

Isle of Man Ship Registry

CONSULTATION:

Regulations Applying SOLAS Chapter VI – Carriage of Cargoes and Oil Fuels

Opening Date: 15th April 2021

Closing Date: 13th May 2021

Department for Enterprise
Proposed update to legislation implementing
SOLAS Chapter VI – Regulations for the Carriage of Cargoes and Oil Fuels

The Isle of Man Ship Registry is consulting on proposals to make new regulations to give effect to the latest version of SOLAS Chapter VI. The current Regulations applying SOLAS Chapter VI are the Merchant Shipping (Carriage of Cargoes) Regulations 2006, which will be revoked.

There have been a number of amendments to SOLAS Chapter VI since the current Regulations were written in 2006. Operators should be familiar with these requirements since these are already in force internationally and therefore we do not foresee any changes to current practices. The new Regulations will implement all amendments up to and including those within MSC.380(94).

SOLAS Chapter VI regulates the carriage of cargoes (except liquids in bulk, gases in bulk and those aspects of carriage covered by other chapters) which, owing to their particular hazards to ships or persons on board, may require special precautions.

The proposed Regulations will apply the requirements of SOLAS Chapter VI to Manx ships wherever they might be and to foreign ships in Manx territorial waters when loaded or intended to be loaded with cargo. In addition to regulating commercial ships, the Regulations also apply the requirements of SOLAS Chapter VI which place obligations on cargo shippers and cargo terminal representatives based in the Island.

Please address responses to this consultation to:

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When responding, please consider whether you are willing to have your response published and indicate your preference from the following options:

- **Response can be published together with your name/organisation**
- **Response can be published anonymously**
- **Response can not be published**

This consultation will close at 17:00hrs on 13th May.

SECTION 1 – INTRODUCTION

SOLAS Chapter VI regulates the carriage, stowage and securing of cargoes excluding liquids and gases in bulk, which are regulated by other instruments.

The Isle of Man currently gives effect to SOLAS Chapter VI by the Merchant Shipping Merchant Shipping (Carriage of Cargoes) Regulations 2006. It is proposed that these Regulations will be revoked and replaced with new Regulations which will take account of the most recent amendments to SOLAS Chapter VI. Section 5 of this Consultation summarises the most significant of these amendments.

The proposed Regulations will require Manx ships wherever they might be and foreign ships in Manx territorial waters to comply with SOLAS Chapter VI as is applicable to the type of ship. As these Regulations give effect to part of an international convention, there is limited scope for interpretation.

In addition to regulating commercial ships, the proposed Regulations apply the requirements of SOLAS Chapter VI which place obligations on other parties. These include requirements on cargo shippers (SOLAS Chapter VI - Regulation 2) and cargo terminal representatives (SOLAS Chapter VI - Regulation 7).

There is no specific survey or certification requirement under SOLAS Chapter VI, although ships may be inspected for compliance with the requirements of SOLAS Chapter VI as part of a Flag State General Inspection or Port State Control Inspection.

SECTION 2 – APPLICATION

For Ships:

The proposed Regulations apply to Manx ships wherever they may be and to foreign ships in Manx territorial waters when loaded or intended to be loaded with cargo. It should be noted that this **includes** cargo ships of less than 500gt, which differs from much of SOLAS, although it is possible to exempt such vessels from certain requirements while on sheltered voyages. It should be noted that SOLAS Chapter VI applies only to ships which engage on international voyages; however, to provide a regulatory regime for Manx ships not engaged on international voyages the proposed Regulations will apply to Manx ships irrespective of the type of voyage when loaded or intended to be loaded with cargo. This is already required by the current SOLAS Chapter VI Regulations and is not a new provision. The Department may exempt a Manx ship not engaged on international voyages from complying with all or any of the requirements of the Regulations.

The proposed Regulations will not apply to fishing vessels or pleasure vessels.

For cargo shippers and terminal representatives:

In addition to regulating commercial ships, the proposed Regulations apply (to a limited extent) to any cargo shippers and cargo terminal representatives based on the Isle of Man. For the purposes of the Regulations –

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

“terminal representative” means a person appointed by the terminal or other facility, where the ship is loading or unloading, who has responsibility for operations conducted by that terminal or facility with regard to the particular ship.

SECTION 3 – KEY REQUIREMENTS OF SOLAS CHAPTER VI

The following sets out an explanation of the key requirements of SOLAS Chapter VI. References to a numbered regulation in this section are a reference to a regulation in SOLAS Chapter VI.

Cargo Information (Regulation 2)

This regulation requires that a shipper shall ensure that cargo carried in a container (except ro-ro containers) shall have a verified gross mass. This may be calculated by either:

- .1 weighing the packed container using calibrated and certified equipment; or
- .2 weighing all packages and cargo items, including the mass of pallets, dunnage and other securing material to be packed in the container and adding the tare mass of the container to the sum of the single masses, using a certified method approved by the competent authority of the State in which packing of the container was completed.

It is proposed that the calculation for any container packed in the Isle of Man using method 2 above shall be assessed against the guidelines in MSC.1/Circ.1475 – ‘Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo’.

