
 STATUTORY INSTRUMENTS

1986 No. 144

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Medical Stores) Regulations 1986

<i>Made</i> - - - - -	30th January 1986
<i>Laid before Parliament</i>	13th February 1986
<i>Coming into Operation</i>	10th March 1986

The Secretary of State for Transport, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(a), in exercise of powers conferred on him by section 21(1)(a), (3), (4), (5), (6) and section 22(1) and (3) of that Act(b), and by section 103(3) of the Medicines Act 1968(c) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, Commencement, Revocation and Interpretation

1.— (1) These Regulations may be cited as the Merchant Shipping (Medical Stores) Regulations 1986 and shall come into operation on 10th March 1986.

(2) The Merchant Shipping (Medical Scales) Regulations 1974(d) and the Merchant Shipping (Medical Scales) (Merchant Ships and Other Vessels) (Amendment) Regulations 1975 and 1980(e) are hereby revoked.

(3) In these Regulations:

“chemical” means any chemical listed in the following International Maritime Organization publications:

- (a) the General Index of the International Maritime Dangerous Goods Code;
- (b) the Index of Dangerous Chemicals Carried in Bulk;
- (c) Chapter XIX of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;

“crew” means all persons including the master employed in any capacity on board a ship;

(a) 1979 c.39.
 (b) Section 21(6)(ba) and (bb) were inserted by section 49(3) of the Criminal Justice Act 1982 (c.48).
 (c) 1968 c.67.
 (d) S.I. 1974/1193.
 (e) S.I. 1975/1581 and 1980/407.

“employer” means the employer of the master of the vessel;

“fishery research vessel” means a vessel used primarily for research into sea fishing and fish stocks;

“fishing vessel” means a vessel for the time being employed in sea fishing for profit;

“grt” means gross registered tonnage and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages; for a ship having its tonnage determined both under Part II and regulation 16 of the Merchant Shipping (Tonnage) Regulations 1982(a) the gross tonnage shall be that determined under regulation 16;

“Limited European trading area” means an area bounded by a line from a point on the Norwegian coast in latitude 62° North to a point 62° North 02° West; thence to a point 58° North 10° West; thence to a point 54° North 14° West; thence to a point 51° North 14° West; thence to a point 38°40′ North 10° West; thence to Cape St. Vincent; but excluding all waters which lie to the northward and eastward of a line between Kalmar on the East coast of Sweden and a point on the West coast of Oland in latitude 56°40′ North and from the southern tip of Oland to Gdansk, except between the dates of 1st May and 30th November when the remaining waters of the Baltic Sea are included;

“Merchant Shipping Notice” means a Notice described as such and issued by the Secretary of State; and a 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;

“smooth and partially smooth waters” means the waters defined as such in Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Rules 1977(b) and any waters adjacent to another country treated for the purposes of merchant shipping safety legislation of that country as sheltered waters;

“offshore installation” means any offshore installation within the meaning of section 1(4) of the Mineral Workings (Offshore Installations) Act 1971(c);

“pleasure craft” means a vessel primarily used for sport or recreation;

“submersible craft” means any vessel used or designed for use under the surface of any waters;

“voyage” means a journey from a port to the next port of call of a ship (which may be the same port).

(4) Any reference in these Regulations to the British Pharmacopoeia, the European Pharmacopoeia, or the British National Formulary shall in its application to a particular case be construed as a reference to the edition thereof current at, or not more than three months before, the time when any requirement of these Regulations has effect.

(5) Any reference in these Regulations to a publication (other than those

(a) S.I. 1982/841.

(b) S.I. 1977/252; relevant amending instruments are S.I. 1978/801, 1984/955.

(c) 1971 c.61; section 1 was substituted by section 24 of the Oil and Gas (Enterprise) Act 1982 (c.23).

mentioned in paragraph (4) of this regulation) includes a reference to any amendment thereof published before the date on which these Regulations are made (and, in the case of the United States Pharmacopoeia, means the edition current at such date, as so amended); and shall include any document amending the same, or shall mean any new edition thereof together with any document amending the same, which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(6) Any reference in these Regulations to a specified scale shall be a reference to that scale of medicines and medical stores contained in Merchant Shipping Notice No. 1200.

Application

2.— (1) These Regulations apply to United Kingdom ships other than:—

- (a) fishing vessels;
- (b) fishery research vessels;
- (c) pleasure craft, provided that not more than 3 members of the crew receive remuneration for their employment as such;
- (d) offshore installations whilst on or within 500 metres of their working stations; and
- (e) submersible vessels unless being operated without shore or surface vessel support.

(2) The Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Medicines and Medical Stores

3.— (1) The medicines and medical stores of the scale specified in column 2 of the Table below shall be kept on board every ship satisfying the conditions set out in column 1 of that Table in the numbered paragraph opposite that scale; and if a ship satisfies the conditions contained in more than one of the numbered paragraphs in column 1, medicines and medical stores kept on board shall comply with the sum of the requirements of the scales specified opposite those paragraphs.

