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## **Marine Circular No. 04/2025**

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**To: Owners, Managers, Operators, Masters and Crew Members of (a) Virgin Islands ships and (b) non-Virgin Islands ships in Virgin Islands waters**

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### **ADOPTION OF:**

### **THE MERCHANT SHIPPING (CARRIAGE OF DANGEROUS GOODS AND HARMFUL SUBSTANCES) REGULATIONS 2024**

INTERNATIONAL CONVENTION ON PREVENTION OF POLLUTION FROM SHIPS:

ANNEX III: REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED FORM

#### **SUMMARY**

1. This Notice contains the text of the Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) Regulations 2024 (U.K.S.I. 2024/636) ("the 2024 Regulations") which are adopted as part of the law of the Virgin Islands.
2. The adoption of the 2024 Regulations gives effect in the Virgin Islands to the provisions of Annex III (Regulations for the prevention of pollution by harmful substances carried in packaged form) ("Annex III") to the International Convention on Prevention of Pollution from Ships of the International Convention on the Prevention of Pollution from Ships ("MARPOL").

## **ANNEX III MARPOL**

1. MARPOL was developed to minimise pollution of the oceans and seas from ships, including dumping, oil, and exhaust pollution. MARPOL was adopted by the International Maritime Organization in 1973 and has been updated through subsequent amendments and protocols, most notably the 1978 Protocol. The convention consists of six annexes, each addressing different sources of ship generated marine pollution.
2. MARPOL Annex III addresses pollution from harmful substances carried in packaged form as cargoes on ships.
3. Annex III was extended to the Virgin Islands on 19 June 2006.
4. This Notice explains how Annex III is given effect in the Virgin Islands through the adoption of relevant United Kingdom merchant shipping regulations and contains the text of those regulations as adopted in the Virgin Islands.

## **ADOPTION OF THE 2024 REGULATIONS**

5. Section 464(1) of the Merchant Shipping Act, 2001 (“the Act”) enables the Governor by Order to apply to the Virgin Islands as part of the law of the Virgin Islands any enactment of the United Kingdom, subject to such exceptions, adaptations and modifications as may be specified in the Order.
6. By virtue of the Merchant Shipping (Adoption of United Kingdom Enactments) Order, 2005 as amended (“the Adoption Order”) the Virgin Islands adopted the 2024 Regulations, which give effect to Annex III in the United Kingdom.
- ~~7.~~ Part I of the Schedule to the Adoption Order provides that certain references in the 2024 Regulations to terms that apply only to the United Kingdom should be construed as a reference to the appropriate, equivalent Virgin Islands’ term. The Adoption Order further provides that a reference in the 2024 Regulations to any enactment, name, locality, agency, court, officer, person, money, penalties for offences or such other matter relating solely to the United Kingdom, is deemed to have been replaced by a reference to such alternatives as may be necessary to make the 2024 Regulations fully applicable to the local circumstances of the Virgin Islands.

8. Sections 3 and 4 of the Adoption Order provide that if an adopted UK enactment is amended or revoked and replaced, the amendments or replacement enactments take effect in the Virgin Islands automatically.
9. In accordance with sections 3 and 4 of the Adoption Order, the 2024 Regulations have the force of law in the Virgin Islands.
10. Section 464(3) of the Act provides that the Minister must cause a text of an adopted UK enactment to be prepared incorporating the exceptions, adaptations, and modifications specified in the Order.
11. This Notice sets out in **Annex-1** the text of the United Kingdom's Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) Regulations 2024, as adopted, incorporating the relevant exceptions, adaptations, and modifications.
12. It should be noted that Parts 4, 5 and 6 of the 2024 Regulations also give effect to Chapter VII of the International Convention for the Safety of Life at Sea, which deals with the carriage of dangerous goods. Although these too are adopted in the Virgin Islands, the principal requirements for the carriage of dangerous goods and harmful substances are now found in the Merchant Shipping (Safety of Life at Sea) Regulations 2025 which also contain provision for the survey and certification of ships carrying dangerous goods.

