



MERCHANT SHIPPING ACT 1985

MERCHANT SHIPPING (ADDITIONAL SAFETY MEASURES FOR BULK CARRIERS – SOLAS CHAPTER XII) REGULATIONS 2006

Laid before Tynwald: 25 April 2006

Coming into operation: 1 May 2006

In exercise of the powers conferred on the Department of Trade and Industry by sections 1 and 2 of the Merchant Shipping Act 1985¹ and of all other enabling powers, after consultation with the Secretary of State and those persons referred to in Section 2(2) of the Merchant Shipping Act 1985, the following Regulations are hereby made:-

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Additional Safety Measures for Bulk Carriers – SOLAS Chapter XII) Regulations 2006 and shall come into operation on 1 May 2006.

Interpretation

2. For the purposes of these Regulations:

“1997 SOLAS Conference” means the Conference of the Contracting Governments to the International Convention for the Safety of Life at Sea 1974 held in London on 24, 27 and 28 November 1997, up to and including amendments accepted by the International Maritime Organization by IMO Resolution MSC.170(79);

“Accredited testing organization” means an organization approved by the Department or by any other member State of the International Maritime Organization offering suitable and satisfactory guarantees of technical and professional competence and independence;

“Annual survey” means the survey carried out within three months before or after each anniversary date of the Cargo Ship Safety Equipment Certificate;

¹ 1985 c.3 Functions transferred to the Department of Trade and Industry by Transfer of Functions (Marine Administration) Order 1997 SD51/97

“Appropriate shipping documents” means documentation in relation 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 carrier” means a ship which is constructed generally with single deck, top side tanks and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk, including such types as ore carriers and combination carriers²;

“Bulk carrier of single-side skin construction” means a bulk carrier in which:

1. any part of a cargo hold is bounded by the side shell; or
2. where one or more cargo holds are bounded by a double-side skin, the width of which is less than 760mm in bulk carriers constructed before 1 January 2000 and less than 1,000mm in bulk carriers constructed on or after 1 January 2000 but before 1 July 2006, the distance being measured perpendicular to the side shell,

such ships include combination carriers in which any part of a cargo hold is bounded by the side shell;

“Bulk carrier of double-side skin construction” means a bulk carrier, in which all cargo holds are bounded by a double-side skin, other than where one or more cargo holds are bounded by a double-side skin, the width of which is less than 760mm in bulk carriers constructed before 1 January 2000 and less than 1,000mm in bulk carriers constructed on or after 1 January 2000 but before 1 July 2006, the distance being measured perpendicular to the side shell;

“Bulk carrier bulkhead and double bottom strength standards” means the “Standards for the evaluation of scantlings of the transverse watertight vertically corrugated bulkhead between the two foremost cargo holds and for the evaluation of allowable hold loading of the foremost cargo hold” adopted by resolution 4 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea 1974 on the 27 November 1997;

“Bulk carrier constructed” means bulk carriers the keels of which are laid or which are at a similar stage of construction;

“Certifying Authority” means the Department or any person or organisation authorised by the Department;

“Combination carrier” means a tanker designed to carry oil or alternatively solid bulk cargo;

“Department” means the Department of Trade and Industry³;

² Reference is made to:

(a) for ships constructed before 1 July 2006, resolution 6, Interpretation of the definition of “bulk carrier”, as given in Chapter IX of SOLAS 1974, as amended by 1994, adopted by the 1997 SOLAS Conference.

(b) the Interpretation of the provisions of SOLAS Chapter XII on Additional safety measures for bulk carriers, adopted by the Maritime Safety Committee of IMO by resolution MSC.79(70).

(c) the application provisions of Annex 1 to the Interpretation of the provisions of SOLAS Chapter XII on Additional safety measures for bulk carriers, adopted by the Maritime Safety Committee of IMO by resolution MSC.89(71).

