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*Status: This version of this Instrument contains provisions that are prospective.*  
*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Merchant Shipping (Additional Safety Measures for Bulk Carriers) (Amendment) Regulations 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## STATUTORY INSTRUMENTS

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# 2004 No. 2151

## MERCHANT SHIPPING SAFETY

### The Merchant Shipping (Additional Safety Measures for Bulk Carriers) (Amendment) Regulations 2004

*Made - - - - 31st August 2004*  
*Laid before Parliament 9th September 2004*  
*Coming into force - - 1st October 2004*

The Secretary of State for Transport, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995<sup>(1)</sup>, in exercise of the powers conferred upon him by section 85(1), (3) and (5) to (7) and section 86(1) of that Act <sup>(2)</sup> hereby makes the following Regulations:

PROSPECTIVE

#### Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Additional Safety Measures for Bulk Carriers) (Amendment) Regulations 2004 and shall come into force on 1st October 2004.

#### Commencement Information

II Reg. 1 in force at 1.10.2004, see [reg. 1](#)

#### Amendment of the Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 1999

2.—(1) The Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 1999<sup>(3)</sup> are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 4(1)—

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- (1) 1995 c. 21.  
(2) Section 85 of the Merchant Shipping Act 1995 was amended by sections 8 and 29 of, and Part I of Schedule 7 to, the Merchant Shipping and Maritime Security Act 1997 (c. 28) and by virtue of section 2(3) of the British Overseas Territories Act 2002 (c. 8).  
(3) S.I. 1999/1644.

[DfT 13398]

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- (a) for the words “annual, intermediate and periodical” there are substituted “renewal, intermediate and annual”; and
- (b) for the words “in regulation 7” there are substituted the words “respectively in regulation 7(1)(b), (c) and (d)”.
- (3) At the end of regulation 4(2), there are added the words “as if all references therein to “periodical survey” were references to “renewal survey””.
- (4) In regulations 5, 9 and 12(2), for the word “periodical”, wherever it appears, there is substituted “renewal”.
- (5) After regulation 12, there are inserted the regulations set out in the Schedule.
- (6) In regulation 15(1) and (2), for the words “or 12(1)”, there are substituted “, 12(1), 12A(1), (2) and (5), 12B(1) and (2), 12C(1) and (3), 12D and 12E(3), (5) and (6)”.

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**Commencement Information**

**I2** Reg. 2 in force at 1.10.2004, see [reg. 1](#)

**Amendment of the Merchant Shipping (Cargo Ship Construction) Regulations 1997**

**3.—(1)** The Merchant Shipping (Cargo Ship Construction) Regulations 1997(4) are amended in accordance with paragraph (2).

(2) In regulation 7(3), after the words “paragraphs (1) and (2).”, there are inserted “Subject to regulation 12E(4) and (5) of the Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 1999(5).”.

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**Commencement Information**

**I3** Reg. 3 in force at 1.10.2004, see [reg. 1](#)

Signed by authority of the Secretary of State for Transport

31st August 2004

*Tony McNulty*  
Parliamentary Under Secretary of State,  
Department for Transport

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(4) S.I. 1997/1509, to which there are amendments not relevant to these Regulations.  
(5) S.I. 1999/1644; relevant amending instrument is S.I. 2004/2151.

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PROSPECTIVE

SCHEDULE

Regulation 2(5)

NEW REGULATIONS

**Commencement Information**

**I4** Sch. in force at 1.10.2004, see [reg. 1](#)

**“Water level detectors in cargo holds**

**12A.**—(1) A water level detector shall be fitted in the aft end of each cargo hold of a bulk carrier.

(2) Subject to paragraphs (3), (4) and (6), a water level detector referred to in paragraph (1) shall give both an audible and a visual alarm on each occasion the water level above the inner bottom of the cargo hold reaches—

(a) a height of 0.5 metres; and

(b) whichever is the lower of either—

(i) the height of a point which is not less than 15% of the depth of the cargo hold, or

(ii) a height of two metres.

(3) Paragraph (4) applies to a bulk carrier in respect of which there is in force an exemption from the provisions of regulation 6(2) which has been granted pursuant to regulation 14.

(4) A cargo hold in a bulk carrier referred to in paragraph (3) need not be fitted with a water level detector which gives both an audible and visual alarm in the circumstances referred to in paragraph (2).

(5) The visual alarm referred to in paragraph (2) shall clearly indicate which of the two water levels referred to in that paragraph has been detected.

(6) A device which overrides an alarm referred to in paragraph (2) may be installed in respect of a cargo hold which is used for water ballast.

**Water level detectors in ballast tanks**

**12B.**—(1) A water level detector shall be fitted in each forward ballast tank of a bulk carrier.

(2) Subject to paragraph (3), a water level detector referred to in paragraph (1) shall give both an audible and a visual alarm when the liquid in the forward ballast tank reaches a level not exceeding 10% of the capacity of the tank.

