



## MERCHANT SHIPPING (SOLAS VII - CARRIAGE OF DANGEROUS GOODS) REGULATIONS 2022

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Statutory Document No. 2022/0294



*Merchant Shipping Act 1985*

# MERCHANT SHIPPING (SOLAS VII - CARRIAGE OF DANGEROUS GOODS) REGULATIONS 2022<sup>i</sup>

*Laid before Tynwald:* 15 November 2022  
*Coming into Operation:* 1 December 2022

The Department for Enterprise, having carried out the consultation required by section 1(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 2022.

### 2 Commencement

These Regulations come into operation on 1 December 2022.

### 3 Application

- (1) Subject to more specific provision in these Regulations —
  - (a) Parts 2 to 6 apply to a Manx ship wherever it may be; and
  - (b) Part 7 applies to a foreign ship whilst it is in the territorial waters of the Island.
- (2) These Regulations do not apply to —
  - (a) pleasure vessels;
  - (b) fishing vessels;
  - (c) ships of war and troopships;
  - (d) ships not propelled by mechanical means;
  - (e) wooden ships of primitive build; or

- (f) 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.

#### 4 Interpretation

In these Regulations —

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

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

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

“**consignor**” means any person, organisation or Government which prepares a consignment for transport;

“**controlled marine area**” has the meaning given by section 7 of the Marine Infrastructure Management Act 2016;

“**company**” in relation to a ship means —

- (a) the owner of a ship; or
- (b) any other organisation or person (for example, the manager, or bareboat charterer of the ship) —
  - (i) that has assumed responsibility for operation of the ship from the owner; and
  - (ii) that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the SOLAS Convention;

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

“**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;

“**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 and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the IGC Code and includes a cargo ship adapted for such use;

“**IBC Code**” means the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk adopted by IMO Resolution MSC.4(48) and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.460(101) on 14 June 2019 and which came into force 1 January 2021;

“**IGC Code**” means –

- (a) the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by IMO Resolution MSC.5(48) on 17 June 1983 and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.441(99) on 22 May 2018 and which came into force on 1 January 2020; and
- (b) from 1 January 2024, if accepted in accordance with Article VIII (Amendments) of the SOLAS Convention, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by IMO Resolution MSC.5(48) on 17 June 1983 and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.492(104) on 8 October 2021 and coming into force on 1 January 2024;

“**IMDG Code**” means the International Maritime Dangerous Goods Code adopted by IMO Resolution MSC.122(75) on 24 May 2002 and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.477(102) on 11 November 2020 which came into force on 1 June 2022;

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

“**IMSBC Code**” means the International Maritime Solid Bulk Cargoes Code adopted by IMO Resolution MSC.268(85) on 4 December 2008 including all amendments made to that Code up to and including those adopted by IMO Resolution MSC.462(101) on 13 June 2019 which came in to force on 1 January 2021;

“**INF cargo**” means packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes carried as cargo in accordance with class 7 of the IMDG Code;

“**INF Code**” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships adopted by IMO Resolution MSC.88(71) on 27 May 1999, and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.241(83) on 12 October 2007 and which came into force on 1 July 2009;

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

“**International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk**” means a certificate issued in accordance with the IBC Code Chapter 1.5.4 (Issue or endorsement of International Certificate of Fitness);

“**International Certificate of Fitness for the Carriage of INF Cargo**” means a certificate issued in accordance with the INF Code Chapter 1.3 (Survey and Certification);

“**International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk**” means a certificate issued in accordance with the IGC Code Chapter 1.4.4 (Issue and endorsement of an International Certificate of Fitness of Liquefied Gases in Bulk);

“**International voyage**” means a voyage from or to a country to which the SOLAS Convention applies to or from a port outside such country;

“**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 which amends that notice;

“**packaged form**” means the form of containment specified in the IMDG Code;

“**passenger**” means every 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 1 year of age;