³ Functions transferred by SD155/10 to the Department of Economic Development and then to the Department for Enterprise by the Transfer of Functions (Economic Development and Education) Order 2017 (SD2017/0325) with effect from 24 November 2017

“Double-side skin” means a configuration where each ship is constructed with a double-side shell using longitudinal bulkheads connecting the double bottom and the deck. Hopper side tanks and top-side tanks may, where fitted, be integral parts of the double-side skin configuration;

“Enhanced programme of inspection” means a programme of inspections in accordance with the guidelines adopted by IMO resolution A.744 (18);

“IMO” means the International Maritime Organization;

“Intermediate survey” means the survey carried out within three months before or after the second anniversary date or within three months before or after the third anniversary date of the Cargo Ship Safety Construction Certificate, which shall take the place of one of the annual surveys;

“International voyage” means a voyage between:

(a) a port in the Island and a port outside the Island; or

(b) a port in a Convention Country and a port in any other country or territory (whether a Convention country or not) which is outside the Island.

“Length” of a bulk carrier means the length of the ship ascertained in accordance with the *Load Lines Convention*;

“Load Lines Convention” has the meaning given by regulation 3 (interpretation) of the Merchant Shipping (Load Lines) Regulations 2020⁴;

“Manx ship” has the meaning assigned to it by section 1 of the Merchant Shipping Registration Act 1991⁵, and includes a ship registered under Part IV of that Act;

“Ore carriers” means ships intended to carry ore in centre holds. They are single decked ships having two longitudinal bulkheads and a double bottom throughout the centre hold only.

“Periodical survey” means the survey carried out within three months before or after the second anniversary date or within three months before or after the third anniversary date of the Cargo Ship Safety Equipment Certificate which shall take the place of one of the annual surveys;

“Renewal survey” means the survey carried out at intervals specified by the Department but not exceeding five years;

“SOLAS Chapter II-1” means Chapter II-1 of the International Convention for the Safety of Life at Sea 1974, and its 1988 Protocol, up to and including amendments adopted by resolution MSC.134(76) in December 2002;

“SOLAS Chapter XI-1” means Chapter XI-I of the International Convention for the Safety of Life at Sea 1974 and its 1988 Protocol;

“Solid bulk cargo” 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 loaded directly into the cargo spaces of a ship without any intermediate form of containment;

“a similar stage of construction” means the stage at which:

⁴ SD2020/0552

⁵ 1991 c.15

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 GT or one percent of the estimated mass of all structural material, whichever is less;

“Watertight” means capable of preventing the passage of water in any direction;

“Weathertight” in relation to a structure means capable of preventing the passage of sea water through the structure in the worst sea and weather condition likely to be encountered by the ship.

Application

3. Unless expressly provided otherwise, these Regulations apply to Manx ships which are bulk carriers of 500 GT or over engaged on international voyages.

Damage stability requirements applicable to bulk carriers

4. (1) Bulk carriers of 150m in length and upwards of single-side skin construction, designed to carry solid bulk cargoes having a density of 1,000 kg/m³ and above, constructed on or after 1 July 1999 shall, when loaded to the summer load line, be able to withstand flooding in any one cargo hold, in all loading conditions and remain afloat in a satisfactory condition of equilibrium as specified in paragraph (4).

(2) Bulk carriers of 150m in length and upwards of double-side skin construction in which any part of a longitudinal bulkhead is located within B/5 or 11.5m, whichever is less, inboard from the ship’s side at right angle to the centreline at the assigned summer load line, designed to carry solid bulk cargoes having a density of 1,000 kg/m³ and above, constructed on or after 1 July 2006 shall, when loaded to the summer load line, be able to withstand flooding of any one cargo hold in all loading conditions and remain afloat in a satisfactory condition of equilibrium, as specified in paragraph (4).

(3) Subject to paragraph (9) and regulation 17, bulk carriers of 150m in length and upwards of single-skin construction, carrying solid bulk cargoes having a density of 1,780 kg/m³ and above, constructed before July 1999 shall, when loaded to the summer load line, be able to withstand flooding in the foremost cargo hold, in all loading conditions and remain afloat in a satisfactory condition of equilibrium, as specified in paragraph (4).

