
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement amendments to Chapter XII of the International Convention for the Safety of Life at Sea, 1974 (“the Convention”) relating to additional safety measures for bulk carriers and apply to all bulk carriers of 500 gross tons or more; that is, United Kingdom bulk carriers wherever they are in the world and foreign flagged bulk carriers while they are in United Kingdom waters. They also make provision in respect of bulk carriers to which the Convention does not apply. The Regulations contain particular requirements for bulk carriers that are additional to the requirements in other merchant shipping legislation implementing the Convention, and with which bulk carriers must also comply.

The Regulations revoke and replace the Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 1999 (S.I. 1999/1644) (“the 1999 Regulations”) and revoke the Merchant Shipping (Additional Safety Measures for Bulk Carriers) (Amendment) Regulations 2004 (S.I. 2004/2151), which amend the 1999 Regulations. The Regulations also make partial revocations to the Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018 (S.I. 2018/1221).

All future amendments to the provisions of Chapter XII, the International Code on the Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil Tankers 2011 and the International Management Code for the Safe Operation of Ships and for Pollution Prevention referred to in these Regulations will be automatically incorporated into UK law by virtue of the ambulatory reference provision in regulation 6. Amendments to provisions of Chapter II-1 of the Convention referred to in regulations 10 and 11 of the Regulations will be similarly incorporated.

The Regulations provide for the granting of exemptions (regulation 7), the approval of equivalents (regulation 8) and the approval of equipment (regulation 9).

Part 2 of the Regulations makes provision for surveys of bulk carriers, in respect of which there are particular requirements.

The special requirements applicable to bulk carriers are prescribed in Part 3 of the Regulations and relate to damage stability requirements (regulation 12), the structural strength of bulk carriers constructed on or after 1st July 1999 (regulation 13), structural and other requirements for bulk carriers (regulation 14), information on compliance with the requirements for bulk carriers (regulation 15), the solid bulk cargo density declaration (regulation 16), the loading instrument (regulation 17), water level detectors (regulation 18), pumping systems (regulation 19) and restrictions from sailing with any hold empty (regulation 20).

The Regulations also provide for contravention of the various requirements in Parts 2 and 3 to be offences and subject to criminal penalties (regulation 21). In cases of non-compliance with the requirements of the Regulations or Chapter XII, a bulk carrier may be detained (regulation 22).

Regulation 23 requires the Secretary of State to review the operation and effect of these Regulations and publish a report at the end of the period of five years beginning with the date on which these Regulations come into force and at intervals not exceeding five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

The Convention and its Protocol of 1988 may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR and both are available on the Foreign, Commonwealth and Development Office (FCDO) treaties database ([dhttps://treaties.fcdo.gov.uk/](https://treaties.fcdo.gov.uk/)

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responsive/app/consolidatedSearch). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO or can be found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>).

Future amendments to the Convention and to the Protocol may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). Until such publication is made on the FCDO treaties database, an amendment will be available from the Maritime and Coastguard Agency (MCA) and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

A full impact assessment has not been produced for this instrument as the Regulations relate to the updating and maintenance of existing regulatory standards and no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.