

2024 No. XXXX

MERCHANT SHIPPING

MARINE POLLUTION

SAFETY

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

Made - - - - *xxx 2024*
Laid before Parliament *xxx 2024*
Coming into force *xxx 2024*

CONTENTS

PART 1

Preliminary

1.	Citation, commencement and extent	3
2.	Amendments and revocations	3
3.	Interpretation	3
4.	General application	6
5.	Ambulatory reference	6
6.	Exemptions	7
7.	Equivalents	8
8.	Approvals	8

PART 2

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

9.	Application	9
10.	Requirements in relation to ships	9
11.	Requirements in relation to owners and masters	9
12.	Requirements in relation to shippers and forwarders	10

PART 3

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

13.	Application	11
-----	-------------	----

14.	Requirements in relation to ships	11
15.	Requirements in relation to masters	11
16.	Requirements in relation to shippers	11

PART 4

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

17.	Application to chemical tankers	11
18.	Repairs, alterations, modifications and outfitting	12
19.	Ships converted to chemical tankers	12
20.	Compliance with requirements	12
21.	International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk	13

PART 5

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

22.	Application to gas carriers	13
23.	Repairs, alterations, modifications and outfitting	13
24.	Ships converted to gas carriers	14
25.	Compliance with requirements	14
26.	International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk	15

PART 6

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

27.	Application to ships carrying INF cargo	15
28.	Compliance with requirements	15
29.	International Certificate of Fitness for the Carriage of INF Cargo	16

PART 7

Reporting of incidents

30.	Application	16
31.	Reporting requirements: general	16
32.	Reporting requirements: pollution incidents	17
33.	Reporting requirements: sightings of polluting substances	17

PART 8

Control and enforcement

34.	Offences and penalties: owner and master	17
35.	Offences and penalties: shipper and forwarder	18
36.	Detention	18
37.	Review of the Regulations	19

SCHEDULE 1 — Amendments	20
SCHEDULE 2 — Revocations	22

The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), and in exercise of the powers conferred by section 15(1) of the Health and Safety at Work etc. Act 1974(b), article 3 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983(c), articles 3 and 5 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987(d), article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1990(e), article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(f), article 2 of the Merchant Shipping (Control of Pollution) (SOLAS) Order 1998(g), 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, and with the consent of the Treasury, makes the following Regulations.

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) Regulations 2024 and come into force on [] 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.

(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—

-
- (a) 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 and 86 are to applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350). Sections 128 and 129 (and Orders in Council made pursuant to those sections) are also applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989. There are other amendments but none is relevant.
 - (b) 1974 c. 37. Section 15(1) was substituted by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 6 and S.I. 2002/794.
 - (c) 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).
 - (d) 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).
 - (e) 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).
 - (f) S.I. 1996/282. Article 2 is amended by the Marine and Coastal Access Act 2009 (c. 23), Schedule 4, Part 1, paragraph 3. Article 2 is amended by S.I. 2022/844. Article 3 is amended by S.I. 2015/664.
 - (g) S.I. 1998/1500.

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

“Chapter VII” means Chapter VII (dangerous goods) of the Annex to the Convention(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;

“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 for the protection and preservation of the marine environment;

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

“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 of Annex III;

“International Bulk Chemical Code” (IBC Code) has the same meaning as in regulation 8.1 of Chapter VII;

“International Gas Carrier Code” (IGC Code) has the same meaning as in regulation 11.1 of Chapter VII;

“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), as may be amended by the Organization, provided that such amendments are

-
- (a) Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form. See the footnote to “the MARPOL Convention” 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 the Convention (see the footnote to the definition of “Convention” 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 7874. The Convention 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>). The Convention 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 the Convention 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).

adopted, brought into force and take effect in accordance with the provisions of article VIII of the Convention concerning the amendment procedures applicable to the Annex other than Chapter I(a);

“IMSBC Code” means the International Maritime Solid Bulk Cargoes (IMSBC) Code adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.268(85), as may be amended by the Organization, provided that such amendments are adopted, brought into force and take effect in accordance with the provisions of article VIII of the Convention concerning the amendment procedures applicable to the Annex other than Chapter I(b);

