
STATUTORY INSTRUMENTS

1997 No. 2367

**The Merchant Shipping (Dangerous Goods
and Marine Pollutants) Regulations 1997**

PART II

CARRIAGE OF PACKAGED GOODS

Declaration

10.—(1) No packaged goods shall be offered for carriage or taken on board any ship unless a dangerous goods declaration or a marine pollutants declaration, or a combined dangerous goods and marine pollutants declaration, as appropriate has been provided to the master or operator.

(2) The declaration referred to in paragraph (1) shall accurately identify the date the document was prepared and the name, status and company or organisation of the signatory.

(3) No packaged goods shall be offered for carriage or taken on board any ship unless the master or operator has been provided with a document including without prejudice to regulation 11(2). Such details include the following details—

- (a) the proper shipping name,
- (b) the class and division where applicable,
- (c) the United Nations (UN) numbers where allocated by the IMDG Code,
- (d) where relevant the packaging or packing group,
- (e) the number and kind of packages,
- (f) the total quantity of dangerous goods or net explosive mass of the contents,
- (g) the words MARINE POLLUTANT where appropriate; and
- (h) any other information required by the IMDG Code.

(4) The declaration referred to in paragraph (1) shall be combined with the document referred to in paragraph (3).

(5) It shall be the duty of the shipper to deliver to the operator or master the declaration required by this regulation, unless he does not deliver the goods to the ship or its agent.

(6) In consigning the goods for carriage by sea, the shipper shall make proper provision to ensure the onward delivery of the declaration and document required by this regulation to the ship or its agent.

(7) In the case that the goods are not delivered by the shipper to the ship or its agent, but are provided to another person for onward delivery of the goods or for the consolidation of the goods with other goods or cargoes for eventual delivery, responsibility for providing the document and declaration shall rest upon the forwarder and each person responsible for onward transfer and delivery as it does for the shipper in paragraphs (5) and (6). Responsibility for providing the document and declaration shall not extend to those persons who are solely engaged in the loading of the goods onto the ship or moving the goods around the port or terminal.

(8) The requirements of paragraph (7) shall be without prejudice to the duties of the shipper contained in regulations 11 and 12.

(9) If a shipper, a forwarder, or other person referred to in paragraph (7)—

- (a) fails to provide the operator or master of the ship with the document and declaration as required by this regulation, or
- (b) provides a declaration or document which he knows to be false or recklessly makes a declaration which is false in a material particular,

he shall be guilty of an offence.

(10) If an operator or master accepts for carriage, or takes or receives on board any packaged goods for which a document and declaration which is required by this regulation has not been provided he shall be guilty of an offence.

Preparation of goods for transport

11.—(1) The shipper shall not offer packaged goods for carriage unless:

- (a) all the conditions specified in the IMDG Code have been complied with in relation to their declaration, classification, marking, packaging, labelling, placarding and prior notification to competent authority or consignee, as appropriate; and
- (b) in the case of goods in a portable tank or tank container or vehicle the goods have been properly and safely prepared for carriage by sea by comply with applicable tank requirements in accordance with the IMDG Code.

(2) In preparing any goods for shipment it shall be the duty of the shipper to identify and classify dangerous goods or marine pollutants in order to ensure that the proper precautions and preparations can be made for transport as required by these Regulations.

(3) No declaration required by regulation 10 above shall be signed by the shipper unless paragraphs (1) and (2) have been complied with.

(4) Any contravention of paragraphs (1) to (3) shall be an offence by the shipper.

(5) An operator or master shall not accept for carriage, or take or receive on board any packaged goods where he has reasonable cause to suspect that the goods are not in compliance with paragraph (1). Any contravention of this paragraph by the operator or master shall be an offence.

Container or Vehicle Packing Certificates

12.—(1) Where packaged goods are to be packed or shipped in or on a cargo transport unit, the person responsible for packing such goods therein shall:

- (a) ensure that the stowage, segregation and securing of the goods is adequate and in accordance with the IMDG Code;
- (b) provide the operator or master or shipper or forwarder, with a signed packing certificate in accordance with the requirements of the IMDG Code, indicating the cargo transport unit, identification number or numbers and identifying the place and date of the operation, the name of the person responsible for the packing and his status, and company or organisation.

