STATUTORY INSTRUMENTS

1978 No. 1543

MERCHANT SHIPPING

The Merchant Shipping (Dangerous Goods) Rules 1978

Made - - - -	*25th October* 1978
Laid before Parliament	*26th October* 1978
Coming into Operation	*29th December* 1978

The Secretary of State, in exercise of powers conferred by section 23 of the Merchant Shipping (Safety Convention) Act 1949(a) and now vested in him(b) and of all other powers enabling him in that behalf, hereby makes the following Rules:—

Interpretation and Repeal

1.—(1) These Rules may be cited as the Merchant Shipping (Dangerous Goods) Rules 1978 and shall come into operation on 29th December 1978.

(2) In these Rules, unless the context otherwise requires:—

"The Blue Book" means the 1978 Report of the Department of Trade's Standing Advisory Committee on the Carriage of Dangerous Goods in Ships;

"The IMDG Code" means the 1977 edition of the International Maritime Dangerous Goods Code published by the Inter-Governmental Maritime Consultative Organisation ("IMCO");

"dangerous goods" means goods classified in the Blue Book or the IMDG Code as dangerous for carriage by sea and any other goods the properties of which might be dangerous if those goods were carried by sea, and includes empty receptacles which have been used previously for the carriage of dangerous goods unless such receptacles have been cleaned and dried or, when the properties of the former contents permit 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;

(*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;

"freight container" means an article of transport equipment used for the containment of cargo, other than a vehicle or packaging, which is

(*a*) of a permanent character and accordingly strong enough to be suitable for repeated use,

(a) 1949 c. 43. (b) *See* S.I. 1970/1537.

(*b*) capable of facilitating the transport of goods, by one or more modes of transport, without intermediate reloading, and

(*c*) capable of being readily handled, and of being secured during carriage, and having fittings for these purposes,

and includes any such container carried on a chassis;

"loaded in bulk" means loaded directly into the structural cargo spaces of a ship without intermediate form of containment, and, without prejudice to the generality of the foregoing words, the expression shall apply to a cargo of liquid or liquefied gas, or to a cargo of solids in particle or granular form generally homogeneous in composition;

"explosive" has the same meaning as in the Explosives Act 1875(**a**);

"Safety Class Ammunition" means ammunition of Class 1, Division 1.4 compatibility Group S in the IMDG Code which is not required by the Blue Book to have stowage category II.

(3) Rules 2 to 8 of these Rules apply to:—

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

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

Rule 9 of these Rules applies to all ships to which Rules 2 to 8 do not apply 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 bunkering or discharging cargo or fuel within those waters.

(4) The Interpretation Act 1889(**b**) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament and as if these Rules and the Rules hereby revoked were Acts of Parliament.

(5) The Merchant Shipping (Dangerous Goods) Rules 1965(**c**), the Merchant Shipping (Dangerous Goods) (Amendment) Rules 1968(**d**) and the Merchant Shipping (Dangerous Goods) (Amendment) Rules 1972(**e**) are hereby revoked.

Documentation 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 packaged in such a manner as to withstand the ordinary risks of handling and transport by sea, having regard to the properties of the goods to be carried.

(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

(**a**) 1875 c. 17.
(**b**) 1889 c. 63.
(**c**) S.I. 1965/1067.
(**d**) S.I. 1968/332.
(**e**) S.I. 1972/666.

Class 2	—	Flammable gases, poisonous gases, or compressed, liquefied or dissolved gases which are neither flammable nor poisonous.
Class 3	—	Flammable liquids subdivided into three categories:
3.1	—	Low flashpoint group of liquids having a flashpoint below −18°C (0°F), closed cup test, or having a low flashpoint in combination with some dangerous property other than flammability;
3.2	—	Intermediate flashpoint group of liquids having a flashpoint of −18°C (0°F) up to, but not including 23°C (73°F), closed cup test;
3.3	—	High flashpoint group of liquids having a flashpoint of 23°C (73°F) up to, and including 61°C (141°F), closed cup test;
Class 4.1	—	Flammable solids
Class 4.2	—	Flammable solids or substances liable to spontaneous combustion
Class 4.3	—	Flammable solids or substances which in contact with water emit flammable gases
Class 5.1	—	Oxidising substances
Class 5.2	—	Organic peroxides
Class 6.1	—	Poisonous (toxic) substances
Class 6.2	—	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 this class should apply to it.

