

2024 No. 636

MERCHANT SHIPPING

MARINE POLLUTION

SAFETY

The Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024

<i>Made</i>	- - - -	<i>15th May 2024</i>
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<i>Coming into force</i>		<i>11th June 2024</i>

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The Secretary of State makes these Regulations in exercise of the powers conferred by section 15(1), (2), (3)(a), (5) and (6) of, and paragraphs 3, 4 and 14 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a), article 3 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983(b), articles 3 and 5 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987(c), article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1990(d), article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(e), article 2 of the Merchant Shipping (Control of Pollution) (SOLAS) Order 1998(f) and sections 85(1), (3) and (5) to (7), 86(1)(a), (b), (c) and (d), 128(5) and (6), 302(1) and 306A of the Merchant Shipping Act 1995(g).

The Secretary of State has consulted such persons in the United Kingdom as the Secretary of State considers will be affected by the exercise of powers in this instrument in accordance with section 86(4) of the Merchant Shipping Act 1995, and the Health and Safety Executive, the Office of Nuclear Regulation and other bodies as appear to the Secretary of State to be appropriate in accordance with section 50(1) and (1AA) of the Health and Safety at Work Act 1974.

These Regulations are made with the consent of the Treasury in so far as is required under section 302(1) of the Merchant Shipping Act 1995.

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024 and come into force on 11th June 2024.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendments and revocations

2.—(1) The amendments listed in Schedule 1 have effect.

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- (a) 1974 c. 37. Section 15(1) was substituted by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 6 and amended by S.I. 2002/794. Section 15(2) was amended by the Energy Act 2013, section 116, Schedule 12, paragraphs 1 and 5(3). Section 15(6)(d) was amended by the Criminal Law Act 1977 (c. 45), section 65, Schedule 12. Section 50 was amended by S.I. 2008/960 and the Energy Act 2013, section 116, Schedule 12, paragraph 11(2). There are other amendments but none is relevant.
- (b) S.I. 1983/1106, amended by S.I. 1985/2002, 1991/2885 and 1993/1580. There are other amendments but none is relevant. Following the consolidation of section 20 of the Merchant Shipping Act 1979 (c. 39), the Order has effect as if made under section 128 of the Merchant Shipping Act 1995 (c. 21). The Order applies to hovercraft by virtue of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).
- (c) S.I. 1987/470, amended by S.I. 1990/2595, 1997/2569, 1998/254 and 2015/664. Following the consolidation of section 20 of the Merchant Shipping Act 1979 (c. 39), the Order has effect as if made under section 128 of the Merchant Shipping Act 1995 (c. 21). The effect of the Order is extended by section 128(5) of the Merchant Shipping Act 1995, so as to authorise the making of regulations for the purpose of giving effect to agreements which modify the agreements described in section 128(1).
- (d) S.I. 1990/2595. Following the consolidation of section 20 of the Merchant Shipping Act 1979 (c. 39), the Order has effect as if made under section 128 of the Merchant Shipping Act 1995 (c. 21). The effect of the Order is extended by section 128(5) of the Merchant Shipping Act 1995, so as to authorise the making of regulations for the purpose of giving effect to agreements which modify the agreements described in section 128(1).
- (e) S.I. 1996/282, amended by the Marine and Coastal Access Act 2009 (c. 23), Schedule 4, Part 1, paragraph 3, S.I. 2015/664 and 2022/844. The Order applies to hovercraft by virtue of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).
- (f) S.I. 1998/1500.
- (g) 1995 c. 21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306A was inserted by the Deregulation Act 2015 (c. 20), section 106. Sections 85, 86, 128 and 129 are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).

(2) The Regulations listed in the first column of the Table in Schedule 2 are revoked to the extent specified in the third column of that Table.

Interpretation

3. In these Regulations—

“Annex III” means Annex III (prevention of pollution by harmful substances in packaged form) to MARPOL(a);

“Chapter VII” means Chapter VII (carriage of dangerous goods) of the Annex to SOLAS(b);

“chemical tanker” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the International Bulk Chemical Code;

“constructed” means, in relation to a ship, that the keel of the ship is laid or that the ship is at a similar stage of construction;

“controlled waters” means the areas of sea specified by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 2014(c) as waters within which the jurisdiction and rights of the United Kingdom are exercisable in accordance with Part XII of the United Nations Convention on the Law of the Sea(d) for the protection and preservation of the marine environment;

“dangerous goods” mean the substances, materials and articles covered by the IMDG Code;

“dangerous goods in solid form in bulk” 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 covered by the IMDG Code and is loaded directly into the cargo spaces of a ship without any intermediate form of containment, and includes such materials loaded in a barge on a barge-carrying ship;

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“forwarder” means the person by whom the dangerous goods declaration or marine pollutants declaration and packing certificate are received, and any person responsible for packing the goods into a cargo transport unit, for eventual delivery to the ship or its agent;

“gas carrier” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the International Gas Carrier Code;

“harmful substances” means those substances which are identified as marine pollutants in the IMDG Code or which meet the criteria in the appendix to Annex III;

“International Bulk Chemical Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Maritime Safety Committee of the Organization by resolution MSC.4(48)(e);

(a) See the footnote to “MARPOL” for further information. Annex III was revised and replaced by International Maritime Organization (IMO) Resolution MEPC.193(61) and has been further amended by MEPC.246(66) and MEPC.257(67). The amendments to Annex III 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/>).

