaration shall indicate the correct technical name followed by the words MARINE POLLUTANT where appropriate, the UN number (where one exists) and in the case of dangerous goods shall indicate to which of the following classes the goods belong:

Class 1— Explosives.

Class 2— Gases compressed, liquefied or dissolved under pressure, subdivided into three categories:

Class 2.1 Flammable gases;

Class 2.2 Non-flammable gases, being compressed, liquefied or dissolved but neither flammable nor poisonous;

Class 2.3 Poisonous gases.

Class 3— Flammable liquids, subdivided into three categories:

Class 3.1 Low flashpoint group of liquids having a flashpoint below -618 degrees Celsius, closed cup test;

Class 3.2 Intermediate flashpoint group of liquids having a flashpoint of -618 degrees Celsius up to, but not including, 23 degrees Celsius, closed cup test;

Class 3.3 High flashpoint group of liquids having a flashpoint of 23 degrees Celsius up to and including 61 degrees Celsius, closed cup test.

Class 4.1— Flammable solids.

Class 4.2— Substances liable to spontaneous combustion.

Class 4.3— Substances which in contact with water emit flammable gases.

Class 5.1— Oxidising substances (agents).

Class 5.2— Organic peroxides.

Class 6.1— Poisonous (toxic) substances.

Class 6.2— Infectious substances.

Class 7— Radioactive materials.

Class 8— Corrosives.

Class 9— Miscellaneous dangerous substances and articles which present a danger not covered by other classes.

(3) Such declaration shall include the following information where appropriate:

- (a) the number and type of packages;
- (b) the total quantity of packaged goods covered by the declaration (gross Mass or Volume);
- (c) other information required by the IMDG Code.

(4) The declaration shall include a statement that the goods are packaged in accordance with these regulations.

(5) It shall be the duty of the shipper to furnish the shipowner or master with the declaration required by this regulation, unless he does not deliver the goods to the ship or its agent. In such case it shall be the duty of the shipper to furnish the forwarder with such declaration.

(6) In the case that the shipper does not deliver the goods to the ship or its agent it shall be the duty of the forwarder to furnish the shipowner or master with the declaration.

(7) If a shipper or a forwarder fails to furnish a declaration as required by this regulation, or furnishes a declaration which he knew or ought to have known to be false, he shall be guilty of an offence.

(8) If a shipowner or master accepts for carriage, or takes or receives on board any packaged goods for which a declaration which is required by this regulation has not been furnished, he shall be guilty of an offence.

Packing Certificates

8.—(1) Where packaged goods have been packed into a freight container or in to or on to a vehicle, the person responsible for packing such goods therein shall furnish the shipowner or master of the ship with a signed packing certificate in accordance with the requirements of the IMDG Code.

(2) If the person responsible for packing such goods fails to furnish the owner or the master of the ship with a signed packing certificate he shall be guilty of an offence.

(3) A shipowner or his agent or the master shall not take on board a ship any freight container or vehicle with such goods in it without a signed packing certificate unless he has satisfied himself otherwise that the freight container or vehicle has been packed in accordance with the IMDG Code. If a shipowner or his agent or the master fails to comply with the provisions of this paragraph he shall be guilty of an offence.

List, manifest or stowage plan

9.—(1) The master of a ship carrying packaged goods shall cause a special list, manifest or stowage plan to be carried in the ship:—

- (a) setting out details, obtained from the shipping documents submitted by the shipper, of the packaged goods on board including the correct technical name of the goods, their classification in accordance with the regulation 7(2) and their mass or volume; and
- (b) showing details of the location in the ship where the goods are stowed.

(2) The information required by paragraph (1) may be contained in one combined list, manifest or stowage plan relating to both packaged dangerous goods and packaged marine pollutants, or in two such lists, manifests or stowage plans, one relating to dangerous goods and the other to marine pollutants. Where a combined document is used it shall show clearly which goods are dangerous goods and which are marine pollutants.

- (a) (3) (a) Before a ship carrying marine pollutants departs from a port, the shipowner and master shall arrange for a copy of any such list, manifest or stowage plan of marine pollutants to be kept on shore and it shall be the duty of the shipowner to retain it there until the goods are discharged from the ship or for a period of six months from loading in the case of such goods not being discharged within that time.
- (b) Any person duly authorised by the Secretary of State shall be furnished on request with a copy of any list, manifest or stowage plan referred to in sub-paragraph (a) of this paragraph for retention by him or otherwise as he may specify.
- (4) The master shall also carry in the ship any additional special documents where required by the IMDG Code for the carriage of packaged dangerous goods.
- (5) Any such list, manifest or stowage plan and any additional special documents required for the acceptance of such goods for carriage in the ship shall be kept available for reference or inspection on board the ship until the goods have been discharged from the ship.
- (6) If the master of a ship carrying packaged goods fails to cause a list, manifest or stowage plan or additional special documents to be carried in the ship or kept available as required by paragraph (5) of this regulation, he shall be guilty of an offence.
- (7) If there is any breach of paragraph (3) of this regulation the shipowner and master shall each be guilty of an offence.