**Issued by the Virgin Islands Shipping and Maritime Authority with approval of the Minister**

**Mr. John Samuel  
Managing Director  
Virgin Islands Shipping and Maritime Authority**

**Issue Date: 2025-10-17**

ANNEX 1

ANNEX-1

**THE MINISTER PURSUANT TO S. 464(3) OF THE MERCHANT SHIPPING ACT, 2001 (ACT NO. 13 OF 2001) AS AMENDED, PUBLISHES THE FOLLOWING TEXT OF THE ENACTMENT OF THE UNITED KINGDOM AS ADOPTED IN THE VIRGIN ISLANDS IN ACCORDANCE WITH THE MERCHANT SHIPPING (ADOPTION OF UNITED KINGDOM ENACTMENTS) ORDER 2005 (S.I. 2005 NO. 30) AS AMENDED**

**TEXT OF THE MERCHANT SHIPPING (SHIPPING (CARRIAGE OF DANGEROUS GOODS AND HARMFUL SUBSTANCES) (AMENDMENT) REGULATIONS 2024**

Merchant Shipping Notices referred to in the UK Regulations are listed in Annex 1, together with electronic links to the Notices.

Other instruments and documents which are mentioned in the adopted UK Regulations are available in the Virgin Islands from the Virgin Islands Shipping and Maritime Authority, 1st Floor, Wickham's Cay II, Road Town, Tortola, Virgin Islands VG1110; [vishipping@bvimaritime.vg](mailto:vishipping@bvimaritime.vg); [www.bvimaritime.vg](http://www.bvimaritime.vg)

STATUTORY INSTRUMENTS

2024 No. 636

MERCHANT SHIPPING

MARINE POLLUTION

SAFETY

**The Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024**

*Made*

*15th May 2024*

*Laid before Parliament*

*20th May 2024*

*Coming into force*

*11th June 2024*

**PART 1**

**Preliminary**

**Citation, commencement and extent**

1. (1) These Regulations may be cited as the Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024 and come into force on 11th June 2024.

**Amendments and revocations**

2. (1) The amendments listed in Schedule 1 have effect.

(2) The Regulations listed in the first column of the Table in Schedule 2 are revoked to the extent specified in the third column of that Table.

## **Interpretation**

### **3. In these Regulations**

“the 2001 Act” means the Merchant Shipping Act 2001;

“Annex III” means Annex III (prevention of pollution by harmful substances in packaged form) to MARPOL;

“Chapter VII” means Chapter VII (carriage of dangerous goods) of the Annex to SOLAS;

“chemical tanker” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the International Bulk Chemical Code;

“constructed” means, in relation to a ship, that the keel of the ship is laid or that the ship is at a similar stage of construction;

“dangerous goods” mean the substances, materials and articles covered by the IMDG Code;

“dangerous goods in solid form in bulk” means any material, other than liquid or gas, consisting of a combination of particles, granules or any larger pieces of material, generally uniform in composition, which is covered by the IMDG Code and is loaded directly into the cargo spaces of a ship without any intermediate form of containment, and includes such materials loaded in a barge on a barge-carrying ship;

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“forwarder” means the person by whom the dangerous goods declaration or marine pollutants declaration and packing certificate are received, and any person responsible for packing the goods into a cargo transport unit, for eventual delivery to the ship or its agent;

“gas carrier” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the International Gas Carrier Code;

“harmful substances” means those substances which are identified as marine pollutants in the IMDG Code or which meet the criteria in the appendix to Annex III;

“International Bulk Chemical Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Maritime Safety Committee of the Organization by resolution MSC.4(48);

“International Gas Carrier Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk as adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.5(48);

“IMDG Code” means the International Maritime Dangerous Goods (IMDG) Code adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.122(75);

“IMSBC Code” means the International Maritime Solid Bulk Cargoes Code adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.268(85);

“INF cargo” means packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes carried as cargo in accordance with class 7 of the IMDG Code;

“INF Code” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships, adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.88(71);

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocols of 1978 and 1997;

“national waters” has the meaning given in section 2(2) of the 2001 Act;

“non--Virgin Islands ship” means any ship other than a Virgin Islands ship;

“packaged form” means the form of containment specified for dangerous goods or harmful substances in the IMDG Code;

“packaged goods” means dangerous goods or harmful substances in packaged form;

“pleasure vessel” means—

(a) any vessel which at the time it is being used is

(i) in the case of a vessel wholly owned by

(aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

(ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

(b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club, where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

“Ports Authority” means the Virgin Islands Ports Authority established under section 3 of the British Virgin Islands Ports Authority Act, 1990;

“Protocol I” means Protocol I (reports on incidents involving harmful substances) to MARPOL;

“ship” includes hovercraft;