(4) The condition of equilibrium referred to in paragraphs (1), (2) and (3) shall be deemed satisfactory when:

(a) the final waterline after flooding, taking into account sinkage, heel and trim, is below the lower edge of any opening through which progressive down flooding may take place. Such openings shall include air pipes, ventilators and openings which are closed by means of weathertight doors or hatch covers (even if they comply with the requirements of the *Load Lines Convention*), but exclude:

(i) those openings which are closed by means of watertight manhole covers, watertight flush scuttles or side scuttles of the non-opening type, provided that the means of closing comply with the *Load Lines Convention*;

(ii) remotely operating watertight doors, except that in the case of doors separating a main machinery space from a steering gear compartment, watertight doors may be of a hinged, quick-acting type kept closed at sea, whilst not in use, provided also that the lower sill of such doors is above the summer load waterline; and

(iii) small cargo access openings closed by watertight gasketed covers of steel or equivalent material.

(b) if pipes, ducts or tunnels are situated within the assumed extent of flooding, arrangements shall be made so that progressive flooding, cannot thereby extend to compartments other than those assumed to be floodable in the calculation for each case of damage;

(c) in the case where no part of the deck is immersed, the angle of heel due to flooding does not exceed 17 degrees, and in any other case the angle of heel due to unsymmetrical flooding does not exceed 15 degrees;

(d) the metacentric height in the flooded condition is positive;

(e) the righting lever curve has a minimum range of 20 degrees beyond the position of equilibrium in association with a maximum righting lever of at least 0.1 metre within the 20 degree range. The area under the righting lever curve within this range shall not be less than 0.0175 metre-radians. Within this range, unprotected openings shall not be temporarily immersed unless the space is assumed to be flooded. Within this range, the temporary immersion of any openings capable of being closed weathertight is permitted.

(f) the vessel's stability at intermediate stages of flooding should never be significantly less than that required by sub-paragraph (e).

(5) The assumed flooding referred to in paragraph (4) need only take into account flooding of the cargo hold space to the water level outside the ship in that flooded condition.

(6) The permeability of a loaded hold for the purposes of paragraph (4) shall be assumed as 0.9 and the permeability of an empty hold shall be assumed as 0.95, unless a permeability relevant to a particular cargo hold shall be assumed for the volume of a flooded hold occupied by cargo and a permeability of 0.95 is assumed for the remaining empty volume of the hold.

(7) Bulk carriers constructed before 1 July 1999, which have been assigned a reduced freeboard in compliance with regulation 27(7) of the International Convention on Load Lines 1966, as adopted by the IMO on 5 April 1996, may be considered as complying with paragraph 3 of this regulation.

(8) Bulk carriers which have been assigned a reduced freeboard in compliance with paragraph (8) of the regulation equivalent to regulation 27 of the International Convention on Load Lines 1966, adopted by resolution A.320(IX), as amended by resolution A.514(13), may be considered as complying with paragraphs 1 or 2 as appropriate.

(9) On bulk carriers which have been assigned reduced freeboard in compliance with the provisions of regulation 27(8) set out in annex B of the protocol of 1988 relating to the International Convention on Load Lines, 1966, the condition of equilibrium after flooding shall satisfy the relevant provision of that Protocol.

Structural strength of bulk carriers

5. (1) Bulk carriers of 150m in length and upwards of single-side skin construction, designed to carry solid bulk cargoes having a density of 1,000 kg/m³ and above constructed on or after 1 July 1999, shall have sufficient strength to withstand flooding of any one cargo hold to the water level outside the ship in that flooded condition in all loading and ballast conditions taking also into account dynamic effects resulting from the presence of water in the hold and IMO recommendations on compliance with SOLAS Chapter XII regulation 5⁶.

(2) Bulk carriers of 150m in length and upwards of double-side skin construction, in which any part of a longitudinal bulkhead is located within B/5 or 11.5m, whichever is less, inboard from the ship's side measured perpendicular to the centreline at the assigned summer load line, designed to carry bulk cargoes having a density of 1,000kg/m³ and above constructed on or after 1 July 2006, shall comply with the structural provisions of paragraph 1.