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

“**pleasure vessel**” has the meaning given by regulation 6 of the Merchant Shipping (Pleasure Vessel) Regulations 2003<sup>1</sup>;

“**RO**” means any of the recognised organisations specified in MSN 020;

“**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;

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<sup>1</sup> SD 396/03

“**SOLAS Chapter 1**” has the meaning given by regulation 3 (Interpretation) of the Merchant Shipping (Survey and Certification) Regulations 2018<sup>2</sup>;

“**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; and

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

- (a) the territorial sea adjacent to the Isle of Man as that term is defined in section 1(1) of the Territorial Sea Act 1987<sup>3</sup> (as applied to the Island); and
- (b) the controlled marine area.

## 5 Company’s responsibility

- (1) A company must ensure that the ship complies with such of the requirements of these Regulations 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 or which fails to comply with paragraph (1) commits an offence and is liable —
  - (a) on conviction on information —
    - (i) in the case of a body corporate, to a fine; or
    - (ii) in the case of an individual, to a fine or custody for a term not exceeding 2 years, or both; or
  - (b) on summary conviction, to a fine not exceeding level 5 on the standard scale.

## 6 Provisions relating to offences

- (1) It is a defence for a person charged with an offence under these Regulations to show that the person took all reasonable steps to avoid the commission of the offence.
- (2) If the commission by any person (P) of an offence under these Regulations is due to the act or default of some other person (A), that other person A —
  - (a) commits the offence; and
  - (b) may be charged with and convicted of the offence by virtue of these Regulations,

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<sup>2</sup> SD 2018/0088

<sup>3</sup> 1987 C.49 as extended to the Island by SI 1991/1722

whether or not proceedings are taken against P.

## PART 2 – GENERAL PROVISIONS

### 7 Approval

- (1) Where 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.

### 8 Equivalent arrangements

- (1) This regulation applies where –
  - (a) SOLAS Chapter VII requires that –
    - (i) a particular fitting, material, appliance or apparatus, or particular type of those things must be fitted or carried in a ship; or
    - (ii) any particular provision must be made in respect of the ship; or
  - (b) the IBC Code or the IGC Code requires that –
    - (i) a particular fitting, material, appliance or apparatus, item of equipment or particular type of those things must be fitted or carried in a ship; or
    - (ii) any particular provision must be made in respect of the ship or any procedure or arrangement must be complied with.
- (2) In the case described in paragraph (1)(a), the Department in accordance with SOLAS Chapter 1, regulation 5 (equivalents) reserves the right to permit an “equivalent arrangement” by which it allows –
  - (a) any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried; or
  - (b) any other provision to be made in respect of the ship.
- (3) In the case described in paragraph (1)(b) the Department in accordance with the IBC Code, Chapter 1.4 or the IGC Code, Chapter 1.3 reserves the right to permit an “equivalent arrangement” by which it allows –



- (a) any other fitting, material, appliance or apparatus, item of equipment or any other type of those things, to be fitted or carried;
  - (b) any other provision, procedure or arrangement to be made in respect of the ship.
- (4) The Department will not permit an equivalent arrangement unless it is reasonably satisfied, by trial or otherwise, that the equivalent arrangement will be at least as effective as the requirements referred to in SOLAS Chapter VII, the IBC Code or the IGC Code.
- (5) An operational method or procedure must not be used as an alternative to a particular fitting, material, appliance, apparatus, item of equipment or particular type of such 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.

## 9 Exemptions

- (1) The power, provided for in SOLAS Chapter 1, regulation 4(a) (Exemptions), to exempt from any of the requirements of the SOLAS Convention a ship which –
- (a) is not normally engaged on international voyages; but
  - (b) is, in exceptional circumstances, required to undertake a single international voyage,
- is exercisable by the Department only.
- (2) A ship for which an exemption is sought under paragraph (1) must comply with such requirements as the Department reasonably considers adequate for the voyage to be undertaken.
- (3) The Department reserves the right to, with or without conditions, exempt from any or all of the provisions of these Regulations a Manx ship or class or description of Manx ship not engaged on international voyages.

