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 S T A T U T O R Y   I N S T R U M E N T S
 

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1981 No. 1747

**MERCHANT SHIPPING**

**SAFETY**

**The Merchant Shipping (Dangerous Goods) Regulations 1981**

*Made - - - - - 3rd December 1981*

*Laid before Parliament 11th December 1981*

*Coming into Operation 1st January 1982*

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The Secretary of State, in exercise of powers conferred by section 23 of the Merchant Shipping (Safety Convention) Act 1949(a) and now vested in him (b) and after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(c), in exercise of the powers conferred on him by sub-section (1)(a) and (b), paragraphs (b) (o) and (q) of sub-section (3), and sub-sections (4)(a) (5) and (6)(a) and (b) of section 21 and section 22(3)(a) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

## PART I

## GENERAL

*Citation, interpretation, exemptions and revocation*

1.—(1) These Regulations may be cited as the Merchant Shipping (Dangerous Goods) Regulations 1981 and shall come into operation on 1st January 1982.

(2) In these Regulations, unless the context otherwise requires:

“the Blue Book” means the 1978 Report of the Department of Trade’s Standing Advisory Committee on the Carriage of Dangerous Goods in Ships;

“correct technical name” means a description of the goods sufficient to identify readily their dangerous characteristics, including any proper shipping name described in the IMDG Code;

“dangerous goods” means goods classified in the Blue Book, the IMDG Code or any other IMCO publication specified below as dangerous for carriage by sea, and any other substance or goods the properties of which might be dangerous if that substance or those goods were carried by sea, and includes empty receptacles, residues in empty tanks or cargo holds which have been used previously for the carriage of dangerous goods unless such receptacles, empty tanks or cargo holds have been cleaned and dried or ventilated as appropriate or, when the properties of the former contents permit with safety, have been adequately closed, or in the case of radioactive substances have been both cleaned and adequately closed, but the expression shall not include goods forming part of the equipment or stores of the ship in which they are carried;

“dangerous goods declaration” means a certificate or declaration in writing that the shipment offered for carriage is properly marked or labelled in accordance with the provisions of these Regulations and is packaged in such a manner as to withstand the ordinary risks of handling and transport by sea, having regard to the properties of the goods to be carried;

“durably marked” means that the label or other marking in accordance with the provisions of these Regulations is such as to remain identifiable on packages which have been at least three months in the sea and “durable” shall be construed accordingly;

“employee” means a person (including the master but excluding dock workers or shore-based repair and other workers temporarily employed on board the ship) employed:

(a) in the navigational, engine room, radio, medical or catering department of a ship; or

(b) in the provision of goods, services or entertainment on board;

“flammable liquids” means liquids the flashpoint of which is at or below 60°C (closed cup) in respect of bulk cargoes and at or below 61°C (closed cup) in respect of packaged goods;

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(a) 1949 c. 43.

(b) See S.I. 1970/1537.

(c) 1979 c. 39.

“freight container” means an article of transport equipment (other than a vehicle or packaging) used for the containment of cargo which is:

- (a) strong enough for repeated use;
- (b) capable of facilitating the transport of goods, by one or more modes of transport, without intermediate reloading; and
- (c) capable of being readily handled, and of being secured during carriage, and having fittings for these purposes;

and includes any such container carried on a chassis;

“IMCO” means the Inter-Governmental Maritime Consultative Organisation;

“IMCO Bulk Dangerous Chemicals Code” means the 1980 edition of the IMCO Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk;

“IMCO Bulk Liquefied Gases Code for New Ships” means the 1976 edition of the IMCO Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk;

“IMCO Bulk Liquefied Gases Code for Existing Ships” means the 1976 edition of the IMCO Code for Existing Ships carrying Liquefied Gases in Bulk;

“IMCO Solid Bulk Cargoes Code” means the 1980 edition of the IMCO Code of Safe Practice for Solid Bulk Cargoes;

“the IMDG Code” means the 1977 edition of the International Maritime Dangerous Goods Code published by IMCO;