“shipper” means a person who, whether as principal or agent for another, consigns for carriage by sea dangerous goods or harmful substances;

“similar stage of construction” means the stage at which

(a) construction identifiable with a specific ship begins; or

(b) assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974;

“valid” means in force;

“Virgin Islands ship” means a ship which

(a) is registered in the Virgin Islands; or

(b) is not registered under the law of any country but is wholly owned by persons each of whom is qualified to be an owner of Virgin Islands ship in accordance with section. 4(1) of the 2001 Act;

“Virgin Islands protected waters” means

- (a) national waters;
- (b) Virgin Island waters; and
- (c) the exclusive fisheries zone contiguous to the territorial sea area, established by the Governor of the Virgin Islands by proclamation dated 9<sup>th</sup> March 1977;

“Virgin Islands waters” has the meaning given in section 2(2) of the 2001 Act.

### **General application**

4. (1) Subject to paragraphs (2) and (3), these Regulations apply to

- (a) Virgin Islands ships, wherever they may be; and
- (b) non--Virgin Islands ships while they are within Virgin Islands protected waters.

(2) These Regulations do not apply to

- (a) ships of war or naval auxiliary ships;
- (b) ships owned or operated by a State and engaged only on governmental non-commercial service.

(3) A non-Virgin Islands ship flying the flag of a State which is not a party to SOLAS is not subject to these Regulations if it would not have been in Virgin Islands waters but for stress of weather or any other circumstances which the master, owner or charterer could not have prevented.

### **Ambulatory reference**

5. (1) In these Regulations, any reference to Chapter VII, Protocol I, Annex III, International Bulk Chemical Code, International Gas Carrier Code, IMDG Code, IMSBC Code or INF Code is to be construed

- (a) as a reference to Chapter VII, Protocol I, Annex III, International Bulk Chemical Code, International Gas Carrier Code, IMDG Code, IMSBC Code or INF Code as modified from time to time; and
- (b) as, if Chapter VII, Protocol I, Annex III, International Bulk Chemical Code, International Gas Carrier Code, IMDG Code, IMSBC Code or INF Code is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1)

- (a) Chapter VII, International Bulk Chemical Code, International Gas Carrier Code, IMDG Code, IMSBC Code or INF Code is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of SOLAS; and
- (b) Protocol I or Annex III is modified or replaced if the modification or replacement takes effect in accordance with Article 16 of MARPOL.

(3) A modification or replacement of

- (a) Chapter VII, International Bulk Chemical Code, International Gas Carrier Code, IMDG Code, IMSBC Code or INF Code has effect at the time such modification or replacement comes into force in accordance with Article VIII of SOLAS;

(b) Protocol I or Annex III has effect at the time such modification or replacement comes into force in accordance with Article 16 of MARPOL.

### **Exemptions**

6. (1) The Minister may grant an exemption from any provision of these Regulations in respect of a ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage.

(2) The Minister may grant an exemption from the requirements of

(a) regulation 18(3) (repairs, alterations, modifications and outfitting), in respect of a chemical tanker; or

(b) regulation 22(3) (repairs, alterations, modifications and outfitting), in respect of a gas carrier, if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that chemical tanker or gas carrier.

(3) The Minister may, in exceptional circumstances not provided for in paragraph (1), grant an exemption from any provision of these Regulations in respect of a ship or class of ship if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(4) An exemption under paragraph (1), (2) or (3) may be granted subject to such safety requirements as the Minister thinks fit to ensure the overall safety of the ship.

(5) An exemption granted under paragraph (1), (2) or (3) may, on the giving of reasonable notice, be altered or cancelled.

(6) An exemption granted under paragraph (1), (2) or (3), or an alteration or cancellation under paragraph (5), must

(a) be in writing;

(b) specify the date on which it takes effect; and

(c) specify the terms, if any, on which it is given.

(7) The requirement that the exemption granted under paragraph (1), (2) or (3), or an alteration or cancellation under paragraph (5), be in writing is satisfied where the text of the exemption, alteration or cancellation is

(a) transmitted by electronic means;

(b) received in legible form; and

(c) capable of being used for subsequent reference.

(8) Where an exemption is granted subject to safety requirements under paragraph (4), the exemption ceases to have effect if those requirements are not complied with.

