

[Legal Notice No. 66]

**SHIPPING (DANGEROUS GOODS AND IMDG CODE)
REGULATIONS 2011**

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SHIPPING ACT 1998
(No. 5 of 1998)

**SHIPPING (DANGEROUS GOODS AND IMDG CODE)
REGULATIONS 2011**

IN exercise of the powers conferred upon me by sections 3(2) and 220 of the Shipping Act 1998 and section 25 of the Maritime Safety Administration Act 2009, I do hereby make these Regulations –

PART 1 - PRELIMINARY

Citation **1.** These Regulations may be cited as the Shipping (Dangerous Goods and IMDG Code) Regulations 2011.

Interpretation **2.** (1) In these Regulations, unless the contrary intention appears –

“the Act” means the Shipping Act 1998;

“the Administration” means the Solomon Islands Maritime Safety Administration established under the Maritime Safety Administration Act 2009;

“Bulk Chemical Code” or “BCH Code” means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the IMO by Assembly Resolution A.212(VII), as amended from time to time;

“cargo” includes mail and passengers baggage;

“chemical carrier” means a non-passenger 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;

“Code for Existing Ships Carrying Liquefied Gases in Bulk” means the Code for Existing Ships Carrying Liquefied Gases in Bulk adopted by the IMO Resolution A.329(IX), as amended from time to time;

“consolidator” means a person who packs or supervises packing of cargo for various shippers into a container or vehicle for transport by sea;

“container” or “freight container” means an article of transport equipment that is –

- (a) of permanent character and accordingly strong enough to be suitable for repeated use; and
- (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading; and
- (c) designed to be secured or readily handled or both, having fittings for these purposes – but does not include a vehicle or packaging (other than a container that is carried on a chassis);

“constructed” in respect of a ship means a stage of construction where –

- (a) the keel of the ship is laid; or
 - (b) construction identifiable with the specific ship has begun; or
 - (c) assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;
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“dangerous goods” means –

- (a) any substance, in packaged form or in solid form in bulk, listed and classified according to its hazards in the IMDG Code; and
- (b) any harmful substance;
- (c) any substance liable to spontaneous combustion (including copra); and
- (d) empty receptacles that have been used for substances specified in paragraph (a), unless the receptacles have been cleaned, subsequently dried, and, where appropriate, gas freed –

but does not include goods forming part of the equipment or stores of the ship in which they are carried;

“dangerous goods document” means a certificate for a consignment of dangerous goods containing the information required by Volume 1, Section 9.3, 9.5, 9.6 and 9.7 of the IMDG Code;

“dangerous goods list or manifest” and “list or manifest” means –

- (a) a special list or manifest setting out the dangerous goods on board and their location on board; or
- (b) a detailed stowage plan that identifies by class, and sets out the location of, all dangerous goods on board;

“Director” has the same meaning given in the Maritime Safety Administration Act 2009;

“explosive” includes alal substances used or manufactured with a view to producing a practical effect by explosion, or a pyrotechnic effect, or any other substance which by experience has been or may be found to produce such an effect;

“foreign ship” means any ship that is not a Solomon Islands ship;

“gas carrier” means a non-passenger 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;

“Gas Carrier Code” means the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by the IMO Resolution A.328(IX), as amended from time to time;

“harbourmaster”, in relation to a port, means any person appointed as a harbourmaster of that port under the Ports Act [Cap. 161], and includes any person lawfully acting in that capacity;

“harmful substance” means –

- (a) any substance in packaged form for the time being identified as a marine pollutant in the IMDG Code; and
- (b) any empty packaging that has been used previously for the carriage of a substance specified in paragraph (a), unless adequate precautions have been taken to ensure that the packaging contains no residue that is harmful to the marine environment –

but does not include ship’s stores and equipment;

“IMO” means the International Maritime Organisation;

“in bulk” means carried in the cargo or other spaces of a ship without any intermediate form of containment or packaging;

“intermediate bulk container” or “IBC” means any rigid, semi-rigid or flexible portable packaging, other than those specified in Parts 4 and 6 of the IMDG Code, that –

- (a) has a capacity of –
 - (i) not more than 3.0 cubic metres (3000 litres) for solids and liquids of packaging group II and III; or
 - (ii) not more than 1.5 cubic metres for solids of packaging group I when packed in flexible, rigid plastics, composite, fibreboard or wooden IBCs; or
 - (iii) not more than 3.0 cubic metres for solids of packaging group I when packed in metal IBCs; and
- (b) is designed for mechanical handling; and
- (c) is resistant to the stresses produced in handling and transport, as determined by the tests specified in Volume 1 of the IMDG Code –

but does not include any portable tank;

