

2024 No. XXX

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Carriage of Cargoes) Regulations 2024

Made - - - - *xxx 2024*
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SCHEDULE — Amendments

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The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), and in exercise of the powers conferred by sections 85(1), (3)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (n), (o), (p) and (q), and (5) to (7), 86(1)(a), (b), (c) and (d), 302(1) and 306A of that Act, and with the consent of the Treasury, makes the following Regulations.

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Carriage of Cargoes) Regulations 2024 and come into force on *** 2024.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendments and revocation

2.—(1) The amendments listed in the Schedule have effect.

(2) The Merchant Shipping (Carriage of Cargoes) Regulations 1999(b) are revoked.

Interpretation

3.—(1) In these Regulations—

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

“Chapter VI” means Chapter VI in the Annex to the Convention (relating to the carriage of cargoes and oil fuels)(c);

“Convention” means the International Convention for the Safety of Life at Sea, 1974(d);

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

(a) 1995 c. 21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306A was inserted by the Deregulation Act 2015 (c. 20), section 106. Sections 85 and 86 are to applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350). There are other amendments but none is relevant.

(b) S.I. 1999/336.

(c) Chapter VI in the Annex to the Convention (see the footnote to the definition of “Convention” in this regulation) was revised and replaced by International Maritime Organization (IMO) Resolution MSC.22(59) (Cm 3934) and has been further amended by IMO Resolutions MSC.47(66) (Cm 4064), MSC.69(69) (Cm 5771), MSC.123(75) (Cm 6587), MSC.194(80), MSC.239(83), MSC.269(85), MSC.282(86), MSC.325(90) and MSC.380(94). The amendments to Chapter VI are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

(d) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

“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;

“gross tonnage” means gross tonnage as determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(a);

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any document amending or replacing that notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“non-United Kingdom ship” means any ship other than a United Kingdom ship;

“passenger” means a person other than—

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
- (b) a child under one year of age; and

“passenger ship” means a ship which carries more than 12 passengers;

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

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

“terminal representative” has the same meaning as in regulation 7.1 of Chapter VI.

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

Application

4.—(1) Subject to paragraphs (2) to (6), these Regulations apply to the carriage of cargo on—

- (a) United Kingdom ships, wherever they may be; and

(a) S.I. 1997/1510, amended by S.I. 1998/1916, 1999/3206, 2020/362 and 2023/246; there are other amending instruments but none is relevant.

- (b) non-United Kingdom ships while they are within United Kingdom waters.
- (2) These Regulations do not apply to—
- (a) ships of war and naval auxiliaries;
 - (b) ships owned or operated by a State and engaged only on governmental non-commercial service;
 - (c) ships not propelled by mechanical means;
 - (d) wooden ships of primitive build;
 - (e) pleasure vessels;
 - (f) fishing vessels;
 - (g) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.
- (3) The requirements in these Regulations are subject to the requirements in the Regulations listed in paragraph (4).
- (4) The Regulations referred to in paragraph (3) are—
- (a) the Merchant Shipping (Gas Carriers) Regulations 1994(a), in relation to the carriage of gases in bulk;
 - (b) the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997(b), in relation to the carriage of dangerous goods and marine pollutants;
 - (c) the Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuel etc) (INF Code) Regulations 2000(c), in relation to the carriage of INF cargo;
 - (d) Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018(d), in relation to the carriage of noxious liquid substances in bulk; or
 - (e) the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019(e), in relation to the carriage of oil.
- (5) A non-United Kingdom ship flying the flag of a State which is not a party to the Convention is not subject to these Regulations if it would not have been in United Kingdom waters but for stress of weather or any other circumstances which the master, owner or charterer could not have prevented.
- (6) Where persons are on board a ship as a consequence of—
- (a) the circumstances described in paragraph (5); or
 - (b) an obligation laid upon the master to carry shipwrecked or other persons(f),

those persons are not to be taken into account for the purpose of determining the application to that ship of any provision of these Regulations.