(9) In this regulation

“international voyage” means a voyage between

(a) a port in the Virgin Islands and a port outside the Virgin Islands; or

(b) a port in a Convention country other than the Virgin Islands and a port in any other country or territory, whether a Convention country or not, which is outside the Virgin Islands;

“Convention country” means a country or territory which is either a country the Government of which is party to SOLAS or a territory to which SOLAS extends whether or not it is subject to the amendments to, or reservations in respect of, SOLAS.

## **Equivalents**

7. (1) Where the provisions of Chapter VII require that

- (a) a particular fitting, material, appliance, apparatus, item of equipment or type thereof be fitted on, or carried in, a ship;
- (b) any particular arrangement be made on, or in relation to, a ship; or
- (c) any particular provision be made in relation to a ship,

the Minister may approve any other fitting, material, appliance, apparatus, item of equipment or type thereof, arrangement or other provision if satisfied that it is at least as effective as that required by Chapter VII.

(2) An approval under paragraph (1) may be granted subject to such safety requirements as the Minister thinks fit to ensure the overall safety of the ship.

(3) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (3), must

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation in paragraph (3), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(6) Where an approval is granted subject to safety requirements under paragraph (2), the approval ceases to have effect if those requirements are not complied with.

## **Approvals**

8. (1) The Minister, or any person authorised by the Minister, may grant an approval in relation to a ship for anything in Chapter VII or Annex III requiring to be

- (a) approved by the Administration of the State whose flag the ship is entitled to fly; or
- (b) done to the satisfaction of such Administration.

(2) Unless required to be approved under the Merchant Shipping (Marine Equipment) Regulations 2016, any equipment required by Chapter VII or Annex III and placed on board a Virgin Islands ship must be approved by the Minister, or any person authorised by the Minister.

(3) An approval given under paragraph (1) or (2) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) Any approval given under paragraph (1) or (2), or a continuation, alteration or cancellation under paragraph (3), must

- (a) be in writing;

(b) specify the date on which it takes effect; and

(c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (1) or (2), or the continuation, alteration or cancellation under paragraph (3), be in writing is satisfied where text of the approval, continuation, alteration or cancellation is

(a) transmitted by electronic means;

(b) received in legible form; and

(c) capable of being used for subsequent reference.

## **PART 2**

### **Requirements for the carriage of dangerous goods and harmful substances in packaged form**

#### **Application**

9. (1) Subject to paragraph (2), this Part applies to

(a) Virgin Islands ships carrying packaged goods, wherever they may be; and

(b) non--Virgin Islands ships carrying packaged goods while they are within Virgin Islands waters or controlled waters.

(2) This Part does not apply to

(a) ships not carrying harmful substances that are

(i) non--Virgin Islands ships in controlled waters;

(ii) ships not propelled by mechanical means;

(iii) wooden ships of primitive build;

(iv) pleasure vessels;

(v) fishing vessels;

(vi) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian;

(b) ships' stores and equipment.

#### **Requirements in relation to ships**

10. The owner and master must not cause or permit the carriage of packaged goods on a ship other than in accordance with each requirement in

(a) Part A of Chapter VII; and

(b) Chapter 1 of Annex III,

applicable in relation to it.

## **Requirements in relation to owners and masters**

### **11. (1) The owner and master**

(a) must ensure that packaged goods are not taken or received on board a ship unless the information required under

(i) regulation 4.1 (documents) of Chapter VII; and

(ii) regulation 5.1 (documentation) of Annex III,

has been provided in accordance with the requirements in those regulations;

(b) must comply with the requirements of Chapter 7 (provisions concerning transport operations) of the IMDG Code applicable to the master and owner;

(c) must ensure that packaged goods are not taken or received on board a ship unless they are in compliance with

(i) the requirements of Chapter 5 (consignment procedures) of the IMDG Code; and

(ii) regulations 3 (packing) and 4 (marking and labelling) of Annex III.

### **(2) A master**

(a) must ensure that packaged goods are not carried on board a ship without the information required by

(i) regulation 4.2 (documents) of Chapter VII; and

(ii) regulation 5.2 (documentation) of Annex III;

(b) must ensure that any certificates or other documents required by Chapter 5.4.4 (other required information and documentation) of the IMDG Code are available on board the ship;

(c) must keep available for inspection on board the ship any documents to which the requirements in sub-paragraph (a) or (b) relate.

