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STATUTORY INSTRUMENTS

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**2004 No. 929**

**MERCHANT SHIPPING  
SAFETY**

**The Merchant Shipping (Gas Carriers)  
(Amendment) Regulations 2004**

<i>Made</i>	- - - -	<i>25th March 2004</i>
<i>Laid before Parliament</i>		<i>29th March 2004</i>
<i>Coming into force</i>	- -	<i>20th April 2004</i>

The Secretary of State for Transport, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(1), in exercise of the powers conferred upon him by sections 85(1)(a) and (b), (3), (5) to (7) and 86(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) (Amendment) Regulations 2004 and shall come into force on 20th April 2004.

(2) In these Regulations “the principal Regulations” means the Merchant Shipping (Gas Carriers) Regulations 1994(2).

**Amendment of principal Regulations: interpretation**

2. In regulation 1(2) of the principal Regulations,

(a) after the definition of “the 1974 SOLAS Convention” there shall be inserted the following:

““anniversary date” means the day and month of each year which will correspond to the date of expiry of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;

“appropriate Certifying Authority” means the Secretary of State or any person authorised by the Secretary of State and includes in particular (if so authorised) Lloyd’s Register of Shipping, the British Committee of Bureau Veritas, the British Committee of Det Norske Veritas, the British Committee of Germanischer Lloyd, the

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(1) 1995 c. 21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1977 (c. 28).

(2) S.I.1994/2464.

British Technical Committee of the American Bureau of Shipping, and the British Committee of Registro Italiano Navale;”,

(b) in the definition of “the IGC Code” after both “1983 IGC Code” and “1993 IGC Code” there shall be inserted the words “as amended by Resolution MSC.17.(58) of the International Maritime Organisation, adopted on 24th May 1990, and includes any further amendments adopted by the International Maritime Organisation which are considered by the Secretary of State to be relevant from time to time and are specified in a Merchant Shipping Notice”;

(c) for the definition of “International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk” there shall be substituted the following:

““International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk” means a certificate which certifies compliance with the IGC Code;”;

(d) after the definition of “International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk” there shall be inserted the following:

““Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency (which is an executive agency of the Department for Transport); and any reference to a particular Merchant Shipping Notice includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;”.

(e) after the definition of “new gas carrier” there shall be inserted the following:

““proper officer” means a consular officer appointed by Her Majesty’s Government in the United Kingdom and, in relation to a port in a country outside the United Kingdom which is not a foreign country, also any officer exercising in that port functions similar to those of a superintendent;

“short international voyage” means a voyage from a port in one country to which the 1974 SOLAS Convention applies to a port in another country, or conversely,—

(a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety, and

(b) which does not exceed 600 nautical miles in distance between the last port of call in the country in which the voyage begins and the last port of call in the scheduled voyage before beginning a return voyage, and which on the return voyage does not exceed 600 nautical miles in distance between the port of call in which the ship commences its return voyage and the first port of call in the country in which the voyage began,

and for the purposes of this definition no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled;”.

### **Amendment of principal Regulations: transitional provision**

3. After regulation 1 of the principal Regulations, there shall be inserted the following:

#### **“Transitional provision**

**1A.** Except in special circumstances as determined by the Maritime and Coastguard Agency, an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk issued or endorsed before 20th April 2004 by:

- (a) an appropriate Certifying Authority, or
- (b) the Government of a Party to the 1974 SOLAS Convention in accordance with regulation 6(4),

shall remain valid until it expires under the terms of these Regulations as in force before that date, and shall for any other purpose of these Regulations be treated as though it had been issued or endorsed under these Regulations as amended.”.

#### **Amendment of principal Regulations: Compliance with the IGC Code**

4. For regulation 3 of the principal Regulations, there shall be substituted the following:

“3. Every ship to which these Regulations apply shall be constructed, equipped and operated in accordance with the requirements of Chapter 1, paragraphs 1.1.4.1 to 1.1.4.4 inclusive, and Chapters 2 to 19 inclusive of the IGC Code relevant to a ship of its physical description.”.

#### **Amendment of principal Regulations: Survey and Certification**

5. For regulations 4 to 6 of the principal Regulations, there shall be substituted the following:

##### **“Surveys**

4. A United Kingdom gas carrier shall be subject to the following surveys:
- (a) before the ship is put in service, or before an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk is first issued in relation to the ship, an initial survey as set out in section 1.5.2 of the IGC Code,
  - (b) within five years of the first issue of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, and thereafter at intervals which, subject to regulations 6A(3) and 6B(3) to (6) shall be no more than five years, a renewal survey as set out in section 1.5.2 of the IGC Code,
  - (c) within three months before or after the second or third anniversary date of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk being issued, an intermediate survey as set out in section 1.5.2 of the IGC Code,
  - (d) within three months before or after each anniversary date of the issue of the ship’s International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, other than when an intermediate survey is required to be carried out within that period, an annual survey as set out in section 1.5.2 of the IGC Code, and
  - (e) after a repair resulting from investigations prescribed in regulation 5(4) below, or whenever any important repairs or renewals are made, an additional survey as set out in section 1.5.2 of the IGC Code.

