
The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997

Guidance to Operators, Shipowners, Agents, Charterers, Managers, Masters, Ship's Officers, Cargo Packers, Cargo Consolidators, Hauliers, Freight Forwarders, Shippers, Port Authorities and Terminal Operators

This Note supersedes M.1674 and takes effect from 1 November 1997

1. The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 come into force on 1st November 1997¹. These Regulations implement Chapter VII of the International Convention for the Safety of Life at Sea (SOLAS), the requirements of Annex III of the International Convention for the Prevention of Pollution from Ships (MARPOL) and Article 4 of Council Directive No. 93/75/EEC. For dangerous goods and marine pollutants in packaged form these Conventions are administered through the provisions of the International Maritime Dangerous Goods (IMDG) Code up to and including Amendment 28-96. The incorporation of future IMDG Code amendments into the Regulations will be announced by the issue of a Merchant Shipping Notice. The provisions of the Regulations and the Code apply to all United Kingdom ships and all ships within United Kingdom territorial waters, for both international voyages and domestic voyages, and including High Speed Craft.
2. The Regulations revoke and replace the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1990. They implement the 1991 Amendments to SOLAS Chapter VII, dealing with the scope of ships requiring a document of compliance for the carriage of dangerous goods. Further details are given in Marine Guidance Note MGN 36.
3. The Regulations also implement the 1994 Amendments to SOLAS Chapter VII, making the carriage of an approved Cargo Securing Manual mandatory from 1 January 1998 for ships carrying packaged goods on international voyages. In practice, the cargo securing manuals may be the same as that drawn up for non-dangerous and non-polluting cargoes. Ship operators are encouraged to incorporate the securing arrangements of all type of cargoes and cargo units into a single Cargo Securing Manual. Further guidance on drawing up cargo securing manuals is given in Merchant Shipping Notice MSN 1708.
4. The Regulations define the responsibilities of a number of persons in the packaged goods transport chain from shipper or consignor through to its destination or consignee. The responsibility of the "shipper" may sometimes be shared between the primary shipper and his agent (or cargo consolidator) who may also be part shipper insofar as he is responsible for preparing the transport document from information provided by the primary party.

Safe Ships Clean Seas

¹ S1 1997 No. 2367

5. The Regulations recognise and accept the use of electronic data interchange (EDI) or electronic data processing (EDP) methods for the dangerous goods documentation. When these systems are used as an alternative to conventional paper transfer of information, it is essential that equivalent levels of responsibility are maintained by all parties preparing the goods for shipment. Before packaged goods are transported or declared for transport it is necessary for procedures and responsibilities to be understood and agreed between the shipper, packer, agent preparing the document and any other parties involved, to ensure compliance with the IMDG Code. It is an offence if the shipper is not properly identified on the documentation. The shipper is not excluded from responsibility by not signing the document.

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