STATUTORY INSTRUMENTS

1965 No. 1067

MERCHANT SHIPPING

The Merchant Shipping (Dangerous Goods) Rules 1965

Made - - - -	*3rd May* 1965
Laid before Parliament	*10th May* 1965
Coming into Operation	*26th May* 1965

The Board of Trade in exercise of their powers under Section 23 of the Merchant Shipping (Safety Convention) Act 1949(a) and as having effect by virtue of the Transfer of Functions (Shipping and Construction of Ships) Order 1965(b) and of all other powers enabling them in that behalf hereby make the following Rules :—

Interpretation and Repeal

1.—(1) These Rules shall come into operation on the 26th May 1965 and may be cited as the Merchant Shipping (Dangerous Goods) Rules 1965.

(2) In these Rules, unless the context otherwise requires, the following expressions have the following meanings respectively—

" Board " means the Board of Trade ;

" Explosive " has the same meaning as in the Explosives Act 1875(c) ;

" Passenger Steamer " means a steamer carrying more than 12 passengers ;

" Steamer " includes a ship propelled by electricity or other mechanical power.

(3) Rules 2 to 10 of these Rules apply to :—

(*a*) British ships registered in the United Kingdom ;

(*b*) Other ships while they are loading cargo within any port in the United Kingdom or within the territorial waters of the United Kingdom.

Rule 11 of these Rules applies to all ships to which Rules 2 to 10 do not apply as aforesaid while they are within any port in the United Kingdom or are embarking or disembarking passengers within the territorial waters of the United Kingdom or are loading fuel or discharging cargo or fuel within these waters.

(4) For the purpose of these Rules the expression " dangerous goods " shall include empty receptacles which have been previously used for the carriage of dangerous goods unless such receptacles have been cleaned and dried or, when the nature of the former contents permits with safety, have been adequately closed, or in the case of radioactive substances have been both cleaned and adequately closed, but the expression shall not include—

(*a*) goods forming part of the equipment or stores of the ship in which they are carried ;

(a) 12, 13 & 14 Geo. 6. c. 43. (b) S.I. 1965/145 (1965 I, p. 438). (c) 38 & 39 Vict. c. 17.

(*b*) goods which neither the owner of the ship nor any of his servants or agents knew or ought to have known or had reasonable grounds for suspecting to be dangerous goods.

(5) The Interpretation Act 1889(a) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament and as if these Rules and the Rules hereby revoked were Acts of Parliament.

(6) The Merchant Shipping (Dangerous Goods) Rules 1952(b) are hereby revoked.

Description and Classification of Dangerous Goods.

2.—(1) It shall be unlawful for dangerous goods to be taken on board any ship to which this Rule applies for carriage in that ship unless the shipper of the goods has furnished the owner or master of the ship with a certificate or declaration in writing that the shipment offered for carriage is properly marked and labelled in accordance with the provisions of these Rules and is packed in a manner adequate to withstand the ordinary risks of handling and transport by sea having regard to their nature.

(2) Such certificate or declaration shall indicate with the correct technical name the identity of the goods and shall indicate to which of the following classes the goods belong:

Class 1 —Explosives

Class 2 —Gases: compressed, liquefied or dissolved under pressure

Class 3 —Inflammable liquids

Class 4(*a*)—Inflammable solids

Class 4(*b*)—Inflammable solids or substances liable to spontaneous combustion

Class 4(*c*) —Inflammable solids or substances which in contact with water emit inflammable gases

Class 5(*a*)—Oxidising substances

Class 5(*b*)—Organic peroxides

Class 6(*a*)—Poisonous (toxic) substances

Class 6(*b*)—Infectious substances

Class 7 —Radioactive substances

Class 8 —Corrosives

Class 9 —Miscellaneous dangerous substances, that is any other substance which experience has shown, or may show, to be of such a dangerous character that these Rules should apply to it

Class 10 —Dangerous chemicals in limited quantities.

For the purposes of these Rules a dangerous chemical shall be treated as being in a limited quantity if and only if the quantity of that chemical is a limited quantity for the purposes of Section 9 of the Report of the Board's Standing Advisory Committee on the Carriage of Dangerous Goods and Explosives in Ships dated 14th December 1956 (Consolidated Edition 1961).

(a) 52 & 53 Vict. c. 63. (b) S.I. 1952/1977 (1952 II, p. 1823).

(3) The master of the ship shall cause a list, manifest or stowage plan to be carried in the ship setting forth, in accordance with the information provided under the foregoing provisions of this Rule, the dangerous goods carried in the ship on the voyage in which she is currently engaged and the places in the ship where they are stowed.