##### **Responsibilities of owner and master**

5.—(1) The owner and master of every ship shall ensure that the condition of the ship and its equipment shall be maintained to conform:

- (a) in the case of a United Kingdom ship, or any ship surveyed pursuant to these Regulations, with the provisions of these Regulations,
- (b) in the case of any other ship, with the requirements of the IGC Code,

so as to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the safety of ships or persons on them.

(2) The owner and master of every ship shall ensure that after any survey of the ship required by these Regulations or by the IGC Code (as applicable) has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the approval of the appropriate Certifying Authority, or of the Administration of the State which carried out the survey for that ship, except by direct replacement.

(3) The owner and master of every ship shall ensure that whenever an accident occurs to a ship or a defect is discovered which, in either case, substantially affects the integrity of the ship or the efficiency or completeness of its equipment:

- (a) if the ship is a United Kingdom ship, it is reported at the earliest opportunity to the Secretary of State and to any other appropriate Certifying Authority,
- (b) if the ship is a United Kingdom ship in a port outside the United Kingdom it is also reported to the proper officer and to the appropriate authorities of the country in which the port is situated, and
- (c) if the ship is a non-United Kingdom ship in a port in the United Kingdom, it is reported at the earliest opportunity to the Secretary of State.

(4) Whenever an accident or defect is reported:

- (a) to the Secretary of State or a Certifying Authority under paragraph (3)(a), or
- (b) to the proper officer under paragraph (3)(b),

the Secretary of State, Certifying Authority or proper officer shall cause investigations to be initiated to determine whether or not a survey by a surveyor is necessary, and if a survey is found to be necessary require that survey to be carried out.

### **Issue and Endorsement of Certificates**

6.—(1) Where the appropriate Certifying Authority is satisfied after the completion of an initial or renewal survey carried out in accordance with the provisions of regulation 4(a) or (b) above that the requirements of the IGC Code are being complied with, that Authority shall issue an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk to a gas carrier.

(2) Where the appropriate Certifying Authority is satisfied after the completion of an intermediate or annual survey carried out in accordance with the provisions of regulation 4(c) or (d) above that the requirements of the IGC Code are being complied with, that Authority shall so endorse the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.

(3) If any gas carrier which was previously under the flag of another State becomes a United Kingdom ship, a Certifying Authority shall issue an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk only if it is fully satisfied that the ship is in compliance with the requirements of section 1.5.3.1 and 1.5.3.2 of the IGC Code.

(4) The Secretary of State may, through a proper officer or otherwise, request the Government of a Party to the 1974 SOLAS Convention to carry out a survey of a United Kingdom ship and, if satisfied that the survey has been completed in accordance with the requirements of the IGC Code:

- (a) to issue or authorise the issue of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk to the ship, or to endorse or authorise the endorsement of that Certificate, in accordance with the requirements of the IGC Code,
- (b) to include in the Certificate a statement to the effect that it has been issued at the request of the Secretary of State, and

- (c) to transmit a copy of the survey report and the Certificate to the Secretary of State as soon as possible.
- (5) A Certificate issued or endorsed in accordance with paragraph (4) above shall have the same force and receive the same recognition as a Certificate issued or endorsed in accordance with paragraphs (1) to (3) above.
- (6) The Secretary of State may, at the request of the Administration of a Party to the 1974 SOLAS Convention, survey a ship registered in that State and, if satisfied that the requirements of the IGC Code are complied with, issue or authorise the issue to the ship of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, or endorse or authorise the endorsement of such a certificate.
- (7) The Secretary of State shall include or have included in any Certificate issued or endorsed in accordance with paragraph (6) a statement to the effect that it has been issued or endorsed at the request of the Administration, and shall transmit a copy of the survey report and the Certificate to that Administration as soon as possible.
- (8) A Certificate issued or endorsed in accordance with paragraph (6) shall have effect as if issued or endorsed by the Administration which requested the survey of the ship to be carried out.
- (9) A Certificate issued or endorsed in accordance with paragraphs (1) to (3) and (6) to (8) shall be drawn up in a form corresponding to the model given in the Appendix to the IGC Code.

#### **Duration and validity of Certificates**

- 6A.—**(1) Subject to paragraphs (2) to (5) below, an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk shall be issued:
- (a) on the date of the completion of the relevant survey,
  - (b) as being valid from the date of issue, and
  - (c) for a period of validity not exceeding five years.
- (2) Where a renewal survey required under regulation 4(b) has been completed within a period of three months before the expiry of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, the new Certificate shall be issued as being valid from the date of expiry of the existing Certificate.
- (3) Subject to regulation 6B(6), where a renewal survey required under regulation 4(b) has been completed after the expiry of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, the new Certificate shall be issued as being valid from the date of expiry of that expired Certificate.
- (4) Where an annual or intermediate survey is completed before the period prescribed for such a survey in regulation 4(c) or (d) above:
- (a) the anniversary date shown on the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed,
  - (b) subsequent annual or intermediate surveys required under regulation 4(c) or (d) shall be completed at the intervals prescribed by those regulations using the new anniversary date, and
  - (c) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 4 are not exceeded.