(7) In this regulation, “INF cargo” has the same meaning as in regulation 2(1) of the Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuel etc) (INF Code) Regulations 2000.

Ambulatory reference

5.—(1) In these Regulations, any reference to Chapter VI is to be construed—

- (a) as a reference to Chapter VI as modified from time to time; and
- (b) as, if Chapter VI is replaced, a reference to the replacement.

(a) S.I. 1994/2464, amended by S.I. 2004/929 and 2018/1221.
 (b) S.I. 1997/2367, amended by section 2(3) of the British Overseas Territories Act 2002 (c. 8), S.I. 2004/2110 and S.I. 2011/2616.
 (c) S.I. 2000/3216, amended by section 2(3) of the British Overseas Territories Act 2002 (c. 8).
 (d) S.I. 2018/68, amended by S.I. 2019/42, 2020/496 and 2021/818; there is another amending instrument but it is not relevant.
 (e) S.I. 2019/42, amended by S.I. 2021/818, 2022/1219 and 2022/1234.
 (f) Regulation 33 in Chapter V of the Convention (safety of navigation) places an obligation on the master to provide assistance to persons in distress at sea and this obligation is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673, amended by S.I. 2022/1219).

(2) For the purposes of paragraph (1), Chapter VI is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention.

(3) A modification or replacement of Chapter VI has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.

Exemptions

6.—(1) The Secretary of State may grant an exemption from any requirement of a regulation in Part 2 to the extent that it requires compliance with Part A or B of Chapter VI in respect of a cargo ship of less than 500 gross tonnage if satisfied that the sheltered nature and conditions of the voyage make it unreasonable or unnecessary to apply that requirement.

(2) The Secretary of State may, in exceptional circumstances not provided for in paragraph (1), grant an exemption from any provision of these Regulations in respect of a ship or class of ship if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(3) An exemption under paragraph (1) or (2) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

(4) An exemption granted under paragraph (1) or (2) may, on the giving of reasonable notice, be altered or cancelled.

(5) An exemption granted under paragraph (1) or (2), or an alteration or cancellation under paragraph (4), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(6) The requirement that the exemption granted under paragraph (1) or (2), or an alteration or cancellation under paragraph (4), be in writing is satisfied where the text of the exemption, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(7) Where an exemption is granted subject to safety requirements under paragraph (3), the exemption ceases to have effect if those requirements are not complied with.

Equivalentents

7.—(1) Where the provisions of Chapter VI require that—

- (a) a particular fitting, material, appliance or apparatus be fitted on, or carried in, a ship;
- (b) any particular arrangement be made on, or in relation to, a ship; or
- (c) any particular provision be made in relation to a ship,

the Secretary of State may approve any other fitting, material, appliance, apparatus, arrangement or other provision if satisfied that it is at least as effective as that required by Chapter VI.

(2) An approval under paragraph (1) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

(3) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) An approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (3), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation under paragraph (3), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(6) Where an approval is granted subject to safety requirements under paragraph (2), the approval ceases to have effect if those requirements are not complied with.

Approvals

8.—(1) The Secretary of State, or any person authorised by the Secretary of State, may grant an approval in relation to a United Kingdom ship for anything in Chapter VI requiring to be—

- (a) approved by the Administration of the State whose flag the ship is entitled to fly; or
- (b) done to the satisfaction of such Administration^(a).

(2) Unless approved under the Merchant Shipping (Marine Equipment) Regulations 2016^(b), equipment required by Chapter VI and placed on board a United Kingdom ship must be approved by the Secretary of State, or any person authorised by the Secretary of State.