“International Gas Carrier Code” or “IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by the Maritime Safety Committee of the IMO by Resolution MSC.5(48), as amended from time to time;

“labelling” means to durably identify with distinctive label or stencil of the label to make clear the dangerous properties of the goods;

“leakage and spillage” includes –

- (a) any leakage and spillage of dry contents;
and
- (b) emission of radiation at levels that are either directly or indirectly injurious to human health;

“marking” means to durably mark an item with the proper shipping name of the contents, and, when assigned, the corresponding United Nations UN Number preceded by the letters “UN”;

“non-passenger ship” means any ship that is not a passenger ship or a fishing ship;

“offshore installation” or “installation” includes any artificial structure (including a floating structure other than a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral, but does not include a pipeline;

“offshore terminal” means any place in the sea where cargo is loaded or unloaded;

“onshore terminal” means any place at which dangerous goods are stored prior to deliver to a ship to which this Part applies for carriage;

“owner”,-

- (a) in relation to a ship registered in Solomon Islands under the Shipping Act 1998 - means the registered owner of the ship;
- (b) in relation to a ship registered in any place outside Solomon Islands - means the registered owner of the ship;
- (c) in relation to a fishing ship, other than one to which paragraph (a) or (b) of this definition applies - means the person registered as the owner under the Fisheries Act 1998;
- (d) in relation to a ship to which paragraph (a), (b) or (c) applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship - includes the charterer or other person who is for the time being so responsible; and
- (e) in relation to an unregistered ship or a registered ship that does not have a registered owner - means the person who is for the time being responsible for the management of the ship;

“package” and “packages” are the complete product of the packing operation, consisting of the packaging and its contents prepared for transport;

“packaged form” in relation to harmful substances means the forms of containment specified for harmful substances in the IMDG Code;

“packaging” includes all receptacles, and any other components or materials necessary for the receptacle to perform its containment function;

“passenger” means any person carried on a ship, other than -

- (a) the master and members of the crew, and any other person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a person on board the ship either in pursuance of an obligation laid upon the master to carry shipwrecked, distressed, or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled; or
- (c) a child under the age of 1 year;

“passenger ship” means a ship that carries more than 12 passengers on a voyage;

“placarding” means affixing an enlarged label (a placard) to the exterior surfaces of a cargo transport unit, unit load, or overpack to provide warning that the contents of the unit are dangerous goods and present risks, unless the labels or marks affixed to the packages are clearly visible from the exterior of the unit;

“placarding” means affixing an enlarged label (a placard) to the exterior surfaces of a cargo transport unit, unit load, or overpack to provide warning that the contents of the unit are dangerous goods and present risks, unless the labels or marks affixed to the packages are clearly visible from the exterior of the unit;

“pleasure craft” means a ship that is used exclusively for the owner’s pleasure or as the owner’s residence, and is not offered or used for hire or reward; but does not include –

- (a) a ship that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business;
- (b) a ship that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing ship or for the carriage of passengers or cargo for hire or reward; or
- (c) a ship that is operated or provided by any club, incorporated society, trust, or business;

“port” has the same meaning as in the Ports Act [Cap. 161];

“Ports Authority” means the Solomon Islands Ports Authority established under the Ports Act [Cap. 161];

“portable tank” means a tank having a capacity of more than 450 litres whose shell is fitted with items of service equipment and structural equipment necessary for the transport of dangerous substances whose vapour pressure is not more than 3 bar (absolute) at a temperature of 50°C. It is a tank that has stabilising members external to the shell and is not permanently secured on board the ship. Its contents should not be loaded or discharged while the tank remains on board. It should be capable of being loaded and discharged without the need of removal of its structural equipment and be capable of being lifted on and off the ship when loaded;

“prescribed documentation” means any document required under a Schedule, the IMDG Code, or as directed in writing by the Director;

“proper shipping name” in respect of any dangerous good, means –

- (a) the same as ‘correct technical name’ as required by Chapter VII Part A Regulation 4.1 of SOLAS; and
- (b) the name distinguished in the General Index, Volume One of the IMDG code with capital letters in the first column headed SUBSTANCE or ARTICLE. Where alternative shipping names are provided in the IMDG Code, the entry most accurately describing the dangerous goods is the appropriate proper shipping name;

“receptacle” means any containment vessel for receiving and holding substances or articles, and includes any vehicle used for that purpose;

“reward” means any remuneration, recompense, or other payment, whether of money or money’s worth;

