



MERCHANT SHIPPING (SOLAS VII - CARRIAGE OF DANGEROUS GOODS) REGULATIONS 2015

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Statutory Document No. 2015/0230



Merchant Shipping Act 1985

MERCHANT SHIPPING (SOLAS VII - CARRIAGE OF DANGEROUS GOODS) REGULATIONS 2015

Laid before Tynwald: 21 July 2015
Coming into Operation: 1 August 2015

The Department of Economic Development, having carried out the consultation required by section 1 and section 2(2) of the Merchant Shipping Act 1985, makes the following Regulations under sections 1 and 2 of that Act.

PART 1 - INTRODUCTORY

1 Title

These Regulations are the Merchant Shipping (SOLAS VII - Carriage of Dangerous Goods) Regulations 2015.

2 Commencement

These Regulations come into operation on 1 August 2015.

3 Application

- (1) Unless provided otherwise and subject to paragraph (2) –
 - (a) Parts 2 to 7 apply to a Manx ship wherever it may be; and
 - (b) Part 8 applies to a foreign ship while it is in the territorial waters of the Island.
- (2) These Regulations do not apply to –
 - (a) ships of war and troopships;
 - (b) ships not propelled by mechanical means;
 - (c) wooden ships of primitive build;
 - (d) pleasure vessels; and
 - (e) fishing vessels.

4 Interpretation

In these Regulations –

“**cargo ship**” means any ship which is not a passenger ship;

“**chemical tanker**” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the IBC Code;

“**Company**” means the owner of a ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed responsibility for operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the SOLAS Convention;

“**Convention country**” means a country which has consented to be bound by the SOLAS Convention;

“**dangerous goods**” means the substances, materials and articles covered by the IMDG Code;

“**Department**” means the Department of Economic Development¹;

“**fishing vessel**” means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;

“**foreign ship**” means any ship that is not a Manx ship;

“**gas carrier**” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the IGC Code;

“**IBC Code**” means –

- (a) up to and including 31 December 2015, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, and includes all amendments made to that Code up to and including those adopted by IMO Resolutions MSC.340(91) and MEPC.225(64), both of which came into force on 1 June 2014; and
- (b) from 1 January 2016, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.369(93) on 22 May 2014;

“**IGC Code**” means –

¹ Functions transferred from the Department of Economic Development to the Department for Enterprise by the Transfer of Functions (Economic Development and Education) Order 2017 (SD2017/0325)) with effect from 24 November 2017

- (a) up to and including 31 December 2015, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk and includes all amendments to that Code up to and including those adopted by IMO Resolution MSC.225(82) which came into force on 1 July 2008; and
- (b) from 1 January 2016, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.370(93) on 22 May 2014;

“**IMDG Code**” means –

- (a) up to and including 31 December 2015, the International Maritime Dangerous Goods Code (2012 edition) and includes all amendments made to that Code up to and including Amendment 36-12 adopted by IMO Resolution MSC.328(90) and which came into force on 1 January 2014; and
- (b) from 1 January 2016, the International Maritime Dangerous Goods Code and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.372(93) on 22 May 2014;

“**IMO**” means the International Maritime Organization;

“**inspector**” means a person appointed as an inspector under section 3(1) of the Merchant Shipping Act 1985;

“**Manx ship**” has the meaning given by section 1 of the Merchant Shipping Registration Act 1991 and includes a ship registered under Part IV of that Act (the Demise Charter Register) or under Part 3 of the Harbours Act 2010 (pleasure craft and certain other vessels);

“**MSN**” means a Manx Shipping Notice issued by the Department and includes any document amending the same;

“**pleasure vessel**” has the meaning given by regulation 6 of the Merchant Shipping (Pleasure Vessel) Regulations 2003²;

“**RO**” means any recognised organisation specified in MSN 020 which is authorised by the Department to undertake the specified function;

“**ship constructed**” means a ship the keel of which is laid or which is at a similar stage of construction;

“**similar stage of construction**” means the stage at which construction identifiable with a specific ship begins and assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

² SD 396/03

“**SOLAS Chapter 1**” means Chapter 1 of the SOLAS Convention including all amendments made to that Chapter up to and including MSC.204(81) which was adopted by IMO on 18 May 2006;

“**SOLAS Chapter VII**” means Chapter VII of the SOLAS Convention including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.325(90) on 24 May 2012 and which came into force on 1 January 2014;

“**SOLAS Convention**” means the International Convention for the Safety of Life at Sea 1974, as amended by the Protocol of 1988;

“**tanker**” means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature; and

“**territorial waters of the Island**” means –

- (a) the territorial sea adjacent to the Island; and
- (b) any waters within the area that extend landward from the baselines from which the breadth of the territorial sea is measured as far as the mean high water mark of ordinary spring tides.

