
STATUTORY INSTRUMENTS

1997 No. 19

The Merchant Shipping (Carriage of Cargoes) Regulations 1997

PART I

General

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Merchant Shipping (Carriage of Cargoes) Regulations 1997 and shall come into force on 6th February 1997.

(2) The Merchant Shipping (Grain) Regulations 1985(1) are hereby revoked.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires:

“appropriate cargo information” or “documentation” means information or 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;

“cargo” means any cargo which, owing to its particular hazard to ships or persons on board, may require special precautions, with the exception of liquids in bulk, gases in bulk and dangerous goods;

“cargo hold” or “space” means any hold or space in the ship appropriated for the carriage of cargo;

“cargo unit” includes a cargo transport unit and means wheeled cargo, vehicle, container, flat, pallet, portable tank, packaged unit, or any other cargo, and loading equipment, or any part thereof, which belongs to the ship and which is not fixed to the ship;

“cargoes which may liquefy” means cargoes which are subject to moisture migration and subsequent liquefaction if shipped with a moisture content in excess of the transportable moisture limit;

“certifying authority” means the Secretary of State or any other person or organization authorised by the Secretary of State;

“container” means an article of transport as defined in the International Convention for Safe Containers, (CSC 1972), published by the Organization;

“dangerous goods” has the meaning given by regulation 1(3) of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1990(2), and “Dangerous Goods Regulations” means those Regulations;

“Department” means the Department of Transport;

(1) S.I.1985/1217.

(2) S.I. 1990/2605, to which there is an amendment not relevant to these Regulations.

“flow moisture point” means the percentage moisture content (wet weight basis) at which a flow state develops under the methods of test in a representative sample of the material as prescribed by the Code of Safe Practice for Solid Bulk Cargoes (BC Code), published by the Organization;

“flow state” means the condition when a mass of granular material is saturated with liquid to an extent that under prevailing external forces such as vibration, impactation or ship’s motion, it loses its internal shear strength and behaves as a liquid;

“forwarder” means a person who receives the appropriate cargo information in preparation for eventual delivery of the cargo to the ship or its agent, and may include a cargo packer or consolidator;

“grain” includes wheat, maize (corn), oats, rye, barley, rice, pulses, seeds and processed forms thereof whose behaviour is similar to that of grain in its natural state;

“international grain code” means the International Code for the Safe Carriage of Grain in Bulk adopted by the Maritime Safety Committee of the Organization by resolution MSC.23(59) on 23rd May 1991;

“Marine Safety Agency” means the Marine Safety Agency, an executive agency of the Department;

“Merchant Shipping Notice” means a Notice described as such, issued by the Department;

“moisture content” means the amount of moisture present in a particular sample expressed as a percentage by weight of the total wet weight of the sample;

“the organization” means the International Maritime Organization;

“offshore supply vessel” means a ship which is used for the transportation of stores, materials, equipment and personnel between a base ashore and offshore installations or between offshore installations;

“operator” in relation to a ship means any owner, charterer, manager and agent of the ship;

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

“SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974, as amended, in force at 1st January 1996;

“surveyor” means a marine surveyor of a certifying Authority and includes any marine surveyor of the Marine Safety Agency;

“transportable moisture limit” means 9/10ths of the flow moisture point;

“trimmed” means any levelling of the material within a cargo space, either partial or total, by means of loading spouts or chutes, portable machinery, equipment or manual labour.

(2) Unless otherwise stated a reference in a regulation to a numbered paragraph is a reference to the paragraph of that number in the regulation.

(3) Any reference in these Regulations to any Code, Convention or Merchant Shipping Notice shall include a reference to any document amending it which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(4) Any approval given pursuant to these Regulations shall be given in writing and shall specify the date when it is to come into force and the conditions (if any) on which it is given.

(5) In interpreting the International Grain Code—

- (a) the requirements having been made mandatory under regulation 11 the language thereof shall be construed accordingly;
- (b) the definitions set out in A 2 shall apply;

- (c) references to the Administration shall, in relation to United Kingdom ships, be references to the Marine Safety Agency; and references to the Contracting Government of the port of loading, in relation to all ships in the United Kingdom, be references to the Secretary of State.

Application

3.—(1) Subject to paragraph (2) below these Regulations apply to:

- (i) sea-going United Kingdom ships wherever they may be, and
- (ii) sea-going non United Kingdom ships while they are within the United Kingdom or the territorial waters thereof,

when loaded or intended to be loaded with any cargo, with the exception of liquids in bulk, gases in bulk, and cargoes which are classified as Dangerous Goods.

- (2) These Regulations do not apply to offshore supply vessels.