Structural and other requirements for bulk carriers

6. (1) Bulk carriers of 150m in length and upwards of single-side skin construction, carrying solid bulk cargoes having a density of 1,780 kg/m³ and above, constructed before 1 July 1999, shall comply with the following requirements:

(a) the transverse watertight bulkhead between the two foremost cargo holds and the double bottom of the foremost cargo hold shall have sufficient strength to withstand flooding of the foremost cargo hold, taking also into account dynamic effects resulting from the presence of water in the hold, in compliance with the bulk carrier bulkhead and double bottom strength standards.

(b) for the purpose of this regulation, the bulk carrier bulkhead and double bottom strength standards shall be treated as mandatory; and

(c) in considering the need for, and the extent of strengthening of the transverse watertight bulkhead or double bottom to meet the requirements of paragraphs 1(a) and 1(b), the following restrictions may be taken into account:

(i) restrictions on the distribution of the total cargo weight between the cargo holds; and

(ii) restrictions on the maximum deadweight.

(2) For bulk carriers using either of, or both, the restrictions given in paragraph (6)(1)(c)(i) and (ii) for the purpose of fulfilling the requirements of paragraphs (6)(1)(a) and (b), these restrictions shall be complied with whenever solid bulk cargoes having a density of 1,780 kg/m³ and above are carried.

(3) Bulk carriers of 150m in length and upwards constructed on or after 1 July 2006 in all areas with double-side skin construction, shall comply with the following requirements:

(a) primary stiffening structures of the double-side skin shall not be placed inside the cargo hold space; and

⁶ Refer to resolution 3, recommendation on compliance with SOLAS Chapter XII regulation 5 adopted by the 1997 SOLAS Conference.

(b) subject to subparagraphs (i) to (v), the distance between the outer shell and the inner shell at any transverse section shall not be less than 1,000mm measured perpendicular to the side shell. The double-side skin construction shall be such as to allow access for inspection as provided in SOLAS Chapter II-1 regulation 3-6 and the Technical Provisions referring thereto.

(i) The clearances below need not be maintained in way of cross ties, upper and lower end brackets of transverse framing or end brackets of longitudinal framing.

(ii) The minimum width of the clear passage through the double-side skin space in way of obstructions such as piping or vertical ladders shall not be less than 600mm.

(iii) Where the inner and/or outer skins are transversely framed, the minimum clearance between the inner surfaces of the frames shall not be less than 600mm.

(iv) Where the inner and outer skins are longitudinally framed, the minimum clearance between the inner surfaces of the frames shall not be less than 800mm. Outside the parallel part of the cargo hold length, this clearance may be reduced where necessitated by the structural configuration, but, in no case, shall be less than 600mm.

(v) The minimum clearance referred to in subparagraph (iv) shall be the shortest distance measured between assumed lines connecting the inner surfaces of the frames on the inner and outer skins.

(4) Double-side skin spaces and dedicated seawater ballast tanks arranged in bulk carriers 150m in length and upwards constructed on or after 1 July 2006 shall be coated in accordance with the requirements of SOLAS Chapter II-1 regulation 3-2 and also based on the performance standards for coatings⁷ to be adopted by the IMO.

(5) Double-side skin spaces, with the exception of top-side wing tanks, if fitted, shall not be used for the carriage of cargo.

(6) In bulk carriers of 150m in length and upwards, carrying solid bulk cargoes having a density of 1,000 kg/m³ and above, constructed on or after 1 July 2006:

(a) the structure of the cargo hold shall be such that all contemplated cargoes can be loaded and discharged by standard loading/discharge equipment and procedures without damage which may compromise the safety of the structure;

(b) effective continuity between the side shell structure and the rest of the hull structure shall be assured; and

(c) the structure of cargo areas shall be such that single failure of one stiffening structural member will not lead to immediate consequential failure of other structural items potentially leading to the collapse of the entire stiffened panels.