## PART 3 - CARRIAGE OF DANGEROUS GOODS IN PACKAGED FORM

### 10 Application of this Part

This Part –

- (a) applies to the carriage of dangerous good in packaged form;
- (b) does not apply to a ship's stores or equipment.

## 11 Requirements for the carriage of dangerous goods in packaged form

- (1) Dangerous goods in packaged form may not be carried unless they are carried in accordance with this Part.
- (2) Dangerous goods in packaged form must be carried in compliance with the IMDG Code.
- (3) For the purposes of SOLAS Chapter VII regulation 2(4) (Application), the detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form are those specified in MSN 056.

## 12 Exemptions

- (1) This Regulation applies only where the IMDG Code requires that a particular provision for the transport of dangerous goods must be complied with.
- (2) Where paragraph (1) applies, the Department reserves the right in accordance with the IMDG Code 7.9.1.1 to authorise any other provision for the transport of dangerous goods by exemption.
- (3) The Department will not grant an exemption under paragraph (2) unless the Department considers the alternative provision to be at least as effective and safe as the provision required by the IMDG Code.
- (4) Where a consignment is subject to an exemption under this regulation, the consignor must give a copy of that exemption to the carrier of that cargo.
- (5) A paper or electronic copy of the exemption must be maintained on board each ship transporting dangerous goods in accordance with the exemption.
- (6) The consignor must notify other competent authorities concerned, prior to any shipment covered by that exemption.

## 13 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 which —
  - (a) accords with the relevant provisions of the IMDG Code, and
  - (b) specifies what the dangerous goods on board are and where they are located.

- (3) A copy (as the case may be) of the list, manifest or plan referred to in paragraph (2) must be made available before departure to the person or organisation designated by the port State authority.

#### **14 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.

#### **15 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 level 5 on the standard scale.

### **PART 4 – CARRIAGE OF DANGEROUS GOODS IN SOLID FORM IN BULK**

#### **16 Application of this Part**

This Part applies to the carriage of dangerous goods in solid form in bulk.

#### **17 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.
- (3) For the purposes of SOLAS Chapter VII regulation 7-I (3) (Application), the instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in solid form in bulk are those specified in MSN 056.

## 18 Exemption – IMSBC Code

- (1) The power, provided for in the IMSBC Code, Chapter 1.5 (Exemptions and equivalent measures), to exempt a ship from particular provision of the IMSBC Code concerning the transport of solid bulk cargoes is exercisable by the Department only.
- (2) A ship for which an exemption is sought under paragraph (1) must comply with such alternative transport provisions as the Department reasonably considers to be as effective and safe as those required by the IMSBC Code.

## 19 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 (whether or not their trade name is also used).
- (2) A ship carrying dangerous goods in solid form in bulk must have a special list or manifest which –
  - (a) accords with the relevant provisions of the IMSBC Code, and
  - (b) specifies what the dangerous goods on board are and where they are located.
- (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 (as the case may be) of the list, manifest or plan referred to in paragraphs (2) or (3) must be made available before departure to the person or organisation designated by the port State authority.

## 20 Stowage and segregation requirements

- (1) Dangerous goods in solid form in bulk must be loaded and stowed safely and appropriately in accordance with the IMSBC Code.
- (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 in

accordance with the IMSBC Code have been taken to minimise the likelihood of the outbreak of fire.

- (4) Dangerous goods in solid form in bulk which give off dangerous vapours must be stowed in a well ventilated cargo space.

## **21 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 IMO general principles and guidelines 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 level 5 on the standard scale.

## **PART 5 - CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS LIQUID CHEMICALS IN BULK**

### **22 Application of this Part**

Unless expressly provided otherwise, this Part applies to chemical tankers constructed on or after 1 July 1986.

