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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement in the United Kingdom Directive [2001/96/EC](#) of the European Parliament and of the Council of 4 December 2001 (establishing the harmonised requirements and procedures for the safe loading and unloading of bulk carriers). They also implement Directive [2002/84/EC](#) of the European Parliament and of the Council of 5 November 2002 (amending the Directives on maritime safety and the prevention of pollution from ships), in so far as that Directive relates to the 2001 Directive.

The Regulations provide for their application generally to all terminals in the United Kingdom or in United Kingdom waters visited by bulk carriers, and to all bulk carriers which are United Kingdom ships or which call at a terminal to which the Regulations apply (regulation 4).

The Regulations impose requirements in relation to terminal operators satisfying themselves as to the operational suitability of bulk carriers for loading and unloading solid bulk cargoes (regulation 5). They impose requirements on terminal operators in relation to the suitability of terminals, but provide for the MCA to grant exemptions in some cases (regulation 6).

Responsibilities and requirements are imposed on masters of bulk carriers (regulation 7), and on terminal representatives (regulation 8). Both masters and terminal representatives are required to follow certain procedures (regulation 9), and have duties where damage occurs during loading or unloading (regulation 10).

The MCA has the role of verifying compliance with certain requirements (regulation 11).

The Regulations include provision to avoid duplicating requirements which already exist in other Regulations (regulation 12).

Non-compliance with the requirements is made an offence, punishable with a fine (regulation 13). Section 2(2) of the European Communities Act 1972 is cited as an enabling power, in addition to sections 85 and 86 of the Merchant Shipping Act 1995. This is because the requirements imposed under regulation 11 may oblige the MCA to intervene where this is required in the interests of the marine environment, whether or not this is also in the interests of safety.

A Regulatory Impact Assessment and a Transposition Note have been prepared and copies may be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG. A copy has been placed in the Library of each House of Parliament. Merchant Shipping Notices can be obtained from Marl Marketing (Scotland), Unit 6, Blooms Grove Industrial Estate, Norton Street, Nottingham NG7 3JG (telephone 0115 901 3336; fax 0115 901 3334; e-mail orders mca&commat;promo-solution.com). They may also be accessed via the MCA's website <http://www.mca.gov.uk>.

The MCA publication "Safe Loading and Unloading of Bulk Carriers 2003, Implementing EC Directive [2001/96/EC](#) (establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers)" will be obtainable from The Stationery Office on or before 1st March 2004, when these Regulations come into force. In the meantime, copies may be obtained from the MCA on payment of the photocopying fee. A copy will also be available (free of charge) on the MCA's website, which the MCA intends to keep up to date with any amendments.

Copies of the International Convention for the Safety of Life at Sea, 1974, together with the Protocols and amendments thereto, and of the Code of Practice for the Safe Loading and Unloading of Bulk Carriers, may be obtained from the International Maritime Organization at 4 Albert Embankment, London SE1 7SR.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Safe Loading and Unloading of Bulk Carriers) Regulations 2003.