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STATUTORY INSTRUMENTS

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**2004 No. 2110**

**The Merchant Shipping (Vessel Traffic Monitoring  
and Reporting Requirements) Regulations 2004**

**PART 3**

**NOTIFICATION OF DANGEROUS OR POLLUTING GOODS**

**Notification by ships carrying dangerous or polluting goods**

**10.**—(1) This regulation applies to ships, regardless of their size, carrying—

- (a) dangerous goods; or
- (b) polluting goods.

(2) Subject to paragraph (8) and regulation 11(1), before a ship departs from a port in the United Kingdom, the owner, agent or master of that ship shall notify the MCA of the information specified in the Annex to the Merchant Shipping Notice 1784(M) in accordance with that Notice.

(3) Subject to regulation 11(5), before a United Kingdom ship departs from a port located in an EEA State, other than a port in the United Kingdom, the owner, agent or master of that United Kingdom ship shall notify the competent authority of the State in which that port is situated of the information specified in the Annex to the Merchant Shipping Notice 1784(M) in accordance with that Notice.

(4) Subject to regulation 11(5), where a United Kingdom ship—

- (a) is coming from a port which is not located in an EEA State; and
- (b) is bound for—
  - (i) a port located in, or
  - (ii) an anchorage located in the territorial waters of,  
an EEA State other than the United Kingdom,

the owner, master or agent of that ship shall notify the competent authority of the EEA State in question of the information specified in the Annex to the Merchant Shipping Notice 1784(M) in accordance with that Notice by the time specified in paragraph (6).

(5) Subject to paragraph (8) and regulation 11(5), where a ship—

- (a) is coming from a port which is not located in an EEA State; and
- (b) is bound for a port in the United Kingdom or an anchorage located in United Kingdom waters,

the owner, master or agent of that ship shall notify the MCA of the information specified in the Annex to the Merchant Shipping Notice 1784(M) in accordance with that Notice by the time specified in paragraph (6).

(6) The time referred to in paragraphs (4) and (5) is—

- (a) where—

- (i) the port of destination, or
- (ii) the location of the anchorage,

is known at the time of departure from the port at which the dangerous goods or the polluting goods, as the case may be, were loaded, no later than the time of departure from that port; or

- (b) where—
  - (i) the port of destination, or
  - (ii) the location of the anchorage,

is not known at the time of departure from the port at which the dangerous goods or the polluting goods, as the case may be, were loaded, the time immediately such port or such location is known.

(7) Whenever practicable, the information referred to in paragraphs (2) and (5) shall be notified to the MCA by electronic means using the procedures specified in Merchant Shipping Notice 1784(M).

(8) When required to do so by the MCA, the owner, agent or master of a ship shall notify—

- (a) the authority of the port of departure in question of the information referred to in paragraph (2);
- (b) the authority of the port of destination in question of the information referred to in paragraph (5).

(9) When a port authority receives information pursuant to paragraph (8), that port authority shall—

- (a) retain that information for as long as the information may be required for use in the event of an incident or accident at sea; and
- (b) provide that information at any time by electronic means to the MCA immediately upon request.

(10) Where information has been notified in accordance with this regulation, the master of the ship in question shall notify immediately the person to whom that information was notified of any changes to that information.

### **Exemptions from the requirements of regulation 10**

**11.**—(1) Subject to the conditions specified in paragraph (2), the Secretary of State may grant an exemption in respect of a scheduled service between ports within the United Kingdom so that regulation 10(2) shall not apply to the owner, agent or master of a ship engaged on that scheduled service.

(2) The conditions referred to in paragraph (1) are that the person who operates the scheduled service shall—

- (a) maintain, and keep up to date, a list of the ships engaged on that scheduled service;
- (b) send that list, and details of all updates, to the MCA;
- (c) ensure that, in respect of each voyage made by a ship whilst engaged on the scheduled service, the information specified in the Annex to the Merchant Shipping Notice 1784(M) is kept so that it can be provided at any time by electronic means to the MCA immediately upon request.

(3) The Secretary of State shall immediately revoke an exemption granted under paragraph (1) if he is satisfied that any condition contained in paragraph (2) is not complied with.

(4) An exemption granted under paragraph (1), and any revocation thereof, shall be in writing.

(5) Regulation 10(3), (4) and (5) shall not apply to the owner, agent or master of a ship engaged on an international scheduled service in respect of which there is in force an exemption granted pursuant to article 15.2 of the Directive.