5 Company’s responsibility

- (1) A Company must ensure a ship complies with such of the requirements of Parts 2 to 8 as apply to a ship of its description.
- (2) Paragraph (1) applies whether or not these Regulations impose an obligation on another person.
- (3) A Company who fails to comply with paragraph (1) commits an offence and is liable –
 - (a) on conviction on information, to custody for not more than 2 years, a fine, or both;
 - (b) on summary conviction, to a fine not exceeding **£10,000**³.

6 Provisions relating to offences

- (1) It is a defence for a person charged under these Regulations to show that he or she took all reasonable steps to avoid the commission of the offence.
- (2) If the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this article whether or not proceedings are taken against the first-mentioned person.

³ Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

- (3) If a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, is guilty of that offence and is liable to be proceeded against and punished accordingly.
- (4) If the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.
- (5) For the purposes of this article, “**body corporate**” includes a limited liability company constituted under the Limited Liability Companies Act 1996 and, in relation to that company, any reference to a director or other officer of a body corporate is a reference to a member and to the company’s manager and registered agent.

PART 2 - CARRIAGE OF DANGEROUS GOODS IN PACKAGED FORM

7 Application of this Part

The provisions of this Part do not apply to a ship’s stores or equipment.

8 Interpretation for this Part

In this Part “**packaged form**” means the form of containment specified in the IMDG Code.

9 Requirements for the carriage of dangerous goods in packaged form

- (1) The carriage of dangerous goods in packaged form is prohibited, unless they are carried in accordance with this Part.
- (2) Dangerous goods in packaged form must be carried in compliance with the IMDG Code.

10 Exemption – IMDG Code

- (1) In accordance with the IMDG Code, Chapter 7.9.1.1, the Department may issue an exemption from specific provisions of the IMDG Code concerning the transport of a harmful substance if it is satisfied that the alternative transport provisions are at least as effective and safe as those required by that Code.

- (2) A copy of an exemption issued in accordance with paragraph (1) must accompany each consignment when offered to the carrier for transport under the terms of the exemption.
- (3) A paper or electronic copy of the exemption must also be maintained on board each ship transporting a harmful substance in accordance with the exemption.
- (4) The recipient of the exemption must notify other competent authorities concerned, prior to any shipment covered by that exemption.

11 Documents

- (1) Transport information relating to the carriage of dangerous goods in packaged form and the container/vehicle packing certificate must be –
 - (a) in accordance with the relevant provisions of the IMDG Code; and
 - (b) made available to the person or organisation designated by the port State authority.
- (2) A ship carrying dangerous goods in packaged form must have a special list, manifest or stowage plan setting forth, in accordance with the relevant provisions of the IMDG Code, the dangerous goods on board and the location of those goods.
- (3) A copy of one of the documents referred to in paragraph (2) must be made available before departure to the person or organisation designated by the port State authority.

12 Cargo securing manual

- (1) Cargo, cargo units and cargo transport units must be loaded, stowed and secured throughout the voyage in accordance with a Cargo Securing Manual approved by the Department or RO.
- (2) The Cargo Securing Manual must be drawn up to a standard at least equivalent to the guidelines developed by the IMO specified in MSN 056.
- (3) In this regulation “**cargo unit**” means a vehicle, container, flat, pallet, portable tank, packaged unit, wheeled cargo, loading equipment or any part thereof, or any other entity which belongs to the ship but is not fixed to the ship.

13 Reporting of incidents involving dangerous goods in packaged form

- (1) If an incident takes place involving the loss or likely loss overboard of dangerous goods in packaged form into the sea, the master, or other person having charge of the ship, must report the particulars of the incident without delay and to the fullest extent possible to the nearest coastal State.