⁷ Refer to the standards acceptable to the Certifying Authority until such time that Performance standards for coating, to be adopted by the IMO, will be made mandatory by suitably modifying the above requirements.

Survey and maintenance of bulk carriers

7. (1) Bulk carriers of 150m in length and upwards of single-side skin construction, constructed before 1 July 1999, of 10 years of age and over, shall not carry solid bulk cargoes having a density of 1,780 kg/m³ and above unless it has satisfactorily undergone either:

(a) a periodical survey, in accordance with the enhanced programme of inspections during surveys required by SOLAS Chapter XI-1 regulation 2; or

(b) a survey of all cargo holds to the same extent as required for periodical surveys in the enhanced programme of inspections during surveys required by SOLAS Chapter XI -1 regulation 2.

(2) Bulk carriers shall comply with the maintenance requirements provided in SOLAS Chapter II-1 regulation 3-1 and the Standards for owners' inspection and maintenance of bulk carrier hatch covers, adopted by IMO resolution MSC.169(79).

Information on compliance with requirements for bulk carriers

8. (1) Those bulk carriers to which regulations 4, 5, 6 and 7 apply, shall carry the manual referred to in SOLAS chapter VI regulation 7.2 and this manual shall be endorsed by the Certifying Authority, to indicate that the said regulations 4, 5, 6 and 7 as appropriate, are complied with.

(2) Any restrictions imposed on the carriage of solid bulk cargoes having a density of 1,780 kg/m³ and above in accordance with the requirements of regulation 6 and 16 shall be identified and recorded in the manual referred to in paragraph (1).

(3) A bulk carrier to which paragraph (2) applies shall be permanently marked on the side shell at amidships, port and starboard, with a solid equilateral triangle having sides of 500mm and its apex 300m below the deck line, and painted a contrasting colour to that of the hull.

Solid bulk cargo density declaration

9. (1) Prior to loading solid bulk cargo on bulk carriers of 150m in length and upwards, the shipper shall declare the density of the cargo, in addition to providing the cargo information required by SOLAS Chapter VI regulation 2.

(2) The information required in paragraph (1) shall be confirmed in writing and by appropriate shipping documents prior to loading the cargo on the ship.

(3) If a shipper or forwarder fails to provide appropriate cargo information as required in paragraph (1), or furnishes cargo information which he knows or ought to have known to be false, he shall be guilty of an offence.

(4) For bulk carriers to which regulation 6 applies, any cargo declared to have a density within the range 1,250 kg/m³ to 1,780 kg/m³, shall have its density verified by an

accredited testing organisation⁸, unless such bulk carriers comply with all the relevant requirements of these Regulations applicable to the carriage of solid bulk cargoes having a density of 1,780 kg/m³ and above.

Loading instrument

10. (1) Bulk carriers of 150m in length and upwards, shall be fitted with a loading instrument capable of providing information on hull girder shear forces and bending moments, taking into account the IMO Recommendation on “Loading Instruments”⁹.

(2) Bulk carriers of less than 150m in length constructed on or after 1 July 2006 shall be fitted with a loading instrument capable of providing information on the ship’s stability in the intact condition. The computer software shall be approved for stability calculations by the Certifying Authority and shall be provided with standard conditions for the testing purposes relating to the approved stability information¹⁰

Water level detectors in cargo holds

11. (1) Subject to paragraphs (2), (3) and (5) bulk carriers shall be fitted with water level detectors in the aft end of each cargo hold, giving both audible and visual alarms on each occasion the water level above the inner bottom of the cargo hold reaches:

- (a) a height of 0.5 metres; and
- (b) whichever is the lower of either:
 - (i) the height of a point which is not less than 15% of the depth of the cargo hold, or
 - (ii) a height of two metres.

(2) Paragraph (3) applies to a bulk carrier in respect of which there is in force an exemption from the provisions of regulation 4(3) granted pursuant to regulation 17.