### **23 Repairs, alterations, modifications, outfitting and conversion**

- (1) A chemical tanker which undergoes repairs, alterations, modifications and any outfitting related thereto irrespective of the date of construction, must continue to comply with at least the requirements previously applicable to the ship.
- (2) A chemical tanker constructed before 1 July 1986 which complied to whatever extent, to the requirements for a ship constructed on or after that

date, shall as a rule, continue to do so after it has undergone repairs, alterations, modifications and outfitting related thereto.

- (3) A chemical tanker constructed before 1 July 1986, which undergoes repairs, alterations and modifications of a major character, and outfitting related thereto, must meet the requirements for a ship constructed on or after 1 July 1986 in so far as the Department deems reasonable and practicable.
- (4) A ship, irrespective of the date of construction, which is converted to a chemical tanker must be treated as a chemical tanker constructed on the date on which the conversion commenced.

## 24 Requirement to comply with IBC Code

- (1) A chemical tanker must —
  - (a) comply with the requirements of the IBC Code; and
  - (b) in addition to the applicable requirements of SOLAS Chapter 1, regulations 8 to 10 (which relate to the survey of cargo ships) be surveyed and certified as provided for in the IBC Code.
- (2) A chemical tanker must not engage on a voyage without a valid International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.
- (3) 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, save if the IBC Code section 1.5.6.2.2, 1.5.6.5, 1.5.6.6 or 1.5.6.7 applies.
- (4) 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 period must not exceed 5 years.
- (5) For the purposes of the IBC Code, Chapter 1.5.6.7, the special circumstances are those specified in MSN 056.
- (6) 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 or MSN 056.

## PART 6 - CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING LIQUEFIED GASES IN BULK

### 25 Application of this Part

Unless expressly provided otherwise, this Part applies to gas carriers constructed on or after 1 July 1986.

## **26 Repairs, alterations, modifications, outfitting and conversion**

- (1) A gas carrier which undergoes repairs, alterations, modifications and any outfitting related thereto irrespective of the date of construction, must continue to comply with at least the requirements previously applicable to the ship.
- (2) A gas carrier constructed before 1 July 1986 which complied to whatever extent, to the requirements for a ship constructed on or after that date, shall as a rule, continue to do so after it has undergone repairs, alterations, modifications and outfitting related thereto.
- (3) A gas carrier constructed before 1 July 1986, which undergoes repairs, alterations and modifications of a major character, and outfitting related thereto, must meet the requirements for a ship constructed on or after 1 July 1986 in so far as the Department deems reasonable and practicable.
- (4) A ship, irrespective of the date of construction, which is converted to a gas carrier must be treated as a gas carrier constructed on the date on which the conversion commenced.

## **27 Requirement to comply with IGC Code**

- (1) A gas carrier must —
  - (a) comply with the requirements of the IGC Code; and
  - (b) in addition to the applicable requirements of SOLAS Chapter 1, regulations 8 to 10 (which relate to the survey of cargo ships) be surveyed and certified as provided for in the IGC Code.
- (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) For the purposes of the IGC Code, Chapter 1.4.2.2, a renewal survey must be conducted at intervals not exceeding 5 years, except if the IGC Code Chapter 1.4.6.2.1, 1.4.6.5, 1.4.6.6 or 1.4.6.7 is applicable.
- (4) For the purposes of the IGC Code, Chapter 1.4.6.1, an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk is valid for the period stated in it, which period must not exceed 5 years.
- (5) For the purposes of the IGC Code, Chapter 1.4.6.7, the special circumstances are those 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 or MSN 056.

## PART 7 – FOREIGN SHIPS

### 28 Requirement to comply

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

- (a) be constructed, equipped and operated in accordance with the requirements of —
  - (i) SOLAS Chapter VII;
  - (ii) the IMDG Code;
  - (iii) the IMSBC Code;
  - (iv) the IBC Code;
  - (v) the IGC Code; and
  - (vi) the INF Code;

as apply to a ship of its description,

- (b) in all respects remain fit to proceed to sea without danger to the ship or persons on board.