- (2) The report in paragraph (1) must be drawn up based on general principles and guidelines developed by the IMO specified in MSN 056.
- (3) If the ship referred to in paragraph (1) is abandoned, or if the report from the ship is incomplete or unobtainable, the Company must, to the fullest extent possible, assume the obligations placed upon the master by paragraph (1).
- (4) A master, or other person having charge of the ship, who fails to comply with paragraphs (1) or (2) commits an offence and is liable –
 - (a) on conviction on information, to custody for not more than 2 years, a fine, or both;
 - (b) on summary conviction, to a fine not exceeding **£10,000**⁴.

PART 3 – CARRIAGE OF DANGEROUS GOODS IN SOLID FORM IN BULK

14 Interpretation for this Part

In this Part –

- (a) “**dangerous goods in solid form in bulk**” means any material, other than liquid or gas, consisting of a combination of particles, granules or any larger pieces of material, generally uniform in composition, which is covered by the IMDG Code and is loaded directly into the cargo spaces of a ship without any intermediate form of containment, and includes those materials loaded in a barge on a barge-carrying ship; and
- (b) “**IMSBC Code**” means the International Maritime Solid Bulk Cargoes Code including all amendments made to that Code up to and including Amendment 02-13 adopted by IMO Resolution MSC.354(92) and which came into force on 1 January 2015.

15 Requirements for the carriage of dangerous goods in solid form in bulk

- (1) The carriage of dangerous goods in solid form in bulk is prohibited unless they are carried in accordance with this Part.
- (2) Dangerous goods in solid form in bulk must be carried in compliance with the IMSBC Code.

⁴ Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

16 Exemption – IMSBC Code

- (1) In accordance with the IMSBC Code, Chapter 1.5, where that Code requires compliance with a particular provision for the transport of solid bulk cargoes, the Department may authorise any other provision by exemption if it is satisfied that the provision is at least as effective and safe as that required by the IMSBC Code.
- (2) A paper or electronic copy of an exemption issued in accordance with paragraph (1) must be maintained on board each ship transporting solid bulk cargoes in accordance with the exemption.
- (3) The recipient of the exemption must notify other competent authorities concerned, prior to any shipment covered by that exemption.

17 Documents

- (1) In all documents relating to the carriage of dangerous goods in solid form in bulk by sea, the bulk cargo shipping name of the goods must be used.
To avoid doubt, the trade name alone may not be used.
- (2) A ship carrying dangerous goods in solid form in bulk must have a special list or manifest setting out the dangerous goods on board and their location.
- (3) A detailed stowage plan, which identifies by class and sets out the location of all dangerous goods on board, may be used in place of the special list or manifest in paragraph (2).
- (4) A copy of one of the documents listed in paragraphs (2) or (3) must be made available before departure to the person or organisation designated by the port State authority.

18 Stowage and segregation requirements

- (1) Dangerous goods in solid form in bulk must be loaded and stowed safely and appropriately as specified in the IMSBC Code, in accordance with the nature of the goods.
- (2) In accordance with the IMSBC Code, incompatible goods must be segregated from one another.
- (3) Dangerous goods in solid form in bulk which are liable to spontaneous heating or combustion must not be carried unless adequate precautions have been taken to minimise the likelihood of the outbreak of fire in accordance with the IMSBC Code.
- (4) Dangerous goods in solid form in bulk which give off dangerous vapours must be stowed in a well-ventilated cargo space.

19 Reporting of incidents involving carriage of dangerous goods in solid form in bulk

- (1) If an incident takes place involving the loss or likely loss overboard of dangerous goods in solid form in bulk into the sea, the master, or other person having charge of the ship, must report the particulars of the incident without delay and to the fullest extent possible to the nearest coastal State.
- (2) The report in paragraph (1) must be drawn up based on general principles and guidelines developed by the IMO specified in MSN 056.
- (3) In the event of the ship in paragraph (1) being abandoned, or if the report from the ship is incomplete or unobtainable, the Company must, to the fullest extent possible, assume the obligations placed upon the master by paragraph (1).
- (4) A master, or other person having charge of the ship, who fails to comply with paragraphs (1) or (2) commits an offence and is liable –
 - (a) on conviction on information, to custody for not more than 2 years, a fine, or both;
 - (b) on summary conviction, to a fine not exceeding **£10,000⁵**.