(3) A cargo hold in a bulk carrier referred to in paragraph (2) need not be fitted with a water level detector which gives both an audible and visual alarm in the circumstances referred to in paragraph (1)(a) and (b).

(4) The visual alarms specified in paragraph (1) shall clearly indicate which of the two water levels referred to in paragraph (1) has been detected.

(5) For those cargo holds used for water ballast, a device may be fitted which overrides an alarm referred to in paragraph (1).

Water level detectors in ballast tanks

⁸ In verifying the density of solid bulk cargoes, reference should be made to the Uniform method of measurement of the density of bulk cargoes (MSC/circ.908).

⁹ Recommendation on Loading Instruments, adopted by resolution 5 of the 1997 SOLAS Conference.

¹⁰ Refer to the relevant parts of the appendix to the Guidelines for the on-board use and application of computers (MSC/Circ.891).

12. (1) A water level detector shall be fitted in each forward ballast tank of a bulk carrier.

(2) Subject to paragraph (3) the detectors referred to in paragraph (1) shall give both an audible and visual alarm when the liquid in the forward ballast tank reaches a level not exceeding 10% of the tank capacity.

(3) A device which overrides the alarm referred to in paragraph (2) may be installed and activated when the forward ballast tank is in use.

(4) In this regulation “forward ballast tank” means any ballast tank which is forward of a collision bulkhead which has been fitted in accordance with SOLAS Chapter 11-1 regulation 11.

Water level detectors in dry or void space

13. (1) Subject to paragraph (2) a water level detector shall be fitted in each dry or void space of a bulk carrier, any part of which extends forward of the foremost cargo hold, giving an audible and visual alarm at a water depth of 0.1m in that space.

(2) These alarms referred to in paragraph (1) need not be fitted in the following areas:

(a) a dry or void space which is a chain cable locker; or

(b) in an enclosed space the volume of which does not exceed 0.1% of the ship’s maximum displacement volume.

Provisions supplemental to regulations 11, 12 and 13

14. Those bulk carriers to which Regulations 11, 12 and 13 apply shall have any audible and visual alarms required located on the navigation bridge.

Availability of pumping systems¹¹

15. (1) Subject to paragraph (2), this regulation applies to the equipment required in all bulk carriers for draining and pumping:

(a) every forward ballast tank; and

(b) every bilge of a dry space, any part of which extends forward of the foremost cargo hold.

(2) This regulation does not apply in the case of:

(a) an enclosed space, the volume of which does not exceed 0.1% of the maximum displacement volume;

¹¹ Refer to MSC/Circ.1069, Interpretation of SOLAS chapter XII regulation 13.

(b) a chain cable locker.

(3) It shall be possible for a person to bring the equipment referred to in paragraph (1) into operation from an enclosed space, the location of which is accessible from:

(a) the navigational bridge; or

(b) the propulsion machinery control position,

without having to cross an exposed freeboard deck or an exposed superstructure deck.

(4) Where a pipe which serves:

(a) a forward ballast tank; or

(b) a bilge described in paragraph (1) (b),

pierces a collision bulkhead, the valves fitted at that collision bulkhead may be remotely operated by an actuator instead of being operated in accordance with SOLAS Chapter 11-1 regulation 11.4

(5) An actuator referred to in paragraph (4) shall be controlled from an enclosed space, the location of which is accessible from:

(a) the navigation bridge; or

(b) the propulsion machinery control position,

without having to cross an exposed freeboard deck or an exposed superstructure deck.

(6) A bulk carrier constructed before 1 July 2004 shall comply with the requirements of this regulation by, whichever is the earlier of:

(a) the date of the first intermediate or renewal survey of the ship to be carried out after 1 May 2006;

(b) but in no case, later than 1 July 2007.

(7) In this regulation “forward ballast tank” has the same meaning as it has in regulation 12(4).