(b) Chapter VII of the Annex to SOLAS (see the footnote to the definition of “SOLAS” in this regulation) was revised and replaced by International Maritime Organization (IMO) Resolution MSC.6(48) (Cm 3926) and has been further amended by IMO Resolutions MSC.69(69) (Cm 5771), MSC.87(71), MSC.117(74), MSC.123(75) (Cm 6587), MSC.170(79), MSC.269(85) and MSC.325(90). The amendments to Chapter VII 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/>).

(c) S.I. 2014/3306.

(d) Cmnd. 8941 and 4524. Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London, SW1A 0PW. A copy of the Convention may be obtained from the United Nations.

(e) The International Bulk Chemical Code was adopted by the International Maritime Organization (IMO) Resolution MSC.4(48) on 17th June 1983 and in accordance with IMO Resolution MSC.6(48) came into force on 1st July 1986. The preceding version of Code was amended by IMO Resolutions MSC.10(54), MSC.14(57), MEPC.32(27), MSC.16(58), MSC.28(61), MEPC.55(33), MSC.50(66), MEPC.69(38), MSC.58(67), MEPC.73(79) and MSC.102(73). The preceding version of the Code was replaced by the current version of the Code by IMO Resolutions MSC.176(79) and MEPC.119(52),

“International Gas Carrier Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk as adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.5(48)(a);

“IMDG Code” means the International Maritime Dangerous Goods (IMDG) Code adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.122(75)(b);

“IMSBC Code” means the International Maritime Solid Bulk Cargoes Code adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.268(85)(c);

“INF cargo” means packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes carried as cargo in accordance with class 7 of the IMDG Code;

“INF Code” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships, adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.88(71)(d);

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocols of 1978 and 1997(e);

“non-United Kingdom ship” means any ship other than a United Kingdom ship;

adopted on 10th December 2004 and 15th October 2004 respectively, which came into force on 1st January 2007. The current version of the Code has been amended by IMO Resolutions MEPC.166(56), MSC.219(82), MEPC.225(64), MSC.340(91), MEPC.250(66), MSC.369(93), MEPC.302(72), MSC.440(99), MEPC.318(74) and MSC.460(101). The amendments to the Code 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/>).

- (a) The International Gas Carrier Code was adopted by the International Maritime Organization (IMO) Resolution MSC.5(48) on 17th June 1983 and in accordance with IMO Resolution MSC.6(48) came into force on 1st July 1986 (which replaced Part C of Chapter VII). The preceding version of the Code was amended by IMO Resolutions MSC.17(58), MSC.30(61), MSC.32(63), MSC.59(67), MSC.103(73), MSC.177(79), MSC.220(82) and MSC.225(82). The preceding version of the Code was replaced by current version of the Code by IMO Resolution MSC.370(93) which was adopted on 22nd May 2014 and came into force on 1st July 2016. The current version of the Code has been amended by IMO Resolutions MSC.93/22/Add.1/Corr.3, MSC.93/22/Add.1/Corr.5, MSC.411(97), MSC.441(99) and MSC.447(99). The amendments to the Code 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/>).
- (b) The International Maritime Dangerous Goods Code (IMDG Code) was adopted by International Maritime Organization (IMO) Resolution MSC.122(75) on 24th May 2002 and in accordance with IMO Resolution MSC.123(75) came into force on 1st January 2004. The Code has been amended by IMO Resolutions MSC.157(78), MSC.205(81), MSC.262(84), MSC.294(87), MSC.328(90), MSC.372(93), MSC.406(96), MSC.442(99), MSC.477(102) and MSC.501(105). The amendments to Part A and the Code 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/>).
- (c) The International Maritime Solid Bulk Cargoes Code (IMSBC Code) was adopted by the International Maritime Organization (IMO) Resolution MSC.268(85) on 4th December 2008 and made mandatory by IMO Resolution MSC.269(85) which came into force on 1st January 2011. Part A-1 of Chapter VII was replaced in full by IMO Resolution MSC.123(75) and this has been amended by IMO Resolution MSC.269(85). The Code has been amended by IMO Resolutions MSC.318(89), MSC.354(92), MSC.393(95), MSC.426(98), MSC.462(101) and MSC.500(105). The amendments to Part A-1 and the Code 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/>).
- (d) The INF Code was adopted by the International Maritime Organization (IMO) Resolution MSC.88(71) on 27th May 1999 and made mandatory by IMO Resolution 87(71) which introduced Part D into Chapter VII and came into force on 1st January 2001. Part D of Chapter VII was amended by IMO Resolutions MSC.117(74) and MSC.123(75). The Code has been amended by IMO Resolutions MSC.118(74), MSC.135(76), MSC.178(79) and MSC.241(83). The amendments to Part D of Chapter VII and the Code 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/>).
- (e) MARPOL was published in Cmnd. 5748, and amended by the Protocols of 1978 (Cmnd. 7347) and 1997 (Cm. 4427). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers are as follows: HL/PO/JO/10/11/1853/505 (Cmnd. 5748), HL/PO/JO/10/11/1959/2033 (Cmnd. 7347) and HL/PO/JO/10/11/3156/2285 (Cm. 4427). MARPOL and its protocols are also available from the IMO of 4 Albert Embankment, London SE1 7SR or can be found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

“packaged form” means the form of containment specified for dangerous goods or harmful substances in the IMDG Code;

“packaged goods” means dangerous goods or harmful substances in packaged form;

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

“Protocol I” means Protocol I (reports on incidents involving harmful substances) to MARPOL(a);

“ship” includes hovercraft;

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

“similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; or
- (b) assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974(b);

“United Kingdom ship” has the same meaning as in section 85(2) of the Merchant Shipping Act 1995;

“valid” means in force.