“INF cargo” 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), as may be amended by the Organization, provided that such amendments are adopted, brought into force and take effect in accordance with the provisions of article VIII of the Convention concerning the amendment procedures applicable to the Annex other than Chapter I;

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

“NLS ship” has the same meaning as in regulation 3(1) of the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018(d);

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

“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

-
- (a) 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/>). See footnote (c) for further information on the Convention.
 - (b) 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/>). See footnote (c) for further information on the Convention.
 - (c) The MARPOL Convention (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/>).
 - (d) S.I. 2018/68, amended by S.I. 2020/496 and 2021/818. There are other amendments but none are relevant. See also the definition of “noxious liquid substance” in regulation 3(1) of the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018.

- (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 the MARPOL Convention;
- "shipper" means a person who, whether as principal or agent for another, consigns for carriage by sea dangerous goods or harmful substances;
- "United Kingdom ship" has the same meaning as in section 85(2) of the Merchant Shipping Act 1995;
- "valid" means in force.

General application

- 4.—(1) Subject to paragraphs (2) and (5), 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) Paragraph (4) applies to chemical tankers and gas carriers which are NLS ships.
- (4) The requirements in these Regulations are subject to the requirements in the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 in relation to the carriage of cargo to which those regulations apply.
- (5) A non-United Kingdom ship flying the flag of a State which is not a party to the Convention 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 or Annex III is to be construed—
- (a) as a reference to Chapter VII, Protocol I or Annex III as modified from time to time; and
 - (b) as, if Chapter VII, Protocol I or Annex III is replaced, a reference to the replacement.
- (2) For the purposes of paragraph (1)—

- (a) Chapter VII is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention; and
 - (b) Protocol I or Annex III is modified or replaced if the modification or replacement takes effect in accordance with Article 16 of the MARPOL Convention.
- (3) A modification or replacement of—
- (a) Chapter VII has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention;
 - (b) Protocol I or Annex III has effect at the time such modification or replacement comes into force in accordance with Article 16 of the MARPOL Convention.

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 exempt from the requirements of—
- (a) regulation 18(3) (repairs, alterations, modifications and outfitting), in relation to a chemical tanker; or
 - (b) regulation 23(3) (repairs, alterations, modifications and outfitting), in relation to 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,

and, for the purposes of paragraph (b), “Convention country” means a country or territory which is either a country the Government of which is party to the Convention or a territory to which the Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the Convention.

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

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

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

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

Approvals

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

- (a) approved by the Administration of the State whose flag the ship is entitled to fly; and
- (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 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.

(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 xxx; 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@mca.gov.uk).

(b) S.I. 2016/1025, amended by S.I. 2019/470, 2019/1304 and 2020/1000; there is another amendment which is not relevant. Relevant standards are set out in Annex 1 to Merchant Shipping Notice 1874 (M+F) Amendment 7, which is available on https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1145632/MSN_1874_Amendment_7.pdf 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@mca.gov.uk).

(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, alteration or cancellation is—

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

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 carrying dangerous goods in packaged form that are—
 - (i) non-United Kingdom ships not within United Kingdom 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;
- (b) Chapter 1 of Annex III,

applicable in relation to it(a).

Requirements in relation to owners and masters

11.—(1) A master and owner—

-
- (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 taken or received on board a ship unless the transport information required by virtue of—
 - (i) regulation 4.1 of Chapter VII; and
 - (ii) regulation 5.1 of Annex III,
 has been provided in accordance with the requirements in those regulations;
 - (b) must comply with regulation 5 (cargo securing manual) of Chapter VII(a);
 - (c) must comply with—
 - (i) regulation 6 (stowage) of Annex III; or
 - (ii) Chapter 7 (general stowage provisions) of the IMDG Code;
 - (d) must ensure that packaged goods are not accepted for carriage on, or taken or received on board, a ship unless they are in compliance with regulation 12(1)(a), (b) or (c).
- (2) A master—
- (a) must comply with—
 - (i) regulation 4.2 of Chapter VII; or
 - (ii) regulation 5.2 of Annex III;
 - (b) must comply with paragraph 5.4.4 of the IMDG Code;
 - (c) must keep available for inspection on board the ship any documents to which the requirements in subparagraph (a) or (b) relate.

