STATUTORY INSTRUMENTS

1986 No. 1073

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Gas Carriers) Regulations 1986

Laid before Parliament in draft

Made - - - - -	25*th June* 1986
Coming into Operation	1*st July* 1986

The Secretary of State for Transport, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979**(a)**, in exercise of the powers conferred on him by section 21(*a*) and (*b*), (3), (5) and (6) and section 22(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Gas Carriers) Regulations 1986 and shall come into operation on 1st July 1986.

(2) In these Regulations the following expressions have the following meanings:—

"the 1974 SOLAS Convention" means the International Convention for the Safety of Life at Sea, 1974, as amended**(b)**;

"Cargo Ship Safety Construction Certificate", "Cargo Ship Safety Equipment Certificate", "Cargo Ship Safety Radiotelegraphy Certificate" and "Cargo Ship Safety Radiotelephony Certificate" mean respectively the certificates so entitled, issued in conformity with the 1974 SOLAS Convention and, in the case of a United Kingdom ship, under or pursuant to the Merchant Shipping Acts 1894-1984;

"constructed" in regulation 2 means, in relation to a ship, having its keel laid or being at a similar stage of construction; and "similar stage of construction" means the stage at which—

(*a*) construction identifiable with a specific ship begins; and

(*b*) assembly of that ship has commenced, comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is the less;

(a) 1979 c. 39; section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c. 48).

(b) Cmnd. 7874; the Convention was amended by the Protocol of 1978 (Cmnd. 7346) and by the amendments of 1981 and 1983.

"gas carrier" means a self-propelled cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas listed in Chapter 19 of the IGC Code or any other substance so listed;

"IBC Code" means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk set out in the Annex to Resolution MSC. 4(48) adopted by the International Maritime Organization on 17th June 1983;

"IGC Code" means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk set out in the Annex to Resolution MSC. 5(48) adopted by the Maritime Safety Committee of the International Maritime Organization on 17th June 1983;

"in bulk" means directly and without intermediate form of containment in a tank forming an integral part of, or permanently located on, a ship;

"International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk" means, in relation to a United Kingdom ship, a certificate issued pursuant to regulation 5 and, in relation to any other ship, a certificate issued in conformity with Chapter 1 of the IGC Code by or on behalf of the Administration of the State in which the ship is registered.

(3) In interpreting the IGC Code—

(*a*) the requirements of the IGC Code having been made mandatory under regulation 3 the language thereof shall be construed accordingly;

(*b*) the definitions set out in Chapter 1, paragraph 1.3 thereof, shall apply;

(*c*) references to the Administration shall, in relation to United Kingdom ships, be references to the Secretary of State; and references to the Port Administration shall, in relation to all ships in the United Kingdom, be references to the Secretary of State;

(*d*) in paragraph 2.7.8.1, the number "2.9.1.2.1" shall be read as "2.9.2.1";

in paragraph 4.2.2.3, last line, "1 mm" shall be read as "10 mm";

in paragraph 5.2.1.1, first line, "this section" shall be read as "sections 5.2–5.5";

in paragraph 5.4.6.3.1, second line, "service temperatures" shall be read as "design temperatures";

in paragraph 6.3.3.1, second to last line, "Procedure tests for consumables intended for fillet welding" shall be read as "Fillet welding procedure tests";

in paragraph 8.5.2, fifth and sixth lines from the end, "projected area" shall be read as "projected bottom area";

in paragraph 11.1.1.1, the number "56.4" shall be read as "56.6";

in paragraph 14.2.3.1, first line, "one set" shall be read as "one spare set";

(*e*) the number of firemen's outfits required pursuant to paragraph 11.6.1 and the regulation therein referred to shall, for ships below 2000 m^3 total cargo capacity, be 4;

(*f*) each of the references to regulations of the 1974 SOLAS Convention listed in columns 1 and 2 of the table in the Schedule hereto shall be construed as a reference to the corresponding provision contained in regulations made pursuant to the Merchant Shipping Acts 1894–1984 and listed opposite to it in column 3 of that table.

Application

2.—(1) These Regulations apply, subject to the following provisions of this regulation, —

(*a*) to gas carriers which are constructed on or after 1st July 1986,

(*b*) to ships which are converted to being gas carriers on or after that date, and

(*c*) (to the extent that the Secretary of State considers reasonable and practicable) to gas carriers which were constructed before, but undergo repairs, alterations and modifications of a major character on or after, that date.

(2) Where a ship is constructed or adapted to carry one or more of the substances listed both in Chapter 17 of the IBC Code and in Chapter 19 of the IGC Code and is not constructed or adapted to carry any substance listed only in Chapter 19 of the IGC Code then these Regulations shall not apply to that ship.