(a) Protocol I was adopted by the International Conference on Marine Pollution on 2nd November 1973 at the same time as the Conference adopted MARPOL (see footnote (e) to the definition of “MARPOL”). The text of Protocol I was replaced by International Maritime Organization (IMO) Resolution MEPC.21(22) and amended by MEPC.68(38).

(b) Cmnd. 7874. SOLAS 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 treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786>). SOLAS was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to SOLAS 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/>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

General application

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to—

- (a) United Kingdom ships, wherever they may be; and
- (b) non-United Kingdom ships while they are within United Kingdom waters or controlled waters.

(2) These Regulations do not apply to—

- (a) ships of war or naval auxiliary ships;
- (b) ships owned or operated by a State and engaged only on governmental non-commercial service.

(3) A non-United Kingdom ship flying the flag of a State which is not a party to SOLAS is not subject to these Regulations if it would not have been in United Kingdom waters but for stress of weather or any other circumstances which the master, owner or charterer could not have prevented.

Ambulatory reference

5.—(1) In these Regulations, any reference to Chapter VII, Protocol I, Annex III, International Bulk Chemical Code, International Gas Carrier Code, IMDG Code, IMSBC Code or INF Code is to be construed—

- (a) as a reference to Chapter VII, Protocol I, Annex III, International Bulk Chemical Code, International Gas Carrier Code, IMDG Code, IMSBC Code or INF Code as modified from time to time; and
- (b) as, if Chapter VII, Protocol I, Annex III, International Bulk Chemical Code, International Gas Carrier Code, IMDG Code, IMSBC Code or INF Code is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1)—

- (a) Chapter VII, International Bulk Chemical Code, International Gas Carrier Code, IMDG Code, IMSBC Code or INF Code is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of SOLAS; and
- (b) Protocol I or Annex III is modified or replaced if the modification or replacement takes effect in accordance with Article 16 of MARPOL.

(3) A modification or replacement of—

- (a) Chapter VII, International Bulk Chemical Code, International Gas Carrier Code, IMDG Code, IMSBC Code or INF Code has effect at the time such modification or replacement comes into force in accordance with Article VIII of SOLAS;
- (b) Protocol I or Annex III has effect at the time such modification or replacement comes into force in accordance with Article 16 of MARPOL.

Exemptions

6.—(1) The Secretary of State may grant an exemption from any provision of these Regulations in respect of a ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage.

(2) The Secretary of State may grant an exemption from the requirements of—

- (a) regulation 18(3) (repairs, alterations, modifications and outfitting), in respect of a chemical tanker; or
- (b) regulation 22(3) (repairs, alterations, modifications and outfitting), in respect of a gas carrier,

if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that chemical tanker or gas carrier.

(3) The Secretary of State may, in exceptional circumstances not provided for in paragraph (1), grant an exemption from any provision of these Regulations in respect of a ship or class of ship if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(4) An exemption under paragraph (1), (2) or (3) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

(5) An exemption granted under paragraph (1), (2) or (3) may, on the giving of reasonable notice, be altered or cancelled.

(6) An exemption granted under paragraph (1), (2) or (3), or an alteration or cancellation under paragraph (5), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(7) The requirement that the exemption granted under paragraph (1), (2) or (3), or an alteration or cancellation under paragraph (5), be in writing is satisfied where the text of the exemption, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(8) Where an exemption is granted subject to safety requirements under paragraph (4), the exemption ceases to have effect if those requirements are not complied with.

(9) In this regulation—

“international voyage” means a voyage between—

- (a) a port in the United Kingdom and a port outside the United Kingdom; or
- (b) a port in a Convention country other than the United Kingdom and a port in any other country or territory, whether a Convention country or not, which is outside the United Kingdom;

“Convention country” means a country or territory which is either a country the Government of which is party to SOLAS or a territory to which SOLAS extends whether or not it is subject to the amendments to, or reservations in respect of, SOLAS.

Equivalents

7.—(1) Where the provisions of Chapter VII require that—

- (a) a particular fitting, material, appliance, apparatus, item of equipment or type thereof be fitted on, or carried in, a ship;
- (b) any particular arrangement be made on, or in relation to, a ship; or
- (c) any particular provision be made in relation to a ship,

the Secretary of State may approve any other fitting, material, appliance, apparatus, item of equipment or type thereof, arrangement or other provision if satisfied that it is at least as effective as that required by Chapter VII.

(2) An approval under paragraph (1) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

(3) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (3), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and

(c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation in paragraph (3), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(6) Where an approval is granted subject to safety requirements under paragraph (2), the approval ceases to have effect if those requirements are not complied with.