Marking

3.—(1) It shall be unlawful for dangerous goods, being goods contained in a vehicle, container, package or receptacle to be taken on board a ship to which this Rule applies for carriage in that ship unless the vehicle, container, package or receptacle in which the goods are contained is clearly marked with a distinctive label or stencil purporting to indicate the nature of the danger to which the goods give rise, and if the goods are taken on board the ship at any port in the United Kingdom or within the territorial waters of the United Kingdom a label or stencil purporting to indicate with the correct technical name the identity of the goods.

(2) Where goods are taken on board a ship in a vehicle or where goods are taken on board a ship in a container which is an additional body for a vehicle and is constructed or adapted for the purpose of being taken on or off the vehicle with goods contained therein, nothing in the foregoing provisions of this Rule shall be taken to require any package or receptacle in the vehicle or, as the case may be, any package or receptacle in the container to be also marked.

Packing

4. It shall be unlawful for dangerous goods, being goods which are not loaded in bulk, to be taken on board any ship to which this Rule applies for carriage in that ship if the owner of the ship or any of his servants or agents knows or ought to know that the goods are not packed in a manner adequate to withstand the ordinary risks of handling and transport by sea, having regard to the nature of the goods and in accordance with conditions of packing laid down in Schedule 1 to these Rules.

Provided that in any proceedings against an owner or master in respect of a failure to comply with the provisions of this Rule, it shall be a good defence to prove that before the goods were taken on board the ship

(*a*) the owner or master was furnished with a statement in writing by the shipper to the effect that the goods were packed in accordance with the requirements of this Rule, and

(*b*) neither the owner nor any of his servants knew that the goods were not so packed.

Carriage in Bulk

5. It shall be unlawful for dangerous goods to be loaded in bulk into any ship to which this Rule applies for carriage in that ship if the owner of the ship or any of his servants or agents knows or ought to know that the goods cannot safely be carried in bulk to the destination to which they are consigned.

Stowage

6. Dangerous goods and any vehicle, container, package or receptacle containing dangerous goods, taken on board any ship to which this Rule applies for carriage in that ship shall be stowed in the ship, and shall be kept

so stowed, in a manner which is a safe and proper manner of stowage for the goods, or, as the case may be, for the vehicle, container, package or receptacle, having regard to the identity and dangerous nature indicated by the markings referred to in Rule 3 of these Rules. Dangerous goods of a different kind which the owner of the ship or any of his servants or agents knows or ought to know are liable to interact dangerously shall be effectively separated and kept effectively separated from one another.

Carriage of Inflammable Liquids

7. It shall be unlawful for liquids which the owner of the ship or any of his servants or agents knows or ought to know to be inflammable to be taken on board any ship to which this Rule applies for carriage in that ship as cargo unless ventilation adequate in the circumstances is provided for the spaces in which the liquids are to be carried.

Carriage of Substances Liable to Spontaneous Combustion

8. It shall be unlawful for substances which the owner of the ship or any of his servants or agents knows or ought to know to be liable to spontaneous combustion to be taken on board any ship to which this Rule applies for carriage in that ship as cargo unless precautions proper in the circumstances are taken for the prevention of the spontaneous combustion of such substances.

Carriage of Explosives other than Ammunition

9.—(1) It shall be unlawful to take on board any ship to which this Rule applies any explosives (other than ammunition) which the owner of the ship or any of his servants or agents knows or ought to know present a serious risk when carried in a ship unless such explosives are—

(*a*) stowed in a magazine which shall be kept securely closed while the ship is at sea ; and

(*b*) effectively separated from detonators.

(2) Electrical apparatus and cables in any compartment in which such explosives are carried shall be designed and used so as to minimise the risk of fire or explosion.

Carriage of Dangerous Goods on Passenger Steamers

10.—(1) It shall be unlawful for any explosives to be taken on board any ship to which this Rule applies being a passenger steamer for carriage in that ship except—

(*a*) any explosive set forth in Schedule 2 to these Rules ;

(*b*) any explosives the total weight of which does not exceed 20 pounds net weight ;

(*c*) distress signals for use in ships or aircraft, if the total weight of such signals does not exceed 2,240 pounds ;

(*d*) except in ships carrying unberthed passengers, any shop fireworks.

(2) Any distress signal, rockets or shop fireworks carried in a passenger steamer to which this Rule applies shall be stowed under the supervision of a person appointed for that purpose by the master of the ship in writing signed by him.

(3) It shall be unlawful for any dangerous goods to be taken on board any ship to which this Rule applies, being a passenger steamer, for carriage in that ship if the goods are of a kind not recommended for such carriage in the Report of the Board's Standing Advisory Committee on the Carriage of Dangerous Goods and Explosives in Ships dated 14th December 1956 (Consolidated Edition 1961) and the amendments thereto contained in Amendment Lists dated August 1962, March 1964 and May 1964.

