
STATUTORY INSTRUMENTS

1981 No. 1077

MERCHANT SHIPPING

MERCHANT SHIPPING (TANKERS) (E.E.C. REQUIREMENTS) REGULATIONS 1981

*Text of the Regulations as they have effect in the Isle of Man. Amendments are indicated by **Bold italics***

<i>MANX EXTENDING INSTRUMENT</i>	<i>UK S.I.s APPLIED</i>
Merchant Shipping (Safety Provisions) (Application) Order 1985	S.I.1981 No.1077 S.I.1982 No.1637

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Made 27th July 1981
Laid before Parliament 5th August 1981
Coming into Operation 15th October 1981

The Secretary of State, being a Minister designated ^(a) for the purpose of section 2(2) of the European Communities Act 1972 ^(b) in relation to requirements concerning sea-going tankers entering or leaving United Kingdom ports, in exercise of the powers conferred by that section, hereby makes the following Regulations :

Citation and commencement

1.- These Regulations may be cited as the Merchant Shipping (Tankers) (E.E.C. Requirements) Regulations 1981 and shall come into operation on *1st July 1985.*

Interpretation

2. In these Regulations :-

“chemicals” means any substance listed in Chapter VI of the IMCO Code for Ships carrying Dangerous Chemicals;

“gas” means any substance to which the IMCO Code for Existing Ships carrying Liquified Gases and the IMCO Code for Ships carrying Liquefied Gases (being gas as defined in paragraph 1.2.1 of each of those Codes) apply;

"harbour" and "harbour Master" have the respective meanings assigned to them by section 1 of the Harbours (Isle of Man) Act 1961 (An Act of Tynwald).

“IMCO” means the Inter-Governmental Maritime Consultative Organisation;

“the IMCO Code for Existing Ships carrying Liquified Gases” means the Code for Existing Ships carrying Liquefied Gases in Bulk published by IMCO in London in 1976 (as amended by the 1st to 3rd Sets of Amendments published from 1978 to 1980);

(a) S.I. 1979/1704

(b) 1972 c. 68.

“the IMCO Code for Ships carrying Dangerous Chemicals” means the Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk published by IMCO in London in 1977 (as amended by the 1st to 9th Sets of Amendments published from 1972 to 1980);

“the IMCO Code for Ships carrying Liquefied Gases” means the Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk published by IMCO in London in 1976 (as amended by the 1st to 3rd Sets of Amendments published from 1978 to 1980);

“master” means any person (except a pilot) having command or charge of a tanker;

“oil” means petroleum in any form, including crude oil, fuel oil, and refined products (other than a substance listed in Chapter VI of the IMCO Code for Ships carrying Dangerous Chemicals), when carried on board a tanker as cargo;

“tanker” means a ship of 1,600 tons gross register tonnage or over (and the gross tonnage of a ship having alternative gross tonnage shall be taken to be the larger of those tonnages), which is constructed or adapted for the carriage of oil, chemicals or gas in bulk.

Application

3. (1) Subject to paragraph (2) below, these Regulations apply to all tankers (whether or not registered in the *Isle of Man*) which :

- (a) are carrying a cargo of chemicals, gas or oil in bulk; or
- (b) having previously carried sch a cargo, have discharged that cargo but whose tanks are not free of vapours given off by residues of such cargo, and have an atmosphere which has not been rendered non-flammable.

(2) These Regulations shall not apply to any ship belonging to Her Majesty or owned or operated by any State and used, for the time being, only on the non-commercial service of that State.

Reporting

4. The master of a tanker to which these Regulations apply shall, in advance of entering any harbour, notify to the harbour master of that harbour the following information :-

- (a) the name and call sign of the tanker;
- (b) the country in which the tanker is registered;
- (c) the ocerall length, draught and beam of the tanker;
- (d) the harbour where the master intends first to berth the tanker;