“loaded in bulk” means loaded directly into the structural cargo spaces of a ship without intermediate form of containment and, without prejudice to the generality of the foregoing words, the expression includes a cargo of liquid or liquefied gas, or a cargo of solids in particle or granular form generally homogeneous in composition;

“Merchant Shipping Notice” means a Notice described as such, issued by the Department of Trade and published by Her Majesty’s Stationery Office;

“package” means an individual package or receptacle and includes a freight container or a portable tank or tank container or tank vehicle or other vehicle or other cargo unit containing dangerous goods for shipment;

“the Protocol of 1978” means the Protocol of 1978 relating to the International Convention for Safety of Life at Sea 1974 (Cmnd. 7346);

“safety explosives” means explosives of Class 1, Division 1.4 compatibility Group S in the IMDG Code;

“United Kingdom Ship” has the same meanings as in section 21(2) of the Merchant Shipping Act 1979;

“United Nations number” means the number allocated to dangerous substances or articles by the United Nations Committee of Experts on the Transport of Dangerous Goods and specified in their publication entitled “Transport of Dangerous Goods” published in 1977 by the United Nations Organisation.

(3) Any reference in these Regulations to the Blue Book, the IMCO Bulk Dangerous Chemicals Code, the IMCO Bulk Liquefied Gases Code for New Ships, the IMCO Bulk Liquefied Gases Code for Existing Ships, the IMCO Solid Bulk Cargoes Code, the IMDG Code or the United Nations 1977 publication shall include a reference to any document amending that publication which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(4) The Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

(5) The Merchant Shipping (Dangerous Goods) Rules 1978(a), the Merchant Shipping (Dangerous Goods) (Amendment) Rules 1980(b) and the Merchant Shipping (Dangerous Goods) (Amendment No. 2) Rules 1980(c) are hereby revoked.

(6)(a) In rule 52(1) of the Merchant Shipping (Fire Appliances) Rules 1965(d) for the reference to "Rule 10(1) of the Merchant Shipping (Dangerous Goods) Rules 1965" there shall be substituted "regulation 11 of the Merchant Shipping (Dangerous Goods) Regulations 1981".

(b) In Regulation 64(1) of the Merchant Shipping (Fire Appliances) Regulations 1980(e) for the reference to "Rule 8 of the Merchant Shipping (Dangerous Goods) Rules 1978" there shall be substituted "regulation 11 of the Merchant Shipping (Dangerous Goods) Regulations 1981".

#### *Application*

2.—(1) These Regulations apply to:

- (a) United Kingdom ships;
- (b) other ships while they are loading or discharging cargo or embarking or disembarking passengers or bunkering or discharging fuel within the United Kingdom or the territorial waters thereof.

(2)(a) In the case of a ship to which the Protocol of 1978 and the International Convention for the Safety of Life at Sea 1974(f) applies, where all dangerous goods are being carried or discharged in accordance with the law relating to the carriage by sea of such goods of the country in which the ship is registered and all the provisions of that law (in so far as the same are applicable) have been complied with, the provisions of Parts II and III of these Regulations shall be deemed to have been complied with in relation to that ship.

(b) In the case of any other ship, the Secretary of State may exempt that ship from any of the requirements of these Regulations which are required to be complied with in relation to that ship if he is satisfied that the requirements of the law relating to the carriage by sea of dangerous goods of the country in which the ship is registered have been complied with and are not less effective than the requirements of Parts II and III of these Regulations.

#### *General duties of shipowners and employers*

3.—(1) It shall be the duty of every shipowner or employer of persons aboard a United Kingdom ship and, in respect of a ship registered outside the United Kingdom, the master, to ensure, so far as is reasonably practicable, the health, safety and welfare aboard ship of all employees and of other persons who may be affected by his acts or omissions in connection with the handling, stowage and transport of dangerous goods on the ship.

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(a) S.I. 1978/1543.      (b) S.I. 1980/789.      (c) S.I. 1980/1502.  
 (d) S.I. 1965/1106, to which there are amendments not relevant to these Regulations.  
 (e) S.I. 1980/544, to which there is an amendment not relevant to these Regulations.  
 (f) Cmnd. 7874.