“shipper” means any person by whom or in whose name or on whose behalf a contract of goods by sea has been concluded with a carrier, or any person by whom or in whose name or on whose behalf the goods are actually delivered to the carrier in relation to the contract of carriage by sea;

“Solomon Islands jurisdiction” means -

- (a) the internal waters of Solomon Islands;
- (b) the territorial sea of Solomon Island;
- (c) the exclusive economic zone of Solomon Island;
- (d) those waters under or about any ship or offshore installation constructed, erected, placed or used in, on, or above the continental shelf of Solomon Island but beyond the outer limits of the exclusive economic zone of Solomon Island in connection with the exploration of the continental shelf or the exploitation of its natural resources;

“Solomon Islands ship” means a ship that is registered under the Shipping Act 1998, and includes a ship that is not registered under the Act but is required or entitled to be registered under the Act;

“Solomon Islands waters” means -

- (a) the territorial sea of Solomon Island; and
- (b) the internal waters of Solomon Island; and
- (c) all rivers and other inland waters of Solomon Island;

“UN number” means the number assigned to an item of dangerous goods in the IMDG Code;

“vehicle” means any road freight or tank vehicle or railway freight or tank wagon permanently attached to an under frame and wheels, or chassis and wheels, that is loaded and unloaded as a unit, and includes a trailer, semitrailer or similar mobile unit (except those used solely for the purposes of loading and unloading);

“voyage” means a journey by water from one port -

- (a) to another port; or
- (b) back to the same port without calling at any other port

(2) All words and phrases in these Regulations shall have the same meaning as is given to them under the Shipping Act 1998 and the IMDG Code, unless a contrary intention appears.

**PART 2 - INDIVIDUAL RESPONSIBILITIES FOR
DANGEROUS GOODS**

3. (1) This Part applies to any commercial ship that is on, or about to embark upon, a voyage – Application of
this Part

- (a) to Solomon Islands from any place outside of Solomon Islands jurisdiction; and
- (b) from a Solomon Islands port to any place outside of Solomon Islands jurisdiction.

(2) This Part also applies to any ship that is a pleasure craft that is carrying dangerous goods, or about to carry dangerous goods, that are harmful substances in packaged form, on a voyage referred to in sub-regulation (1).

(3) In this Part, a reference to “ship” is a reference to a ship to which this Part applies in accordance with sub-regulation (1).

4. (1) The master of any ship must ensure that dangerous goods are only loaded on the ship once the master or a person appointed by the master for that purpose has received the prescribed documentation that meets the requirements stated in Schedule 4. Responsibilities
of Masters

(2) The master of a ship must ensure that -

- (a) dangerous goods are only loaded on the ship once the master has received from the owner a list or manifest of the dangerous goods to be loaded; and
- (b) the prescribed documentation is fully and correctly completed.

(3) The master of a ship must ensure that dangerous goods –

- (a) are stowed and kept stowed on the ship in accordance with the requirements stated in Schedule 5, and as required by the IMDG Code; and
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- (b) that the master knows, or ought to know, are liable to be incompatible and liable to interact dangerously, are kept adequately segregated on board the ship in accordance with –
 - (i) Schedule 5;
 - (ii) the IMDG Code; and
 - (iii) any direction given by the Administration from time to time

 - (4) The master of ship must ensure that –
 - (a) all dangerous goods on board are identified on a dangerous goods list or manifest in accordance with the classifications specified in Schedule 1;
 - (b) the position of any dangerous goods on board the ship is noted on the dangerous goods list or manifest; and
 - (c) where any dangerous good is also a harmful substance in packaged form, this is indicated on the dangerous goods list or manifest.

 - (5) The master of a ship that is carrying dangerous goods must ensure that –
 - (a) the dangerous goods list or manifest referred to in sub-regulation (4) is carried on board the ship; and
 - (b) if the ship departs from a port or offshore installation, a copy of the dangerous goods list or manifest referred to in sub-regulation (4) is provided to the owner of the ship and the harbourmaster.
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(6) The master of a ship must not permit the loading of any package, container or receptacle onto the ship if the master believes that the package, container, or receptacle –

- (a) contains dangerous goods; and
- (b) is not packaged, marked, labelled and documented in accordance with the requirements specified in the Schedules.

(7) The master of a ship must make –

- (a) all dangerous goods documentation; and
- (b) the dangerous goods list or manifest referred to in sub-regulation (4) –

available on request to any harbourmaster, any officer of the Administration and any police officer.