(3) These Regulations apply to all ships specified in paragraph (1) which are United Kingdom ships wherever they may be and to other such ships while they are within the United Kingdom or the territorial waters thereof; provided that in the case of a ship registered in a State which is not a party to the 1974 SOLAS Convention they shall not apply by reason of its being in the United Kingdom or the territorial waters thereof if it would not have been there but for stress of weather or any circumstances which could not have been prevented by the owner, the master or the charterer (if any).

Compliance with the Code

3. Every ship to which these Regulations apply shall be constructed, equipped and operated in accordance with the requirements relevant to it of Chapter 1, paragraphs 1.1.4.1—1.1.4.4 inclusive, and Chapters 2-19 inclusive of the IGC Code.

Survey requirements

4.—(1) The structure, equipment, fittings, arrangements and materials (other than items in respect of which a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radiotelegraphy Certificate or Cargo Ship Safety Radiotelephony Certificate is issued) of a gas carrier shall be subjected to the following surveys:

(*a*) an initial survey before the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk is issued for the first time, which shall include a complete examination of its structure, equipment, fittings, arrangements and materials in so far as the ship is covered by the IGC Code; such a survey shall be such as to ensure that the structure, equipment, fittings, arrangements and materials fully comply with the applicable provisions of the IGC Code;

(*b*) a periodical survey at intervals not exceeding 5 years which shall be such as to ensure that the structure, equipment, fittings, arrangements and materials comply with the applicable provisions of the IGC Code;

(*c*) a minimum of one intermediate survey during the period of validity of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk; in cases where only one such intermediate survey is carried out in any one certificate validity period, it shall be held not before 6 months prior to, nor later than 6 months after, the half-way date of the certificate's period of validity; intermediate surveys shall be such as to ensure that the equipment and associated pump and piping systems comply with the applicable provisions of the IGC Code and are in good working order; a record of such surveys in the form entitled "Endorsement for Intermediate Surveys" set out in the appendix to the IGC Code shall be endorsed by the surveyor on the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;

(*d*) an annual survey within 3 months before or after the anniversary date of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk which shall include a general examination to ensure that the structure, equipment, fittings, arrangements and materials remain in all respects satisfactory for the service for which the ship is intended; a record of such survey in the form entitled "Endorsement for Mandatory Annual Surveys" set out in the appendix to the IGC Code shall be endorsed by the surveyor on the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;

(*e*) an additional survey, either general or partial according to the circumstances, shall be made when it has been determined under regulation 6(3) to be necessary, or whenever any important repairs or renewals are made; such a survey shall ensure that the necessary repairs or renewals have been effectively made, that the materials and workmanship of such repairs or renewals are satisfactory, and that the ship is fit to proceed to sea without danger to the ship or persons on board; a record of such survey shall be endorsed by the surveyor on the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk certifying that on completion of the survey the ship complied with the relevant provisions of the Code.

(2) Every such survey of a United Kingdom ship shall be carried out by a surveyor appointed by the Secretary of State; and application for such a survey shall be made by or on behalf of the owner to the Secretary of State.

Issue of International Certificate of Fitness

5.—(1) Upon satisfactory completion of an initial or periodical survey the Secretary of State shall issue to a ship which complies with the relevant requirements of the IGC Code a certificate called an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, the model form of which is set out in the appendix to the IGC Code.

(2) A certificate shall cease to be valid—

(*a*) if any survey required by regulation 4(1)(*c*) or (*d*) is not completed within the period specified for that survey;

(*b*) if any survey required by regulation 4(1)(*e*) is not completed within such reasonable time as the surveyor may specify; or

(*c*) upon transfer of the ship to registry in another State.

(3) In either of the cases specified in sub-paragraphs (2)(*a*) or (*b*) the owner shall deliver up the certificate issued in relation to the ship to the Secretary of State on demand.

(4) In the case of a ship which has transferred from registry in another State to registry in the United Kingdom the Secretary of State may, subject to such requirements as to survey or otherwise as he may think fit, if he is satisfied that, notwithstanding that the surveys were not carried out as required by regulation 4(2)—

(*a*) the ship has already been subjected to a satisfactory initial or periodical survey and to any intermediate, annual or additional surveys required; and

(*b*) the ship was issued by or on behalf of the Administration of that other State with a certificate of fitness which would, but for the change of registry, have remained valid; and

(*c*) the condition of the ship and its equipment has been maintained in conformity with the provisions of the IGC Code; and

(*d*) since completion of the surveys referred to in sub-paragraph (*a*) no change has been made in the structure, equipment, fittings, arrangements and materials covered by those surveys, without the sanction of the Administration of that other State or of the Secretary of State, except by direct replacement;

issue to that ship an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk for a period to be determined by the Secretary of State, but not exceeding the expiry date of the certificate referred to in sub-paragraph (*b*).