(3) Where the goods have been packed into a freight container, the person responsible for packing the goods shall furnish the owner or master of the ship with a certificate or declaration in writing that the goods are contained in sound packages and have been properly packed and secured in a freight container suitable for the goods.

(4) 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, details of the dangerous goods carried in the ship on the voyage in which she is currently engaged (including the correct technical name of the goods, their classification in the IMDG Code and Blue Book and their weight or quantity) and the places in the ship where they are stowed.

Marking

3. It shall be unlawful for dangerous goods which are contained in a package or receptacle, or in a vehicle, freight container, portable tank, tank

container or road tank vehicle to be taken on board a ship to which this Rule applies for carriage in that ship unless:—

(*a*) any package or receptacle in which the goods are contained is clearly marked with distinctive labels or stencils indicating the correct technical name of the goods and the kind of danger to which the goods give rise; where the goods are taken on board the ship at any port in the United Kingdom or within the territorial waters of the United Kingdom, the label or stencil indicating the kind of danger shall be the IMDG Code class label or stencil appropriate to the goods.

(*b*) without prejudice to (*a*) above, where the goods are contained in a vehicle, freight container, portable tank, tank container or road tank vehicle, the vehicle, tank or container in which the goods are contained bears conspicuously on the exterior distinctive labels or stencils indicating the correct technical name of the goods and the kind of danger to which the goods give rise; where the goods are taken on board the ship at any port in the United Kingdom or within the territorial waters of the United Kingdom, the label or stencil indicating the kind of danger shall be the IMDG Code class label or stencil appropriate to the goods and shall be placed on each side and at each end of a freight container, portable tank or tank container and on each side and at the rear end of a vehicle or road tank vehicle.

Packaging

4. It shall be unlawful for dangerous 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 packaged in such a manner as to withstand the ordinary risks of handling and transport by sea, having regard to the properties of the goods and in accordance with the conditions of packaging 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 the owner or master was furnished with a certificate or declaration in writing by the shipper that the goods were packaged in accordance with the requirements of this Rule, and neither the owner nor any of his servants or agents knew that the goods were not so packaged.

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:

Provided that where those goods listed in Chapter VI of the 1977 edition of the IMCO Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk, or in Chapter XIX of the 1976 edition of the IMCO Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk or in Chapter XIX of the 1976 edition of the IMCO Code for Existing Ships carrying Liquefied Gases in Bulk, as appropriate, have been loaded in bulk in accordance with the recommendations of those Codes, the requirements of this Rule shall be deemed to have been complied with.

Stowage

6. Dangerous goods and any vehicle, freight container, tank 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 with adequate ventilation where appropriate, in a manner which is a safe and proper manner of stowage for the goods, or, as the case may be, for the vehicle, freight container, tank container, package or receptacle, having regard to the identity and dangerous properties 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:

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 the goods were stowed in accordance with the provisions of the Blue Book and the IMDG Code or, in the case of goods stowed in a container, that before the container was taken on board the ship the person responsible for stowing the goods had furnished the owner or master of the ship with a certificate or declaration in writing that the goods had been properly stowed in the container in accordance with the requirements of this Rule, and neither the owner nor any of his servants or agents knew that the goods were not so stowed.

Carriage of Explosives other than Safety Class Ammunition

7. It shall be unlawful to take on board any ship to which this Rule applies any explosives (other than Safety Class 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:—

(*a*) Such explosives are stowed in a compartment in which any electrical apparatus and cables are designed and used so as to minimize the risk of fire or explosion; and

(*b*) Where Category II stowage is required by the IMDG Code, such explosives are stowed in a magazine which shall be kept securely closed while the ship is at sea; and

(*c*) Detonators are effectively separate from all other goods of Class 1.