Approvals

8.—(1) The Secretary of State, or any person authorised by the Secretary of State, may grant an approval in relation to a ship for anything in Chapter VII or Annex III requiring to be—

- (a) approved by the Administration of the State whose flag the ship is entitled to fly; or
- (b) done to the satisfaction of such Administration^(a).

(2) Unless required to be approved under the Merchant Shipping (Marine Equipment) Regulations 2016^(b), any equipment required by Chapter VII or Annex III and placed on board a United Kingdom ship must be approved by the Secretary of State, or any person authorised by the Secretary of State.

(3) An approval given under paragraph (1) or (2) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) Any approval given under paragraph (1) or (2), or a continuation, alteration or cancellation under paragraph (3), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (1) or (2), or the continuation, alteration or cancellation under paragraph (3), be in writing is satisfied where text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(a) The circumstances in which the approval of the Secretary of State is required in relation to United Kingdom ships are set out in Marine Guidance Note 697(M); this is available on www.gov.uk/topic/ships-cargoes/m-notices and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(b) S.I. 2016/1025, amended by S.I. 2019/470, 2019/1304, 2020/1000 and 2024/504; there is another amendment which is not relevant. Relevant standards are set out in Annex 1 to Merchant Shipping Notice 1874 (M+F) Amendment 8, which is available on <https://www.gov.uk/government/publications/msn-1874-mf-amendment-8-marine-equipment-united-kingdom-conformity-assessment-procedures-for-marine-equipment-other-approval-and-standards> and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

PART 2

Requirements for the carriage of dangerous goods and harmful substances in packaged form

Application

9.—(1) Subject to paragraph (2), this Part applies to—

- (a) United Kingdom ships carrying packaged goods, wherever they may be; and
- (b) non-United Kingdom ships carrying packaged goods while they are within United Kingdom waters or controlled waters.

(2) This Part does not apply to—

- (a) ships not carrying harmful substances that are—
 - (i) non-United Kingdom ships in controlled waters;
 - (ii) ships not propelled by mechanical means;
 - (iii) wooden ships of primitive build;
 - (iv) pleasure vessels;
 - (v) fishing vessels;
 - (vi) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian;
- (b) ships' stores and equipment.

Requirements in relation to ships

10. The owner and master must not cause or permit the carriage of packaged goods on a ship other than in accordance with each requirement in—

- (a) Part A of Chapter VII; and
- (b) Chapter 1 of Annex III,

applicable in relation to it(a).

Requirements in relation to owners and masters

11.—(1) The owner and master—

- (a) must ensure that packaged goods are not taken or received on board a ship unless the information required under—
 - (i) regulation 4.1 (documents) of Chapter VII; and
 - (ii) regulation 5.1 (documentation) of Annex III,has been provided in accordance with the requirements in those regulations;
- (b) must comply with the requirements of Chapter 7 (provisions concerning transport operations) of the IMDG Code applicable to the master and owner;
- (c) must ensure that packaged goods are not taken or received on board a ship unless they are in compliance with—
 - (i) the requirements of Chapter 5 (consignment procedures) of the IMDG Code; and
 - (ii) regulations 3 (packing) and 4 (marking and labelling) of Annex III.

(2) A master—

-
- (a) Regulation 3 of Chapter VII and regulations 2 to 6 of Annex III require the carriage of packaged goods to comply with the relevant provisions of the IMDG Code.

- (a) must ensure that packaged goods are not carried on board a ship without the information required by—
 - (i) regulation 4.2 (documents) of Chapter VII; and
 - (ii) regulation 5.2 (documentation) of Annex III;
- (b) must ensure that any certificates or other documents required by Chapter 5.4.4 (other required information and documentation) of the IMDG Code are available on board the ship;
- (c) must keep available for inspection on board the ship any documents to which the requirements in sub-paragraph (a) or (b) relate.

Requirements in relation to shippers and forwarders

12.—(1) Where a shipper delivers packaged goods to a ship or its agent, the shipper must comply with—

- (a) regulation 4.1 (documents) of Chapter VII;
- (b) the requirements of Part 2 (classification) of the IMDG Code applicable in relation to the shipper;
- (c) the requirements of Part 5 (consignment procedures) of the IMDG Code applicable in relation to the shipper; and
- (d) regulation 3 (packing), 4 (marking and labelling) and 5.1 (documentation) of Annex III.

(2) Where a shipper arranges with a forwarder to deliver packaged goods to a ship or its agent—

- (a) the shipper must provide the forwarder with—
 - (i) the information required under—
 - (aa) regulation 4.1 (documents) of Chapter VII;
 - (bb) regulation 5.1 (documentation) of Annex III; and
 - (ii) any other information required by Chapter 5.4 (documentation) of the IMDG Code; and
- (b) the forwarder must comply with the requirements in—
 - (i) regulation 4.1 (documents) of Chapter VII;
 - (ii) Chapter 5.4 (documentation) of the IMDG Code applicable in relation to a shipper; and
 - (iii) regulation 5.1 (documentation) of Annex III.

PART 3

Requirements for the carriage of dangerous goods in solid form in bulk

Application

13.—(1) Subject to paragraph (2), this Part applies to ships carrying dangerous goods in solid form in bulk.

