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STATUTORY INSTRUMENTS

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**1994 No. 2082**

**MARINE POLLUTION  
MERCHANT SHIPPING**

**SAFETY**

**The Merchant Shipping (IBC Code)  
(Amendment) Regulations 1994**

*Made - - - - 4th August 1994*  
*Laid before Parliament 11th August 1994*  
*Coming into force - - 1st September 1994*

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), (4), (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:—

1. These Regulations may be cited as the Merchant Shipping (IBC Code) (Amendment) Regulations 1994 and shall come into force on 1st September 1994.
2. The Merchant Shipping (IBC Code) Regulations 1987(3) are hereby amended as follows.
3. In regulation 1(3)—
  - (a) in the definition of “IBC Code” for “(1990 Edition)” there shall be substituted “(1994 Edition)”;
  - (b) for the definition of “1974 SOLAS Convention” there shall be substituted the following—

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

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(1) S.I. 1987/470 amended by S.I. 1990/2595; the effect of the Order was extended by the Merchant Shipping Act 1979 (c. 39), section 20(4A) (inserted by the Merchant Shipping (Salvage and Pollution) Act 1994 (c. 28), section 3(4)), so as to authorise the making of regulations for the purpose of giving effect to an agreement which provides for the modification of certain descriptions of agreement. The agreement relevant to these Regulations which modifies an agreement of the description mentioned is Resolution MEPC 55(33) adopting amendments to the IBC Code (mentioned in Annex II to the International Convention for the Prevention of Pollution from Ships 1973 and its Protocol of 1978).

(2) 1979 c. 39; section 21(6) was amended by the Criminal Justice Act 1982 (c. 48), section 49(3).

(3) S.I. 1987/549, amended by S.I. 1990/2602.

(4) Cmnd 7874.

- (i) the Protocol of 1978~~(5)~~; and
  - (ii) amendments adopted by the Maritime Safety Committee of the International Maritime Organization on:
    - (aa) 20th November 1981;
    - (bb) 17th June 1983;
    - (cc) 21st April, 28th October, and 9th and 10th November 1988;
    - (dd) 11th April 1989;
    - (ee) 25th May 1990;
    - (ff) 23rd May 1991;”.
4. For regulation 1(4)(d) there shall be substituted the following—
- “(d) any reference to the 1974 SOLAS Convention shall be construed as a reference to that Convention as defined in these Regulations.”.
5. After paragraph (4) of regulation 1 there shall be inserted the following paragraph—
- “(5) Any reference in these Regulations to any of the following—
- (a) Code for the Construction and Equipment of Ships Carrying Dangerous Goods in Bulk;
  - (b) International Code for the Construction and Equipment of Ships Carrying Dangerous Goods in Bulk;
  - (c) International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
  - (d) MARPOL 1973/78;
  - (e) 1974 SOLAS Convention;
- shall include a reference to any document amending it which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.”.
6. In regulation 3, after “and 19” there shall be inserted “and 20”.
7. The text in regulation 7 shall become paragraph (1), and the following paragraph shall be added—
- “(2) For the purposes of these Regulations, the results of a verification or test shall be accepted if the verification or test is carried out by a body or laboratory in a member State other than the United Kingdom offering suitable and satisfactory guarantees of technical and professional competence and independence.”.
8. In regulation 10, for the words “£1,000” in both places where they occur there shall be substituted the words “the statutory maximum”.
9. The Schedule shall be omitted.

Signed by the authority of the Secretary of State for Transport

4th August 1994

*Goschen*  
Parliamentary Under Secretary of State  
Department of Transport

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations further amend the Merchant Shipping (IBC Code) Regulations 1987.

They bring into effect amendments to the IBC Code which were adopted by the Marine Environment Protection Committee of the International Maritime Organization (“IMO”) on 30th October 1992 by Resolution MEPC 55(33).

The adopted amendments make changes to the IBC Code, Chapters 8 (Cargo Tank Venting and Gas-Freeing Arrangements), 15 (Special Requirements), 17 (Summary of Minimum Requirements) and 18 (List of Chemicals to which the Code does not apply), and they add a new Chapter 20 (Transport of Liquid Chemical Wastes).

The IMO’s 1994 edition of the IBC Code incorporates these amendments.

Copies of the Code and the MEPC Resolution are obtainable from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.