
STATUTORY INSTRUMENTS

2004 No. 930

The Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) (Amendment) Regulations 2004

Amendment of principal Regulations: Interpretation

2.—(1) In regulation 2(1) of the principal Regulations:

- (a) after the definition of “Annex II” there shall be inserted the following:
 - ““anniversary date” means the day and month of each year which will correspond to the date of expiry of the appropriate Certificate;
 - “appropriate Certifying Authority” means the Secretary of State or any person authorised by the Secretary of State and includes in particular (if so authorised) Lloyd’s Register of Shipping, the British Committee of Bureau Veritas, the British Committee of Det Norske Veritas, the British Committee of Germanischer Lloyd, the British Technical Committee of the American Bureau of Shipping and the British Committee of Registro Italiano Navale;”,
- (b) the definitions of “appropriate Certificate” and “appropriate Regulation” shall be deleted;
- (c) at the end of the definition of “BCH Code” there shall be inserted the words “as amended by Resolution MEPC.41(29) and Resolution MSC.18(58), Resolution MEPC.80(43) and Resolution MEPC.91(45)”,
- (d) for the definition of “BCH Code Certificate” there shall be substituted the following:
 - ““BCH Code Certificate” means a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk which certifies compliance with the requirements of the BCH Code;”,
- (e) the definition of “Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk” shall be deleted;
- (f) after the definition of “dangerous substance” there shall be inserted the following definition:
 - ““GT” means gross registered tonnage, and the gross registered tonnage of a ship having alternative gross registered tonnages shall be taken to be the larger of those tonnages;”,
- (g) in the definition of “IBC Code”:
 - (i) for “1994” there shall be substituted “1998”, and
 - (ii) at the end of the definition there shall be inserted the words “as amended by Resolution MEPC.40(29), Resolution MSC.16(58.), Resolution MEPC.79(43) and Resolution MEPC.90(45);”,
- (h) for the definition of “IBC Code Certificate” there shall be substituted the following:
 - ““IBC Code Certificate” means an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, which certifies compliance with the requirements of the IBC Code;”,
- (i) the definition of “INLS Certificate” shall be deleted;

(j) after the definition of “IOPP Certificate” there shall be inserted the following definition:
““Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport;”

(k) for the definition of “the MARPOL Convention” there shall be substituted the following:
““the MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships, 1973, including its Protocols, Annex II (but no other Annex) and appendices thereto⁽¹⁾, as amended by the Protocol of 1978 to that Convention⁽²⁾ and includes all the amendments adopted by the IMO up to 11th October 2002:”

(1) after the definition of “the MARPOL Convention” there shall be inserted the following:
““Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency, and any reference to a particular Merchant Shipping Notice includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“NLS Certificate” means an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk which certifies compliance with Annex II;

“short international voyage” means a voyage from a port in one country to which the Convention applies to a port in another country, or conversely—

- (a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety, and
- (b) which does not exceed 600 nautical miles in distance between the last port of call in the country in which the voyage begins and the last port of call in the scheduled voyage before beginning a return voyage, and which on the return voyage does not exceed 600 nautical miles in distance between the port of call in which the ship commences its return voyage and the first port of call in the country in which the voyage began,

and for the purposes of this definition no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled;”

(2) In regulation 2(2) of the principal Regulations, for the words in sub-paragraph (g) onwards there shall be substituted the following:

“IMO Guidelines;

shall include any amendments to those documents adopted by the IMO which are considered by the Secretary of State to be relevant from time to time and are specified in a Merchant Shipping Notice.”

(1) Cmnd. 5748.
(2) Cmnd. 7347.