
STATUTORY INSTRUMENTS

1987 No. 549

**MARINE POLLUTIONMERCHANT SHIPPING
SAFETY**

The Merchant Shipping (IBC Code) Regulations 1987

<i>Made</i>	- - - -	<i>26th March 1987</i>
<i>Laid before Parliament</i>		<i>1st April 1987</i>
<i>Coming into force</i>	- -	<i>6th April 1987</i>

The Secretary of State for Transport, in exercise of the powers conferred on him by article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987(1) and after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(2), in exercise of the powers conferred on him by section 21(1)(a) and (b), (3), (5) and (6) and section 22(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, revocation and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (IBC Code) Regulations 1987 and shall come into force on 6th April 1987.

(2) The Merchant Shipping (Chemical Tankers) Regulations 1986(3) are hereby revoked.

(3) In these Regulations the following expressions have the following meanings:—

“1974 SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, as amended(4);

“BCH Code” means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (1986 Edition) published by the International Maritime Organization;

“Cargo Ship Safety Construction Certificate”, “Cargo Ship Safety Equipment Certificate”, “Cargo Ship Safety Radiotelegraphy Certificate” and “Cargo Ship Safety Radiotelephony Certificate” mean respectively the certificates so entitled issued in conformity with the 1974

(1) S.I. 1987/470

(2) 1979 c. 39; sub-section 21(1) and (3) were amended by the Safety at Sea Act 1986 (c. 23), section 11(1); section 21(6) was amended by the Criminal Justice Act 1982 (c. 48), section 49(3).

(3) S.I. 1986/1068

(4) Cmnd. 7874; the Convention was amended by the Protocol of 1978 (Cmnd. 7346) and two sets of amendments adopted by the Maritime Safety Committee of the International Maritime Organization on 20th November 1981 and 17th June 1983 respectively.

SOLAS Convention and, in the case of a United Kingdom ship, under or pursuant to the Merchant Shipping Acts 1894 to 1986;

“chemical tanker” means a self-propelled cargo ship constructed or adapted and used for the carriage in bulk of any liquid substance listed in Chapter 17 of the IBC Code; but does not include offshore support vessels or dry cargo ships with deep tanks;

“constructed” in regulation 2 means, in relation to a ship, having its keel laid or being at a similar stage of construction; and “similar stage of construction” means the stage at which—

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

“Control of Pollution by Noxious Liquid Substances Regulations” means the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987⁽⁵⁾;

“IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (1986 Edition) published by the International Maritime Organization;

“IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk set out in the Annex to Resolution MSC. 5(48) adopted by the Maritime Safety Committee of the International Maritime Organization on 17th June 1983;

“in bulk” means directly and without intermediate form of containment in a tank forming an integral part of, or permanently located on, a ship;

“International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk” means, in relation to a United Kingdom ship, a certificate issued pursuant to regulation 5 and, in relation to any other ship, a certificate issued in conformity with chapter 1 of the IBC Code by or on behalf of the government of the state in which the ship is registered;

“MARPOL 1973/78” means the International Convention for the Prevention of Pollution from Ships, 1973, as amended⁽⁶⁾;

“pollution hazard substance” means a substance listed in column “a” of the table in Chapter 17 of the IBC Code and having against it in column “d” thereof an entry “P” only;

(4) In interpreting the IBC Code

- (a) the provisions of the IBC Code having been made mandatory under regulation 3 the language thereof shall be construed accordingly;
- (b) the definitions set out in Chapter 1, paragraph 1.3 thereof, shall apply;
- (c) references to the Administration shall, in relation to United Kingdom ships, be references to the Secretary of State; and references to the Port Administration shall in relation to all ships in the United Kingdom be references to the Secretary of State;
- (d) each of the references to regulations of the 1974 SOLAS Convention listed in column 2 of the table in the Schedule hereto shall be construed as a reference to the corresponding provision contained in regulations made pursuant to the Merchant Shipping Acts 1894 to 1986 and listed opposite to it in column 3 of that table.

Application

2.—(1) These Regulations apply, subject to the following provisions of this regulation—

- (a) to chemical tankers constructed on or after 1st July 1986,

⁽⁵⁾ S.I. 1987/551

⁽⁶⁾ Cmnd. 5748; the Convention was amended in 1978 (Cmnd. 7347) and by amendments adopted by the Marine Environment Protection Committee of the International Maritime Organization on 5th December 1983.