(2) Without prejudice to the generality of the shipowner's or employer's or master's duty under paragraph (1) above, the matters to which that duty extends shall include in particular:

- (a) the provision and maintenance of ship's equipment for the handling, stowage and transport of dangerous goods which is, so far as is reasonably practicable, safe and without risk to health;
- (b) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety aboard ship of employees in connection with the handling, stowage and transport of dangerous goods on the ship.

(3) If a shipowner or employer or master fails to comply with any of the provisions of this regulation he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

*General duties of employees aboard ship*

4.—(1) It shall be the duty of every employee on board ship:

- (a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions in connection with the handling, stowage and transport of dangerous goods on the ship; and
- (b) as regards any duty or requirement imposed on his shipowner or employer by the Merchant Shipping Acts 1894 to 1979 or any regulation or rule made thereunder prior to the date on which these Regulations come into operation, with regard to the safety or health of persons aboard a ship to which these Regulations apply, to co-operate with the shipowner or employer so far as is necessary to enable that duty or requirement to be performed or complied with in connection with the handling, stowage and transport of dangerous goods on the ship.

(2) If any employee on a ship carrying dangerous goods fails to comply with any of the provisions of this regulation he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

*Misconduct endangering the ship or persons on board ship*

5.—(1) In connection with the handling, stowage and transport of dangerous goods on the ship no person shall intentionally or recklessly interfere with or misuse anything provided on a United Kingdom ship in the interests of health, safety or welfare in pursuance of the Merchant Shipping Acts 1894 to 1979 or any regulation or rule made thereunder prior to the coming into operation of these Regulations.

(2) If any person on a ship carrying dangerous goods fails to comply with any of the provisions of this regulation he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

*Onus of proving what is reasonably practicable*

6. In any proceedings for an offence under this Part of these Regulations consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall be for the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

## PART II

## PACKAGED GOODS

*Documentation of packaged dangerous goods*

7.—(1)(a) No dangerous goods shall be taken on board any ship to which these Regulations apply for carriage in that ship unless the shipper of the goods has furnished the shipowner or master of the ship with a dangerous goods declaration.

(b) If a shipper of dangerous goods fails to furnish the shipowner or master of the ship with a dangerous goods declaration or furnishes a declaration which he knew or ought to have known to be false, he shall be guilty of an offence.

(2) Such declaration shall indicate with the correct technical name, the identity of the goods and the United Nations number (whenever such a number exists) and shall indicate to which of the following classes the goods belong:—

- Class 1 — Explosives.
- Class 2 — Gases compressed, liquefied or dissolved under pressure, subdivided into three categories:
  - 2.1 — Flammable gases;
  - 2.2 — Non-flammable gases, being compressed, liquefied or dissolved, but neither flammable nor poisonous;
  - 2.3 — Poisonous gases.
- Class 3 — Flammable liquids, subdivided into three categories:
  - 3.1 — Low flashpoint group of liquids having a flashpoint below  $-18^{\circ}\text{C}$  ( $0^{\circ}\text{F}$ ), closed cup test;
  - 3.2 — Intermediate flashpoint group of liquids having a flashpoint of  $-18^{\circ}\text{C}$  ( $0^{\circ}\text{F}$ ) up to, but not including,  $23^{\circ}\text{C}$  ( $73^{\circ}\text{F}$ ), closed cup test;
  - 3.3 — High flashpoint group of liquids having a flashpoint of  $23^{\circ}\text{C}$  ( $73^{\circ}\text{F}$ ) up to and including  $61^{\circ}\text{C}$  ( $141^{\circ}\text{F}$ ), closed cup test;
- Class 4.1 — Flammable solids.
- Class 4.2 — Substances liable to spontaneous combustion.
- Class 4.3 — Substances which in contact with water emit flammable gases.
- Class 5.1 — Oxidising substances (agents).
- Class 5.2 — Organic peroxides.
- Class 6.1 — Poisonous (toxic) substances.
- Class 6.2 — Infectious substances.
- Class 7 — Radioactive substances.
- Class 8 — Corrosives.
- Class 9 — Miscellaneous dangerous substances which present a danger not covered by other classes.