Carriage of Dangerous Goods on Passenger Ships

8.—(1) It shall be unlawful for any explosives to be taken on board any ship to which this Rule applies which carries more than 12 passengers for carriage in that ship except—

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

(*b*) any explosives the total weight of which does not exceed 9 kilogrammes net weight;

(*c*) distress signals for use in ships or aircraft, if the total weight of such signals does not exceed 1016 kilogrammes;

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

(2) Any distress signal, rockets or shop goods fireworks carried in any ship referred to in paragraph (1) above shall be stowed under the supervision of a person appointed for that purpose by the owner or master of the ship.

(3) It shall be unlawful for any dangerous goods to be taken on board any ship to which this Rule applies which carries more than 25 passengers, or more than one passenger per three metres of overall length, whichever is the greater number, for carriage in that ship if those goods are classified in the Blue Book as prohibited for carriage in a passenger ship or are specified in the IMDG Code or the Blue Book for on deck stowage only and such stowage cannot be provided.

Application of Rules in certain cases

9. It shall be unlawful for any 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 Secretary of State 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 he is 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 not less effective than the requirements of these Rules.

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

25th October 1978.

Rule 4

SCHEDULE 1

PACKAGING

1. Subject to the provisions of paragraph 2 below:—

(1) The packaging 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 packaging 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.

2. Where dangerous goods other than goods of classes 2 and 7 have been packaged in accordance with the recommendations of the IMDG Code, and those packages have been shown to be capable of meeting the relevant tests specified in Annex I of that Code, the requirements of paragraph 1 of this Schedule shall be deemed to have been complied with.

Rule 8

SCHEDULE 2

EXPLOSIVES WHICH MAY BE TAKEN ON BOARD SHIPS CARRYING MORE THAN 12 PASSENGERS

Those explosives

(i) which are Military Explosives of Class 1 Division 1.4, compatibility group S, of the IMDG Code; or

(ii) which are classified under Class 6, Division 1, in the "List of Commercial Explosives" in Part III, Section 5 of Class 1 of the Blue Book.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules supersede the Merchant Shipping (Dangerous Goods) Rules 1965 as amended by the Merchant Shipping (Dangerous Goods) (Amendment) Rules of 1968 and 1972.

The principal changes are as follows: —

(1) The Rules now define dangerous goods by reference to the 1978 Report of the Department of Trade's Standing Advisory Committee on the Carriage of Dangerous Goods in Ships (the Blue Book) and to the classifications of the 1977 edition of the International Maritime Dangerous Goods Code published by the Inter-Governmental Maritime Consultative Organisation. (Rule 1)

(2) Class 10 of the Dangerous Goods Rules 1965 (Dangerous chemicals in limited quantities) is deleted from the list of classes of dangerous goods in Rule 2(2). (Rule 2)

(3) The packing of dangerous goods in freight containers is brought within the requirements of the Rules. (Rules 2 and 3)

(4) Provision is made whereby, in the case of certain dangerous goods carried in bulk, compliance with the following IMCO Codes shall be deemed to be compliance with the provisions of the Rules: —

(i) the IMCO Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (1977 edition)

(ii) the IMCO Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk (1976 edition)

(iii) the IMCO Code for Existing Ships carrying Liquefied Gases in Bulk (1976 edition). (Rule 5)

(5) References to Passenger Steamers are replaced by references to ships carrying more than 12 passengers, or by references to ships carrying more than 25 passengers or more than one passenger per three metres of overall length. (Rule 8)

(6) Provision is made whereby compliance with the recommendations of the IMDG Code and the relevant Packaging Performance Tests in the packaging of dangerous goods other than goods of classes 2 and 7 shall be deemed to be compliance with the provisions of the Rules. (Schedule 1)

The Blue Book is published by, and may be purchased from, H M Stationery Office, and the IMDG Code and other IMCO Codes are published by, and may be purchased from, the Inter-Governmental Maritime Consultative Organisation, London.

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