(5) An International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk shall cease to be valid:

- (a) if its period of validity has been exceeded and the validity of the certificate has not been extended by the appropriate Certifying Authority in accordance with regulation 6B or the period of any such extension has expired,
- (b) if the relevant surveys have not been completed within the periods specified in regulation 4, and the Certificate endorsed in accordance with regulation 6, or
- (c) upon transfer of the ship to the flag of another State.

#### **Extension of validity of Certificates**

**6B.**—(1) Where an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk has been issued for a period of validity of less than five years and the intermediate and annual surveys required under regulation 4(c) and (d) above have been completed, the appropriate Certifying Authority may extend the validity of that Certificate so that the certificate is valid for a maximum period of five years.

(2) Where a renewal survey required under regulation 4(b) has been completed before the expiry of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk but the new certificate cannot be issued or placed on board the ship before the expiry of the existing Certificate, the appropriate Certifying Authority may endorse the existing Certificate as valid for a period not exceeding five months from its previous expiry date.

(3) Where a renewal survey required under regulation 4(b) has not been completed before the expiry of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk and at the time of expiry the ship is not in a port in which it is to be surveyed, the appropriate Certifying Authority may, where it appears to it proper and reasonable to do so, extend the validity of the Certificate, solely for the purpose of allowing the ship to complete its voyage to its port of survey, for a period of no more than three months.

(4) Where no other extension has been granted, the appropriate Certifying Authority may extend the validity of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk of a ship used solely on short international voyages for a period of no more than one month.

(5) An extension of validity under paragraph (3) or (4) above shall be disregarded for the purposes of determining the date of expiry of an existing International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk under regulation 6A(2) or (3) above.

(6) In special circumstances as determined by the Maritime and Coastguard Agency, where a renewal survey required under regulation 4(b):

- (a) has been completed after the expiry of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk,
- (b) has been completed during the period for which the validity of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk has been extended in accordance with paragraph (3) above, or
- (c) has been completed during the period for which the validity of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk has been extended in accordance with paragraph (4) above,

the new Certificate may be issued as being valid from the date of completion of the renewal survey.”.

## Penalties

6. In regulation 10 (Penalties) of the principal Regulations:
- (a) in paragraph (1)(a) for “regulation 3, 6, or 9” there shall be substituted “regulation 3, 5 or 9”, and
  - (b) paragraph 1(b) shall be deleted.

## Power to detain

7. For regulation 11 (Power to detain) of the principal Regulations, there shall be substituted:

“11. In any case where:

- (a) a ship does not comply with the requirements of these Regulations,
- (b) an accident occurs to a non-United Kingdom ship, or a defect is discovered in a non-United Kingdom ship, either of which substantially affects the integrity of the ship or the efficiency or completeness of its equipment, and a full and proper report of that accident or defect has not been made to the appropriate authority for that ship, or
- (c) within a reasonable period of a report being made of an accident to or defect in a non-United Kingdom ship the Secretary of State is not satisfied that action taken as respects that ship is sufficient to restore the integrity of the ship or the efficiency or completeness of its equipment,

the ship shall be liable to be detained and section 284(1) to (6) and (8) of the Merchant Shipping Act 1995(3) (which relates to the detention of a ship) shall have effect in relation to that craft, as if for the words “this Act” wherever they appear, there were substituted the words “the Merchant Shipping (Gas Carriers) Regulations 1994”.”.

Signed by authority of the Secretary of State for Transport

25th March 2004

*David Jamieson*  
Parliamentary Under Secretary of State,  
Department for Transport

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(3) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1977 (c. 28), Schedule 1, paragraph 5.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (“the IGC Code”) which were adopted on 24th May 1990 by Resolution MSC 17(58) of the International Maritime Organisation. The amendments harmonise the survey and certification requirements of that Code with the requirements of the International Convention for the Safety of Life at Sea 1974 (“SOLAS”), as amended.

Regulation 7 of these Regulations amends provisions on the power to detain ships which do not comply with the requirements of the Regulations, and applies section 284(1) to (6) and (8) of the Merchant Shipping Act 1995.

A Regulatory Impact Assessment has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG. A copy has been placed in the library of each House of Parliament.

Merchant Shipping Notices can be read or downloaded free from the Maritime and Coastguard Agency website ([www.mcga.gov.uk](http://www.mcga.gov.uk)). Printed copies can be obtained from Mail Marketing (Scotland) Ltd, Unit 6 Blooms Grove Industrial Estate, Norton Street, Nottingham, NG7 3JG (telephone 0115 901 3336). Resolutions and other publications of the International Maritime Organisation can be obtained from IMO, 4 Albert Embankment, London SE1 75R.