(3)(a) The shipper shall in addition provide the shipowner or master of the ship with the following information in writing where appropriate:—

- (i) the number and type of packages;
- (ii) the total quantity of dangerous goods covered by the declaration (gross weight);
- (iii) net weight of explosive content of Class 1 dangerous goods (other than safety explosives);

(iv) the closed cup flashpoint if 61°C or below.

(b) If a shipper fails to furnish the shipowner or master of the ship with such information or furnishes information which he knew or ought to have known to be false, he shall be guilty of an offence unless he can show that he neither knew nor ought to have known that there would be non-compliance with this regulation.

(4)(a) Where the goods have been packed into a freight container or vehicle, the person responsible for packing the goods therein shall furnish the shipowner or master of the ship with a packing certificate. Such packing certificate shall be a declaration that the goods are, where regulation 8 of these Regulations is applicable, properly packaged and have been securely packed and adequately braced as necessary in the freight container or vehicle for the intended voyage; the packing certificate shall also indicate that:—

- (i) the freight container or vehicle was clean, dry and appeared fit to receive the goods;
- (ii) no incompatible substances have been packed within the freight container or vehicle except where this is permitted by these Regulations;
- (iii) where packages or receptacles have been packed into the freight container or vehicle, that they are in a sound condition;
- (iv) labelling or other appropriate marking on the packages and freight container or vehicle complies with regulation 9 of these Regulations.

(b) If the person responsible for packing the goods fails to furnish the shipowner or master of the ship with a packing certificate he shall be guilty of an offence.

(5) The master of a ship carrying dangerous goods shall cause a specific list, manifest or stowage plan to be carried in the ship, setting forth, in accordance with the information provided under the foregoing provisions of this regulation, details of the dangerous goods carried in the ship on the voyage on which she is currently engaged (including the correct technical name of the goods, their classification in the Blue Book or the IMDG Code, and their weight or quantity); such details shall be obtained from the shipping documents prepared by the shipper. Additionally the master shall cause details of the location in the ship where the goods are stowed to be recorded. He shall also cause to be carried in the ship any additional special documents required for the acceptance of dangerous goods for carriage. All documents referred to in this paragraph shall be available on board the ship carrying those dangerous goods.

(6) If the master of a ship carrying dangerous goods fails to cause a specific list, manifest or stowage plan, record of location of goods or additional special document to be carried as provided for in this regulation, or fails to have any such specific list, manifest or stowage plan, record of location of goods or additional special documents available on board the ship, he shall be guilty of an offence.

### *Packaging*

8.—(1) Dangerous goods which are not loaded in bulk shall not be taken on board any ship to which these Regulations apply for carriage in that ship if the owner of the ship or any of his servants or agents knows or ought to know that the goods are not packed in such a manner as to withstand the ordinary risks of handling and transport by sea, having regard to the properties of the goods.

(2) Subject to the provisions of paragraph (3) below:—

(a) The packaging of dangerous goods, being goods which are not loaded in bulk, shall be:—

- (i) well made and in good condition;
- (ii) of such a character that any interior surface with which the contents may come into contact is not dangerously affected by the substances being conveyed and does not react dangerously with it; and
- (iii) if the dangerous goods are radioactive substances, adequate to allow a margin of safety sufficient in the circumstances to protect all persons on board the ship.

(b) Where absorbent or cushioning material is used in the packaging of a receptacle or receptacles containing liquids, that material shall be:—

- (i) capable of minimising the dangers to which the liquid gives rise;
- (ii) so disposed as to prevent movement of the receptacle and ensure that the receptacle remains surrounded by such material.

(c) Where absorbent material is used it shall be in sufficient quantity where reasonably possible to absorb the liquid in the event of breakage of the receptacle.

(d) Receptacles containing dangerous liquids shall have an ullage at the filling temperature sufficient to allow for the highest temperature likely to be met during the course of normal carriage.