## **Requirements in relation to shippers and forwarders**

### **12. (1) Where a shipper delivers packaged goods to a ship or its agent, the shipper must comply with**

(a) regulation 4.1 (documents) of Chapter VII;

(b) the requirements of Part 2 (classification) of the IMDG Code applicable in relation to the shipper;

(c) the requirements of Part 5 (consignment procedures) of the IMDG Code applicable in relation to the shipper; and

(d) regulation 3 (packing), 4 (marking and labelling) and 5.1 (documentation) of Annex III.

### **(2) Where a shipper arranges with a forwarder to deliver packaged goods to a ship or its agent**

(a) the shipper must provide the forwarder with

(i) the information required under

(aa) regulation 4.1 (documents) of Chapter VII;

(bb) regulation 5.1 (documentation) of Annex III; and

(ii) any other information required by Chapter 5.4 (documentation) of the IMDG Code;

and

- (b) the forwarder must comply with the requirements in
  - (i) regulation 4.1 (documents) of Chapter VII;
  - (ii) Chapter 5.4 (documentation) of the IMDG Code applicable in relation to a shipper;and
  - (iii) regulation 5.1 (documentation) of Annex III.

### **PART 3**

#### **Requirements for the carriage of dangerous goods in solid form in bulk**

##### **Application**

**13.** (1) Subject to paragraph (2), this Part applies to ships carrying dangerous goods in solid form in bulk.

(2) This Part does not apply to

- (a) non--Virgin Islands ships in Virgin Islands protected waters;
- (b) ships not propelled by mechanical means;
- (c) wooden ships of primitive build;
- (d) pleasure vessels;
- (e) fishing vessels;
- (f) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

##### **Requirements in relation to ships**

**14.** The owner and master must not cause or permit the carriage of dangerous goods in solid form in bulk on a ship other than in accordance with each requirement in Part A-1 of Chapter VII applicable in relation to it.

##### **Requirements in relation to masters**

**15.** A master must

- (a) ensure compliance with the requirements of Regulation 7-2.2 (special list or manifest) of Chapter VII; and
- (b) in relation to the carriage of dangerous goods in solid form in bulk on a ship, carry on board the ship any documents required by Appendix 1 of the IMSBC Code, and make available before departure any document to which paragraph (a) or (b) applies in accordance with regulation 7-2.2 of Chapter VII.

##### **Requirements in relation to shippers**

**16.** A shipper of dangerous goods in solid form in bulk listed in Appendix 1 of the IMSBC Code must comply with the requirements of Sections 1 and 4 of the IMSBC Code applicable in relation to that shipper.

## **PART 4**

### **Requirements for the construction and equipment of ships carrying dangerous liquid chemicals in bulk**

#### **Application**

17. (1) Subject to paragraphs (3) and (4), this Part applies to chemical tankers.
- (2) For the purposes of this Part, a ship which is converted into a chemical tanker is a chemical tanker on and after the date of its conversion.
- (3) This Part does not apply to
- (a) non- Virgin Islands ships in Virgin Islands protected waters;
  - (b) ships not propelled by mechanical means;
  - (c) wooden ships of primitive build;
  - (d) pleasure vessels;
  - (e) fishing vessels;
  - (f) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.
- (4) Regulations 19 and 20 do not apply to chemical tankers constructed before 1st July 1986.

#### **Repairs, alterations, modifications and outfitting**

18. (1) A chemical tanker which undergoes repairs, alterations or modifications, or outfitting related to such repairs, alterations or modifications must continue to comply with at least the requirements previously applicable to that ship.
- (2) A chemical tanker
- (a) constructed before 1st July 1986; and
  - (b) which undergoes repairs, alterations or modifications, or outfitting related to such repairs, alterations or modifications,

must, so far as practicable, comply with the requirements for chemical tankers constructed on or after 1st July 1986 to at least the same extent as it did before undergoing such repairs, alterations, modifications or outfitting.

- (3) A chemical tanker which undergoes repairs, alterations and modifications of a major character, or outfitting related to such repairs, alterations or modifications, must comply with the requirements for chemical tankers constructed on or after 1st July 1986.

#### **Compliance with requirements**

19. The owner and master must ensure that a chemical tanker complies with each requirement in regulation 10.1 of Chapter VII applicable in relation to it.

## **International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk**

20. (1) A chemical tanker must not proceed or attempt to proceed to sea or on any voyage unless there is a valid International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued or endorsed in relation to it<sup>1</sup>.

(2) The Minister or any person authorised by the Minister may issue or endorse an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk in accordance with paragraph 1.5.4 or 1.5.5 of the International Bulk Chemical Code.