### 29 Inspection of a foreign ship

- (1) An inspector may inspect a foreign ship in a port of the Island to verify —
  - (a) the ship is constructed, equipped and operated in accordance with the requirements of regulation 28;
  - (b) if a foreign ship is a chemical tanker, that there is on board a valid International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
  - (c) if a foreign ship is a gas carrier, that there is on board a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;
  - (d) if a foreign ship is carrying INF cargo, that there is on board a valid International Certificate of Fitness for the Carriage of INF Cargo.
- (2) For the purposes of paragraph (1)(b), (c) or (d), an inspector may accept any certificate that he or she considers to be equivalent to the certificates specified in paragraph (1)(b), (c) or (d), if the flag State of the foreign ship is not a Party to the SOLAS Convention.

### 30 Provisions relating to enforcement and detention of a foreign ship

- (1) If an inspector carries out an inspection in accordance with regulation 29 and finds that —
  - (a) the foreign ship or its equipment is not in compliance with the requirements of regulation 28;



- (b) the certificates specified in regulation 29(1)(b), (c) or (d) have not been produced, have expired or ceased to be valid;
- (c) there are clear grounds for believing the condition of the foreign ship or its equipment does not correspond substantially with the particulars of the certificates specified in regulation 29(1)(b), (c) or (d);
- (d) the foreign ship or its equipment is not in compliance with the requirements of SOLAS Chapter 1 regulation 11(a) or (b) (Maintenance of conditions after survey); or
- (e) there are clear grounds to believe that the master or crew are not familiar with essential shipboard procedures relating to the safety of ships,

the foreign ship may be detained.

- (2) A ship detained in the circumstances referred to in paragraph (1)(a), (b), (c) or (d) is not permitted to sail until an inspector is satisfied that 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) A ship detained in the circumstances defined in paragraph (1)(e) shall not sail until an inspector is satisfied that the situation has been brought to order in accordance with the requirements of SOLAS VII.
- (4) If an inspection is conducted under regulation 29 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.
- (5) 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 2022. **”**

## PART 8 – REVOCATION AND CONSEQUENTIAL AMENDMENTS

### 31 Revocation

The Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015<sup>4</sup> are revoked.

### 32 The Merchant Shipping (SOLAS VI – Carriage of Cargoes and Oil Fuels) Regulations 2021 amended

- (1) The Merchant Shipping (SOLAS VI – Carriage of Cargoes and Oil Fuels) Regulations 2021<sup>5</sup> are amended as follows.
- (2) In regulation 4 (Application) before paragraph (1) insert –

**4A** (A1) These Regulations apply to the carriage of all cargoes, but are subject to any requirements of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022 and the Merchant Shipping (MARPOL Annex III – Prevention of Pollution by Harmful Substances) Regulations 2015, in respect of the carriage of dangerous goods and harmful substances and where any requirement in those Regulations regulates an aspect of carriage otherwise provided for in these Regulations, those Regulations shall apply to that extent, and not these. **4B**.

### 33 The Merchant Shipping (MARPOL Annex II - Control of Pollution by Noxious Liquid Substances in Bulk) Order 2020 amended

- (1) The Merchant Shipping (MARPOL Annex II – Control of Pollution by Noxious Liquid Substances in Bulk) Order 2020<sup>6</sup> is amended as follows.
- (2) In article 3 (Interpretation) –