(2) This Part does not apply to—

- (a) non-United Kingdom ships in controlled waters;
- (b) ships not propelled by mechanical means;
- (c) wooden ships of primitive build;
- (d) pleasure vessels;
- (e) fishing vessels;

- (f) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

Requirements in relation to ships

14. The owner and master must not cause or permit the carriage of dangerous goods in solid form in bulk on a ship other than in accordance with each requirement in Part A-1 of Chapter VII applicable in relation to it(a).

Requirements in relation to masters

15. A master must—

- (a) ensure compliance with the requirements of Regulation 7-2.2 (special list or manifest) of Chapter VII; and
- (b) in relation to the carriage of dangerous goods in solid form in bulk on a ship, carry on board the ship any documents required by Appendix 1 of the IMSBC Code,

and make available before departure any document to which paragraph (a) or (b) applies in accordance with regulation 7-2.2 of Chapter VII.

Requirements in relation to shippers

16. A shipper of dangerous goods in solid form in bulk listed in Appendix 1 of the IMSBC Code must comply with the requirements of Sections 1 and 4 of the IMSBC Code applicable in relation to that shipper.

PART 4

Requirements for the construction and equipment of ships carrying dangerous liquid chemicals in bulk

Application

17.—(1) Subject to paragraphs (3) and (4), this Part applies to chemical tankers.

(2) For the purposes of this Part, a ship which is converted into a chemical tanker is a chemical tanker on and after the date of its conversion.

(3) This Part does not apply to—

- (a) non-United Kingdom ships in controlled waters;
- (b) ships not propelled by mechanical means;
- (c) wooden ships of primitive build;
- (d) pleasure vessels;
- (e) fishing vessels;
- (f) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

(4) Regulations 19 and 20 do not apply to chemical tankers constructed before 1st July 1986.

(a) Regulation 7-5 of Chapter VII requires the carriage of dangerous goods in solid form in bulk to comply with the relevant provisions of the IMSBC Code.

Repairs, alterations, modifications and outfitting

18.—(1) A chemical tanker which undergoes repairs, alterations or modifications, or outfitting related to such repairs, alterations or modifications must continue to comply with at least the requirements previously applicable to that ship.

(2) A chemical tanker—

- (a) constructed before 1st July 1986; and
- (b) which undergoes repairs, alterations or modifications, or outfitting related to such repairs, alterations or modifications,

must, so far as practicable, comply with the requirements for chemical tankers constructed on or after 1st July 1986 to at least the same extent as it did before undergoing such repairs, alterations, modifications or outfitting.

(3) A chemical tanker which undergoes repairs, alterations and modifications of a major character, or outfitting related to such repairs, alterations or modifications, must comply with the requirements for chemical tankers constructed on or after 1st July 1986.

Compliance with requirements

19. The owner and master must ensure that a chemical tanker complies with each requirement in regulation 10.1 of Chapter VII(a) applicable in relation to it.

International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk

20.—(1) A chemical tanker must not proceed or attempt to proceed to sea or on any voyage unless there is a valid International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued or endorsed in relation to it(b).

(2) The Secretary of State or any person authorised by the Secretary of State may issue or endorse an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk in accordance with paragraph 1.5.4 or 1.5.5 of the International Bulk Chemical Code(c).

PART 5

Requirements for the construction and equipment of ships carrying liquefied gases in bulk

Application

21.—(1) Subject to paragraphs (3) and (4), this Part applies to gas carriers.

(2) For the purposes of this Part, a ship which is converted into a gas carrier is a gas carrier on and after the date of its conversion.

(3) This Part does not apply to—

- (a) non-United Kingdom ships in controlled waters;
- (b) ships not propelled by mechanical means;
- (c) wooden ships of primitive build;
- (d) pleasure vessels;

(a) Regulation 10.1 of Chapter VII requires a chemical tanker to comply with the requirements of the International Bulk Chemical Code.

(b) The requirements for the survey and certification of chemical tankers are set out in Chapter 1, paragraph 1.5 of the International Bulk Chemical Code.

(c) A certificate may be issued following the completion of an initial or renewal survey in accordance with paragraphs 1.5.2.1.1 or 1.5.2.1.2 of the International Bulk Chemical Code. A certificate may be endorsed following the completion of an intermediate or annual survey in accordance with paragraphs 1.5.2.1.3 or 1.5.2.1.4 of the Code.

- (e) fishing vessels;
- (f) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

(4) Regulations 23 and 24 do not apply to gas carriers constructed before 1st July 1986.

Repairs, alterations, modifications and outfitting

22.—(1) A gas carrier which undergoes repairs, alterations, modifications, or outfitting related to such repairs, alterations or modifications must continue to comply with at least the requirements previously applicable to that ship.

(2) A gas carrier—

- (a) constructed before 1st July 1986; and
- (b) which undergoes repairs, alterations or modifications, or outfitting related to such repairs, alterations or modifications,

must, so far as practicable, comply with the requirements for gas carriers constructed on or after 1st July 1986 to at least the same extent as it did before undergoing such repairs, alterations, modifications or outfitting.

(3) A gas carrier which undergoes repairs, alterations and modifications of a major character, or outfitting related to such repairs, alterations or modifications, must comply with the requirements for gas carriers constructed on or after 1st July 1986.

Compliance with requirements

23. The owner and master must ensure that a gas carrier complies with each requirement in regulation 13.1 of Chapter VII(a) applicable in relation to it.

International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk

24.—(1) A gas carrier must not proceed or attempt to proceed to sea or on any voyage unless there is a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk issued or endorsed in relation to it(b).