(8) The master of a ship arriving from a voyage outside of Solomon Islands jurisdiction that is carrying dangerous goods must ensure that notice of the arrivals of the ship is given to the harbourmaster of the port at the ship's first port of call, at least 48 hours prior to arrival at that port.

(9) The master of a ship that is arriving from a Solomon Islands port or offshore installation, or any other location within Solomon Islands, that is carrying dangerous goods must ensure that notice of the arrival of the ship is given to the harbourmaster of the port of arrival –

- (a) as soon as practicable; and
 - (b) before the ship enters the port limits declared under the Ports Act [Cap. 161].
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Responsibilities
of Shippers

- 5.** (1) The shipper of any container or vehicle containing dangerous goods being shipped only by that shipper on any ship must –
- (a) fully and accurately complete the prescribed documentation that meets the requirements of Schedule 4; and
 - (b) provide to the owner or the master of that ship the completed documentation.
- (2) The shipper of any dangerous goods that are to be taken on board any ship as a part load in a container or vehicle must –
- (a) fully and accurately complete the prescribed documentation; and
 - (b) provide the completed documentation to the consolidator.
- (3) Any documentation required to be provided by the shipper to an owner, master or consolidator under this regulation must be provided –
- (a) as soon as practicable; and
 - (b) before the dangerous goods are loaded on any ship.
- (4) The shipper of any dangerous goods to be taken on board any ship must ensure that all packaging used for the goods, including IBCs, complies with the prescribed requirements in Schedule 2, and as required by the IMDG Code.

Responsibilities
of Owners

- 6.** (1) The owner of a ship must ensure that dangerous goods are not taken on board the ship until the master or a person appointed by the master for that purpose has received the prescribed documentation for those dangerous goods.
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- (2) The owner of a ship must –
- (a) provide to the master of that ship a list or manifest of the dangerous goods to be loaded as soon as practicable, and before the dangerous goods are loaded on the ship; and
 - (b) ensure that dangerous goods are not taken on board the ship until the owner has delivered to the master of the ship the list or manifest of dangerous goods to be loaded.
- (3) The owner of a ship arriving from a voyage from outside of Solomon Islands jurisdiction, that is carrying dangerous goods must ensure that a copy of the dangerous goods list or manifest for the arrival condition of the ship including –
- (a) the UN number and class of every dangerous good; and
 - (b) the quantity of every dangerous good –
- is supplied to the harbourmaster at the ship's first port of call, at least 48 hours prior to the ship's arrival.
- (4) The owner of a ship that is arriving from a Solomon Islands port, that is carrying dangerous goods must ensure that a copy of the dangerous goods list or manifest for the arrival condition of the ship including –
- (a) the UN number and class of every dangerous good; and
 - (b) the quantity of every dangerous good
- is supplied to the harbourmaster as soon as practicable, and before the ship enters the port limits.
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(5) Any owner who receives a copy of the dangerous goods list or manifest under this regulation must keep that copy available for inspection by the Director at all times –

(a) until the ship is known to have arrived safely at its destination; or

(b) for six months –

whichever is the shorter period.

(6) The owner of a ship must ensure that –

(a) dangerous goods are stowed and kept stowed on the ship in the manner specified in Schedule 5; and

(b) dangerous goods that the owner knows, or ought to know, are liable to be incompatible and liable to interact dangerously, are kept adequately segregated on board the ship in the manner under Schedule 5.

(7) The owner of a ship must not permit the loading of any package, container or receptacle onto the ship if the owner believes that the package, container or receptacle –

(a) contains dangerous goods; and

(b) is not packaged, marked, labelled, and documented in the manner specified in the Schedules.

Responsibilities of
Harbourmasters

7. Any harbourmaster's who receives a copy of the dangerous goods list or manifest under these Regulations must keep that copy available for inspection by the Director at all times –

(a) until the ship is known to have arrived safely at its destination; or

(b) for six months -

whichever is the shorter period.

8. (1) Any consolidator of any container or vehicle containing dangerous goods and intended for shipment in any ship must – Responsibilities
of Consolidators
and Packers

- (a) not pack the dangerous goods into a container or vehicle unless that person is in receipt of the prescribed documentation completed by the shipper;
- (b) complete the prescribed documentation; and
- (c) forward all prescribed documentation to the owner or the master of the ship on which the container or vehicle is to be shipped.

(2) Any consolidator of any container or vehicle intended for carriage on any ship, must not load any package into the container or vehicle if he or she believes that the package -

- (a) contains dangerous goods; and
- (b) is not packaged, marked, labelled, and documented in accordance with the Schedules.

