

SCHEDULE 1

Regulation 22(2)

Amendments to the Merchant Shipping (Reporting Requirements  
for Ships Carrying Dangerous or Polluting Goods) Regulations 1995

1. Regulation 2 shall be amended as follows—
    - (a) paragraph (1) shall be omitted;
    - (b) in paragraph (2)—
      - (i) the definitions of “Community port”, “the Coastguard Agency”, “in bulk”, “infectious substances”, “in packaged form”, “packaged goods”, “shipper”, “SOLAS” and “United Kingdom ship” shall be omitted,
      - (ii) in the definition of “IBC Code”, after the word “means” there shall be inserted “the 1998 edition of”,
      - (iii) in the definition of “IGC Code”, after the word “means” there shall be inserted “the 1993 edition of”,
      - (iv) in the definition of “IMDG Code”, for the words “the 1994 edition”, there shall be substituted “the 2002 edition”,
      - (v) for the definition of “INF Code” there shall be substituted the following—

““INF Code” means the 2001 edition of the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuels, Plutonium and High-Level Radioactive Waste on Board Ships”, and
      - (vi) after the definition of “installation” there shall be inserted the following definition—

““the MCA” means the Maritime and Coastguard Agency, an Executive Agency of the Department for Transport”;
    - (c) in paragraph (3) the words “or SOLAS” shall be omitted; and
    - (d) after paragraph (3) there shall be added the following paragraph—

“(4) For the purposes of these Regulations—

      - (a) “United Kingdom ship” means a ship which—
        - (i) is registered in the United Kingdom, or
        - (ii) is not registered under the law of any country but is wholly owned by persons each of whom is—
          - (aa) a British Citizen, a British overseas territories citizen or a British Overseas citizen, or
          - (bb) a body corporate which is established under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom; and
      - (b) “British Citizen”, “British overseas territories citizen” and “British Overseas citizen” have the same meaning as in the British Nationality Act 1981(1).”.
2. Regulation 3 shall be amended as follows—
  - (a) in paragraph (1), for the words “paragraph (2) below”, there shall be substituted “the provisions of this regulation.”;
  - (b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) These Regulations do not apply to ships of 300 gross tonnage or more, unless otherwise stated”;

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(1) 1981 c. 61.

*Status: This is the original version (as it was originally made).*

- (c) in paragraph (2)—
    - (i) after the words “apply to a ship” there shall be inserted “irrespective of size”, and
    - (ii) for the words “the territorial sea thereof” there shall be substituted “the controlled waters”; and
  - (d) after paragraph (6) there shall be added the following paragraph—

“(7) In this regulation, “controlled waters” means the areas of sea specified by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996<sup>(2)</sup> as areas 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<sup>(3)</sup> for the protection and preservation of the marine environment.”.
  - 3. Regulation 4 shall be amended as follows—
    - (a) paragraphs (1) and (2) shall be omitted; and
    - (b) in paragraph (3), for the words “any other State” there shall be substituted “any State other than the United Kingdom”.
  - 4. For regulation 5 there shall be substituted the following regulation—

“5.—(1) This regulation applies to a United Kingdom ship irrespective of size.

(2) Before a United Kingdom ship which is—
    - (a) bound for a port which is not located in an EEA State; and
    - (b) carrying dangerous goods or harmful substances in packaged form,leaves a port which is not located in an EEA State, the operator of that ship shall comply with the requirements of paragraphs 4.2 and 4.3 of Merchant Shipping Notice 1784(M).

(3) In this regulation, “EEA State” means a member State, Norway, Iceland or Liechtenstein.”.
  - 5. Regulations 6, 7 and 8 shall be omitted.
  - 6. Regulation 9 shall be amended as follows—
    - (a) in paragraph (1), for the words “shall, (subject to paragraph (2) below) report the particulars of such an incident without delay and to the fullest extent possible together with the information specified in Schedule 1 to the Merchant Shipping Notice MSN 1741(M),” there shall be substituted “shall report the particulars of such an incident without delay and to the fullest extent possible together with the information specified in paragraph (2),”; and
    - (b) for paragraph (2) there shall be substituted the following paragraph—

“(2) The information referred to in paragraph (1) shall comprise—
      - (a) the identity of the ship;
      - (b) the time, type and location of the incident;
      - (c) the quantity and type of dangerous goods or harmful substance involved; and
      - (d) details of assistance and salvage measures.”.
7. In regulation 11(a), for the words “a maritime rescue centre of the Coastguard Agency”, there shall be substituted “the MCA”.
8. Regulations 12, 13 and 14 shall be omitted.
9. Regulation 15 shall be amended as follows—

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(2) S.I.1996/2128, as amended by S.I. 1997/506.

(3) Cmnd. 8941.

- (a) in paragraph (1), for the words “regulation 5(1), 6” there shall be substituted “regulation 5(2),”;
- (b) in paragraph (2), for the words ”regulation 5(1), 6” there shall be substituted “regulation 5(2)”;
- (c) in paragraph (3) for the words “regulation 7, 8, 9(1) or (4), 10 so far as it relates to 9(1) or (4), or 12” there shall be substituted the words “regulation 9(1) or (4) or 10 so far as it relates to 9(1) or (4)”;
- (d) in paragraph (4)—
  - (i) in sub-paragraph (b), the words “8 or” shall be omitted, and
  - (ii) sub-paragraph (c) shall be omitted; and
- (e) paragraph (5) shall be omitted.

**10.** In regulation 18, for the words “section 692 of the Merchant Shipping Act 1894” there shall be substituted “section 284 of the Merchant Shipping Act 1995(4)”.

**11.** Regulation 19 shall be amended as follows—

- (a) in paragraph (1), for the words “The Coastguard Agency” there shall be substituted the words “The MCA”; and
- (b) paragraph (2) shall be omitted.