(3) A device which overrides an alarm referred to in paragraph (2) may be installed and activated when the forward ballast tank is in use.

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(4) In this regulation, “forward ballast tank” means a ballast tank which is forward of a collision bulkhead which has been fitted in accordance with regulation 7 of the Merchant Shipping (Cargo Ship Construction) Regulations 1997<sup>(6)</sup>.

#### **Water level detectors in dry or void spaces**

**12C.**—(1) Subject to paragraphs (2) and (4), a water level detector shall be fitted in each dry or void space of a bulk carrier any part of which extends forward of the foremost cargo hold of that bulk carrier.

(2) Paragraph (1) does not apply to a dry or void space which is a chain cable locker.

(3) A water level detector referred to in paragraph (1) shall give both an audible and a visual alarm when the water level reaches a level of 0.1 metres above the deck.

(4) A dry or void space to which this regulation applies need not be fitted with a water level detector where the enclosed space has a volume which does not exceed 0.1% of the maximum displacement volume of the bulk carrier in question.

#### **Provisions supplemental to regulations 12A, 12B and 12C**

**12D.**—(1) The audible and visual alarm referred to in regulations 12A(2), 12B(2) and 12C(3) shall be located in the navigation bridge of the bulk carrier in question.

(2) A bulk carrier constructed before 1st July 2004 shall comply with the requirements of regulations 12A, 12B and 12C not later than the date of whichever of the renewal, the intermediate or the annual survey of the bulk carrier occurs first after 1st October 2004.

#### **Pumping systems**

**12E.**—(1) Subject to paragraph (2), this regulation applies to the equipment in a bulk carrier required for draining and pumping—

(a) every forward ballast tank; and

(b) every bilge of a dry space any part of which is forward of the foremost cargo hold, of that bulk carrier.

(2) This regulation does not apply in the case of—

(a) an enclosed space the volume of which does not exceed 0.1% of the maximum displacement volume of the bulk carrier in question;

(b) a chain cable locker on that bulk carrier.

(3) It shall be possible for a person to bring the equipment referred to in paragraph (1) into operation from an enclosed space the location of which is accessible from—

(a) the navigation bridge; or

(b) the propulsion machinery control position,

of the bulk carrier in question without having to cross an exposed freeboard deck or an exposed superstructure deck.

(4) Where a pipe which serves—

(a) a forward ballast tank; or

(b) a bilge described in paragraph (1)(b),

<sup>(6)</sup> S.I. 1997/1509, to which there are no relevant amendments.

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pierces a collision bulkhead on a bulk carrier, the valves fitted at that collision bulkhead may be remotely operated by an actuator instead of being operated in accordance with regulation 7(3) of the Merchant Shipping (Cargo Ship Construction) Regulations 1997.

(5) An actuator referred to in paragraph (4) shall be controlled from an enclosed space the location of which is accessible from—

- (a) the navigation bridge; or
- (b) the propulsion machinery control position,

of the bulk carrier in question without having to cross an exposed freeboard deck or an exposed superstructure deck.

(6) A bulk carrier constructed before 1st July 2004 shall comply with the requirements of this regulation by whichever is the earlier of—

- (a) the date of the first intermediate or renewal survey of the bulk carrier after 1st October 2004; or
- (b) 1st July 2007.

(7) In this regulation, “forward ballast tank” has the same meaning as it has in regulation 12B.”.

PROSPECTIVE

## EXPLANATORY NOTE

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

These Regulations amend the Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 1999 (S.I.1999/1644) so as to impose new requirements in respect of safety measures for bulk carriers.

These Regulations give effect to new regulations 12 and 13 of Chapter XII of the International Convention for the Safety of Life at Sea (the SOLAS Convention). The new regulations were adopted by the International Maritime Organisation (IMO) on 12 December 2002; (IMO Resolution MSC.134(76).

Regulation 3 of these Regulations contains a consequential amendment to regulation 7(3) of the Merchant Shipping (Cargo Ship Construction) Regulations 1997.

A copy of the SOLAS Convention and IMO Resolution MSC.134(76) may be obtained from the International Maritime Organization, 4 Albert Embankment, London SW1 7SR.

A regulatory impact assessment of the effect which this instrument will have on the costs of business 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 each House of Parliament.

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**Changes and effects yet to be applied to :**

- Sch. coming into force by [S.I. 2004/2151 reg. 1](#)
- Regulations revoked by [S.I. 2022/1218 Sch.](#)
- reg. 1 coming into force by [S.I. 2004/2151 reg. 1](#)
- reg. 2 coming into force by [S.I. 2004/2151 reg. 1](#)
- reg. 3 coming into force by [S.I. 2004/2151 reg. 1](#)