(3) An approval given under paragraph (1) or (2) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) An approval given under paragraph (1) or (2), or a continuation, alteration or cancellation under paragraph (3), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (1) or (2), or the continuation, alteration or cancellation under paragraph (3), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

PART 2

Requirements in relation to the carriage of cargoes and oil fuels

Requirements in relation to ships

9. An owner and master must ensure that a ship to which these Regulations apply complies with—

- (a) each requirement in Chapter VI applicable in relation to that ship^(c); and

-
- (a) The circumstances in which the approval of the Secretary of State is required in relation to United Kingdom ships are set out in [Marine Guidance Note []]; this is available on www.gov.uk/topic/ships-cargoes/m-notices and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).
 - (b) S.I. 2016/1025, amended by S.I. 2019/470, 2019/1304 and 2020/1000; there are other amendments but none is relevant. Relevant standards are set out in Section 3 of Annex 1 to Merchant Shipping Notice 1874 (M+F) Amendment 6, which is available on <https://www.gov.uk/government/publications/msn-1874mf-amendment-6-marine-directive-other-approval-and-standards> and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).
 - (c) Chapter VI gives effect to the International Maritime Solid Bulk Cargoes (IMSBC) Code and the International Code for the Safe Carriage of Grain in Bulk (International Grain Code). Regulation 2.2.1 of Chapter VI also gives effect to sub-chapter 1.9 of the Code of Safe Practice for Cargo Stowage and Securing. The IMSBC Code was adopted by International Maritime

- (b) each requirement in Merchant Shipping Notice xxx(a) that applies in relation to that ship (requirements for safe use of pesticides in ships as required by regulation 4 of Chapter VI).

Requirements in relation to owners and masters

10.—(1) An owner or master of a ship to which these Regulations apply must not accept for carriage, or take or receive on board any cargo, for which cargo information as required by regulation 2 (cargo information) of Chapter VI has not been provided.

(2) An owner of a ship to which these Regulations apply must ensure that the master is provided with the information described in regulation 6 (acceptability for shipment) of Chapter VI.

Requirements in relation to shippers and forwarders

11.—(1) Subject to paragraph (3), a shipper or forwarder must comply with each requirement of Chapter VI listed in paragraph (2) applicable to them.

(2) The requirements for a shipper are—

- (a) paragraphs 1 to 5 of regulation 2 (cargo information);
- (b) paragraphs 2 and 5 of regulation 5 (stowage and securing); and
- (c) regulation 5-1 (material safety data sheets).

(3) Where a shipper does not deliver cargo to a ship or its agent, the requirements are that—

- (a) the shipper must provide the forwarder with the cargo information described in paragraphs 1 to 3 of regulation 2 (cargo information);
- (b) the forwarder must comply with the requirements on the shipper in paragraphs 1 to 5 of regulation 2 (cargo information);
- (c) the forwarder must comply with the requirements on the shipper in paragraphs 2 and 5 of the regulation 5 (stowage and securing); and
- (d) the forwarder must comply with the requirements in regulation 5-1 (material safety data sheets).

Requirements in relation to terminal representatives

12. A terminal representative must comply with the provisions in paragraphs 3, 4 and 5 of regulation 7 of Chapter VI (loading etc. of solid bulk cargoes) applicable to a terminal representative.

PART 3

Control and enforcement

Offences: owner and master

13.—(1) If a ship proceeds or attempts to proceed to sea or on any voyage, or arrives within United Kingdom waters, in breach of any of the requirements in, or listed in, these Regulations applicable

Organization (IMO) Resolution MSC.268(85) and made mandatory by IMO Resolution MSC.269(85). The IMSBC Code has been amended by IMO Resolutions MSC.318(89), MSC.354(92), MSC.393(95), MSC.426(98), MSC.462(101) and MSC.500(105). The International Grain Code was adopted by IMO Resolution MSC.23(59) (Cm 3935) and made mandatory by IMO Resolution MSC.22(59) (Cm 3934). The Code of Safe Practice for Cargo Stowage and Securing was adopted by IMO Resolution A.714(17) and amended by MSC/Circ.664, MSC/Circ.740 and MSC/Circ.1026. The Codes and amendments are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

(a) Merchant Shipping Notice xxx is available on <https://www.gov.uk/government/collections/merchant-shipping-notice-xxx> and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

to that ship, other than a matter to which paragraph (3) or (4) applies, the owner and the master are each guilty of an offence in respect of each case of non-compliance.