Restrictions from sailing with any hold empty

16. With effect from 1 July 2006, those bulk carriers of 150m in length and upwards of single-skin construction, carrying cargoes having a density of 1,780 kg/m³ and above, which are unable to meet the requirements of Regulation 5.1 and the Standards and criteria for side structures of bulk carriers of single-skin construction, adopted by the IMO by resolution MSC.168(79), shall not sail with any hold loaded to less than 10% of the hold’s maximum allowable cargo weight when in the full load condition, after reaching 10 years of age. The applicable full load condition for this regulation is a load equal to or greater than 90% of the ship’s deadweight at the relevant assigned freeboard.

Exemptions

17. For those Bulk Carriers constructed before 1 July 1999 being within the application limits of regulation 4(3), which have been constructed with an insufficient number of transverse watertight bulkheads to satisfy that regulation, the Department may allow relaxation from the application of regulations 4(3) and 6, provided the Department is satisfied that those bulk carriers comply with the following requirements:

- (a) for the foremost cargo hold, the inspections prescribed for the annual survey are replaced by the inspections required for the intermediate survey of cargo holds;
- (b) the ship is provided with bilge well high water level alarms in all cargo holds, or cargo conveyor tunnels, as appropriate, giving an audible and visual alarm on the navigation bridge, as approved by any other member States of the IMO or other organisations offering suitable and satisfactory guarantees of technical and professional competence and independence and
- (c) there is carried on the ship detailed information on specific cargo hold flooding scenarios. This information shall be accompanied by detailed instructions on evacuation preparedness under the provisions of Section 8 of the International Safety Management (ISM) Code and shall be used as the basis for crew training and drills.

17A Equivalent arrangements

(1) *If these Regulations require 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 fitting, material, appliance or apparatus, or type thereof, or provision is at least as effective as that required by these Regulations.*

17B Validity of exemptions or equivalent arrangements

An exemption or equivalent arrangement permitted by these Regulations is only valid if —

(a) *it is in writing;*

(b) *it specifies the date on which it takes effect; and*

(c) *any conditions stated in it are complied with.*

Offences

18. (1) Any contravention of these regulations shall be an offence liable on summary conviction to a fine not exceeding **£10,000**¹² or, on conviction on information to imprisonment for a term not exceeding two years or to a fine or to both.

(2) In any proceedings for an offence under these Regulations it shall be a defence for a person to prove that all reasonable steps had been taken by that person to ensure compliance with the Regulations.

Offences due to the fault of another person

19. Where 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 shall be guilty of the offence. A person may be charged with and convicted of the offence by virtue of this Regulation whether or not proceedings are taken against the first mentioned person

Power to detain

20. In any case where a ship does not comply with the requirements of these Regulations the ship shall be liable to be detained and section 74 of the Merchant Shipping (Registration) Act 1991¹³ (which relates to the detention of the ship) shall have effect in relation to the ship, subject to the modification that as if for the words “this Act”, wherever they appear, there were substituted the words “the Merchant Shipping (Additional Safety Measures for Bulk Carriers - SOLAS Chapter XII) Regulations 2006¹⁴”.

Made: 6 April 2006

Alex F. Downie

Minister for Trade and Industry

¹² Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

¹³ 1991 c.15

¹⁴ SD156/06

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to SOLAS Chapter XII “Additional Safety Measures for Bulk Carriers”, adopted by the International Maritime Organization at the 1997 SOLAS Conference in November 1997, and includes amendments made up to and including MSC.179(79) adopted on 20 December 2004.

The Regulations apply to Manx ships which are bulk carriers 500 GT or over engaged on international voyages. They set out the requirements for cargo and its stowage and securing and lays down certain minimum standards for the longitudinal strength, buoyancy, stability, damage survivability, strength of double bottoms and transverse bulkhead, loading and survey of certain types of bulk carriers. These Regulations also include requirements for dry space water level detectors, draining and pumping systems.

A copy of the SOLAS Convention and IMO Resolutions may be obtained from the International Maritime Organization, 4 Albert Embankment, London SW1 7SR or on line at <http://www.imo.org/index.htm> .

Amendments:

This text is marked (*in bold italic type*) with amendments 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.

SD2020/0552 Merchant Shipping (Load Lines) Regulations 2020.