(3) Any person who completes packing, for one shipper, any container or vehicle containing dangerous goods intended to be shipped on any ship must -

- (a) ensure that all packaging, including intermediate bulk containers, comply with the requirements specified in Schedule 2;
 - (b) ensure that all marking, labelling, and placarding is in accordance with Schedule 3; and
 - (c) complete and forward to the shipper the prescribed documentation.
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Responsibilities
of all Persons

9. (1) Any person who offers to carry any dangerous goods, or who causes or allows any dangerous goods to be loaded into a ship, must ensure that the dangerous goods are -

- (a) properly marked and labelled in the manner specified in Schedule 3; and
- (b) packaged in such a manner as to withstand the ordinary risks of handling and transport by sea, having regard to the nature and properties of the goods.

(2) A person must not cause or allow any dangerous goods intended for carriage by sea to be packed in a container of any type, or in any vehicle, unless the container or vehicle is marked and labelled in the manner specified in Schedule 3.

(3) A person must not cause any dangerous goods to be loaded onto a ship if -

- (a) the package or receptacle is damaged so as to -
 - (i) permit leakage and spillage; or
 - (ii) be of reduced effectiveness in preventing leakage and spillage; or
- (b) there is evidence of leakage or spillage of the contents.

(4) A person must not cause or permit any dangerous goods in bulk to be loaded into a ship, if that person knows, or ought to know, that the goods cannot be carried safely to the destination to which they are consigned while stowed in bulk.

(5) In connection with the handling, stowage, and carriage of dangerous goods on a Solomon Islands ship, a person must not -

- (a) intentionally or recklessly interfere with or misuse anything provided on that ship; or
 - (b) ~~disobey instructions displayed in the~~ interest of health or safety on that ship.
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(6) The employer of any person involved in the transportation or handling of dangerous goods intended for carriage by sea must ensure that person has received training that meets the requirements specified in Schedule 7, and any additional requirements imposed by the Director under regulation 28(2).

(7) Any person involved in the transportation or handling of dangerous goods intended for carriage by sea must ensure that they have received training that meets the requirements specified in Schedule 7, and any additional requirements imposed by the Director under regulation 28(2).

PART 3 - REQUIREMENTS APPLYING TO EXPLOSIVES AND INFLAMMABLE GOODS

10. (1) This Part applies to all ships in Solomon Islands waters.

Application of this Part

(2) In this Part, a reference to "ship" is a reference to a ship to which this Part applies in accordance with sub-regulation (1).

11. (1) Subject to sub-regulation (2), the owner and the master of a passenger ship must not carry explosives on that ship, unless -

Explosives in Passenger Ships

- (a) the explosive articles are for life-saving purposes, and the total net explosives mass of such articles does not exceed 50 kg per ship;
- (b) the explosives fall into compatibility groups C, D and E of the IMDG Code, and the total net explosives mass does not exceed 10 kg per ship;
- (c) the explosive articles fall into compatibility group G of the IMDG Code other than those requiring special stowage, and the total net explosives mass does not exceed 10kg per ship; or

- (d) the explosive articles fall into compatibility group B of the IMDG Code, and the total net explosives mass does not exceed 5kg per ship; and
- (e) any such carriage is consistent with the IMDG Code.

(2) The Director may give written approval for the carriage of additional quantities or types of explosives in a passenger ship if special safety measures approved by the Director are taken, and if such arrangements are consistent with the IMDG Code.

Other dangerous goods not permitted on Passenger Ships

12. No person shall take or permit to be taken on board a passenger ship, any quantity of dangerous goods unless those goods, and the quantity to be taken on board, are permissible under any Standards or Codes of Practice published from time to time by the Administration under regulation 26.

Inflammable liquids

13. (1) No inflammable spirits or other goods which the owner or master of a ship (or any employee or agent of the owner or master), knows or ought to know to be inflammable, shall be taken on board any ship for carriage unless –

- (a) the spaces in which such goods are to be carried are adequately ventilated as required by the Director or the Principal Surveyor, or any officer of the Administration acting with the authority of the Director or the Principal Surveyor;
- (b) the ship is equipped with adequate fire-fighting equipment, as required by the Director or the Principal Surveyor, or any officer of the Administration acting with the authority of the Director or the Principal Surveyor;
- (c) no deck passengers are to be carried, except where such goods are stowed on deck in a part of the ship to which passengers are not permitted access, and in such small quantities and containers and so stowed that the goods may be easily jettisoned; and

- (d) adequate measures are taken to prevent smoking cigarettes or anything of that nature, or the use of naked lights and flames in the vicinity of such goods, and such measures must include the prominent display of notices prohibiting smoking and the use of naked lights and flames.