Requirements in relation to shippers and forwarders

- 12.—(1) A shipper must comply with—
- (a) regulation 4.1 (documents) of Chapter VII;
 - (b) Part 5 (consignment procedures) of the IMDG Code;
 - (c) 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 transport information required by—
 - (aa) regulation 4.1 of Chapter VII;
 - (bb) regulation 5.1 of Annex III; and
 - (ii) any other information required by Chapter 5.4 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 of the IMDG Code;
 - (iii) regulation 5.1 (documentation) of Annex III.

(a) For further information about the Cargo Securing Manual, see paragraph 2.12 of Marine Guidance Note xxx in respect of which further details are set out in the footnote to regulation 8(1)(b). Cargoes are required to be loaded, stowed and secured in accordance with the Cargo Securing Manual by virtue of Chapter VI (carriage of cargoes) of the Annex to the Convention.

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 that are not within United Kingdom 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) 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 Section 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 paragraph (2), this Part applies to chemical tankers constructed on or after 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.

- (2) This Part does not apply to—
- (a) non-United Kingdom ships in controlled waters that are not within United Kingdom 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.

(3) In this Part, “constructed” has the meaning given to “ship constructed” in regulation 8.1.3 of Chapter VII.

Repairs, alterations, modifications and outfitting

18.—(1) A chemical tanker—

- (a) constructed before, on or after 1st July 1986; and
- (b) 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) 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.

Ships converted to chemical tankers

19. A ship, irrespective of the date of construction, which is converted into a chemical tanker is, for the purposes of this Part, a chemical tanker on and after the date of its conversion.

Compliance with requirements

20. The carriage of dangerous liquid chemicals in bulk by a chemical tanker is prohibited, except in accordance with each requirement in Part B of Chapter VII(a) applicable to it.

(a) Regulation 10 of Chapter VII requires a chemical tanker to comply with the requirements of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code). The Code was adopted by the International Maritime Organization (IMO) Resolution MSC.4(48) on 17th June 1983 and in accordance with IMO Resolution 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), 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.fcd.o.gov.uk/responsive/app/consolidatedSearch/>). See the footnote to the definition of “Convention” in regulation 3.

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

21.—(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 in accordance with paragraph 1.5.4.1 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk**(a)**.

(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 Part B of Chapter VII**(b)**.

PART 5

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

Application

22.—(1) Subject to paragraph (2), this Part applies to gas carriers constructed on or after 1st July 1986.

(2) This Part does not apply to—

- (a) non-United Kingdom ships in controlled waters that are not within United Kingdom 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.

(3) In this Part, “constructed” has the meaning given to “ship constructed” in regulation 11.1.3 of Chapter VII.

Repairs, alterations, modifications and outfitting

23.—(1) A gas carrier—

- (a) constructed before, on or after 1st July 1986; and
- (b) 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.

(a) See the footnote to regulation 20.

(b) The requirements for the survey and certification of chemical tankers are set out in Chapter 1, paragraph 1.5 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk.

(3) 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.

Ships converted to gas carriers

24. A ship, irrespective of the date of construction, which is converted into a gas carrier is, for the purposes of this Part, a gas carrier on and after the date of its conversion.

DRAFT

Compliance with requirements

25. The carriage of liquefied gases in bulk by a gas carrier is prohibited, except in accordance with each requirement in Part C of Chapter VII(a) applicable to it.

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

26.—(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 in accordance with paragraph 1.4.4.1 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk(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 Part C of Chapter VII(c).

PART 6

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

Application

27.—(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 that are not within United Kingdom 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

28. The carriage of INF cargo by a ship is prohibited, except in accordance with each requirement in Part D of Chapter VII(d) applicable to it.