Packaging of dangerous goods and marine pollutants

- 10.**—(1) The packaging of packaged goods shall be in accordance with the IMDG Code. Such packaging shall, if required by the IMDG Code, be performance tested as specified in the Code.
- (2) Packaged goods shall not be taken on board any ship for carriage in that ship if the shipowner or master knows or ought to know that the goods are not packaged in such a manner as to withstand the ordinary risk of carriage by sea.
 - (3) If the shipowner or master or the shipper of such goods fails to comply with the provisions of this regulation he shall be guilty of an offence.

Marking and Labelling

- 11.**—(1) Dangerous goods or marine pollutants which are contained in a package shall not be taken on board a ship for carriage in that ship unless the conditions in this Regulation are satisfied.
- (a) (2) (a) Packages containing dangerous goods or marine pollutants shall be durably marked in accordance with the IMDG Code.
 - (b) Packages containing dangerous goods shall be provided with labels or stencils of labels or placards where specified in the IMDG Code.
 - (c) The method of marking the correct technical name and of affixing labels or applying stencils of labels or placards or marine pollutants marks as appropriate, on packages containing dangerous goods or marine pollutants shall be such that the information marked, affixed or applied will remain legible after the package has been immersed for three months in the sea or if the package itself disintegrates before the end of that period, for as long as the package will last. Where the outer material of the package is such that it will not survive at least three months' immersion in the sea, any inner receptacles which will survive such immersion shall be durably marked with an indication of the nature of the danger to which the goods give rise, which indication may be given by any suitable means including (but not restricted to) an IMDG Code Class symbol or marine pollutant mark, or both of an appropriate size.

(d) Without prejudice to the above requirements, where the goods are contained in a freight container, vehicle, portable tank or tank container, the cargo transport unit in which the goods are contained shall bear conspicuously on its exterior distinctive placards or other appropriate marking, in accordance with the IMDG Code.

(3) Any breach of the requirement of this regulation relating to the marking, labelling or placarding of packaged goods shall be an offence on the part of the shipper of those goods.

(4) If a shipowner or master accepts dangerous goods or marine pollutants to be taken on board a ship in any package which has not been marked and labelled, or placarded as provided for in this regulation he shall be guilty of an offence.

Stowage

12.—(1) Packaged goods shall be stowed, segregated and secured in accordance with the IMDG Code.

(2) Where packaged goods are shipped in or on a vehicle or freight container which was loaded after those goods left the premises or control of the shipper it shall be the duty of the person responsible for loading that vehicle or freight container to ensure that the stowage, segregation, and securing of those goods in the vehicle or freight container is adequate and is in accordance with the IMDG Code.

(3) If a shipowner 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.

Carriage of explosives

13.—(1) No explosives which the shipowner or master knows or ought to know presents a serious risk when carried in a ship shall be taken on board any ship unless:—

- (a) such explosives are stowed in a compartment in which any electrical apparatus and cables are so designed and used as to minimise the risk of fire or explosion; and
- (b) detonators are effectively segregated from all other explosives; and
- (c) the stowage and segregation of explosives are in accordance with the IMDG Code; and
- (d) where such explosives are required to be stowed in a magazine, such magazine is kept securely closed while the ship is at sea.

(2) If the shipowner or master fails to comply with this regulation he shall be guilty of an offence.

Carriage of packaged dangerous goods in passenger ships

14.—(1) Stowage and segregation of all packaged dangerous goods carried aboard a passenger ship shall be in accordance with the IMDG Code.

(2) Explosives in Class 1, division 1.4, compatibility group S may be carried in any amount in passenger ships. No other explosives may be carried in a passenger ship with more than 12 passengers except any one of the following:—

- (a) explosive articles for life-saving purposes, if the total net explosives mass of such articles does not exceed 50 kg per ship; or
- (b) explosives in compatibility groups C, D and E, if the total net explosives mass does not exceed 10 kg per ship; or
- (c) explosive articles in compatibility group G other than those requiring special stowage, if the total net explosives mass does not exceed 10 kg per ship; or

- (d) explosive articles in compatibility group B, if the total net explosives mass does not exceed 5 kg per ship.
- (2) In this regulation, references to “compatibility groups” and “division” are references to compatibility groups and divisions for explosives indicated in the IMDG Code.
- (3) If the shipowner or master fails to comply with this regulation he shall be guilty of an offence.

Document of compliance to carry packaged dangerous goods

15.—(1) No packaged dangerous goods shall be taken on board any ship the keel of which was laid or which was at a similar stage of construction on or after 1st September 1984 unless it has on board a document of compliance, issued by or on behalf of the Secretary of State or the competent authority of the country in which it is registered, that the spaces in which the packaged dangerous goods are to be carried comply with the provisions of regulations 143 of the Merchant Shipping (Fire Protection) Regulations 1984(1) appropriate to the classification of those goods intended for stowage in or on that space.

(2) If the shipowner or the master fails to comply with this regulation, he shall be guilty of an offence.