14. (1) No copra or any other goods or substances which the owner or master of a ship (or any employee or agent of the owner or master) knows or ought to know to be liable to spontaneous combustion shall be - Copra and other goods liable to spontaneous combustion

- (a) taken on board any ship unless adequate precautions are taken for the prevention of the spontaneous combustion of the goods or substance; or
- (b) stored in the same compartment as any explosives.

(2) For the purposes copra and other goods or substances referred to in sub-regulation (1) shall be deemed to be dangerous goods.

PART 4 - SHIPS CARRYING DANGEROUS LIQUID CHEMICALS IN BULK

15. This Part applies to all chemical carriers in Solomon Islands waters. Application of this Part

16. The owner and the master of - Requirements for new chemical carriers

(a) a chemical carrier constructed on or after 1 July 1986; or

(b) a ship irrespective of the date of construction, for which conversion to a chemical carrier was commenced on or after 1 July 1986 -

must ensure that the requirements of the IBC Code are complied with.

Requirements
for existing
chemical carriers

17. The owner and the master of a chemical carrier constructed before 1 July 1986 must ensure that -

- (a) the requirements of the BCH Code are complied with; and
- (b) any repairs, alterations, and modifications to the ship of a major character, and any outfitting related thereto, meet the requirements of the IBC Code.

PART 5 - SHIPS CARRYING LIQUEFIED GASES IN BULK

Application of
this Part

18. This Part applies to all gas carriers in Solomon Islands waters.

Requirements for
new gas carriers

19. The owner and the master of -

- (a) a gas carrier constructed on or after 1 July 1986; or
- (b) a ship irrespective of the date of construction, for which conversion to a gas carrier was commenced on or after 1 July 1986 -

must ensure that the requirements of the IGC Code are complied with.

Requirements for
existing gas
carriers

20. (1) The owner and the master of a gas carrier -

- (a) constructed before 1 July 1986 and for which -
 - (i) the building contract is placed after 31 October 1976; or
 - (ii) in the absence of a building contract, the keel of which is laid or that is at a similar stage of construction after 31 December 1976; or

(iii) the delivery is after 30 June 1980; or

- (b) constructed before 1 July 1986 and for which a major conversion has occurred -
- (i) for which the contract was placed after 31 October 1976; or
 - (ii) in the absence of a contract the conversion of which was begun after 31 December 1976; or
 - (iii) that was completed after 30 June 1980 -

must ensure that the requirements of the Gas Carrier Code are complied with.

(2) The owner and the master of a gas carrier constructed before 1 July 1986 and to which the IGC Code and the Gas Carrier Code do not apply, must ensure that all of the requirements of the *Code for Existing Ships Carrying Liquefied Gases in Bulk* are complied with.

(3) The owner and the master of a gas carrier constructed before 1 July 1986 must ensure that any repairs, alterations, and modifications to the ship of a major character, and any outfitting related thereto, meet the requirements of the IGC Code.

PART 6 - REPORTING AND HANDLING OF DANGEROUS GOODS INCIDENTS

21. (1) This Part applies to all ships in Solomon Islands waters. Application of this Part

(2) In this Part, a reference to "ship" is a reference to a ship to which this Part applies in accordance with sub-regulation (1).

22. The master of a ship must notify the Director of any dangerous goods that do not comply with the requirements of the IMDG Code, that have been offered for carriage on the ship in a Solomon Islands port or at a Solomon Islands onshore or offshore terminal. Dangerous goods that have been offered to a ship in a Solomon Islands waters.

Dangerous goods
incidents on a ship
in a Solomon
Islands port

23. (1) The master of a ship must ensure that where a ship that is in a Solomon Islands port or at a Solomon Islands offshore terminal and has on board a package or receptacle from which there is actual or probable leakage or spillage of dangerous goods, the harbourmaster and the Director are notified as soon as possible of such leakage or spillage.

(2) The master of a ship which is in a Solomon Islands port or at a Solomon Islands offshore terminal, and has on board a package or receptacle from which there is actual or probable leakage or spillage of dangerous goods must, subject to sub-regulation (3), ensure that where appropriate -

- (a) the package or receptacle and any dangerous goods that have leaked or spilled from it are not handled; and
- (b) if the package or receptacle is stowed in an underdeck space, the other cargo is not handled in that space; and
- (c) if the package or receptacle is stowed on a deck space, other cargo is not handled on or over the deck space; and
- (d) if the package or receptacle is stowed in an underdeck space, no pumping of the bilges or wells in the space is carried out until the master is satisfied that it is safe to do so.