- (e) unless the master does not propose to berth the tanker at the harbour which is being entered, the estimated time of arrival at the pilot station or harbour limits of the harbour where the master intends first to berth the tanker;
- (f) the nature and quantity of any chemicals, gas or oil carried by the tanker;
- (g) whether the tanker is fitted with an inert gas system;
- (h) whether the inert gas system, if fitted, is fully operational;
- (i) whether the cargo tanks have an atmosphere which has been rendered non-flammable;
- (j) whether or not a certificate has been issued in respect of the tanker;
 - (i) if its cargo includes chemicals, that it complies with the IMCO Code for Ships carrying Dangerous Chemicals; and
 - (ii) if its cargo includes gas, that it complies with the IMCO Code for Existing Ships carrying Liquefied Gases or with the IMCO Code for Ships carrying Liquefied Gases;
- (k) any defect in the hull, machinery or equipment of the tanker, which may :-
 - (i) affect materially the safe manoeuvrability of the tanker; or
 - (ii) affect materially the safety of other vessels in or in the vicinity of or in the approaches to the harbour; or
 - (iii) constitute a hazard to the marine environment; or
 - (iv) constitute a hazard to persons or property on land or in the vicinity of the harbour.

5. The master of a tanker to which the Regulations apply shall in advance of entering any harbour forthwith notify the harbour master of any change in the information notifiable under Regulation 4(k) above which occurs after such information was notified to the harbour master.

6. While a tanker to which these Regulations apply is in any harbour the master of that tanker shall notify the harbour master of any change which occurs in the information notifiable under Regulations 4(k) and 5 above.

6A. If any pilot [...] having boarded a tanker to which these Regulations apply to pilot it into or out of a harbour, knows or believes that there are defects which may prejudice the safe navigation of the tanker which have not been notified to the harbour master in accordance with regulation 4(k), 5 or 6, he shall notify the master of those defects. If the pilot knows or believes that the master, having been notified by the pilot of those defects, has failed to notify the harbour master of them, the pilot shall forthwith notify the harbour master of those defects.

(Regulation 6A is inserted by S.I.1982/1637)

Check list

7. The master of a tanker to which these Regulations apply shall make available a check list in the form set out in the Schedule hereto and completed in respect of the tanker, to -

- (a) any pilot [...] boarding the tanker to pilot it into a harbour; and
- (b) if he so requests, the harbour master of any harbour at which the ship calls, whether or not with a pilot.

7A. If the master of a tanker to which these Regulations apply fails to make a check list available to the pilot in accordance with regulation 7(a) above, the pilot shall forthwith notify the harbour master.

(Regulation 7A is inserted by S.I.1982/1637)

Offences

8. (1) If there is a contravention of any of the provisions of Regulations 4, 5, 6 and 7 above, the owner and master of the tanker shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 and on conviction on *information* to a fine.

(1A) Any master who :

- (a) pursuant to regulation 4, 5 or 6 makes a notification or
- (b) pursuant to regulation 7 makes available a check list

which is false in a material particular and which he knows to be false shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 and on conviction on *information* to a fine.

(1B) If a pilot, without reasonable excuse, contravenes the provisions of regulation 6A above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(Paragraphs (1A) and (1B) are inserted by S.I.1982/1637)

(2) In any proceedings under Regulation 4(k) above, it shall be a defence to prove that the master had no knowledge of the defect in question.

SCHEDULE

TANKER CHECK LIST

A. Vessel Identification

Name of vessel.....Owner.....Year built.....
Flag.....Call sign.....Gross tonnage.....
Port of registry.....Length overall.....
Classification society.....
Class notation.....Hull.....Machinery.....
Propulsion machinery.....Output.....
Agent at the harbour where the tanker will be berthed.....
Draught.....forward.....amidships.....aft.....
Type of cargo loaded (according to tank loading plan).....
Quantity of cargo loaded.....