(2) An owner or master who accepts for carriage, or takes or receives on board any cargo, in breach of regulation 10(1) is guilty of an offence.

(3) An owner who fails to ensure that the master is provided with information in accordance with regulation 10(2) is guilty of an offence.

(4) A master who—

(a) fails to ensure that the contents of a cargo transport unit are not fumigated in accordance with paragraph 3.1 of Merchant Shipping Notice xxx; or

(b) does not comply with paragraph 3.3 of Merchant Shipping Notice xxx,

is guilty of an offence in respect of each case of non-compliance.

Offences: shipper and forwarder

14.—(1) A shipper who fails to provide cargo information in accordance with regulation 11(1) or (3)(a) is guilty of an offence in respect of each case of non-compliance.

(2) A forwarder who fails to comply with regulation 11(1), (3)(b), (c) or (d) is guilty of an offence in respect of each case of non-compliance.

(3) A shipper or forwarder who knowingly or recklessly provides cargo information under regulation 2 of Chapter VI which is false is guilty of an offence.

Offence: terminal representative

15. A terminal representative who fails to comply with regulation 12 is guilty of an offence in respect of each case of non-compliance.

Penalties

16.—(1) An offence under regulation 13, 14 or 15 is punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; or

(ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

(b) on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(2) It is a defence for a person charged with an offence under regulation 13, 14 or 15 to prove that the person charged took all reasonable steps to avoid the commission of the offence.

Detention

17.—(1) For the purposes of this regulation, any reference to “the Act” is a reference to the Merchant Shipping Act 1995.

(2) Any ship which does not comply with the requirements of these Regulations applicable to that ship may be detained.

(3) Section 284 of the Act (enforcing detention of ship)(a) applies where a ship is liable to be detained under this regulation as if—

(a) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and

(b) subsection (7) were omitted.

(4) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master a detention notice which—

(a) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.

- (a) states the grounds of the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 284(1) of the Act.

(5) Subject to paragraph (6), section 96 (references of detention notices to arbitration)(a) and section 97 (compensation in connection with invalid detention of a ship) of the Act apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95 (power to detain dangerously unsafe ship)(b).

(6) For the purposes of paragraph (5)—

- (a) section 96 of the Act applies as if—
 - (i) subsection (3) were omitted;
 - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;
 - (iii) subsection (11) were omitted; and
- (b) sections 96 and 97 of the Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.

(7) Subject to paragraph (8), where a non-United Kingdom ship is detained, the Secretary of State must immediately inform the ship’s flag administration in writing.

(8) If it is not possible to inform the ship’s flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

(9) For the purposes of paragraphs (7) and (8), “flag administration” in relation to a ship means the administration of the State whose flag the ship is entitled to fly.

Review of the Regulations

18.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(c) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under the Convention are implemented in other countries which are subject to the obligations.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph 1(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(a) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).

(b) Section 95 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28).

(c) 2015 c. 26. Section 28(4) was amended by the Advanced Research and Invention Agency Act 2022 (c. 4), section 9, Schedule 3, paragraphs 7 and 11. Section 29(5) was amended by the Retained EU Law (Revocation and Reform) Act 2023 (c. 28), section 18(2) and (3). Section 30(3) was amended by the Enterprise Act 2016 (c. 12), section 19 and to the European Union (Withdrawal) Act 2018 (c. 16), Schedule 8, Part 2, paragraph 36. There is another Act which amends section 28 but it is not relevant.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

Date *Name*
Parliamentary Under Secretary of State
Department for Transport

We consent to the making of these Regulations

Date *Name*
Name
Two of the Lords Commissioners of His Majesty’s Treasury

SCHEDULE Regulation 2(1)
Amendments

The Merchant Shipping (Safe Loading and Unloading of Bulk Carriers) Regulations 2003

1. In regulation 12(2) of the Merchant Shipping (Safe Loading and Unloading of Bulk Carriers) Regulations 2003(a)—

- (a) omit—
 - (i) sub-paragraph (o);
 - (ii) at the end of sub-paragraph (p), “and”;
- (b) at the end, insert—
 - “, and
 - (r) the Merchant Shipping (Carriage of Cargoes) Regulations 2024(b)”.