-
- (a) Regulation 13 of Chapter VII requires a gas carrier to comply with the requirements of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code). The Code was adopted by the International Maritime Organization (IMO) Resolution MSC.5(48) on 17th June 1983 and in accordance with IMO Resolution 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/>). See the footnote to the definition of “Convention” in regulation 3.
 - (b) See the footnote to regulation 25.
 - (c) The requirements for the survey and certification of gas carriers are set out in Chapter 1, paragraph 1.4 of The International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (see preceding footnote).
 - (d) Regulation 16 of Chapter VII requires a ship to comply with the requirements of the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on board Ships (INF Code).

International Certificate of Fitness for the Carriage of INF Cargo

29.—(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 accordance with paragraph 1.3.2 of the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on board Ships(a).

(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 Part D of Chapter VII(b).

PART 7

Reporting of incidents

Application

30.—(1) This Part does not apply to a relevant ship as described in paragraph (4)(d) or (e) which is a—

- (a) ship not propelled by mechanical means;
- (b) wooden ship of primitive build;
- (c) pleasure vessel;
- (d) fishing vessel;
- (e) ship 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.

(2) In this Part—

“relevant ship” means—

- (a) a ship to which the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019(c) apply;
- (b) an NLS ship;
- (c) a ship carrying harmful substances in packaged form;
- (d) a ship carrying dangerous goods in packaged form;
- (e) a ship carrying dangerous goods in solid form in bulk; or
- (f) any ship which is not within the meaning of sub-paragraphs (a) to (e)(d).

Reporting requirements: general

31. The master or owner of a relevant ship must—

The 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.fedo.gov.uk/responsive/app/consolidatedSearch/>). See the footnote to the definition of “Convention” in regulation 3.

- (a) See the footnote to regulation 28.
- (b) The requirements for the survey and certification of ships intended to carry INF cargo are set out in Chapter 1, paragraph 1.3 of the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on board Ships (see the footnote to regulation 28).
- (c) S.I. 2019/42, amended by S.I. 2021/818, 2022/1219 and 2022/1234.
- (d) Article II(1)(c) of Protocol I applies to a ship in relation to which there is damage, failure or breakdown that affects the safety of the ship or its navigation.

- (a) in relation to a relevant ship within the meaning of regulation 30(2)(d), comply with the requirements in regulation 6 of Chapter VII (reporting of incidents involving dangerous goods in packaged form);
- (b) in relation to a relevant ship within the meaning of regulation 30(2)(e), 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 relevant ship, comply with Protocol I of MARPOL (reporting of incidents involving harmful substances)(a).

Reporting requirements: pollution incidents

32.—(1) This regulation applies to the discharge, or threat of discharge, of cargo from a relevant ship within the meaning of regulation 30(2)(a), (b) or (c) which is likely to result in the pollution of United Kingdom waters or the coastline of the United Kingdom.

(2) The master or owner of the relevant 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 to which this regulation applies.

Reporting requirements: sightings of polluting substances

33.—(1) The master of any ship must, in relation to a sighting of a polluting substance drifting or floating at sea in United Kingdom or controlled waters, notify His Majesty’s Coastguard by the quickest means 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 relevant ship within the meaning of regulation 30(2)(a) to (f).

PART 8

Control and enforcement

Offences and penalties: owner and master

34.—(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), 15 or 33(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 33(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

(a) The General Principles for Ship Reporting Systems and Ship Reporting Requirements, including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants, are contained in the International Maritime Organization (IMO) Resolution A.851(20), adopted on 27th November 1997 and amended by IMO Resolution MEPC.138(53)). These Resolutions 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/>).

- (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

35.—(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

36.—(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
- (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)(b) 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)(c).

(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) 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).

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

- (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

- 37.—(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(a) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under the Convention and the MARPOL Convention 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;
 - (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

Address	<i>Name</i>
Date	Parliamentary Under Secretary of State Department for Transport

(a) 2015 c. 26. 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. There is another Act which amends section 28 but it is not relevant.