(3) The master of any ship carrying a package or receptacle referred to in sub-regulation (2) must ensure that commencement or resumption of handling of dangerous goods does not take place until -

- (a) the master, or person authorised by the master, inspects the package or receptacle; and
 - (b) an agreement has been reached with the harbourmaster determining the circumstances under which handling of the package or receptacle may occur.
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(4) Subject to sub-regulation (5), the master of a ship that is in a Solomon Islands port or at a Solomon Islands offshore terminal must ensure that, when there has been a leakage or spillage of dangerous goods on board the ship, no person is in or on a part of the ship where the leaked or spilled dangerous goods are situated until agreement has been reached with the harbourmaster on giving permission for access to the area.

(5) The master of a ship may allow the following people access to a part of a ship where spilled dangerous goods are situated -

- (a) an officer of the ship;
- (b) the harbourmaster; and
- (c) any person specifically authorised by the master or the harbourmaster

(6) The master of a ship that is in a Solomon Islands port or at a Solomon Islands offshore terminal and that has on board a package or receptacle that for any reason does not comply with these Regulations must as soon as possible notify the harbourmaster and the Director of such non-compliance.

24. (1) The master of a ship must report the particulars of the following incidents to the Director as soon as possible and to the fullest possible extent -

Dangerous goods
incidents at sea

- (a) any actual or probable loss or spillage into the sea of dangerous goods from any ship in Solomon Islands waters;
 - (b) any actual or probable loss or spillage into the sea of dangerous goods from a Solomon Islands ship in any waters; and
 - (c) dangerous goods for which their receptacles have been found damaged on a ship coming to a Solomon Islands port or Solomon Islands offshore terminal, or on a Solomon Islands ship in any waters.
-

(2) Where an incident takes place involving any actual or probable loss or spillage of dangerous goods into the sea from a Solomon Islands ship in waters outside Solomon Islands waters, the master must report the particulars to the nearest coastal state as soon as possible and to the fullest possible extent.

(3) If a ship is abandoned while carrying dangerous goods, or in the event of a report from such a ship being incomplete or unobtainable, the owner must make or complete the report and forward it to the Director as soon as possible and to the fullest possible extent.

Obligation to have incident plans

25. The operator of any port that handles any ship that carries dangerous goods must develop, maintain, publicise and conduct exercises in relation to plans for any foreseeable incident concerning dangerous goods on a ship in the port area.

PART 7 - MISCELLANEOUS PROVISIONS

Standards and Codes of Practices

26. (1) The Administration may approve and publish Standards and Codes of Practice for any purpose for which they are contemplated or required by these Regulations, or which relate to any aspect of the carriage of dangerous goods at sea and the application of the IMDG Code in accordance with these Regulations.

(2) Without limiting the generality of sub-regulation (1), the Administration may prepare and publish Standards and Codes of Practice specifying -

- (a) classes and types of dangerous goods;
 - (b) the properties of dangerous goods of different classes and types;
 - (c) quantities of certain dangerous goods;
 - (d) maximum quantities permitted on passenger ships and any other type or class of ship; and
 - (e) stowage requirements and other restrictions applying to particular dangerous goods.
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27. (1) Any person who commits or permits any act which - Offences against these Regulations
- (a) causes any part of the ship or its cargo to catch fire; or
 - (b) causes any dangerous goods to spill or leak from its container -

commits an offence and liable upon conviction to a fine not exceeding 20,000 penalty units, or to a term of imprisonment for up to 3 months, or both.

(2) Any person who breaches any requirement, duty or obligation provided for in these Regulations or the IMDG Code, or under any Standards or Code of Practice approved by the Administration in relation to the carriage of dangerous goods, for which no offence is stated or no penalty is provided for, commits an offence and liable upon conviction to a fine not exceeding 20,000 penalty units, or to a term of imprisonment for up to 3 months, or both.

(3) It is a defence for an offence against this regulation if the master, owner, shipper or consolidator who is charged with an offence proves that all reasonable steps were taken to prevent the breach.

28. (1) The Minister may, for the purposes of these Regulations, approve forms and documents, and packaging, marking, Prescribed forms and requirements labelling, placarding, stowing or training required under these Regulations.

(2) Any matter approved under sub-regulation (1) -

- (a) is deemed to be a prescribed requirement;
- (b) must be published in the *Gazette*; and
- (c) must be consistent with the IMDG Code

(3) The Minister may approve, allow or apply any form or requirement applying in another jurisdiction to be the prescribed form or requirement for the purposes of these Regulations.