(2) Any ship falling within entry 6 of column 1 of the table need have on board for the purposes of complying with requirement to carry the medicines and medical stores of Scale VI only those medicines or medical stores laid down in the Chemicals Supplement to the Ship Captain's Medical Guide (published by Her Majesty's Stationery Office) as the treatments to be followed after contact with the chemicals carried by that ship, or residues present from earlier voyages.

(3) There shall be kept on board every ship on a voyage on which a doctor is carried as a member of the crew, any additional supplies which the doctor may reasonably require having regard to the size of the crew, the number of passengers on board and the intended voyage.

TABLE

COLUMN 1	COLUMN 2
(1) Every ship on a voyage exceeding 100 miles to or from any place outside the Limited European Trading Area.	Scale I
(2) Every ship on a voyage beyond the limits described in paragraphs (3), (4) and (5) in this Table but wholly within the Limited European Trading Area or a sea-going voyage not exceeding 100 miles elsewhere in the world.	Scale II
(3) Every ship on a voyage between a port or ports in the British Isles, not passing outside the Limited European Trading Area except as in paragraphs (4) and (5) in this table.	Scale III
(4) Every ship on a voyage not exceeding 72 hours duration between ports in the British Isles except as in paragraph (5) in this table or every ship not exceeding 350 grt or 350 kilowatt registered power on a voyage between ports in the British Isles and/or ports on the Continent of Europe between the River Elbe and Brest.	Scale IV
(5) Every sea-going ship not on a voyage beyond the limits of smooth and partially smooth waters or of an area in respect of which the ship is exempted under regulation 3(2) of either the Merchant Shipping (Certification of Deck Officers) Regulations 1985(a) or the Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1980(b), and every non-sea-going ship carrying more than 12 passengers.	Scale V
(6) Every sea-going ship carrying chemicals in its cargo, or any residues of chemicals from earlier cargoes.	Scale VI subject to regulation 3(2) above
(7) Every ship going to sea carrying more than 12 passengers but not a doctor as a member of the crew.	Scale VII

Medicines and Medical Stores on Board When These Regulations Come Into Force

4.— (1) It shall be sufficient compliance with regulation 3 for there to be kept, in place of any instrument or appliance thereby required to be kept on board the ship, an instrument or appliance designed to fulfil the same function, for so long as it remains in good servicable condition, if it was kept on board the ship on the date on which these Regulations come into operation.

(2) In the case of the ship which, on the date on which these Regulations come into operation, is on a voyage, there may be kept on board the ship, in place of the medicines and other medical stores required by regulation 3 to be kept on board it, such medicines and other medical stores as it would be required to have on board if the Regulations referred to in regulation 1(2) had

(a) S.I. 1985/1306.

(b) S.I. 1980/2025.

not been revoked; but this paragraph shall cease to apply to a ship at the time it arrives at a port in the United Kingdom or at the expiration of six months from the date on which these Regulations come into operation, whichever shall be the earlier.

Standards of Medicines and Medical Stores

5. All medicines and other medical stores required by these Regulations to be kept on board a ship shall conform to the standards and requirements of the British National Formulary or the British Pharmacopoeia or the European Pharmacopoeia or the United States Pharmacopoeia and with the requirements of and with specifications set out in Merchant Shipping Notice No. 1200.

Packaging and Labelling of Containers

6.— (1) Without prejudice to any other enactment, any container of medicines or other medical stores required by regulation 3 to be kept on board a ship:

- (a) shall have in English on a label the particulars specified in paragraph (3) of this regulation;
- (b) in the case of a container of tablets or capsules, shall be capable of reclosure to prevent ingress of moisture;
- (c) in the case of a container of disinfectant, shall not show deleterious reaction with the disinfectant after storage in normal conditions for six months;
- (d) in the case of a container of insecticide, shall be air-tight, water-tight, packed in a suitable and sturdy case and, if the container is a pressure canister, have a cap or other means of protecting the valve against accidental opening when the canister is not in use;
- (e) in the case of medicine or disinfectant not in the container supplied by its manufacturer, shall be packed in a sturdy, brown-coloured or non-translucent container.

(2) Any label referred to in paragraph (1)(a) of this regulation shall either be firmly affixed to the container and rendered resistant to moisture by varnish or other effective means or be an integral part of the container.

(3) The particulars required by paragraph (1)(a) of this regulation to be shown on labels are:

- (a) the ordering name by which the medicine or medical store is referred to in Merchant Shipping Notice No. 1200.
- (b) any storage requirements laid down in any of the publications referred to in regulation 5, elsewhere in these Regulations or in Merchant Shipping Notice No. 1200;
- (c) if the medicines or medical stores are perishable, the expiry date as defined in regulation 8;
- (d) the name and address of the supplier of the medicines and medical stores, the product licence number and batch number;
- (e) in the case of any container of a disinfectant or of an antiseptic

prescribed in any of the Scales set out in Merchant Shipping Notice No. 1200, the dilution recommended for any purposes stated thereon;

- (f) in the case of any container of an insecticide prescribed in any of the Scales set out in Merchant Shipping Notice No. 1200, instructions for use and precautions to be taken as detailed in paragraph 8 of Schedule 4 to Merchant Shipping Notice No. 1200;
- (g) in the case of a container of hypochlorite, a notice indicating that the chemical may combust spontaneously and that the hypochlorite should be stored in a cool dark place; and
- (h) any further information required by Merchant Shipping Notice No. 1200.