- (b) to ships converted to being chemical tankers on or after that date except oil tankers—
 - (i) which were built before that date; and
 - (ii) which are converted for the purpose of carrying pollution hazard substances only; and
 - (iii) the conversion of which consists only of modifications necessary for compliance with Chapter VA of the BCH Code; and
 - (c) (to the extent that the Secretary of State considers reasonable and practicable) to chemical tankers which were constructed before, but undergo repairs, alterations and modifications of a major character on or after, that date.
- (2) Where a chemical tanker is constructed or adapted to carry both
- (a) one or more of the substances listed both in Chapter 17 of the IBC Code and in Chapter 19 of the ICC Code; and
 - (b) one or more of the substances listed in Chapter 19 of the ICC Code but not in Chapter 17 of the IBC Code;

then to the extent that the requirements of those two Codes are inconsistent the requirements of the ICC Code shall prevail.

(3) These Regulations apply to all ships specified in paragraph (1) which are United Kingdom ships wherever they may be and to other such ships while they are within a port in the United Kingdom; provided that in the case of a ship registered in a state which is not a party to the 1974 SOLAS Convention or to MARPOL 1973/78 they shall not apply by reason of its being in a port in the United Kingdom if it would not have been there but for stress of weather or any circumstances which could not have been prevented by the owner, the master or the charterer (if any).

Compliance with Code

3. Every ship to which these Regulations apply shall be constructed, equipped and operated in accordance with the requirements relevant to it of Chapters 2-17 inclusive and 19 of the IBC Code.

Survey requirements

4.—(1) The structure, equipment, fittings, arrangements and materials (other than items in respect of which a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radiotelegraphy Certificate or Cargo Ship Safety Radiotelephony Certificate is issued) of a chemical tanker shall be subjected to the following surveys:

- (a) an initial survey before the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk is issued for the first time, which shall include a complete examination of its structure, equipment, fittings, arrangements materials in so far as the ship is covered by the IBC Code; an initial survey shall be such as to ensure that the structure, equipment, fittings, arrangements and materials fully comply with the relevant provisions of the IBC Code;
- (b) a periodical survey at intervals not exceeding five years which shall be such as to ensure that the structure, equipment, fittings, arrangements and materials comply with the relevant provisions of the IBC Code;
- (c) a minimum of one intermediate survey during the period of validity of the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; in cases where only one such intermediate survey is carried out in any one certificate validity period, it shall be carried out not before six months prior to, nor later than six months after, the half-way date of the certificate's period of validity; intermediate surveys shall be such as to ensure that the equipment and associated pumps and piping systems comply with the

relevant provisions of the IBC Code and are in good working order and condition; a record of such surveys in the form appropriate to an intermediate survey included in the form entitled “Endorsement for Annual and Intermediate Surveys” set out in the appendix to the IBC Code shall be endorsed by the surveyor on the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;

- (d) an annual survey within three months before or after the anniversary date of the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk which shall include a general examination to ensure that the structure, equipment, fittings, arrangements and materials remain in all respects satisfactory for the service for which the ship is intended; a record of such survey in the form appropriate to an annual survey included in the form entitled “Endorsement for Annual and Intermediate Surveys” set out in the appendix to the IBC Code shall be endorsed by the surveyor on the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
- (e) an additional survey, either general or partial according to the circumstances shall be made when it has been determined under regulation 6(3) to be necessary, or whenever any important repairs or renewals are made; such a survey shall ensure that the necessary repairs or renewals have been effectively made, that the materials and workmanship of such repairs or renewals are satisfactory, and that the ship is fit to proceed to sea without danger to the ship or persons on board; a record of such survey shall be endorsed by the surveyor on the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk certifying that on completion of the survey the ship complied with the relevant provisions of the Code.

(2) Every such survey in the case of a United Kingdom ship shall be carried out by a surveyor appointed by the Secretary of State; and application for such a survey shall be made by or on behalf of the owner to the Secretary of State.

Issue of International Certificate of Fitness

5.—(1) Upon satisfactory completion of an initial or periodical survey under regulation 4 of these Regulations and under regulation 23 of the Control of Pollution by Noxious Liquid Substances Regulations the Secretary of State shall issue to a ship which complies with the relevant requirements of the IBC Code and of the Control of Pollution by Noxious Liquid Substances Regulations a certificate called an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk in the form so entitled set out in the appendix to the IBC Code. Such certificate shall be issued for a period not exceeding five years beginning on the date of completion of the survey in question.