(e) Cylinders or receptacles for gases under pressure shall be adequately constructed, tested, maintained and correctly filled.

(3) Where the goods:

- (a) have been packaged in accordance with the requirements of the Blue Book or, where there is no such requirement, the IMDG Code; or
- (b) are contained in a portable tank or road tank vehicle which is certified for such carriage under the provisions of Annex 1 or Annex 2 to the Blue Book,

paragraphs (1) and (2) of this regulation shall be deemed to have been complied with.

(4) Before the goods are taken on board the ship the shipowner or master shall be furnished with a dangerous goods declaration by the shipper that the goods are packaged in accordance with the requirements of this regulation.

(5) If the shipowner or master or the shipper of the dangerous goods fails to comply with the provisions of this regulation he shall be guilty of an offence.

#### *Marking*

9.—(1) Dangerous goods which are contained in a package shall not be taken on board a ship to which these Regulations apply for carriage in that ship unless the following conditions are satisfied:

- (a) the package shall be clearly marked with the correct technical name of the goods and an indication of the nature of the danger to which the goods give rise;
- (b) where the goods are to be taken on board within the United Kingdom or the territorial waters thereof, the above markings shall comply with the Blue Book or, in the absence of such requirements, those of the IMDG Code;



- (c) where the outer material of the package is such that it will survive at least three months' immersion in the sea, the marking shall be durable;
- (d) where the outer material of the package is such that it will not survive at least three months' immersion in the sea, any inner receptacles which will survive such immersion shall be durably marked with an indication of the nature of the danger to which the goods give rise, which indication may be given by any suitable means including (but not restricted to) an IMDG Code Class symbol of an appropriate size; provided that this requirement need not be complied with until six months after the date these Regulations come into operation.
- (e) without prejudice to the above requirements, where the goods are contained in a freight container, vehicle, portable tank or tank container, the unit in which the goods are contained shall bear conspicuously on its exterior distinctive labels or other appropriate marking indicating the nature of the danger to which the goods give rise. Where the vehicle is a road tank vehicle, or the goods are contained in a portable tank or tank container, the label or marking shall in addition indicate the correct technical name of the goods;
- (f) where any road tank vehicle, tank container or portable tank of the kind described in sub-paragraph (e) containing such goods is to be taken on board within the United Kingdom or the territorial waters thereof:
  - (i) the label or marking shall be that specified in the Blue Book or, in the absence of such specification, the IMDG Code class label or other marking required by the IMDG Code;
  - (ii) the label or marking shall be placed in accordance with the requirements of the Blue Book or, in the absence of such requirements, on each side and at each end of the container or tank or on each side and at the rear of the vehicle.

(2) If a shipper causes, or a shipowner or master accepts, dangerous goods to be taken on board ship in any package which has not been marked with distinctive labels or other appropriate marking as provided for in this regulation he shall be guilty of an offence.

#### *Stowage and packing*

**10.**—(1) Dangerous goods and any package containing dangerous goods, taken on board any ship to which these Regulations apply for carriage in that ship, shall be stowed in the ship and shall be kept so stowed, with adequate ventilation where appropriate, in a manner which is a safe and proper manner of stowage for the goods having regard to the identity and dangerous properties indicated by the markings referred to in regulation 9 of these Regulations.

(2) In the case of goods packed in a freight container or vehicle the goods shall be packed in the container or vehicle and shall be kept so packed in a manner which is a safe and proper manner of packing for the goods having regard to the identity and dangerous properties indicated by the markings referred to in regulation 9 of these Regulations.

(3) Dangerous goods of different kinds which the owner of the ship or any of his servants or agents knows or ought to know are liable to interact dangerously in the quantities carried shall be effectively segregated and kept effectively segregated from one another.