- (a) for the definition “IBC Code” substitute –

**3A** “IBC Code” has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022; **3B**; and

- (b) for the definition “IGC Code” substitute –

**3A** “IGC Code” has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022; **3B**.

<sup>4</sup> SD 2015/0230

<sup>5</sup> SD 2021/0215

<sup>6</sup> SD2020/0231

- (3) In article 7 (Requirement to comply with MARPOL Annex II), in paragraph 3 for the words “regulation 21 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015” substitute –
- regulation 24 of the Merchant Shipping (SOLAS VII - Carriage of Dangerous Goods) Regulations 2022.
- (4) In article 17 (Foreign ships) (Requirement to comply with MARPOL Annex II), in paragraph 4(a) for the words “the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015 regulation 31” substitute –
- regulation 24 of the Merchant Shipping (SOLAS VII - Carriage of Dangerous Goods) Regulations 2022.
- (5) In article 18 (Inspection of a foreign ship) for paragraph (2) substitute –
- For the purposes of this Part an inspector –
- (a) may accept any certificate that the inspector considers to be equivalent to the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk specified in paragraph (1) if the flag State of the foreign ship is not a Convention country;
- (b) must accept –
- (i) an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued to a chemical tanker in accordance with the IBC Code; or
- (ii) a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued to a chemical tanker in accordance with the Bulk Chemical Code,
- as equivalent to the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk specified in paragraph (1).

### 34 The Merchant Shipping (SOLAS Chapter II-2)(Ships constructed from 1 September 1984 to 30 June 2002) Regulations 2016 amended

- (1) The Merchant Shipping (SOLAS Chapter II-2)(Ships constructed from 1 September 1984 to 30 June 2002) Regulations 2016<sup>7</sup> are amended as follows.
- (2) In regulation 4 (Interpretation) for the definition “IBC Code” substitute –
- “IBC Code” has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022;.

<sup>7</sup> SD2016/0085

**35 The Merchant Shipping (SOLAS Chapter II-2)(Ships constructed on or after 1 July 2002) Regulations 2016 amended**

- (1) The Merchant Shipping (SOLAS Chapter II-2)(Ships constructed on or after 1 July 2002) Regulations 2016<sup>8</sup> are amended as follows.
- (2) In regulation 4 (Interpretation) for the definition “IBC Code” substitute –  
**“IBC Code”** has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022;**”**.

**36 The Merchant Shipping (Medical Stores) Regulations 2015 amended**

- (1) The Merchant Shipping (Medical Stores) Regulations 2015<sup>9</sup> are amended as follows.
- (2) In regulation 4 (Interpretation) for the definition “IMDG Code” substitute –  
**“IMDG Code”** has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022;**”**.

**37 The Merchant Shipping (MARPOL Protocol I – Reports on Incidents Involving Harmful Substances) Order 2015 amended**

- (1) The Merchant Shipping (MARPOL Protocol I – Reports on Incidents Involving Harmful Substances) Order 2015<sup>10</sup> is amended as follows.
- (2) In article 4 (Interpretation) for the definition “IMDG Code” substitute –  
**“IMDG Code”** has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022;**”**.

**38 The Merchant Shipping (Maritime Labour Convention) Regulations 2013 amended**

- (1) The Merchant Shipping (Maritime Labour Convention) Regulations 2013<sup>11</sup> are amended as follows.
- (2) In Part 18, regulation 135 (Interpretation for this Part) –
  - (a) for the definition “IBC Code” substitute –  
**“IBC Code”** has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022;**”**;

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<sup>8</sup> SD2016/0086

<sup>9</sup> SD2015/0055

<sup>10</sup> SD2015/0232

<sup>11</sup> SD0234/13

- (b) for the definition “IGC Code” substitute –
- ☒ “IGC Code” has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022;☒ and
- (c) for the definition “IMDG Code” substitute –
- ☒ “IMDG Code” has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2022;☒.

**39 The Merchant Shipping (Demise Charter Register) Regulations 1991 amended**

- (1) The Merchant Shipping (Demise Charter Register) Regulations 1991<sup>12</sup> are amended as follows.
- (2) In Schedule 2, Part II (in the table entitled “Application of subordinate legislation”) omit the following –

148/87	Merchant Shipping (IBC Code) Regulations 1991.	The whole Regulations
149/87	Merchant Shipping (BCH Code) Regulations 1991.	The whole Regulations
161/91	Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1991.	The whole Regulations

**MADE 11 OCTOBER 2022**

<sup>12</sup> GC394/91

## ENDNOTES

### Table of Endnote References

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<sup>i</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.