(2) The Secretary of State or any person authorised by the Secretary of State may issue or endorse an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk in accordance with paragraph 1.4.4 or 1.4.5 of the International Gas Carrier Code(c).

PART 6

Requirements for the carriage of packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes on board ships

Application

25.—(1) Subject to paragraph (2), this Part applies to ships carrying INF cargo.

(2) This Part does not apply to—

- (a) non-United Kingdom ships in controlled waters;
- (b) ships not propelled by mechanical means;
- (c) wooden ships of primitive build;
- (d) pleasure vessels;
- (e) fishing vessels;
- (f) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

Compliance with requirements

26. The owner and master must ensure that a ship complies with each requirement in regulation 16.1 of Chapter VII(d) applicable in relation to it.

International Certificate of Fitness for the Carriage of INF Cargo

27.—(1) A ship must not proceed or attempt to proceed to sea or on any voyage unless there is a valid International Certificate of Fitness for the Carriage of INF Cargo issued in relation to it(e).

-
- (a) Regulation 13 of Chapter VII requires a gas carrier to comply with the requirements of the International Gas Carrier Code.
 - (b) The requirements for the survey and certification of gas carriers are set out in Chapter 1, paragraph 1.4 of the International Gas Carrier Code.
 - (c) A certificate may be issued following the completion of an initial or renewal survey in accordance with paragraphs 1.4.2.1 or 1.4.2.2 of the International Gas Carrier Code. A certificate may be endorsed following the completion of an intermediate or annual survey in accordance with paragraphs 1.4.2.3 or 1.4.2.4 of the Code.
 - (d) Regulation 16 of Chapter VII requires a ship to comply with the requirements of the INF Code.
 - (e) The requirements for the survey and certification of ships carrying INF cargo are set out in Chapter 1, paragraph 1.3 of the INF Code.

(2) The Secretary of State or any person authorised by the Secretary of State may issue an International Certificate of Fitness for the Carriage of INF Cargo in accordance with paragraph 1.3.2 of the INF Code^(a).

PART 7

Reporting of incidents

Reporting requirements: general

- 28.**—(1) Subject to paragraph (2), the master and owner of a ship must—
- (a) in relation to a ship carrying dangerous goods in packaged form, comply with the requirements in regulation 6 of Chapter VII (reporting of incidents involving dangerous goods in packaged form);
 - (b) in relation to a ship carrying dangerous goods in solid form in bulk, comply with regulation 7-4 of Chapter VII (reporting of incidents involving dangerous goods in solid form in bulk);
 - (c) in relation to any other ship, comply with Protocol I of MARPOL (reporting of incidents involving harmful substances).
- (2) Paragraph (1)(a) and (b) does not apply to ships that are—
- (a) ships not propelled by mechanical means;
 - (b) wooden ships of primitive build;
 - (c) pleasure vessels;
 - (d) fishing vessels;
 - (e) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

Reporting requirements: pollution incidents

29.—(1) This regulation applies where the discharge, or threat of discharge, of cargo from a ship is likely to result in the pollution of United Kingdom waters or the coastline of the United Kingdom.

(2) The master and owner of a ship must comply with Protocol I of MARPOL as if the reference in Article I, paragraph 1 of that Protocol to “an incident referred to in article II of this Protocol” is a reference to the incident described in paragraph (1).

Reporting requirements: sightings of polluting substances

30.—(1) Where a polluting substance drifting or floating at sea is seen from a ship in United Kingdom waters or controlled waters, the master of that ship must notify His Majesty’s Coastguard without delay and to the fullest extent possible—

- (a) details of the sighting;
- (b) the identity of the ship;
- (c) the position of the ship;
- (d) any other information the master considers to be relevant.

(2) In this regulation, “polluting substance” means cargo or a slick discharged from a ship.

(a) A certificate may be issued following the completion of an initial or renewal survey in accordance with paragraph 1.3.2 or by virtue of paragraph 1.3.3 of the INF Code. A certificate may be endorsed following the completion of an intermediate or annual survey by virtue of paragraph 1.3.3 of the Code.

PART 8

Control and enforcement

Offences and penalties: owner and master

31.—(1) If a ship proceeds or attempts to proceed to sea or on any voyage, or arrives within United Kingdom waters, in breach of any of the requirements in these Regulations, other than regulation 11(2), 12, 15, 16 or 30(1), applicable to or in relation to that ship, the owner and the master are each guilty of an offence in respect of each case of non-compliance.

(2) A master in breach of a requirement in regulation 11(2), 15 or 30(1) is guilty of an offence.

(3) An offence under paragraph (1) or (2) is punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; or

(ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

(b) on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(4) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

Offences and penalties: shipper and forwarder

32.—(1) A shipper who fails to comply with—

(a) regulation 12(1);

(b) regulation 12(2)(a); or

(c) regulation 16,

is guilty of an offence.

(2) A forwarder who fails to comply with regulation 12(2)(b) is guilty of an offence.

(3) An offence under paragraph (1) or (2) is punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; or

(ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

(b) on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(4) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

Detention

33.—(1) For the purposes of this regulation, any reference to “the Act” is a reference to the Merchant Shipping Act 1995.

(2) A ship which does not comply with the requirements in these Regulations, Chapter VII or Annex III applicable to that ship may be detained.