PART 4 - CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS LIQUID CHEMICALS IN BULK

20 Application of this Part

This Part applies to chemical tankers constructed on or after 1 July 1986.

21 Requirement to comply with the IBC Code

- (1) A chemical tanker must comply with the requirements of the IBC Code.
- (2) A chemical tanker must, in addition to the requirements of SOLAS Chapter 1, regulations 8, 9 and 10, as applicable, be surveyed and certified as provided for in the IBC Code.
- (3) For the purposes of the IBC Code Chapter 1, paragraph 1.5.1.1, surveys may be carried out by the Department or an RO.
- (4) For the purposes of the IBC Code, Chapter 1.5.2.1.2, a renewal survey must be conducted at intervals not exceeding 5 years, except if the IBC Code section 1.5.6.2.2, 1.5.6.5, 1.5.6.6 or 1.5.6.7 is applicable.

⁵ Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

- (5) For the purposes of the IBC Code, Chapter 1.5.6.1, an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk is valid for the period stated in it, which must not exceed 5 years.
- (6) For the purposes of the IBC Code, Chapter 1.5.6.7, the special circumstances are as specified in MSN 056.
- (7) Any reference in the IBC Code to “Administration” is to be read as a reference to the Department or RO, subject to any more specific provision in these Regulations.
- (8) A ship which is converted to a chemical tanker must be treated as a chemical tanker constructed on the date on which the conversion commenced.

PART 5 - CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING LIQUEFIED GASES IN BULK

22 Application of this Part

This Part applies to gas carriers constructed on or after 1 July 1986.

23 Requirement to comply with the IGC Code

- (1) A gas carrier must comply with the requirements of the IGC Code and must, in addition to the requirements of SOLAS Chapter 1, regulations 8, 9 and 10, as applicable, be surveyed and certified as provided for in the IGC Code.
- (2) In accordance with the IGC Code, Chapter 1.5.1.1, a survey may be carried out by the Department or an RO.
- (3) For the purposes of the IGC Code, Chapter 1.5.2.1.2, a renewal survey must be conducted at intervals not exceeding 5 years, except if the IGC Code Chapter 1.5.6.2.2, 1.5.6.5, 1.5.6.6 or 1.5.6.7 is applicable.
- (4) For the purposes of the IGC Code, Chapter 1.5.6.1, an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk is valid for the period stated in it which must not exceed 5 years.
- (5) For the purposes of the IGC Code, Chapter 1.5.6.7, the special circumstances are specified in MSN 056.
- (6) Any reference in the IGC Code to “Administration” is to be read as a reference to the Department or RO, subject to any more specific provision in these Regulations.
- (7) A ship which is converted to a gas carrier must be treated as a gas carrier constructed on the date on which the conversion commenced.

PART 6 – PROVISIONS RELATING TO PARTS 4 AND 5

24 Accident or defect with a gas carrier or chemical tanker

- (1) In accordance with Chapter 1.5.3.3 of the IBC Code and the IGC Code, if an accident occurs to a ship, or a defect is discovered either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment covered by the IBC or the IGC Code, the ship's master or Company must report at the earliest opportunity to the Department and RO responsible for issuing the relevant certificate, and in any case no later than 48 hours after the accident or discovery of the defect.
- (2) If the ship is in the port of another Convention country the master or Company must also report immediately to the appropriate authorities of the port State.
- (3) A master who fails to comply with paragraphs (1) or (2) commits an offence and is liable –
 - (a) on conviction on information, to custody for not more than 2 years, a fine, or both;
 - (b) on summary conviction, to a fine not exceeding **£10,000**⁶.

25 Equivalent arrangements – IBC Code and IGC Code

- (1) In accordance with Chapter 1.4 of the IBC Code and the IGC Code, if either Code requires that –
 - (a) a particular fitting, material, appliance, apparatus, item of equipment or type thereof must be fitted or carried in a ship, or
 - (b) that any particular provision must be made, or any procedure or arrangement must be complied with,the Department may allow any other fitting, material, appliance, apparatus, item of equipment or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship.
- (2) An equivalent arrangement may only be permitted under paragraph (1) if the Department is satisfied by trial thereof or otherwise that such fitting, material, appliance, apparatus, item of equipment or type thereof or that any particular provision, procedure or arrangement is at least as effective as required by the IBC Code or the IGC Code.