(2) A certificate shall cease to be valid—

- (a) if any survey required by regulation 4(1)(c) or (d) is not completed within the period specified for that survey; or
- (b) if any survey required by regulation 4(1)(e) is not completed within such reasonable time as the surveyor may specify; or
- (c) upon transfer of the ship to registry in another state.

(3) In either of the cases specified in sub-paragraph (2)(a) or (b) the owner shall deliver up the certificate issued in relation to the ship to the Secretary of State on demand.

(4) In the case of a ship which has transferred from registry in another state to registry in the United Kingdom the Secretary of State may, subject to such requirements as to survey or otherwise as he may think fit, if he is satisfied that, notwithstanding that the surveys were not carried out by a surveyor appointed by the Secretary of State as required by regulation 4(2)—

- (a) the ship has already been subjected to a satisfactory initial or periodical survey and to any intermediate, annual or additional surveys required; and

- (b) the ship was issued by or on behalf of the government of that other state with a certificate of fitness which would, but for the change of registry, have remained valid; and
- (c) the condition of the ship and its equipment has been maintained in conformity with the provisions of the IBC Code; and
- (d) since completion of the surveys referred to in sub-paragraph (a) no change has been made in the structure, equipment, fittings, arrangements and materials covered by those surveys without the sanction of the government of that other state or of the Secretary of State, except by direct replacement;

issue to that ship an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk for a period to be determined by the Secretary of State, but expiring not later than the expiry date of the certificate referred to in sub-paragraph (b).

(5) The International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk shall be kept on board the ship and shall be available for inspection at all reasonable times.

Maintenance of conditions after survey

6.—(1) The condition of the ship and its equipment shall be maintained so as to conform to the provisions of the IBC Code.

(2) After any survey of the ship under regulation 4 has been completed, no change shall be made in the structure, equipment, fittings, arrangements and materials covered by the survey, without the sanction of the Secretary of State, except by direct replacement.

(3) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety or integrity of the ship, the safety of the crew or the efficiency or completeness of the equipment required by Part IV of the Control of Pollution by Noxious Liquid Substances Regulations, the master or owner of the ship shall report at the earliest opportunity to the Secretary of State, who shall determine whether an additional survey is necessary. If the ship is in a port of another state the master or owner shall also report immediately to the appropriate authority of the government of the state in which the port is situated.

Equivalentents

7. Where the IBC Code requires that a particular fitting, material, appliance, apparatus, item of equipment or type thereof should be fitted or carried in a ship, or that any particular provision should be made, or any procedure or arrangement should be complied with, the Secretary of State may allow any other fitting, material, appliance, apparatus, item of equipment or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship, if he is satisfied by trial thereof or otherwise that such fitting, material, appliance, apparatus, item of equipment or type thereof, or that any particular provision, procedure or arrangement is at least as effective as that required by the IBC Code.

Exemptions

8. The Secretary of State may exempt any ship or class or description of ship from any of the requirements of the IBC Code, subject to such conditions as he may specify, and may alter or cancel any exemption so granted.

Loading and carriage in bulk of listed chemicals

9. No ship to which these Regulations apply shall load in bulk or carry in bulk any of the substances listed in Chapter 17 of the IBC Code unless—

- (a) (i) there is in force in respect of that ship an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk covering the substance which the ship is loading or carrying; and
- (a) (ii) the loading and carriage is in accordance with the terms of that certificate; or
- (b) (i) either the Secretary of State or the government of a state party to MARPOL 1973/78 has given written permission for its carriage; and
- (b) (ii) any conditions subject to which that permission was given are complied with.

Penalties

- (a) **10.** (1) (a) If there is a breach of regulation 3,5(5), 6 or 9 then the owner and master of the ship shall each be guilty of an offence punishable on Summary conviction by a fine not exceeding £1,000, or, on indictment, by a fine;
- (b) if there is a breach of regulation 4(2) of these Regulations then the owner of the ship shall commit an offence punishable on summary conviction by a fine not exceeding £1,000, or, on indictment, by a fine.

(2) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure that the regulations in question were complied with.