The Merchant Shipping (Fees) Regulations 2018

2. The Merchant Shipping (Fees) Regulations 2018(c) are amended as follows.

3. In Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in Section G (load lines)—

- (a) omit the entry for the Merchant Shipping (Carriage of Cargoes) Regulations 1999;
- (b) at the end—
 - (i) in the first column, insert “The Merchant Shipping (Carriage of Cargoes) Regulations 2024”;
 - (ii) in the second column, insert “2024/XXXX”;
 - (iii) in the third column, insert “None”.

(a) S.I. 2003/2002, to which there are amendments not relevant to these Regulations.
(b) S.I. 2024/xxx.
(c) S.I. 2018/1104, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement outstanding amendments to Chapter VI of the Annex to the International Convention for the Safety of Life at Sea, 1974 (“the Convention”), which relates to carriage of cargoes and oil fuels by ships engaged on international voyages.

These Regulations revoke and replace the Merchant Shipping (Carriage of Cargoes) Regulations 1999 (S.I. 1999/336) and apply, with certain limited exceptions, to United Kingdom ships and to non-United Kingdom ships when in United Kingdom waters (regulation 4).

These Regulations implement all amendments to Chapter VI as at the date on which this instrument comes into force. Chapter VI also gives effect to the International Maritime Solid Bulk Cargoes (IMSBC) Code and the International Code for the Safe Carriage of Grain in Bulk (International Grain Code), and specifically sub-chapter 1.9 of the Code of Safe Practice for Cargo Stowage and Securing. These Regulations also therefore give effect to the mandatory requirements in those instruments. All future amendments to the provisions of Chapter VI, and the Codes referred to in them, will be automatically incorporated into these regulations by way of the ambulatory reference provision (regulation 5) made under the power in section 306A of the Merchant Shipping Act 1995.

These Regulations provide for the granting of exemptions (regulation 6), the approval of equivalents (regulation 7) and the granting of approvals (regulation 8).

Part 2 (regulations 9 to 12) makes provision for the requirements applying in relation to ships carrying cargoes (including specific provision in Merchant Shipping Notice xxx and in regulation 10 relating to owners or masters). Regulations 11 and 12 make specific provision in respect of the duties on shippers, forwarders and terminal representatives.

Part 3 (regulations 13 to 18) makes provision for control and enforcement. Regulation 13 makes it an offence by the owner and master for a ship to be used in contravention of any of the requirements in, or listed in, these Regulations (including the specific provision in regulation 10 and paragraph 3 of Merchant Shipping Notice xxx). Regulations 14 and 15 make it an offence by shippers and forwarders, and terminal representatives, to contravene the requirements specified in regulations 11 and 12 respectively. Regulation 17 contains power to detain a ship in cases of non-compliance with these Regulations.

Regulation 18 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before [DATE] and at intervals not exceeding five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

Merchant Shipping Notice xxx is available from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>.

Marine Guidance Notes (MGN) xxx and xxx also provide guidance on how the Secretary of State will exercise discretion where Chapter VI permits this. These are available from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk/government/collections/marine-guidance-notices-mgns>.

The Convention and its Protocol of 1988 may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR and both are available on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). The text of the IMO Resolutions

amending the Convention and Protocol may be obtained from the IMO, or on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

Future amendments to the Convention and to the Protocol may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). Until such publication is made on the FCDO treaties database, an amendment will be available from the MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Written Ministerial Statement to both Houses of Parliament and by way of a Marine Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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