This is subject to the following qualification.
- (3) An operational method or procedure must not be used as an alternative to a particular fitting, material, appliance, apparatus, item of equipment

⁶ Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

or type of equipment which is prescribed by the IBC Code or the IGC Code, unless that substitution is specifically allowed by the IBC Code or the IGC Code.

26 Certificates may be withdrawn

The Department or, with the permission of the Department an RO, may withdraw an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk if –

- (a) the condition of a ship or its equipment does not correspond substantially with the particulars of that certificate; or
- (b) the ship is not fit to proceed to sea without danger to the ship or persons on board, and

any required corrective action has not been taken.

27 Prohibition on engaging on voyages without a valid certificate

- (1) A chemical tanker must not engage on a voyage without a valid International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.
- (2) A gas carrier must not engage on a voyage without a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.
- (3) If a chemical tanker attempts to engage on a voyage in contravention of paragraph (1), or a gas tanker attempts to engage on a voyage in contravention of paragraph (2), the master commits an offence and is liable –
 - (a) on conviction on information, to custody for not more than 2 years, a fine, or both;
 - (b) on summary conviction, to a fine not exceeding **£10,000**⁷.

PART 7 – GENERAL PROVISIONS

28 Accident or defect reporting

- (1) If an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment; if the ship is in a port of another Convention country, the Company or master must report immediately to the appropriate authorities of the port State.

⁷ Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

- (2) To avoid doubt, this is in addition to the requirements of *regulations 16(3) or 27(5) of the Merchant Shipping (Survey and Certification) Regulations 2018*⁸ to report the accident or defect to the Department and any RO responsible for the issue of the relevant certificate.
- (3) A master who fails to comply with paragraph (1) commits an offence and is liable –
 - (a) on conviction on information, to custody for not more than 2 years, a fine, or both;
 - (b) on summary conviction, to a fine not exceeding **£10,000**⁹.

29 Approval

- (1) If SOLAS Chapter VII or any part of a Code applied by SOLAS Chapter VII requires anything to be approved by the Administration, it must be approved by the Department or an RO.
- (2) An approval specified in paragraph (1) is valid only if –
 - (a) it is in writing; and
 - (b) any conditions stated in it are complied with.
- (3) In this regulation “**Code**” means the IMDG Code, the IMSBC Code, the IBC Code or the IGC Code.

30 Equivalent arrangements

- (1) In accordance with SOLAS Chapter 1 regulation 5, if SOLAS Chapter VII, requires that –
 - (a) a particular fitting, material, appliance or apparatus, or type thereof, must be fitted or carried in a ship; or
 - (b) any particular provision must be made,the Department may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship.
- (2) An equivalent arrangement may only be permitted under paragraph (1) if the Department is satisfied by trial thereof or otherwise that the other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by SOLAS Chapter VII.
- (3) This regulation is subject to regulation 25.

⁸ SD2018/0088

⁹ Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

PART 8 – FOREIGN SHIPS

31 Requirement to comply with provisions of SOLAS Chapter VII

A foreign ship in the territorial waters of the Island must –

- (a) be constructed, equipped and operated in accordance with the requirements of SOLAS Chapter VII; and
- (b) in all respects remains fit to proceed to sea without danger to the ship or persons on board.

32 Inspection of a foreign ship

- (1) Subject to paragraphs (2) and (3), an inspector may inspect a foreign ship in a port of the Island to verify one or more of the following –
 - (a) the ship is constructed, equipped and operated in accordance with the requirements of SOLAS Chapter VII; and
 - (b) the ship in all respects remain fit to proceed to sea without danger to the ship or persons on board.
- (2) If a foreign ship is a chemical tanker, in addition to the provisions of paragraph (1), an inspector may inspect the ship to verify that there is on board a valid International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.
- (3) If a foreign ship is a gas carrier, in addition to the provisions of paragraph (1), an inspector may inspect the ship to verify that there is on board a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.