B. Safety installations aboard

	In good working order		Deficiencies
	Yes	No	
1. Construction and technical equipment			
Main and auxiliary engines	<input type="checkbox"/>	<input type="checkbox"/>	
Main steering gear	<input type="checkbox"/>	<input type="checkbox"/>	
Auxiliary steering gear	<input type="checkbox"/>	<input type="checkbox"/>	
Anchor gear	<input type="checkbox"/>	<input type="checkbox"/>	
Fixed fire-extinguishing system	<input type="checkbox"/>	<input type="checkbox"/>	
2. Navigational equipment			
Manoeuvring characteristics available	<input type="checkbox"/>	<input type="checkbox"/>	
First radar installation	<input type="checkbox"/>	<input type="checkbox"/>	
Second radar installation	<input type="checkbox"/>	<input type="checkbox"/>	
Gyro compass	<input type="checkbox"/>	<input type="checkbox"/>	
Standard magnetic compass	<input type="checkbox"/>	<input type="checkbox"/>	
Radio direction-finding apparatus	<input type="checkbox"/>	<input type="checkbox"/>	
Echo-sounding device	<input type="checkbox"/>	<input type="checkbox"/>	
Other electronic position fixing aids	<input type="checkbox"/>	<input type="checkbox"/>	
3. Radio equipment			
Radiotelegraph installation	<input type="checkbox"/>	<input type="checkbox"/>	
Radiotelephone Installation (VHF)	<input type="checkbox"/>	<input type="checkbox"/>	

C. Safety Certificates and other documents

Certificates/documents valid
on board

	Yes	No
Cargo Ship Safety Construction Certificate	<input type="checkbox"/>	<input type="checkbox"/>
Cargo Ship Safety Equipment Certificate	<input type="checkbox"/>	<input type="checkbox"/>
Cargo Ship Safety Radiotelegraphy Certificate	<input type="checkbox"/>	<input type="checkbox"/>
Ship Safety Radiotelephony Certificate	<input type="checkbox"/>	<input type="checkbox"/>
Load Line Certificate	<input type="checkbox"/>	<input type="checkbox"/>
Classification Certificate	<input type="checkbox"/>	<input type="checkbox"/>
Oil Liability Certificate	<input type="checkbox"/>	<input type="checkbox"/>
Oil Record Book filled in	<input type="checkbox"/>	<input type="checkbox"/>
Certificate of fitness for the carriage of dangerous chemicals in bulk under the terms of the IMCO Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in bulk	<input type="checkbox"/>	<input type="checkbox"/>
Certificate of fitness for the carriage of liquefied gases under the terms of the IMCO Code for Existing Ships carrying Liquefied Gases in Bulk or the IMCO Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk.	<input type="checkbox"/>	<input type="checkbox"/>

D. Officers and ratings

	Certificate of competency detailed description and serial no.		Name	Place	Country of issuing authority
	Yes	No			
Master	<input type="checkbox"/>	<input type="checkbox"/>			
Chief Mate	<input type="checkbox"/>	<input type="checkbox"/>			
Second Mate	<input type="checkbox"/>	<input type="checkbox"/>			
Third Mate	<input type="checkbox"/>	<input type="checkbox"/>			
Chief Engineer	<input type="checkbox"/>	<input type="checkbox"/>			
First Engineer Officer	<input type="checkbox"/>	<input type="checkbox"/>			
Second Engineer Officer	<input type="checkbox"/>	<input type="checkbox"/>			
Third Engineer Officer	<input type="checkbox"/>	<input type="checkbox"/>			
Fourth Engineer Officer	<input type="checkbox"/>	<input type="checkbox"/>			

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations implement Council Directive No. 79/116/EEC (OJ No. L33, 8.2.1979, p 33), as amended by Council Directive No. 79/1034/EEC (OJ No. L315, 11.12.1979, p. 16) relating to sea-going tankers entering or leaving Community ports. The Regulations apply to all tankers of 1,600 gross register tonnage or more carrying oil, gas, or chemicals, or empty but whose tanks are not yet free of vapours given off by residues of oil, gas, or chemical cargoes and have an atmosphere which has not been rendered non-flammable. The master of such a tanker is required to notify in advance specified information about the tanker to the harbour master before entering any *Isle of Man* harbour. The master is also required to notify the harbour master, whilst the tanker is in the harbour, of any defects which arise and which may affect the safe manoeuvrability of the tanker, affect the safety of other vessels in the vicinity or constitute a hazard to the marine environment or to persons or property on land in the vicinity.

The Regulations further require the master to complete a check list, in the form and containing the particulars set out in the Schedule to the Regulations, and make it available to the tanker's pilot, and also to the harbour master if he so requests.

The Regulations provide for offences and penalties in connection with breaches of the Regulations.

IMCO publications referred to in the Regulations can be obtained from the Inter-Governmental Maritime Consultative Organisation, 101/104 Piccadilly, London W1.