Storage of Medicines

7.— (1) Any medicine or medical store shall be stored in accordance with any instructions on its container or prescribed in Merchant Shipping Notice No. 1200.

(2) Any medicine shall, where applicable, be stored in accordance with the requirements for controlled drugs contained in the Ship Captain's Medical Guide, and subject thereto, unless it is required to be kept in a refrigerator or in a first aid satchel or box, shall be stored:

- (a) in the medical cabinet if, under the Merchant Shipping (Crew Accommodation) Regulations 1978(a) the ship is required to have a medical cabinet; or
- (b) in a cool, dry, locked cabinet or locked container.

(3) Any medicines or medical stores kept in a hyperbaric decompression chamber or otherwise in such a way as not to be readily accessible at all times to the master or any person authorised by him shall not be taken into account in respect of the requirements of regulation 3.

Replenishment of Dated Medicines

8. Where:

- (a) a ship is required in pursuance of regulation 3 to have on board any medicine or other medical stores in accordance with any of the Scales set out in Merchant Shipping Notice No. 1200 and
- (b) any label required by regulation 6(1)(a) to be borne by any container of any such medicine or other medical stores, indicates a date after which the medicine or other medical store contained in it is not to be used (hereafter called "the expiry date")

that medicine or medical store shall be replaced at the earliest possible date after the expiry date, and in any event within three months of the expiry date. Medicines or medicinal stores which have passed the expiry date shall once replacements have been obtained, or after 3 months, whichever is the earlier, be disposed of in accordance with the Ship Captain's Medical Guide.

(a) S.I. 1978/795, to which there are amendments not relevant to these Regulations.

Offences

9.— (1) If any requirement of regulations 3, 4, 5, 6, 7 or 8 is contravened, the owner of the ship shall be guilty of an offence, punishable on summary conviction by a fine not exceeding £2,000.

(2) It shall be a defence for any person charged in connection with a contravention of regulation 3 to show that the deficiency was caused by medicines and medical stores being used for their proper purpose and that it has not been reasonably practicable to replace them.

(3) It shall be a defence for a person charged under this regulation, including a person charged by virtue of regulation 10, to show that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

10. Where an offence under these Regulations is committed, or would have been committed except for the operation of regulation 9(3), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

Offences by body corporate

11.— (1) Where an offence under any of these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the preceding paragraph shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Inspection and Detention

12. Any person duly authorised by the Secretary of State may inspect any ship and if he is satisfied that there is a failure to comply in relation to that ship with the requirements of regulation 3, 5 or 6 of these Regulations he may detain the ship until such requirements are met.

Compensation and Enforcement of Detention

13. Section 460(1) and section 692(1) to (3) of the Merchant Shipping Act 1894(a) (which relate respectively to liability for costs and compensation for the detention of a ship and enforcing the detention of a ship) shall have effect in relation to a ship detained under these Regulations subject to the following modifications:—

(a) 1894 c.60.

(1) in section 460(1) the following words shall be omitted:—

“by reason of the condition of the ship or the act or default of the owner”

“provisional”

“as an unsafe ship”

“and survey”

“or survey”; and

(2) for the words “this Part of this Act” in section 460(1) and “this Act” wherever they appear in section 692(1) to (3), there shall be substituted “the Merchant Shipping (Medical Stores) Regulations 1986”.

Nicholas Ridley,
Secretary of State for Transport.

30th January 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the Merchant Shipping (Medical Scales) Regulations 1974 as amended. The Regulations apply to all sea-going United Kingdom ships including passenger vessels, at all times, but exclude fishing vessels, pleasure craft, offshore installations and submersible vessels (regulation 2). Every ship going to sea is required to carry medicines and other medical stores appropriate to the type and length of voyage and the geographical area into which it is proposed to trade (regulation 3).

Other instruments and appliances having the same function as those prescribed by the Regulations may be treated as equivalent; where a ship is on a voyage on the date on which these Regulations come into force it may use those medicines and medical stores already on board until it arrives at a United Kingdom port or within six months of these regulations coming into force (regulation 4).

Medicines and medical stores are required to be of a certain standard (regulation 5); this includes packaging and labelling (regulation 6) and storage (regulation 7). Medicines and medical stores are required to bear a label indicating the date after which the contents should not be used; medicines and medical stores shall be replaced as soon as possible after the expiry date and in any event within 3 months (regulation 8). Contravention of the Regulations is made an offence by the owner, punishable on summary conviction by a fine not exceeding £2,000 (regulation 9). Where an offence is committed due to the act or default of some other person that other person shall be guilty of an offence and may be convicted of the offence (regulation 10).

Any ship may be inspected, and detained if the requirements of the Regulations are not met (regulation 12).

International Maritime Organization publications may be obtained from IMO, 4 Albert Embankment, London SE1 7SR.

SI 1986/144
ISBN 0-11-066144-3



780110 661445