### **PART 5**

#### **Requirements for the construction and equipment of ships carrying liquefied gases in bulk**

##### **Application**

21. (1) Subject to paragraphs (3) and (4), this Part applies to gas carriers.

(2) For the purposes of this Part, a ship which is converted into a gas carrier is a gas carrier on and after the date of its conversion.

(3) This Part does not apply to

(a) non-Virgin Islands ships in Virgin Islands protected waters;

(b) ships not propelled by mechanical means;

(c) wooden ships of primitive build;

(d) pleasure vessels;

(e) fishing vessels;

(f) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

(4) Regulations 23 and 24 do not apply to gas carriers constructed before 1st July 1986.

##### **Repairs, alterations, modifications and outfitting**

22. (1) A gas carrier which undergoes repairs, alterations, modifications, or outfitting related to such repairs, alterations or modifications must continue to comply with at least the requirements previously applicable to that ship.

(2) A gas carrier

(a) constructed before 1st July 1986; and

(b) which undergoes repairs, alterations or modifications, or outfitting related to such repairs, alterations or modifications, must, so far as practicable, comply with the requirements for gas carriers constructed on or after 1st July 1986 to at least the same extent as it did before undergoing such repairs, alterations, modifications or outfitting.

(3) A gas carrier which undergoes repairs, alterations and modifications of a major character, or outfitting related to such repairs, alterations or modifications, must comply with the requirements for gas carriers constructed on or after 1st July 1986.

### **Compliance with requirements**

**23.** The owner and master must ensure that a gas carrier complies with each requirement in regulation 13.1 of Chapter VII applicable in relation to it.

### **International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk**

**24.** (1) A gas carrier must not proceed or attempt to proceed to sea or on any voyage unless there is a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk issued or endorsed in relation to it.

(2) The Minister or any person authorised by the Minister may issue or endorse an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk in accordance with paragraph 1.4.4 or 1.4.5 of the International Gas Carrier Code.

## **PART 6**

### **Requirements for the carriage of packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes on board ships**

**25.** (1) Subject to paragraph (2), this Part applies to ships carrying INF cargo.

(2) This Part does not apply to

- (a) non-Virgin Islands ships in Virgin Islands protected waters;
- (b) ships not propelled by mechanical means;
- (c) wooden ships of primitive build;
- (d) pleasure vessels;
- (e) fishing vessels;
- (f) ships solely navigating the Great Lakes of North America and the River St Lawrence as far side of Anticosti Island, the 63rd meridian.

### **Compliance with requirements**

**26.** The owner and master must ensure that a ship complies with each requirement in regulation 16.1 of Chapter VII applicable in relation to it.

### **International Certificate of Fitness for the Carriage of INF Cargo**

**27.** (1) A ship must not proceed or attempt to proceed to sea or on any voyage unless there is a valid International Certificate of Fitness for the Carriage of INF Cargo issued in relation to it.

(2) The Minister or any person authorised by the Minister may issue an International Certificate of Fitness for the Carriage of INF Cargo in accordance with paragraph 1.3.2 of the INF Code.

## PART 7

### Reporting of incidents

#### Reporting requirements: general

28. (1) Subject to paragraph (2), the master and owner of a ship must

- (a) in relation to a ship carrying dangerous goods in packaged form, comply with the requirements in regulation 6 of Chapter VII (reporting of incidents involving dangerous goods in packaged form);
- (b) in relation to a ship carrying dangerous goods in solid form in bulk, comply with regulation 7-4 of Chapter VII (reporting of incidents involving dangerous goods in solid form in bulk);
- (c) in relation to any other ship, comply with Protocol I of MARPOL (reporting of incidents involving harmful substances).

(2) Paragraph (1)(a) and (b) does not apply to ships that are

- (a) ships not propelled by mechanical means;
- (b) wooden ships of primitive build;
- (c) pleasure vessels;
- (d) fishing vessels;
- (e) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

#### Reporting requirements: pollution incidents

29. (1) This regulation applies where the discharge, or threat of discharge, of cargo from a ship is likely to result in the pollution of Virgin Islands protected waters or the coastline of the Virgin Islands.

(2) The master and owner of a ship must comply with Protocol I of MARPOL as if the reference in Article I, paragraph 1 of that Protocol to “an incident referred to in article II of this Protocol” is a reference to the incident described in paragraph (1).