Application of Rules in certain cases

11. It shall be unlawful for dangerous goods to be carried in any ship to which this Rule applies unless:—

(*a*) in the case of a ship to which the International Convention for the Safety of Life at Sea 1960 applies the goods are being carried in accordance with the law relating to the carriage of such goods of the country in which the ship is registered and all the provisions of that law in so far as the same are applicable have been complied with; or

(*b*) in the case of any other ship, the provisions of these Rules which would have been required to have been complied with if the goods had been taken on board the ship in the United Kingdom have been complied with.

Provided that the Board may exempt any ship from any of the requirements of these Rules which are required to have been complied with in the case of that ship by virtue of sub-paragraph (*b*) of this Rule, if they are satisfied that the requirements of the law relating to the carriage of dangerous goods of the country in which the vessel is registered have been complied with and are no less effective than the said requirements of these Rules.

Roy Mason,
Minister of State,
Board of Trade.

3rd May 1965.

SCHEDULE 1

PACKING

(1) The packing of dangerous goods, being goods which are not loaded in bulk, shall be—

(*a*) well made and in good condition;

(*b*) of such a character that any interior surface with which the contents may come into contact is not dangerously affected by the substance being conveyed; and

(*c*) if the dangerous goods are radioactive substances, adequate to allow a margin of safety sufficient in the circumstances to protect all persons on board the ship.

(2) Where absorbent or cushioning material is used in the packing of a receptacle or receptacles containing liquids that material shall be—

(*a*) capable of minimising the dangers to which the liquid gives rise;

(*b*) so disposed as to prevent movement of the receptacle and ensure that the receptacle remains surrounded by such material; and

(*c*) in sufficient quantity where reasonably possible to absorb the liquid in the event of breakage of the receptacle.

(3) Receptacles containing dangerous liquids shall have an ullage at the filling temperature sufficient to allow for the highest temperature likely to be met during the course of normal carriage.

(4) Cylinders or receptacles for gases under pressure shall be adequately constructed, tested, maintained and correctly filled.

SCHEDULE 2

EXPLOSIVES WHICH MAY BE TAKEN ON BOARD PASSENGER STEAMERS

Ajax Percussion Caps.
Antifyre Percussion Caps.
Battery Pockets.
Bullseye Percussion Caps.
Cardox Heater D.
Cartridge for Martin Cutter.
Cartridges, bolt, cable cutting, linked, punch or rocket.
Cases, Cartridge, Capped.
Cases for Turbo-Starter Cartridges (Empty), Primed.
Cordtex.
Curtis's and Harvey's Safety Electric Fuzes.
Delay Fuze Assembly (10 Seconds).
Drogue Ejector Cartridges.
Eley Kynoch No. 91 Percussion Cap.
Eley Kynoch No. 1A Percussion Cap.
Excelsior Safety Electric Fuzes.
Ferrule Igniter for Safety Fuze.
Flame Detector Cord.
Fuzehead Assemblies.
Hydrox Igniter No. 1 Safety Electric Fuze.
Igniters for Grenades.
Kynoch Fog Signal Caps.
Kynoch No. 41 Percussion Cap.
Kynoch No. 70 Percussion Cap.
Kynoch No. 81 Percussion Cap.
Kynoch Rail Car Fog Signals.
M.O.C. Cartridges (Type 1).
M.O.C. Cartridges (Type 4).
M.O.C. Cartridges (Type 6).
Multiple Safety Fuze Igniters.
Nicorro Percussion Caps.
Nobel's Electric Delay Action Fuzes.
Nobel's Safety Electric Fuzes.
Nobel's Safety Electric Delay Fuzes.
Norres Patent Fuze Lighters.
Orion Patent Safety Electric Fuzes.
Percussion Caps, O. in C. No. 1.
Plastic Core Safety Fuze.
Push Mechanism Type 6.
Pull Mechanism Type 6.
Railway Fog Signals, O. in C. No. 1.
Release Mechanism Type 6.
Safety Cartridge Cases (Empty), Capped.
Safety Electric Primers.
Safety Firing Tubes, No. 1.
Safety Fuze, O. in C. No. 1.
Safety Fuze Lighters.
Safety Instantaneous Fuze.
Schermer Cattle Killer Cartridges.
Special Safety Fuze.
Thermal Gas Closing Cartridges.
Trip Fuzes.
Turbo-Starter Primers, Electrically Fired, 15 grain.
Tyre Sound Signals.
Venus Patent Safety Electric Fuzes.
Vulcan Patent Safety Electric Fuzes.
Vickers' Percussion Caps.
Vulcan Patent Electric Delay Action Fuzes.
Any safety cartridges not specified above.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules supersede the Merchant Shipping (Dangerous Goods) Rules 1952.

The principal change is that the Rules include a new classification of dangerous goods to implement the provisions of the International Convention for the Safety of Life at Sea 1960.