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STATUTORY INSTRUMENTS

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**2022 No. 1218**

**The Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 2022**

**PART 1**

Preliminary

**Interpretation**

**4.** In these Regulations—

“breadth” has the same meaning as in the Load Line Convention<sup>(1)</sup>;

“bulk carrier” means a ship which is intended primarily to carry solid bulk cargo and constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces, including such types as combination carriers and ore carriers, where—

- (a) “combination carrier” means a ship designed to carry oil or alternatively solid bulk cargo; and
- (b) “ore carrier” means a sea-going single deck ship having two longitudinal bulkheads and a double bottom throughout the cargo region and intended for the carriage of ore cargoes in the centre holds only<sup>(2)</sup>;

“bulk carrier of double-side skin construction” means a bulk carrier in which all cargo holds are bounded by a double-side skin other than that described in paragraph (b) in the definition of “bulk carrier of single-side skin construction”;

“bulk carrier of single-side skin construction” means a bulk carrier in which—

- (a) any part of a cargo hold is bounded by the side shell; or
- (b) one or more cargo holds are bounded by a double-side skin, the width of which is—
  - (i) in bulk carriers constructed before 1st January 2000, less than 760 millimetres; or
  - (ii) in bulk carriers constructed on or after 1st January 2000 but before 1st July 2006, less than 1,000 millimetres,

the distance being measured perpendicular to the side shell;

“bulk carriers constructed” means bulk carriers the keels of which are laid or which are at a similar stage of construction and for the purposes of this definition “similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; and

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(1) See regulation 3 of Chapter 1 of Annex I to the Load Line Convention. For further information on the Load Line Convention see the footnote to its definition.

(2) Further guidance is given in International Maritime Organization (IMO) Resolution MSC.277(85). MSC.277(85) is available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>).

- (b) assembly of that ship has commenced, comprising at least 50 gross tons or one per cent of the estimated mass of all structural material, whichever is less;
- “Certifying Authority” has the meaning given to it in regulation 4 of the Merchant Shipping (Survey and Certification) Regulations 2015**(3)**;
- “Chapter II-1” means Chapter II-1 in the Annex to the Convention (construction: structure, subdivisions and stability, machinery and electrical installations)**(4)**;
- “Chapter VI” means Chapter VI in the Annex to the Convention (carriage of cargoes and oil fuels)**(5)**;
- “Chapter XII” means Chapter XII in the Annex to the Convention (additional safety measures for bulk carriers)**(6)**;
- “Convention” means the International Convention for the Safety of Life at Sea, 1974;
- “double-side skin” means a configuration where each ship side is constructed by the side shell and a longitudinal bulkhead connecting the double bottom and the deck;
- “ESP Code” means the International Code on the Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil Tankers, 2011 (special measures to enhance maritime safety)**(7)**;
- “gross tons” means gross tonnage determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997**(8)**;
- “ISM Code” means the International Management Code for the Safe Operation of Ships and for Pollution Prevention**(9)**;
- “length” has the same meaning as in the Load Line Convention**(10)**;
- “load line” means the line marked on a ship indicating the maximum depth to which a ship may be loaded;