Power to detain

11. In any case where a ship does not comply with the requirements of these Regulations the ship shall be liable to be detained and Section 692(1) to (3) of the Merchant Shipping Act 1894(7) (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 words “the Merchant Shipping (IBC Code) Regulations 1987”.

Signed by the authority of the Secretary of State

26th March 1987

Michael Spicer
Parliamentary Under Secretary of State,
Department of Transport

THE SCHEDULE

Regulation 1(4)(d)

Table of Corresponding Regulations

Interpretation

In this Table:

“Cargo Ship Regulations” means the Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1984⁽⁸⁾;

“Fire Protection Regulations” means the Merchant Shipping (Fire Protection) Regulations 1984⁽⁹⁾.

Column 1 Paragraph in IBC Code	Column 2 1974 SOLAS Convention regulation	Column 3 Corresponding United Kingdom regulation
3.2.1	II—2/56	Regulation 10 Cargo Ship Regulations
8.2 (footnote)	II—2/59: 59.1	Regulation 12 Cargo Ship Regulations
	59.2	Regulation 50 Fire Protection Regulations
	59.3	Regulation 13 Cargo Ship Regulations
10.1.1	II—1 Part D, Electrical requirements	Part IV Cargo Ship Regulations
11.1.1	II—2 requirements for tankers	Part II B Cargo Ship Regulations and Part IV Fire Protection Regulations
11.1.1.1)	II—2/60, 61 and 62	Regulation 49 Fire Protection Regulations
11.1.1.4)		
11.1.1.1)	II—2/63	Regulation 51 Fire Protection Regulations
11.1.1.5)		
11.1.1.2	II—2/56.2	Regulation 10(3) Cargo Ship Regulations
11.1.1.3	II—2/4	Regulation 29 Fire Protection Regulations
	II—2/7	Regulation 33 Fire Protection Regulations
11.1.2	II—2 Part D	Parts IV and VIII Fire Protection Regulations and

(8) S.I. 1984/1217, as extended by S.I. 1985/661 and amended by S.I. 1986/1067

(9) S.I. 1984/1218, amended by S.I. 1985/1193 and S.I. 1986/1070

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 Paragraph in IBC Code	Column 2 1974 SOLAS Convention regulation	Column 3 Corresponding United Kingdom regulation
		regulations 10, 11, 12 and 13 Cargo Ship Regulations
	II—2 Part C	Part VII Fire Protection Regulations
	II—2/53	Regulations 31 and 32 Fire Protection Regulations and regulation 50 Cargo Ship Regulations
11.2.1.1)	Fire Protection Regulations	
	II—2/5.1	Schedule 10(1)
11.2.1.2)		
	II—2/5.1.6	Schedule 10(1)(f)
11.2.1.1	II—2/5.2	Fire Protection Regulations Schedule 10(2)
11.2.1.2	II—2/5.3	Fire Protection Regulations Schedule 10(3)
12	II—2/59.3	Regulation 13 Cargo Ship Regulations
14.2.1)	II—2/17	Regulation 53 Fire Protection Regulations
14.2.3)		

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require chemical tankers built on or after 1st July 1986 and carrying polluting or dangerous liquid substances in bulk, and ships undergoing major conversion on or after that date to being chemical tankers carrying such substances, to comply with the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk which was adopted by the Marine Environment Protection Committee (“the MEPC”) of the International Maritime Organization (IMO) on 5th December 1985. The Code so adopted is an amended version of the Code of that name adopted by the Maritime Safety Committee of IMO on 17th June 1983 (the MSC version). The MSC version covered dangerous substances only.

The amended version extends the Code to cover carriage of pollution hazard substances of Categories A, B and C as defined in the Code, and makes minor changes to the construction requirements of the Code.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

The Regulations give effect to regulation 13(2) of Annex II to the International Convention for the Prevention of Pollution from Ships, 1973, as set out in the amendments thereto adopted by the MEPC on 5th December 1985. Annex II comes into force internationally on 6th April 1987.

They also replace the Merchant Shipping (Chemical Tankers) Regulations 1986 which made the MSC version of the Code compulsorily applicable under United Kingdom law, thus giving effect to Part B of Chapter VII of the International Convention for the Safety of Life at Sea, 1974, as amended in 1981 and 1983. To that extent these Regulations are consolidating regulations.

Copies of the Code and of Annex II as adopted by the MEPC are obtainable from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.