(4) In any proceedings against an owner or master in respect of a failure to comply with the provisions of this regulation, it shall be a good defence to prove:

- (a) that the goods were stowed in accordance with the provisions of the Blue Book or, where there is no such provision, the IMDG Code; or
- (b) in the case of goods packed in a freight container or vehicle, that before the freight container or vehicle was taken on board the ship the person responsible for packing the goods into the container or vehicle had furnished the shipowner or master of the ship with a packing certificate certifying that the goods had been properly packed in the container or vehicle.

(5) If a shipowner or any of his servants or agents or master or the person responsible for packing goods in a freight container or vehicle or for stowing the goods in the ship, fails to comply with the provisions of this regulation he shall be guilty of an offence.

*Carriage of explosives other than safety explosives*

**11.**—(1) No explosives (other than safety explosives) which the owner of the ship or any of his servants or agents knows or ought to know present a serious risk when carried in a ship shall be taken on board any ship to which these Regulations apply unless:—

- (a) such explosives are stowed in a compartment in which any electrical apparatus and cables are so designed and used as to minimise the risk of fire or explosion; and
- (b) where Category II stowage is required by the IMDG Code, such explosives are stowed in a magazine which shall be kept securely closed while the ship is at sea; and
- (c) detonators are effectively segregated from all other explosives.

(2) If the owner of the ship or any of his servants or agents fails to comply with this regulation he shall be guilty of an offence.

*Carriage of dangerous goods on passenger ships*

**12.**—(1) No explosives shall be taken on board or carried in any ship to which these Regulations apply which is carrying more than 12 passengers except:—

- (a) safety explosives;
- (b) any explosives the net weight of which does not exceed 10 kilogrammes;
- (c) distress signals for use in ships or aircraft, if the total weight of such signals does not exceed 1,000 kilogrammes;
- (d) fireworks which are unlikely to explode violently; provided that such fireworks shall not be carried in ships carrying unberthed passengers.

(2) Any distress signals, rockets or fireworks of a kind referred to in paragraph (1) above carried in any ship shall be stowed under the supervision of a person appointed for that purpose by the shipowner or master of the ship.

(3) No dangerous goods shall be taken on board or carried in any ship to which these Regulations apply which is carrying more than 25 passengers, or more than one passenger per three metres of overall length, whichever is the greater number, for carriage in that ship if those goods are classified in

the Blue Book as prohibited for carriage in a passenger ship or are specified in the Blue Book or, where there is no such specification, the IMDG Code for on deck stowage only and such stowage cannot be provided.

(4) If a shipowner or master or any of his servants or agents fails to comply with this regulation he shall be guilty of an offence.

### PART III

#### CARRIAGE IN BULK

##### *Documentation of dangerous goods loaded in bulk*

**13.**—(1) The shipper shall furnish the shipowner or master of any ship to which these Regulations apply with a notification in writing giving notice of the nature of any dangerous goods to be carried in bulk indicating the flash-point of those liquids with a flashpoint at or below 60°C (closed cup).

(2) If a shipper of dangerous goods in bulk or any of his servants or agents fails to furnish the shipowner or master with such a notification in writing, or furnishes a notification which he knew, or ought to have known, to be false, he shall be guilty of an offence.

##### *Carriage in bulk*

**14.**—(1) Dangerous goods shall not be loaded in bulk into any ship to which these Regulations apply for carriage in that ship if the owner of the ship or any of his servants or agents knows or ought to know that the goods cannot safely be carried in bulk to the destination to which they are consigned:

Provided that where those goods listed in Chapter VI of the IMCO Bulk Dangerous Chemicals Code, or in Chapter XIX of the IMCO Bulk Liquefied Gases Code for New Ships, or in Chapter XIX of the IMCO Bulk Liquefied Gases Code for Existing Ships, or classified dangerous goods listed in Appendix B of the IMCO Solid Bulk Car-goes Code, as appropriate, have been loaded in bulk in accordance with the recommendations of those Codes, the provisions of this Regulation shall be deemed to have been complied with.

(2) If the owner of a ship or any of his servants or agents fails to comply with the provisions of this regulation he shall be guilty of an offence.