(3) Section 284 of the Act (enforcing detention of ship)(a) applies where a ship is liable to be detained under this regulation as if—

(a) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and

(a) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.

(b) subsection (7) were omitted.

(4) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master a detention notice which—

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 284(1) of the Act.

(5) Subject to paragraph (6), section 96 (references of detention notices to arbitration)(a) and section 97 (compensation in connection with invalid detention of a ship) of the Act apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95 (power to detain dangerously unsafe ship)(b).

(6) For the purposes of paragraph (5)—

(a) section 96 of the Act applies as if—

(i) subsection (3) were omitted;

(ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;

(iii) subsection (11) were omitted; and

(b) sections 96 and 97 of the Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.

(7) Subject to paragraph (8), where a non-United Kingdom ship is detained, the Secretary of State must immediately inform the ship’s flag administration in writing.

(8) If it is not possible to inform the ship’s flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

(9) For the purposes of paragraphs (7) and (8), “flag administration” in relation to a ship means the administration of the State whose flag the ship is entitled to fly.

Review of the Regulations

34.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in these Regulations; and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(c) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under SOLAS and MARPOL are implemented in other countries which are subject to the obligations.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);

(b) assess the extent to which those objectives are achieved;

(a) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).

(b) Section 95 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28).

(c) 2015 c. 26. Section 28(4) was amended by the Advanced Research and Invention Agency Act 2022 (c. 4), section 9, Schedule 3, paragraphs 7 and 11. Section 29(5) was amended by the Retained EU Law (Revocation and Reform) Act 2023 (c. 28), section 18(2) and (3). Section 30(3) was amended by the Enterprise Act 2016 (c. 12), section 19 and the European Union (Withdrawal) Act 2018 (c. 16), Schedule 8, Part 2, paragraph 36.

- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

Davies of Gower
Parliamentary Under Secretary of State
Department for Transport

15th May 2024

We consent to the making of these Regulations

Amanda Milling
Mike Wood

15th May 2024

Two of the Lords Commissioners of His Majesty’s Treasury

SCHEDULE 1

Regulation 2(1)

Amendments

The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997

1. The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997(a) are amended as follows.

2. In regulation 2(1) (interpretation), in the definition of “United Kingdom ship”, omit subparagraphs (a), (b) and (d).

3. In regulation 5(2) (application), omit “and to other ships while they are within United Kingdom waters”.

The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998

4. The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998(b) are amended as follows.

5. In regulation 1(2)—

- (a) for the definition of “Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” substitute—

““Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.4(48), as amended by resolutions MSC.176(79), MSC.219(82), MSC.340(91), MSC.369(93), MSC.440(99) and MSC.460(101)(c);”;

(a) S.I. 1997/2367, amended by S.I. 2004/2110 and 2011/2616. The definition of “United Kingdom ship” in regulation 2(1) was also amended by the British Overseas Territories Act 2002 (c. 8), section 2(3).

(b) S.I. 1998/1011, amended by S.I. 1999/992. There are other amendments but none is relevant.

(c) See the footnote for the definition of “International Bulk Chemical Code” in regulation 3.

- (b) in the definition of “dangerous goods”, for “Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997” substitute “Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024(a)”;
- (c) for the definition of “International Maritime Dangerous Goods Code” substitute—
 ““International Maritime Dangerous Goods Code” means the International Maritime Dangerous Goods (IMDG) Code adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.122(75), as amended by resolutions MSC.157(78), MSC.205(81), MSC.262(84), MSC.294(87), MSC.328(90), MSC.372(93), MSC.406(96), MSC.442(99), MSC.477(102) and MSC.501(105)(b);”.

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

6. The Legislative and Regulatory Reform (Regulatory Functions) Order 2007(c) is amended as follows.

- 7. In the Schedule, in Part 2, in the section “Marine transport”—
 - (a) omit “The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995”;
 - (b) for “Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997” substitute “Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024”.

The Economic Growth (Regulatory Functions) Order 2017

8. The Economic Growth (Regulatory Functions) Order 2017(d) is amended as follows.

- 9. In the Schedule, in Part 3, in the section “Marine transport”—
 - (a) omit “The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995”;
 - (b) for “Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997” substitute “Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024”.

The Merchant Shipping Fees Regulations 2018

10. The Merchant Shipping (Fees) Regulations 2018(e) are amended as follows.

11. In Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption)—

- (a) for Section C (dangerous goods) substitute—

“The Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024	2024/636	None”
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- (b) in Section E (fire and life-saving), in the entry for the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998, in the third column, after “2023/568” insert—
 “2023/1216

(a) S.I. 2024/636.
 (b) See the footnote for the definition of “IMDG Code” in regulation 3.
 (c) S.I. 2007/3544, to which there are amendments not relevant to these Regulations.
 (d) S.I. 2017/267, to which there are amendments not relevant to these Regulations.
 (e) S.I. 2018/1104, to which there are amendments not relevant to these Regulations.

2024/636”;

- (c) in Section J (prevention and control of pollution)—
- (i) omit the entry for the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995;
 - (ii) in the entry for the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019(a), in the third column, for “2022/1234” substitute—

“2021/818

2022/1219

2022/1234

2024/636”;

- (d) in Section L (survey and certification), in the entry for the Merchant Shipping (Survey and Certification) Regulations 2015, in the third column—

- (i) after “2018/53”, insert—

“2018/1221

2022/41”;

- (ii) after “2022/42” insert “2022/1169”;

- (iii) after “2022/1219” insert—

“2023/1216

2024/636”.