(2) This regulation does not apply in relation to goods packaged within a portable tank, road tank vehicle, rail tank wagon or tank container.

- (a) (3) (a) If the person responsible for packing such goods contravenes paragraph (1) he shall be guilty of an offence.
- (b) If the shipper or forwarder fails to provide the operator or master of the ship with the signed packing certificate he shall be guilty of an offence.

(4) An operator or the master shall not accept on any ship any cargo transport unit with such goods in it without a signed packing certificate. If an operator or the master contravenes with this paragraph he shall be guilty of an offence.

Documentation by electronic data processing or electronic data interchange

13. A dangerous goods declaration, marine pollutant declaration, any accompanying documentation required by regulations 10 and 12 and a packing certificate may be provided directly to the master or operator in the form of a paper document or by electronic data processing or electronic data interchange methods.

List, manifest or stowage plan

14.—(1) The master of any ship carrying packaged goods shall cause a special list, manifest or stowage plan to be carried in the ship:

- (a) setting out details, obtained from the shipping documents submitted by the shipper, of the packaged goods on board including the correct technical name of the goods, their classification in accordance with the IMDG Code and their mass or volume; and
- (b) showing details of the location in the ship where the goods are stowed.

(2) The information required by paragraph (1) may be contained in a combined list, manifest or stowage plan relating to both packaged dangerous goods and packaged marine pollutants, or in two such lists, manifests or stowage plans, one relating to dangerous goods and the other to marine pollutants. Where a combined document is used it shall show clearly which goods are dangerous goods and which are marine pollutants.

(3) The master shall also carry in the ship any additional special documents where required by the IMDG Code for the carriage of packaged dangerous goods.

(4) Any such list, manifest or stowage plan and any additional special documents required for the acceptance of goods for carriage in the ship pursuant to paragraph (3) shall be kept available for reference or inspection on board the ship until the goods have been discharged from the ship.

(5) If the master of a ship carrying packaged goods fails to cause a list, manifest or stowage plan or additional special documents to be carried in the ship or kept available as required by paragraph (4), he shall be guilty of an offence.

Marking and labelling

15.—(1) Packaged goods shall not be taken on any ship for carriage in that ship unless they are marked, labelled and placarded, and display a fumigation warning sign, as appropriate and specified in the IMDG Code.

(2) Any breach of paragraph (1) relating to the marking, labelling or placarding of packaged goods shall be an offence on the part of the shipper of those goods.

(3) If an operator or master accepts dangerous goods or marine pollutants on board a ship in any package which has not been marked, labelled or placarded or does not display a fumigation warning sign, as required by paragraph (1), he shall be guilty of an offence.

Stowage on board ship

16.—(1) Packaged goods shall not be accepted on board if their stowage on board is prohibited by the IMDG Code.

(2) Packaged goods shall not be accepted on board unless any necessary additional safety equipment is provided in accordance with the IMDG Code.

(3) Packaged goods shall be adequately stowed, segregated and secured on board ship in accordance with the IMDG Code.

(4) If an operator or master accepts on board ship packaged goods in contravention of paragraph (1) or (2) he shall be guilty of an offence.

(5) If an operator or master fails to comply with the provisions of paragraph (3) he shall be guilty of an offence.

17.—(1) Where the vessel carries a cargo securing manual pursuant to regulation 18, cargo transport units, including containers, shall be loaded, stowed and secured throughout any voyage in accordance with the cargo securing manual.

(2) If an operator or master fails to comply with paragraph (1) he shall be guilty of an offence.

Cargo securing documentation

18.—(1) On and after 1st January 1998 no packaged goods shall be carried on 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; without carrying a Cargo Securing Manual drawn up to a standard contained in the IMO Maritime Safety Committee Circular MSC/Circ. 745 dated 13th June 1996 and approved by or on behalf of the Secretary of State or the administration of the state in which the ship is registered, or whose flag the ship is entitled to fly.

(2) If an operator or master fails to comply with paragraph (1) he shall be guilty of an offence.

Operational requirements

19.—(1) The operator and master shall ensure all employees are familiar with the essential actions to be taken in an emergency involving such packaged goods as are carried on the ship.

(2) If an operator or master fails to comply with paragraph (1) he shall be guilty of an offence.