We consent

Name

Name

Date

Two of the Lords Commissioners of His Majesty's Treasury

SCHEDULE 1

Regulation 2(1)

Amendments

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

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

2. 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 as adopted by the International Maritime Organization on 10th December 2004;”;

(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) Regulations 2024”;

(c) for the definition of “International Maritime Dangerous Goods Code” substitute—

““International Maritime Dangerous Goods Code” means the International Maritime Dangerous Goods Code adopted by International Maritime Organization on 24th May 2002;”.

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

3. The Legislative and Regulatory Reform (Regulatory Functions) Order 2007(b) is amended as follows.

4. In the Schedule, Part 2, in the section “Marine transport” for “Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997” substitute “Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) Regulations 2024”.

The Economic Growth (Regulatory Functions) Order 2017

5. The Economic Growth (Regulatory Functions) Order 2017(c) is amended as follows.

6. In the Schedule, Part 3, in the section “Marine transport” for “Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997” substitute “Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) Regulations 2024”.

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

(b) S.I. 2007/3544, to which there are amendments not relevant to these Regulations.

(c) S.I. 2017/267, to which there are amendments not relevant to these Regulations.

The Merchant Shipping Fees Regulations 2018

7. The Merchant Shipping (Fees) Regulations 2018(a) are amended as follows.

8. 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), in Section C (dangerous goods)—

- (a) omit the following entries—
 - (i) the Merchant Shipping (Gas Carriers) Regulations 1994(b);
 - (ii) the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995(c);
 - (iii) the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997(d);
 - (iv) the Merchant Shipping (Carriage of Irradiated Nuclear Fuel etc) (INF Code) Regulations 2000(e);
- (b) at the end—
 - (i) in the first column, insert “The Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) Regulations 2024”;
 - (ii) in the second column, insert “2024/xxx”;
 - (iii) in the third column, insert “None”.

The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019

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

10. 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) Regulations 2024”.

The Merchant Shipping (Carriage of Cargoes) Regulations 2024

11. The Merchant Shipping (Carriage of Cargoes) Regulations 2024(g) are amended as follows.

12. In regulation 4, for paragraph (4) substitute—

- “(4) For the purposes of paragraph (3), where there is a conflict between the requirements of—
- (a) the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018, in relation to the carriage of noxious liquid substances in bulk;
 - (b) the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019, in relation to the carriage of oil;
 - (c) the Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) Regulations 2024, in relation to the carriage of cargoes to which those regulations apply,

(a) S.I. 2018/1104, to which there are amendments not relevant to these Regulations.

(b) S.I. 1994/2464.

(c) S.I. 1995/2498.

(d) S.I. 1997/2367.

(e) S.I. 2000/3216.

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

(g) S.I. 2024/xxx.

and the requirements in these Regulations, the requirements of any of the Regulations listed in subparagraphs (a) to (c), as the case may be, take precedence.”.

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 (Dangerous Goods and Marine Pollutants) Regulations 1997	S.I. 1997/2367	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
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 Schedules 1 and 2
Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2011	S.I. 2011/2616	The whole Regulations

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 revoke and replace the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (S.I. 1997/2367) (as well as 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), and 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 (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 provision 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 (including the Codes given effect by Chapter VII), Annex III and Protocol I 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 21) makes provision in respect of the requirements for the construction and equipment of ships carrying dangerous liquid chemicals in bulk.

Part 5 (regulations 22 to 26) makes provision in respect of the requirements for the construction and equipment of ships carrying liquefied gases in bulk.

Part 6 (regulations 27 to 29) 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 30 to 33) makes provision in respect of the incident reporting requirements in Chapter VII of SOLAS and Protocol I to MARPOL.

Part 8 (regulations 34 to 36) makes provision for control and enforcement. Regulation 34 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 35 makes it an offence by shippers and forwarders to contravene the requirements specified in regulations 12 and 16 respectively. Regulation 36 contains power to detain a ship in cases of non-compliance with these Regulations.

Regulation 37 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 Notes (MGN) xxx and xxx provide guidance on how the Secretary of State will exercise discretion where Chapter VII and other international provision permit this. These are 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-notice-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) 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.