
STATUTORY INSTRUMENTS

1999 No. 336

The Merchant Shipping (Carriage of Cargoes) Regulations 1999

PART I

General

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Merchant Shipping (Carriage of Cargoes) Regulations 1999 and shall come into force on 15th March 1999.

(2) The Merchant Shipping (Carriage of Cargoes) Regulations 1997⁽¹⁾ and the Merchant Shipping (Carriage of Cargoes) (Amendment) Regulations 1997⁽²⁾ are hereby revoked.

Interpretation

2.—(1) In these Regulations except where the context requires otherwise:

“Administration”, in relation to United Kingdom ships, means the Secretary of State;

“appropriate cargo information” means information relevant to the cargo and its stowage and securing, which should specify in particular the precautions necessary for the safe carriage of that cargo by sea;

“bulk cargo” means cargo carried in bulk;

“cargo” means any cargo which, owing to its particular hazard to ships or persons on board, may require special precautions, with the exception of liquids carried in bulk and gases carried in bulk;

“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;

“cargo hold” or “cargo space” means any hold or space in the ship appropriated for the carriage of cargo;

“cargo unit” includes a cargo transport unit and means wheeled cargo, vehicle, container, flat, pallet, portable tank, packaged unit, or any other cargo, and loading equipment, or any part thereof, which belongs to the ship and which is not fixed to the ship;

“cargoes which may liquefy” means cargoes which are subject to moisture migration and subsequent liquefaction if shipped with a moisture content in excess of the transportable moisture limit;

(1) S.I.1997/19, amended by S.I. 1997/2366.

(2) S.I. 1997/2366.

“Certifying Authority” means the Secretary of State or any other person or organization authorised by the Secretary of State;

“container” means an article of transport equipment as defined in the International Convention for Safe Containers, (CSC 1972), published by the Organisation;

“Department” means the Department of the Environment, Transport and the Regions;

“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;

“flow moisture point” means the percentage moisture content (wet weight basis) at which a flow state develops under the methods of test in a representative sample of the material as prescribed by the Code of Safe Practice for Solid Bulk Cargoes (BC Code), published by the Organisation;

“flow state” means the condition when a mass of granular material is saturated with liquid to an extent that under prevailing external forces such as vibration, impaction or ship’s motion, it loses its internal shear strength and behaves as a liquid;

“forwarder” means a person who receives the appropriate cargo information in preparation for eventual delivery of the cargo to the ship or its agent, and may include a cargo packer or consolidator;

“grain” includes wheat, maize (corn), oats, rye, barley, rice, pulses, seeds and processed forms thereof whose behaviour is similar to that of grain in its natural state;

“in bulk”, except in the context of roll-on roll-off cargo spaces, means directly and without intermediate form of containment in a hold, tank or cargo space forming a structural part of, or permanently attached to, a ship;

“International Grain Code” means the International Code for the Safe Carriage of Grain in Bulk adopted by the Maritime Safety Committee of the Organisation by resolution MSC.23(59) on 23rd May 1991;

“Merchant Shipping Notice” means a Notice described as such, issued by the Department;

“moisture content” means the amount of moisture present in a particular sample expressed as a percentage by weight of the total wet weight of the sample;

“the Organisation” means the International Maritime Organization;

“offshore supply vessel” means a ship which is used for the transportation of stores, materials, equipment and personnel between a base ashore and offshore installations or between offshore installations;

“operator of the terminal” means the person under whose control are the activities at the terminal;

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

“pleasure vessel” has the same meaning as in regulation 2(1) of the Merchant Shipping (Cargo Ship Construction) Regulations 1997(3);

“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;

“shipper” means any person who, whether as principal or agent for another, consigns goods for carriage by sea;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974⁽⁴⁾, and its Protocol of 1978⁽⁵⁾, as amended, in force at 1st July 1998;

“terminal” means any terminal, jetty, pier, floating structure or other works within a harbour at which ships can obtain shelter or ship and unship goods or passengers;

“tons” means gross tons; and a ship to which regulation 12 of the Merchant Shipping (Tonnage) Regulations 1997⁽⁶⁾ refers may continue to use the gross tonnage additionally ascertained, in accordance with the provisions of Schedule 5 (and appendices 1 to 4 thereto), to the Merchant Shipping (Tonnage) Regulations 1982⁽⁷⁾. Where a ship has alternative tonnages under that Schedule, the tonnage which may be used shall be the larger of those tonnages;

“transportable moisture limit” means 9/10ths of the flow moisture point;

“trimming” means any levelling of the material within a cargo space, either partial or total, by means of loading spouts or chutes, portable machinery, equipment or manual labour.

(2) Unless otherwise stated a reference in a regulation to a numbered paragraph is a reference to the paragraph of that number in the regulation.

(3) Any reference in these Regulations to any Code, Convention or Merchant Shipping Notice 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.

(4) Any approval given pursuant to these Regulations shall be given in writing and shall specify the date when it is to come into force and the conditions (if any) on which it is given.

(5) Where a ship is operated by a person other than its owner, (whether on behalf of the owner or some other person, or on his own behalf) a reference in these Regulations to the owner shall be construed as including a reference to that person.

(6) In interpreting the International Grain Code—

- (a) the requirements having been made mandatory under regulation 11 the language thereof shall be construed accordingly;
- (b) the definitions set out in section A2 of that Code 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 Contracting Government of the port of loading, in relation to all ships loading in the United Kingdom, shall be references to the Secretary of State.

Application

3.—(1) These Regulations apply to:

- (i) sea-going United Kingdom ships wherever they may be, and
- (ii) sea-going ships which are not United Kingdom ships while they are within United Kingdom waters,

when loaded or intended to be loaded with any cargo.

(2) These Regulations apply to the carriage of all cargoes, but are subject to any requirements contained in the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997⁽⁸⁾, in respect of the carriage of dangerous goods and marine pollutants as defined in those Regulations. Where any requirement in those Regulations regulates an aspect of carriage provided for in these Regulations, those Regulations shall apply to that extent, and not these.

⁽⁴⁾ Cmnd. 7874.

⁽⁵⁾ Cmnd. 7364.

⁽⁶⁾ S.I. [1997/1510](#).

⁽⁷⁾ S.I. [1982/841](#), to which there were amendments not relevant to these Regulations.

⁽⁸⁾ S.I. [1997/2367](#).

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