



DEPARTMENT OF ECONOMIC DEVELOPMENT

Carriage of Dangerous Goods and Harmful Substances

This Notice provides information on Isle of Man Regulations which implement MARPOL Protocol I, MARPOL Annex III and SOLAS VII.

Documents referred to in this notice:

Merchant Shipping (MARPOL Protocol I – Reports on Incidents Involving Harmful Substances) Order 2015;
Merchant Shipping (MARPOL Annex III – Prevention of Pollution by Harmful Substances) Order 2015;
Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015;
Resolution MEPC 193(61) Amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973;
MSC.325(90) Adoption of amendments to the International Convention for the Safety of Life at Sea, 1974, as amended;
MSC/Circ.1353/Rev.1 Revised Guidelines for the Preparation of the Cargo Securing Manual; and
A.851(20) General Principles for Ship Reporting Systems and Ship Reporting Requirements, including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants.

Most Regulations and notices are available on the Isle of Man Government website: www.iomshipregistry.com or by contacting marine.survey@gov.im

This MSN summarises the Isle of Man requirements for dangerous goods and harmful substances carried onboard Manx-registered ships or foreign ships visiting an Isle of Man port. In some instances the Regulations require additional requirements to be included in this MSN and these have been included along with the associated regulation number.

The following Isle of Man Regulations entered into force on 01 August 2015 and give effect to the revised MARPOL Annex III and the latest versions of MARPOL Protocol I and SOLAS Chapter VII.

- Merchant Shipping (MARPOL Protocol I – Reports on Incidents Involving Harmful Substances) Order 2015;
- Merchant Shipping (MARPOL Annex III – Prevention of Pollution by Harmful Substances) Order 2015; and
- Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015.

Definitions used in this MSN

“Dangerous goods” means the substances, materials and articles covered by the IMDG Code.

“Harmful substance” means any substance which is identified as a marine pollutant in the IMDG Code or which meets the criteria in the Appendix of MARPOL Annex III.

“IMDG Code” means

- a) up to and including 31 December 2015, the International Maritime Dangerous Goods Code (2012 edition) and includes all amendments made to that Code up to and including Amendments 36-12 adopted by IMO Resolution MSC.328(90) which came into force on 1 January 2014; and
- b) from 1 January 2016, the International Maritime Dangerous Goods Code and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.372(93) on 22 May 2014.

“IBC Code” means

- a) up to and including 31 December 2015, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, and includes all amendments made to that Code up to and including those adopted by IMO Resolutions MSC.340(91) and MEPC.225(64), both of which came into force on 1 June 2014; and
- b) from 1 January 2016, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, and including all amendments made to that Code up to and including those adopted by IMO Resolution MSC.369(93) on 22 May 2014;

“IGC Code” means

- a) up to and including 31 December 2015, the international Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk and includes all amendments to that Code up to and including those adopted by IMO Resolution MSC.225(82) which came into force on 1 July 2008; and
- b) from 1 January 2016, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.370(93) on 22 May 2014.

Section 1

MARPOL III Regulations for the prevention of pollution by harmful substances carried by sea in packaged form

The Merchant Shipping (MARPOL Annex III - Prevention of Pollution by Harmful Substances) Order 2015 gives effect to MARPOL Annex III including all the amendments made to that Annex up to and including IMO resolution MEPC 193(61).

A summary of the MARPOL Annex III requirements is stated below, although please refer to the Order for a comprehensive version of the requirements:

- a. Packaging, marking and labelling of harmful substances must be in accordance with the relevant provisions of the IMDG Code in order to minimise the hazard to the marine environment, having regard to their specific contents.
- b. Documentation relating to the carriage of harmful substances must be in accordance with the requirements of the IMDG Code and must be adequate to minimise the hazard to the marine environment, without impairing the safety of the ship or people on board.
- c. Harmful substances must be properly stowed and secured in accordance with the IMDG Code.
- d. In accordance with the IMDG Code, certain harmful substances are prohibited for carriage, or limited as to the quantity which may be carried.
- e. Regulation 12 of the Order states the exceptions from the requirements which are only permitted as follows:
 - i. The deliberate jettisoning of a harmful substance carried in packaged form is prohibited, unless necessary for the purpose of securing the safety of the ship or saving life at sea; and
 - ii. to regulate any washing of leakage or spillage overboard appropriate measures based on the physical, chemical and biological properties of a harmful substance must be taken.

Regulation 12.2 requires the appropriate measures to be detailed in this MSN and these are as follows:

For the substance under consideration, the IMDG code, its supplements and the products own emergency schedules should be referenced. Following review, appropriate mitigating actions as described therein should be followed.

Section 2

SOLAS VII Carriage of dangerous goods

The Merchant Shipping (SOLAS VII - Carriage of Dangerous Goods) Regulations 2015 implement SOLAS VII including all amendments up to and including those adopted by IMO Resolution MSC.325(90).