33 Provisions relating to enforcement and detention of a foreign ship

- (1) If an inspector carries out an inspection in accordance with regulation 32 and finds that –
 - (a) the ship is not constructed, equipped and operated in accordance with SOLAS Chapter VII;
 - (b) the ship is not fit to proceed to sea without danger to the ship or persons on board;
 - (c) the certificates referred to in regulations 32(2) or (3) are not produced or maintained, or do not contain the information required by the IBC Code or IGC Code as applicable, or is otherwise invalid;
 - (d) there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate; or

- (e) the ship and its equipment are not in compliance with the provisions of SOLAS Chapter 1 regulation 11(a) and (b),
the ship may be detained.
- (2) A ship detained in accordance with paragraph (1) is not permitted to sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without danger to the ship or persons on board.
- (3) If an inspection is conducted or when measures are taken in accordance with paragraph (1), all reasonable efforts must be made to avoid a ship being unreasonably detained or delayed.
- (4) If a ship is detained in accordance with this regulation, section 74 of the Merchant Shipping Registration Act 1991 (which relates to the detention of a ship) has effect, subject to the modifications –
 - (a) In sub-sections (1) and (2), after “officer of the Department,” insert **“or any inspector,”**
 - (b) in sub-section (3), for “this Act” (wherever occurring) substitute **“the SOLAS Chapter VII Regulations”**; and
 - (c) after sub-section (3) add –

“(4) In this section –

“inspector” has the meaning given by regulation 4 of the SOLAS Chapter VII Regulations; and

“SOLAS Chapter VII Regulations” means the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015.

PART 9 – CONSEQUENTIAL AMENDMENTS

34 Revocations

The following are revoked –

- (a) Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 2000¹⁰;
- (b) Merchant Shipping (Dangerous Goods and Marine Pollutants)(Amendment) Regulations 2006¹¹; and
- (c) Merchant Shipping (Gas Carriers) Regulations 1995¹².

¹⁰ SD 627/00

¹¹ SD 896/06

¹² SD 466/95

35 Consequential amendments

- (1) The Merchant Shipping (Fire Protection) Regulations 1984¹³, as applied to the Island by the Merchant Shipping (Safety Provisions)(Application) Order 1985¹⁴, are amended as follows.

(a) In regulation 1(2) –

- (i) for the definition of “chemical tanker” substitute –

“chemical tanker” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the IBC Code;.

- (ii) for the definition of “Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” substitute –

“Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” means the Code so entitled adopted by the IMO and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.212(81) on 18 May 2006 and which came into force on 1 August 2007;.

- (iii) the definition of “Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk” is omitted.

- (iv) for the definition of “dangerous goods” substitute –

“dangerous goods” means the substances, materials and articles covered by the IMDG Code;.

- (v) for the definition of “gas carrier” substitute –

“gas carrier” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the IGC Code;.

- (vi) for the definition of “International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” substitute –

“International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” or “IBC Code” has the meaning given by the definition of “IBC Code” in regulation 4 of the Merchant

¹³ SI 1984 no.1218

¹⁴ GC 38/85

- Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015; **22**
- (vii) for the definition of “International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk” substitute –
- 23** “International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk” or “IGC Code” has the meaning given by the definition of “IGC Code” in regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015; **22**
- (viii) for the definition of “International Maritime Dangerous Goods Code” substitute –
- 24** “International Maritime Dangerous Goods Code” or “IMDG Code” has the meaning given by the definition of “IMDG Code” in regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015; **22**.
- (ix) after the definition of “International Maritime Dangerous Goods Code (IMDG Code)” insert –
- 25** “IMO” means the International Maritime Organization; **22**.
- (b) For regulation 1(3) substitute –
- 26** Any reference in these Regulations to a British Standard includes a reference to a relevant standard of a member State other than the United Kingdom. **22**.
- (c) In regulation 49(2A) –
- (i) sub-paragraphs (b) and (d) are omitted; and
- (ii) for the final paragraph, substitute –
- 27** In sub-paragraph (e) above, the references to a flammable cargo other than crude oil or petroleum products includes (without limiting the generality of those references), references to any of the cargoes listed in Chapters 17 and 18 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk. **22**.
- (d) For regulation 51(2) substitute –
- 28** In chemical tankers where the fixed fire-extinguishing system referred to in paragraph (1) of this regulation is a gas system, the concentration must be as specified in the