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- (3) [S.I. 2015/508](#). There are amending instruments but none is relevant.
- (4) Chapter II-1 was revised and replaced by International Maritime Organization (IMO) Resolution MSC.1(45) and has been further amended by IMO Resolutions MSC.6(48) (Cm 3926), MSC.11(55) (Cm 1251), MSC.12(56) (Cm 3848), MSC.13(57), MSC.19(58) (Cm 3845), MSC.26(60), MSC.27(61), MSC.31(63) (Cm 3849), MSC.47(66) (Cm 4046), MSC.57(67), MSC.65(68), MSC.69(69) (Cm 5771), MSC.99(73) (Cm 6001), MSC.134(76) (Cm 6587), MSC.151(78), MSC.170(79), MSC.194(80), MSC.216(82), MSC.256(84), MSC.269(85), MSC.282(86), MSC.290(87), MSC.291(87), MSC.308(88), MSC.325(90), MSC.338(91), MSC.365(93), MSC.392(95), MSC.409(97), MSC.421(98), MSC.429(98) and MSC.436(99). The amendments to Chapter II-1 are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). See the footnote to the Convention for further information on the Convention.
- (5) Chapter VI in the Annex to the Convention was revised and replaced by International Maritime Organization (IMO) Resolution A.264(VIII) and has been further amended by IMO Resolutions MSC.23(59), MSC.47(66), MSC.69(69) (Cm 5771), MSC.123(75) (Cm 6587), MSC.193(79), MSC.194(80), MSC.239(83), MSC.268(85), MSC.269(85), MSC.282(86), MSC.318(89), MSC.325(90), MSC.354(92), MSC.380(94), MSC.393(95), MSC.426(98) and MSC.462(101). The amendments to Chapter VI are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). See the footnote to the Convention for further information on the Convention.
- (6) Chapter XII was revised and replaced by International Maritime Organization (IMO) Resolution MSC.170(79) (CP 262) and has been amended by MSC.216(82) (CM 9698). The amendments to Chapter XII are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). See the footnote to the Convention for further information on the Convention.
- (7) The ESP Code is made mandatory by regulation 2 of Chapter XI-1 in the Annex to the Convention (special measures to enhance maritime safety). It was adopted by IMO Resolution A.1049(27) and amended by IMO Resolutions MSC.371(93), MSC.381(94), MSC.405(96), MSC.412(97) and MSC.461(101). The ESP Code is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR.
- (8) [S.I. 1997/1510](#), amended by [S.I. 2020/362](#). There are other amendments but none is relevant to these Regulations.
- (9) The International Safety Management (ISM) Code was adopted by the IMO in Resolution A.741(18) and made mandatory by regulation 3 of Chapter IX in the Annex to the Convention. It was amended by IMO Resolutions MSC.104(73) (Cm 8063), MSC.179(79), MSC.195(80), MSC.273(85) and MSC.353(92).
- (10) See regulation 3 of Chapter 1 of Annex I to the Load Line Convention. For further information on the Load Line Convention see the footnote to its definition.

“Load Line Convention” means the International Convention on Load Lines 1966<sup>(11)</sup>;

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and 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;

“sea-going” means operating outside Category A, B, C or D waters and for the purposes of this definition “Category A, B, C or D waters” means the waters specified as such in Merchant Shipping Notice 1837(M) Amendment 2<sup>(12)</sup>;

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

“solid bulk cargo” means any material, other than liquid or gas, consisting of a combination of particles, granules or any larger pieces of material, generally uniform in composition, which is loaded directly into the cargo spaces of a ship without any intermediate form of containment;

“summer load line” means the upper edge of the load line marked on a ship, indicated by the upper edge of that line which passes through the centre of the load line mark and also by a line marked “S”, and “load line mark” means a ring with a width of 25 millimetres and an outer diameter of 300 millimetres and a horizontal line with a width of 25 millimetres and a length of 450 millimetres, the upper edge of which bisects the ring, and both of which are placed on the side of a ship at amidships port and starboard;

“United Kingdom bulk carrier” means a bulk carrier that is a United Kingdom ship.

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(11) Cmnd. 3708. The Convention was amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28) and by its Protocol of 1988 (Cmnd. 4829). The Protocol was amended by IMO Resolutions MSC.143(77) (Cm 9698), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92) and MSC.375(93), which are contained in CM 9698 and found at <https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=70223>. The Convention and the Protocol of 1988 may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office (FCDO) treaties database. On the database, the Convention is located at <https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=66633> and the Protocol is located at <https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69527>. The text of the amendments to the Convention and the Protocol may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the FCDO treaties database at <https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>.

(12) Merchant Shipping Notice 1837(M) Amendment 2, published 9th October 2017, is available on <https://www.gov.uk/government/publications/msn-1837-m-amendment-2-categorisation-of-waters>, and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)).