The Regulations implement the provisions of SOLAS VII concerning carriage of dangerous goods in packaged form and in solid form in bulk, the construction and equipment of ships carrying dangerous liquid chemicals in bulk and liquefied gases in bulk.

1. Additional requirements

Certain sections of the Regulations require additional requirements to be stated in this MSN and these are detailed below.

a. Cargo securing manual (Regulation 12)

Cargo, cargo units and cargo transport units must be loaded, stowed and secured throughout the voyage in accordance with the cargo securing manual.

The cargo securing manual must be drawn up to a standard at least equivalent to the guidelines developed by the IMO.

Regulation 12.2 requires this MSN to state the guidelines to be followed: these are the revised guidelines for the preparation of the cargo securing manual (MSC/Circ.1353) developed by the IMO.

b. Reporting of incidents involving dangerous goods in packaged form and solid bulk form (Regulation 13)

Any incident taking place involving the loss or likely loss overboard of dangerous goods in either packaged form or solid form in bulk into the sea must be reported to the nearest coastal State. This is the master's responsibility, or other person having charge of the ship, and they must report the particulars of such an incident without delay and to the fullest extent possible.

Regulation 13.2 requires the report to be drawn up as specified in this MSN and the requirements are - the report must be drawn up based on general principles and guidelines developed by the Organization.*

**Refer to the general principles for ship reporting systems and ship reporting requirements, including Guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants, adopted by the Organization by resolution A.851(20).*

c. IBC & IGC Codes – Special circumstances (Regulations 21.6 & 23.5)

The following certificates shall be issued for a period which shall not exceed 5 years:

- International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; and
- International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.

In special circumstances, as determined by the Ship Registry, a new certificate need not be dated 5 years from the date of expiry of the existing Certificate but may be

issued for a period not exceeding five years from the date of renewal survey completion.

Special Circumstances

The Ship Registry has deemed 'special circumstances' to be:

- i. where it would appear to be appropriate to alter the start date in order to harmonize the certificate with other certificates; or
- ii. where the owner of a ship requests the change of date; and
- iii. satisfies the Ship Registry that the owner has a justified reason for making the request; and
- iv. complies with any additional survey requirements which the Ship Registry may impose.

Examples of an owner having "justified reason" might include:

- i. where a ship has been laid up for an extended period; or
- ii. where the nature of a ship's business would make a different date much more convenient (such as in the case of a passenger ferry constructed in the summer and whose main trade is in the summer, where the owner may want to have the refit and survey work done in the winter months).

In the case of a request to change the anniversary date for the sake of convenience, the request will only be considered if such a request has not been previously made for the ship in question and the owner confirms in writing to the Ship Registry that this is a one off request for that ship.

2. SOLAS VII Part D - Special requirements for the carriage of packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes on board ships

The provisions of SOLAS VII Part D have not been included in the Regulations because Manx-registered ships are not permitted to carry packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes.

Section 3

MARPOL Protocol I (Reports on Incidents Involving Harmful Substances)

MARPOL Protocol I requires a master or other person in charge of a ship to report incidents involving harmful substances without delay to the nearest coastal State.

If the ship has been abandoned, or if the report from the ship is incomplete or unobtainable the operator of the ship must assume the responsibility to report the incident, to the fullest extent possible.

When to make reports

A report must be made when an incident involves:

- a. a discharge above the permitted level or probable discharge of oil or noxious liquid substances for whatever reason including those for the purpose of securing the safety of the ship or saving life at sea;
- b. a discharge or probable discharge of harmful substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and ship-borne barges;
- c. damage, failure or breakdown of a ship of 15 metres in length or above which:
 - i. affects the safety of the ship, including but not limited to collision, grounding, fire, explosion, structural failure, flooding and cargo shifting; or
 - ii. results in impairment of the safety of navigation; including but not limited to failure or breakdown of steering gear, propulsion plant, electrical generating system and essential ship-borne navigational aids; or
- d. a discharge during the normal operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under the MARPOL Convention.

Contents of report

A report must include:

- a. the identity of ships involved;
- b. the time, type and location of incident;
- c. the quantity and type of harmful substance involved; and
- d. any assistance and salvage measures to be, or being taken.

Supplementary report

Any person who is required to send a report must, when possible:

- a. supplement the initial report, as necessary, and provide information concerning further developments; and
- b. comply as fully as possible with requests from affected States for additional information.

Reporting procedures

A report must be made by the fastest telecommunications channels available with the highest possible priority to the nearest coastal State.

The procedures to be followed for reporting incidents involving harmful substances must be based on the Guidelines developed by the IMO.*

**Refer to the General principles for ship reporting systems and ship reporting requirements, including Guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants, adopted by the Organization by resolution A.851(20).*

Isle of Man Ship Registry

Please note - The Isle of Man Ship Registry cannot give legal advice. Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel. You should consider seeking independent legal advice if you are unsure of your own legal position.