#### Reporting requirements: sightings of polluting substances

30. (1) Where a polluting substance drifting or floating at sea is seen from a ship in Virgin Islands protected waters, the master of that ship must notify the Minister without delay and to the fullest extent possible

- (a) details of the sighting;
- (b) the identity of the ship;
- (c) the position of the ship;
- (d) any other information the master considers to be relevant.

(2) In this regulation, “polluting substance” means cargo or a slick discharged from a ship.

## PART 8

### Control and enforcement

#### Offences and penalties: owner and master

31. (1) If a ship proceeds or attempts to proceed to sea or on any voyage, or arrives within Virgin Islands protected waters, in breach of any of the requirements in these Regulations, other than regulation 11(2), 12, 15, 16 or 30(1), applicable to or in relation to that ship, the owner and the master are each guilty of an offence in respect of each case of non-compliance.

(2) A master in breach of a requirement in regulation 11(2), 15 or 30(1) is guilty of an offence.

(3) An offence under paragraph (1) or (2) is punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the 2001 Act.

(4) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

#### Offences and penalties: shipper and forwarder

32. (1) A shipper who fails to comply with

- (a) regulation 12(1);
- (b) regulation 12(2)(a); or
- (c) regulation 16,

is guilty of an offence.

(2) A forwarder who fails to comply with regulation 12(2)(b) is guilty of an offence.

(3) An offence under paragraph (1) or (2) is punishable by a fine not exceeding level 5 on the standard scale of fines in Schedule 5 of the 2001 Act.

(4) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

#### Detention

33. (1) For the purposes of this regulation, any reference to “the Act” is a reference to the 2001 Act.

(2) A ship which does not comply with the requirements in these Regulations, Chapter VII or Annex III applicable to that ship may be detained.

(3) Section 439 of the Act (enforcing detention of ship) applies where a ship is liable to be detained under this regulation as if

- (a) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and
- (b) subsection (7) were omitted.

(4) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master a detention notice which

- (a) states the grounds for the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 439(1) of the Act.

(5) Subject to paragraph (6), regulations 16 and 17 of the Merchant Shipping (Port State Control) Regulations 2020 (arbitration and compensation) apply in relation to the exercise of the powers of

detention under these Regulations as they apply in relation to the exercise of those powers under Part 1 of those Regulations, subject to the modification in paragraph (6).

(6) The modification is that references to "inspector" are to be read as references to the person detaining the ship under these Regulations.

(7) Subject to paragraph (8), where a non-Virgin Islands ship is detained, the Minister must immediately inform the ship's flag administration in writing.

(8) If it is not possible to inform the ship's flag administration in accordance with paragraph (7), the Minister must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

(9) For the purposes of paragraphs (7) and (8), "flag administration" in relation to a ship means the administration of the State whose flag the ship is entitled to fly.

Signed by authority of the Secretary of State for Transport

15th May 2024

*Davies of Gower*  
Parliamentary Under Secretary of State  
Department for Transport

We consent to the making of these Regulations

15th May 2024

*Amanda Milling*  
*Mike Wood*  
Two of the Lords Commissioners of His  
Majesty's Treasury  
Regulation 2(1)

## SCHEDULE 1

### Amendments

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

1. The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 are amended as follows.
2. In regulation 2(1) (interpretation), in the definition of “United Kingdom Islands ship”, omit subparagraphs (a), (b) and (d).
3. In regulation 5(2) (application), omit “and to other ships while they are within United Kingdom waters”.

#### **The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998**

4. The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 are amended as follows.
5. In regulation 1(2)
  - (a) for the definition of “Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” substitute  
“Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.4(48), as amended by resolutions MSC.176(79), MSC.219(82), MSC.340(91), MSC.369(93), MSC.440(99) and MSC.460(101);”
  - (b) in the definition of “dangerous goods”, for “Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997” substitute “Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024”;
  - (c) for the definition of “International Maritime Dangerous Goods Code” substitute  
““International Maritime Dangerous Goods Code” means the International Maritime Dangerous Goods (IMDG) Code adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.122(75), as amended by resolutions MSC.157(78), MSC.205(81), MSC.262(84), MSC.294(87), MSC.328(90), MSC.372(93), MSC.406(96), MSC.442(99), MSC.477(102) and MSC.501(105);”

#### **The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019**

12. The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019 are amended as follows.
13. In regulation 34(3)(a), for “the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 and the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004” substitute “the Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024”.