The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019

12. The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019 are amended as follows.

13. In regulation 34(3)(a), for “the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 and the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004” substitute “the Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024”.

SCHEDULE 2

Regulation 2(2)

Revocations

Regulations revoked	References	Extent of revocation
The Merchant Shipping (Gas Carriers) Regulations 1994	S.I. 1994/2464	The whole Regulations
The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995	S.I. 1995/2498	The whole Regulations
The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) (Amendment) Regulations 1999	S.I. 1999/2121	The whole Regulations

(a) S.I. 2019/42, to which there are amendments not relevant to these Regulations.

The Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuel etc.) (INF Code) Regulations 2000	S.I. 2000/3216	The whole Regulations
The Merchant Shipping (Gas Carriers) (Amendment) Regulations 2004	S.I. 2004/929	The whole Regulations
The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004	S.I. 2004/2110	Regulations 12 and 22(2) and (4), and Schedule 1
Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2011	S.I. 2011/2616	Paragraph 12 of Schedule 1

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement outstanding amendments to Chapter VII of the Annex to the International Convention for the Safety of Life at Sea, 1974 (“SOLAS”), relating to the carriage of dangerous goods by ships, and Annex III to the International Convention for the Prevention of Pollution from Ships, 1973 (“MARPOL”), relating to the prevention of pollution by harmful substances carried by sea in packaged form.

These Regulations amend and substantially replace the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (S.I. 1997/2367), as well as revoking and replacing the Merchant Shipping (Gas Carriers) Regulations 1994 (S.I. 1994/2464) and the Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuel etc.) (INF Code) Regulations 2000 (S.I. 2000/3216).

These Regulations apply, with certain limited exceptions, to United Kingdom ships wherever they are (including those engaged on domestic voyages) and to non-United Kingdom ships when in United Kingdom waters or controlled waters (regulation 4).

These Regulations specifically make provision to give effect to the incident reporting requirements in Chapter VII of SOLAS and Protocol I to MARPOL, and for this purpose revoke and replace existing corresponding provisions in the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 (S.I. 1995/2498) and the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (S.I. 2004/2110).

These Regulations implement all amendments to Chapter VII and Annex III as at the date on which this instrument comes into force. Chapter VII also gives effect to the International Maritime Dangerous Goods Code (“the IMDG Code”), the International Maritime Solid Bulk Cargoes Code (“the IMSBC Code”), the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (“the IBC Code”), the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (“the IGC Code”) and the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on board Ships (“the INF Code”). These Regulations also therefore give effect to the mandatory requirements in those Codes.

All future amendments to the provisions of Chapter VII, Annex III, Protocol I, the IMDG Code, the IMSBC Code, the IBC Code, the IGC Code and the INF Code will be automatically incorporated into United Kingdom law by way of the ambulatory reference provision (regulation 5) made under the power in section 306A of the Merchant Shipping Act 1995.

These Regulations provide for the granting of exemptions (regulation 6), the approval of equivalents (regulation 7) and the granting of approvals (regulation 8).

Part 2 (regulations 9 to 12) makes provision for the requirements applying in relation to ships carrying dangerous goods and harmful substances in packaged form. Regulation 12 makes specific provision in respect of the duties on shippers and forwarders.

Part 3 (regulations 13 to 16) makes provision for the requirements applying in relation to ships carrying dangerous goods in solid form in bulk. Regulation 16 makes specific provision in respect of the duties on shippers.

Part 4 (regulations 17 to 20) makes provision in respect of the requirements for the construction and equipment of ships carrying dangerous liquid chemicals in bulk.

Part 5 (regulations 21 to 24) makes provision in respect of the requirements for the construction and equipment of ships carrying liquefied gases in bulk.

Part 6 (regulations 25 to 27) makes provision in respect of the requirements for the carriage of packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes on board ships.

Part 7 (regulations 28 to 30) makes provision in respect of the incident reporting requirements in Chapter VII of SOLAS and Protocol I to MARPOL.

Part 8 (regulations 31 to 33) makes provision for control and enforcement. Regulation 31 makes it an offence by the owner and master for a ship to be used in contravention of any of the requirements of these regulations (including the specific requirements in regulations 11 and 15). Regulation 32 makes it an offence by shippers and forwarders to contravene the requirements specified in regulations 12 and 16 respectively. Regulation 33 contains power to detain a ship in cases of non-compliance with these Regulations.

Regulation 34 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before 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.

Marine Guidance Note (MGN) 697(M) provides guidance on how the Secretary of State will exercise discretion where Chapter VII and other international provision permit this. This is available from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk/government/collections/marine-guidance-notices-mgns>.

SOLAS (including its Protocol of 1988) and MARPOL (including its Protocols of 1978 and 1997) 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 (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). The text of the IMO Resolutions amending SOLAS and MARPOL (including their respective Protocols) may be obtained from the IMO, or on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

Future amendments to SOLAS and MARPOL (including their respective Protocols, and the Codes given effect by them) 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 MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Written Ministerial 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 no, or no significant, impact on the private or voluntary sector is foreseen.

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

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