- International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk. ²².
- (e) In Schedule 15, paragraph (4)(b), omit the words “the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk and”.
- (2) The Merchant Shipping (Carriage of Cargoes) Regulations 2006¹⁵ are amended as follows.
- (a) In regulation 2(1) –
- (i) for the definition of “SOLAS Chapter VII”, substitute –
- “SOLAS Chapter VII” means Chapter VII to the SOLAS Convention including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.325(90) on 24 May 2012 and which came into force on 1 January 2014; ²²; and
- (ii) after the definition of “SOLAS Chapter VII” insert –
- “SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974, as amended by the Protocol of 1988; ²².
- (b) In regulation 3(2) and 3(3), for “SOLAS Chapter VII Carriage of Dangerous Goods” substitute ²³the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015²².
- (3) The Merchant Shipping (MARPOL Annex II – Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 2008¹⁶ are amended as follows.
- (a) In regulation 2 –
- (i) for the definition of “IBC Code” substitute –
- “IBC Code” has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015; ²²; and
- (ii) for the definition of “IGC Code” substitute –
- “IGC Code” has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015; ²².
- (b) In regulation 7, after sub-paragraph (c), insert –
- ²⁴(ca) regulation 11.1.1 of Annex II, regulations 21 and 22 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015 apply; ²².

¹⁵ SD 276/06¹⁶ SD 977/08

- (4) The Merchant Shipping (Maritime Labour Convention) Regulations 2013¹⁷ are amended as follows.

In regulation 135 -

- (a) for the definition of “IBC Code” substitute –
 “IBC Code” has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015;²²
- (b) for the definition of “IGC Code” substitute –
 “IGC Code” has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015;²² and
- (c) for the definition of “IMDG Code” substitute –
 “IMDG Code” has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015;²².

- (5) The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2014¹⁸ are amended as follows.

In Schedule 1 (in the table entitled “regulations disapplied”), after “SD 396/03” where first occurring in the column entitled “Amended by” insert “SD 2015/0230”.

MADE 17 JUNE 2015

LAURENCE SKELLY

Minister for Economic Development

¹⁷ SD 234/13

¹⁸ SD 2014/0415

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to Chapter VII of the SOLAS Convention (SOLAS VII), which provides for the safe carriage of dangerous goods at sea. The Regulations implement SOLAS VII including all amendments up to and including those adopted by IMO resolution MSC.325(90) on 24 May 2012 and which came into force internationally on 1 January 2014.

The Order applies to Manx ships wherever they may be and to foreign ships whilst they are in the territorial waters of the Island.

SOLAS VII is made up of 4 parts. The first part requires dangerous goods in packaged form to be carried in compliance with the IMDG Code. The second part requires the carriage of dangerous goods in solid form in bulk to be in accordance with the IMSBC Code.

The third part of SOLAS VII controls the construction and equipment of ships carrying dangerous liquid chemicals in bulk and requires chemical tankers constructed on or after 1 July 1986 to be surveyed, certificated and operated in accordance with the IBC Code.

The fourth part regulates the construction and equipment of ships carrying liquefied gases in bulk and requires gas carriers constructed on or after 1 July 1986 to be surveyed, certificated and operated as required by the IGC Code.

Dangerous goods in packaged form, and dangerous goods in solid form in bulk, must also be documented and stowed in accordance with SOLAS Chapter VII. Any incident involving those goods must be reported immediately to the nearest coastal State.

Existing legislation giving effect to SOLAS VII is revoked and replaced by the Order.

Copies of this document and Manx Shipping Notices are obtainable from the Isle of Man Ship Registry, Department of Economic Development, St Georges Court, Upper Church Street, Douglas, Isle of Man IM1 1EX and can be accessed via the website:
<http://www.iomshipregistry.com>

The International Convention for the Safety of Life at Sea 1974, as amended by the Protocol of 1988, IMO resolutions and circulars can be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.

Amendments:

This text is marked with amendments (*in bold italic type*) made to these Regulations by-

SD2018/0088 Merchant Shipping (Survey and Certification) Regulations 2018

Section 55 of the Interpretation Act 2015 which increase the fines with effect from 1 January 2018

The functions in these Regulations have been transferred from the Department of Economic Development to the Department for Enterprise by the Transfer of Functions (Economic Development and Education) Order 2017 (SD2017/0325) with effect from 24 November 2017.