
STATUTORY INSTRUMENTS

1997 No. 2366

**MERCHANT SHIPPING
SAFETY**

**The Merchant Shipping (Carriage of
Cargoes) (Amendment) Regulations 1997**

Made - - - - 24th September 1997
Laid before Parliament 8th October 1997
Coming into force - - 1st November 1997

The Secretary of State for Transport, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(1), in exercise of powers conferred on him by section 85(1)(a) and (b), (3) and (5) to (7) and section 86(1) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Carriage of Cargoes) (Amendment) Regulations 1997 and shall come into force on 1st November 1997.

Amendment of regulations

2. The Merchant Shipping (Carriage of Cargoes) Regulations 1997(2) shall be amended as follows.

3. In regulation 2—

(a) in paragraph (1) the following definitions shall be inserted in appropriate alphabetical positions—

““Cargo Securing Manual” means a manual drawn up to the standard contained in the Maritime Safety Committee Circular of the Organisation, MSC/Circ. 745, dated 13th June 1996, and approved, in the case of United Kingdom ships by the Secretary of State, or in the case of other ships by or on behalf of the flag state;”

““cargo ship” means a ship which is not a passenger ship, troop ship, pleasure vessel or fishing vessel;”

(1) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.
(2) S.I.1997/19.

““flag state” in relation to a ship means the State in which the ship is registered or if unregistered whose flag it is entitled to fly;”

““in bulk” means directly or without intermediate form of containment in a hold tank or cargo space forming a structural part of, or permanently attached to a ship;”

““passenger ship” means a ship carrying more than 12 persons;”

““roll-on/roll-off cargo spaces” means spaces not normally subdivided in any way and extending to either a substantial length or the entire length of the ship in which the goods (packaged or in bulk, in or on rail or road cars, vehicles (including road or rail tankers), trailers, containers, pallets, demountable tanks or in or on similar stowage units or other receptacles) can be loaded and unloaded normally in a horizontal direction;”

““tons” means gross tons and shall be—

- (a) for a ship having alternative gross tonnages under paragraph 13 of Schedule 5 to the Merchant Shipping (Tonnage) Regulations 1982⁽³⁾, permitted to be used pursuant to regulation 12(1) of the Merchant Shipping (Tonnage) Regulations 1997⁽⁴⁾, the larger of those tonnages; and
 - (b) for a ship having its tonnage determined both under Part II and regulation 16 of those 1997 Regulations its gross tonnage as determined under regulation 16;”;
- and

4. In regulation 3—

- (a) in paragraph (1), the words “Subject to paragraph (2) below” shall be omitted; and
- (b) paragraph (2) shall be omitted.

5. In regulation 4 for paragraph (1) there shall be substituted the following paragraph—

- (a) “(1) The shipper shall, subject to paragraph (4) below, provide such information to the operator or master sufficiently in advance of loading as is necessary to enable them to ensure that—
 - (i) the different commodities to be carried are compatible with each other or suitably separated;
 - (ii) the cargo is suitable for the ship;
 - (iii) the ship is suitable for the cargo; and
 - (iv) the cargo can be safely stowed and secured on board the ship and transported under all expected conditions during the intended voyage.
- (b) The cargo information referred to in sub-paragraph (a) shall include:
 - (i) in the case of general cargo and cargo carried in cargo units, a general description of the cargo, the gross mass of the cargo or cargo units and any relevant special properties of the cargo;
 - (ii) in the case of bulk cargoes, information on the stowage factor of the cargo, the trimming procedures and, in the case of a concentrate or other cargo which may liquify, additional information in the form of a certificate indicating the moisture content of the cargo and its transportable moisture limit;
 - (iii) in the case of bulk cargoes which are not classified in accordance with Regulation VII/2 of the SOLAS Convention, but have chemical properties

⁽³⁾ S.I. 1982/841 to which there are amendments not relevant to these Regulations.

⁽⁴⁾ S.I. 1997/1510.

that may create a potential hazard, information on its chemical properties in addition to that required by sub-paragraph (ii) above.”

6. In regulation 5 for paragraph (4) there shall be substituted the following paragraphs—

“(4) On and after 1st January 1998 the appropriate documentation referred to in paragraph (1) above for ships of the following descriptions—

- (i) all ships engaged on international voyages;
- (ii) passenger ships engaged on voyages other than international voyages; and
- (iii) cargo ships of 500 gross tons or over engaged on voyages other than international voyages;

carrying cargoes other than solid bulk cargoes shall additionally consist of a Cargo Securing Manual.

(5) An operator or master who contravenes paragraph (1) or (3) above shall be guilty of an offence.”.

7. In regulation 6 paragraph (1)—

(a) at end of sub-paragraph (b) the word “and” shall be omitted; and

(b) after sub-paragraph (c) there shall be inserted the following sub-paragraphs—

“and

- (d) cargo on board all ships to which regulation 5(4) is applicable shall be stowed and secured throughout any voyage in accordance with the Cargo Securing Manual; and
- (e) cargo on board all ships to which regulation 5(4) is applicable with roll-on/roll-off cargo spaces, shall be stowed and secured in accordance with the Cargo Securing Manual before the ship leaves a berth.”

Signed by authority of the Secretary of State for Transport

Glenda Jackson
Parliamentary Under-Secretary of State,
Department of the Environment, Transport and
the Regions

24th September 1997

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Carriage of Cargoes Regulations) 1997 by incorporating amendments adopted on 9th December 1994 and 29th November 1995 to Chapter VI of the International Convention for the Safety of Life at Sea 1974 (SOLAS).

Beginning 1st January 1998,

- (a) all seagoing ships on international voyages which carry cargo; and
- (b) ships on non-international voyages which are—
 - (i) cargo ships of 500 gross tons or over, or
 - (ii) passenger ships carrying cargo,

must carry an approved Cargo Securing Manual (*regulation 6*).

The scope of the regulations no longer excludes offshore supply vessels (*regulation 4*). The information a shipper must provide is specified more precisely (*regulation 5*).

A compliance cost assessment and a risk assessment have been prepared and copies can be obtained from the Marine Information Centre of the Marine Safety Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG. A copy of each assessment has been placed in the library of each House of Parliament.

The 1994 and 1995 amendments to Chapter VI of SOLAS, and the Maritime Safety Committee Circular referred to in the Regulations, may be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.