Oxygen Analysis and Gas Detection Equipment (Regulation 3)

This regulation requires that any ship, when transporting a solid bulk cargo which is liable to emit a toxic or flammable gas, or cause oxygen depletion in the cargo space, an appropriate instrument for measuring the concentration of gas or oxygen in the air shall be provided together with detailed instructions for its use. The convention requires this instrument to be to the satisfaction of the administration. To meet this requirement the Ship Registry proposes that this meet the criteria in the Marine Equipment Directive MED/3.30 and MED/3.54 or an equivalent standard.

Use of Pesticides in Ships (Regulation 4)

This regulation requires that 'appropriate precautions' shall be taken in the use of pesticides in ships, in particular for the purposes of fumigation. The Ship Registry intends to require that 'Appropriate Precautions' must be developed by the operator by referring to:

- .1 Revised Recommendations on the safe use of pesticides in ships,(MSC.1/Circ1358);
- .2 Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo holds (MSC.1/Circ.1264, as amended): and
- .3 Revised Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo transport units (MSC.1/Circ.1361).

Stowage and Securing (Regulation 5)

This regulation requires that all cargoes, other than solid and liquid bulk cargoes, cargo units and cargo transport units, shall be loaded, stowed and secured in accordance with the Cargo Securing Manual. This document must be approved by an Isle of Man Recognised Organisation against their class rules, referring to the Revised Guidelines of the preparation of the Cargo Securing Manual contained in MSC.1/Circ.1353.

Material Safety Data Sheets (Regulation 5-1)

This regulation requires that ships carrying oil or oil fuel shall be provided with material safety data sheets prior to the loading of such oil as cargo in bulk or bunkering of oil fuel. Such data sheets shall be prepared referring to the recommendations in MSC.286(86).

Prohibition of the Blending of Bulk Liquid Cargoes and Production Processes during Sea Voyages (Regulation 5-2). This regulation prohibits the physical blending of liquid cargoes during sea voyages. It also prohibits any production process (defined as being a deliberate operation causing a chemical reaction between a ship's cargo and any other substance or cargo to take place).

Acceptability for Shipment (Regulation 6)

This regulation requires that the master shall be in possession of comprehensive information on the ship's stability and on the distribution of cargo for the standard loading conditions referring to SOLAS regulation II-1/5-1.

Loading, Unloading and Stowage of Solid Bulk Cargoes (Regulation 7)

This regulation places certain obligations on the Master of the vessel and the cargo terminal representative to ensure that solid bulk cargoes are loaded, unloaded and stowed safely. This includes the requirement to prepare and follow a plan made with reference to the BLU Code.

Requirements for Cargo Ships Carrying Grain (Regulation 9)

This regulation requires a ship carrying a cargo of grain to comply with the International Grain Code, and hold a document of authorization as required by that Code.

SECTION 4 – CODES

SOLAS Chapter VI applies a number of codes:

IMSBC Code which is mandatory for ships carrying solid bulk cargoes other than grain

International Grain Code which is mandatory for ships carrying wheat, maize (corn), oats, rye, barley, rice, pulses, seeds and processed forms thereof, whose behaviour is similar to that of grain in its natural state.

The Code of Safe Practice for Cargo Stowage and Securing (**CSS Code**) and is referred to by SOLAS Chapter VI. The CSS Code is advisory under SOLAS Chapter VI.

Code of Practice for the Safe Loading and Unloading of Bulk Carriers (**BLU Code**) which is also advisory.

Code of Safe Practice for Ships Carrying Timber Deck Cargoes (**TDC Code**) which is also advisory.

SECTION 5 – SUMMARY OF AMENDMENTS

The current Regulations apply SOLAS Chapter VI up to MSC.47(66) which entered into force on 1 July 1998. Since then, the following amendments to SOLAS Chapter VI have been published, and will be applied by the proposed Regulations.

Please note that the table provides only a brief summary, and the full MSC Resolution should be consulted to understand the full detail of the updates.

Resolution	Published Date	Entry in Force	Summary
MSC.47(66)	4.6.96	1.7.98	* Current Regs to Here *
MSC.69(69)	18.5.98	1.7.02	New paragraph 5.6 requiring cargoes to be loaded, stowed and secured in accordance with the Cargo Securing Manual. This update is superseded by the new paragraph 5.6 in MSC.123(75).
MSC.123(75)	24.5.02	1.1.04	New definitions for Regulation 5 (Stowage and Securing). New paragraph 5.6 applies the requirement to load, stow and secure cargo in accordance with Cargo Securing Manual to cargo units and cargo transport units.
MSC.194(80)	20.5.05	1.1.07 / 1.1.09	Updating a cross reference to SOLAS Chapter II-1 in regulation 7.
MSC.239(83)	12.10.07	1.1.09	This resolution creates a new regulation 5-1 which requires Material Safety Data Sheets for Annex I cargoes prior to loading.
MSC.269(85)	4.12.08	1.1.11	Applies new the new IMSBC Code and makes it mandatory.
MSC.325(90)	24.5.12	1.1.14	Introduces new Regulation 5-2 which prohibits blending on bulk liquid cargoes and production processes during sea voyages, except for use in the search and exploitation of seabed mineral resources on ships used to facilitate such operations
MSC.380(94)	21.11.14	1.7.16	New regulation 2.4 implementing 'Verified Gross Mass' for containers regulation.