### PART IV

#### PENALTIES

##### *Power to detain*

**15.** Any ship to which Part II or Part III of these Regulations apply which does not comply with the requirements of these Regulations shall be liable to be detained and section 692 of the Merchant Shipping Act 1894(a) (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that for the words “this Act” wherever they appear, there shall be substituted “the Merchant Shipping Acts 1894 to 1979 or any Regulations made thereunder”.

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(a) 1894 c. 60.

*Penalties*

16.—(1) A person guilty of an offence under Part II or Part III of these Regulations shall be liable on summary conviction to a fine not exceeding £1,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(2) In any proceedings for an offence under this regulation it shall be a defence for the person to prove that all reasonable steps had been taken by him to ensure compliance with the Regulations.

(3) It shall be a defence in proceedings for an offence under these Regulations for the person to prove that he did not know nor ought to have known nor had reasonable grounds for suspecting the goods to be dangerous goods.

*Offences due to fault of another person*

17. Where the commission by any person of an offence under Parts I, II or III of these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

*Offences by bodies corporate*

18.—(1) Where an offence under Parts I, II or III of these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the preceding sub-paragraph shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

3rd December 1981.

*Iain Sproat,*  
Parliamentary Under Secretary of State,  
Department of Trade.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations revoke the Merchant Shipping (Dangerous Goods) Rules 1978 as amended and re-enact those provisions subject to the changes set out below. The Regulations give effect to Chapter VII (Carriage of Dangerous Goods) of the International Convention for the Safety of Life at Sea 1974 (Cmnd. 7874) which was laid before Parliament in October 1978 and ratified by the United Kingdom in November 1979. Amendments are made to the Merchant Shipping (Fire Appliances) Rules 1965 and to the Merchant Shipping (Fire Appliances) Regulations 1980 to update the reference to what is now regulation 11 of these Regulations.

(1) The shipowner or employer is now required, so far as is reasonably practicable, to provide and maintain equipment and to make other arrangements for ensuring the health and safety of persons employed on board in connection with the handling, stowage and transport of dangerous goods. There is a similar duty imposed on the employee to take care for the health and safety of himself and others on board.

(2) Requirements in respect of packaged dangerous goods are set out in Part II and those for dangerous goods loaded in bulk in Part III. The packaging requirements have been simplified (regulation 8) and the Regulations are deemed to be complied with if dangerous goods which are not loaded in bulk have been packed in accordance with the requirements of the "Blue Book" (the Report of the Department of Trade's Standing Advisory Committee) or, where there are no such requirements, the International Maritime Dangerous Goods Code ("IMDG Code").

(3) The provisions governing the marking of packaged dangerous goods have been clarified and include different requirements in respect of individual packages from other specified types of cargo units (regulation 9).

(4) Notification of dangerous goods loaded in bulk, which now includes solid bulk cargoes as well as liquid chemicals and gases in bulk, has to be given to the owner or master and such goods will be deemed to be loaded acceptably if loaded in accordance with the relevant Code published by the Inter-governmental Maritime Consultative Organisation (regulations 13 and 14). The Codes are available from IMCO, Piccadilly, London W1.

(5) Amendments to these Codes and to the IMDG Code and Blue Book are specified by the Secretary of State in Merchant Shipping Notices obtainable from the Department of Trade, Marine Library, Sunley House, 90 High Holborn, London WC1 and from any Department of Trade Marine Office. Amendments to the Blue Book currently specified include additional substances which may be carried in portable tanks and road tank vehicles, requirements in respect of portable tanks for the carriage of non-refrigerated pressure liquefiable gases and a maximum limit of 250 litres for metal drum packings for flammable liquids. The Blue Book and amendments may be purchased from Her Majesty's Stationery Office. Amendments to the IMDG Code currently specify additional substances and change of detail in packaging, marking, stowage and segregation. Specified amendments to the IMCO Codes for dangerous goods carried in bulk include revised 1980 Editions of the IMCO Bulk Dangerous Chemical Code and the IMCO Solid Bulk Cargoes Code. The United Nations publication "Transport of Dangerous Goods" is available from Her Majesty's Stationery Office.

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