(5) The International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk shall be kept on board ship and shall be available for inspection at all reasonable times.

Maintenance of condition after survey

6.—(1) The condition of the ship and its equipment shall be maintained so as to conform to the provisions of the IGC Code.

(2) After any survey of the ship under regulation 4 has been completed, no change shall be made in the structure, equipment, fittings, arrangements and materials covered by the survey, without the sanction of the Secretary of State, except by direct replacement.

(3) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or crew, the master or owner of the ship shall report at the earliest opportunity to the Secretary of State, who shall determine whether an additional survey is necessary. If the ship is in a port of another State, the master or owner shall also report immediately to the appropriate authority of the government of the State in which the port is situated.

Equivalents

7. Where the IGC Code requires that a particular fitting, material, appliance, apparatus, item of equipment or type thereof should be fitted or carried in a ship, or that any particular provision should be made, or any procedure or arrangement should be complied with, the Secretary of State may allow any other fitting, material, appliance, apparatus, item of equipment or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship, if he is satisfied by trial thereof or otherwise that such fitting, material, appliance, apparatus, item of equipment or type thereof, or that any particular provision, procedure or arrangement is at least as effective as that required by the IGC Code.

Exemptions

8. The Secretary of State may exempt any ship from any of the requirements of the IGC Code, subject to such conditions as he may specify, and may alter or cancel any exemption so granted.

Loading and carriage in bulk of dangerous substances

9. No ship to which these Regulations apply shall load in bulk or carry in bulk any of the substances listed in Chapter 19 of the IGC Code unless—

(*a*) there is in force in respect of that ship a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk covering the substance which the ship is loading or carrying; or

(*b*) the Secretary of State has given specific approval to its carriage.

Penalties

10.—(1)(*a*) If there is a breach of regulation 3, 6 or 9 then the owner and master of the ship shall each be guilty of an offence punishable on summary conviction by a fine not exceeding £1,000 or, on indictment, to a fine.

(*b*) If there is a breach of regulation 4(2) of these Regulations then the owner of the ship shall commit an offence punishable on summary conviction by a fine not exceeding £1,000, or, on indictment, to a fine.

(2) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure that the regulations were complied with.

Power to detain

11. In any case where a ship does not comply with the requirements of these Regulations the ship shall be liable to be detained and section 692(1) to (3) of the Merchant Shipping Act 1894**(a)** (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that for the words "this Act" wherever they appear, there shall be substituted the words "the Merchant Shipping (Gas Carriers) Regulations 1986".

John Moore,
Secretary of State for Transport.

25th June 1986.

(a) 1894 c. 60.

THE SCHEDULE

TABLE OF CORRESPONDING REGULATIONS

Interpretation

In this Table:

"Cargo Ship Regulations" means the Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1984**(a)**;

"Fire Protection Regulations" means the Merchant Shipping (Fire Protection) Regulations 1984**(b)**.

Column 1 Paragraph in IGC Code	Column 2 1974 SOLAS Convention Regulation	Column 3 Corresponding United Kingdom regulation
1.3.2	II—2/3.3	Regulation 1(2) Fire Protection Regulations
3.3.1.1	II—2/58	Regulation 132 Fire Protection Regulations
10.1.1	II—1 Part D (electrical requirements)	Part IV Cargo Ship Regulations
11.1.1	II—2 requirements for tankers	Part II B Cargo Ship Regulations and Part IV Fire Protection Regulations
11.1.1.1	II—2/56	Regulation 11 Cargo Ship Regulations
11.1.1.2, 11.2.1	II—2/4	Regulation 29 Fire Protection Regulations
	II—2/7	Regulation 33 Fire Protection Regulations
11.6.1	II—2/17	Regulation 53 Fire Protection Regulations
12	II—2/59.3	Regulation 13 Cargo Ship Regulations

(a) S.I. 1984/1217, as extended by S.I. 1985/661.
(b) S.I. 1984/1218, amended by S.I. 1985/1193.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations require gas carriers built on or after 1st July 1986, and ships converted on or after that date to be gas carriers, to comply with the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk which was adopted by the Maritime Safety Committee of the International Maritime Organization on 17th June 1983. They give effect to Part C of Chapter VII of the International Convention for the Safety of Life at Sea, 1974 as set out in the amendments to that Convention ("1983 Amendments") which were adopted by the Maritime Safety Committee on the same date as the Code.

Copies of the Code, which is contained in volume III of the 1983 Amendments, are obtainable from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.

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