Repeal of Shipping
(Dangerous Goods)
Regulations 1968

29. The Shipping (Dangerous Goods) Regulations 1968 made under the Shipping Act 1967 [Cap. 163] and saved by the Maritime Safety Administration Act 2009 are hereby repealed.

Transitional and
savings provi-
sions

30. (1) At the commencement of these Regulations all existing forms prescribed in the repealed regulations are to continue in use until replaced by forms approved under regulation 28.

(2) All proceedings commenced for breaches of the repealed regulations are saved and may be continued as if those regulations remain in force, and proceedings may be commenced for any breach of the repealed regulations prior to the date of commencement.

(3) The Minister may determine that any of the requirements shall not take effect for a period of not more than 6 months from the date of commencement.

Application of
other laws

31. The provisions shall be read and construed as supplementary to and not in derogation of the provisions of laws relating to explosives, petroleum or dangerous goods, or any other laws of Solomon Islands.

SCHEDULE 1 CLASSIFICATIONS OF DANGEROUS GOODS

Dangerous goods must be divided into the following classes:

(a)	Class 1	Explosives
(b)	Class 2	Gases: compressed, liquefied or dissolved under pressure
(c)	Class 3	Inflammable liquids
(d)	Class 4(a)	Inflammable solids
(e)	Class 4(b)	Substances liable to spontaneous combustion
(f)	Class 4(c)	Substances that, in contact with water, emit flammable gases
(g)	Class 5(a)	Oxidising substances
(h)	Class 5(b)	Organic peroxides
(i)	Class 6(a)	Poisonous (toxic) substances
(j)	Class 6(b)	Infections substances
(k)	Class 7	Radioactive materials
(l)	Class 8	Corrosives
(m)	Class 9	Miscellaneous dangerous substances

**SCHEDULE 2
PACKAGING REQUIREMENTS**

2.1 Packaging Specifications and Standards

- (1) Packaging of dangerous goods must -
 - (a) comply with the specifications of Parts 4 and 6 of the IMDG Code; and
 - (b) be well made and in good condition; and
 - (c) be of such a character that any interior surface with which the contents may come in contact is not dangerously affected by the substance being conveyed;
and
 - (d) be capable of withstanding the ordinary risks of handling and carriage by sea;
and
 - (e) when used for harmful substances, be adequate to minimise the hazard to the marine environment, having regard to the specific contents.

 - (2) Where absorbent or cushioning material is used in the packaging of liquids in receptacles, that material must be -
 - (a) capable of minimising the dangers to which the liquid may give rise; and
 - (b) so disposed as to prevent movement and ensure that the receptacle remains surrounded; and
 - (c) where reasonably possible, of sufficient quantity to absorb the liquid in the event of breakage of the receptacle.

 - (3) Receptacles containing dangerous liquids must have an ullage at the filling temperature sufficient to allow for the highest temperature during the course of normal carriage.

 - (4) Cylinders or receptacles for gases under pressure must be adequately constructed, tested, maintained and correctly filled.
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- (5) Any packaging of a dangerous good that is an intermediate bulk container manufactured in Solomon Islands for use in transporting dangerous goods must be -
- (a) constructed in accordance with section 26 of the General Introduction of the IMDG Code; and
 - (b) tested, certified, and marked to show that the intermediate bulk container meets the packaging requirements of the IMDG Code; and
 - (c) approved by one of the following -
 - (i) the Director (for classes 1,2,3,4,5 and 9); or
 - (ii) the Ministry of Labour (for Classes 1,2,3,4,5 and 9); or
 - (iii) the Ministry of Health (for Classes 6, 8 and 9); or
 - (iv) a recognised National Radiation Laboratory in the South Pacific Region (for Class 7).

Intermediate bulk containers not manufactured in Solomon Islands must comply with the requirements of the Administration of the country in which they were manufactured and must be tested, certified, and marked to show that the container meets the packaging requirements of the IMDG Code.

- (6) Any packaging for dangerous goods used for international shipping manufactured in Solomon Islands must comply with Annex 1 of the General Introduction to the IMDG Code. It must be constructed in accordance with the design criteria of the IMDG Code, tested, certified, and marked to show that it meets the packaging requirements of the IMDG Code and then approved by one of the following -
- (a) The Director (for classes 1,2,3,4,5 and 9); or
 - (b) the Director of Civil Aviation in Solomon Islands (for classes 1,2,3,4,5,6,8 and 9); or
 - (c) the Ministry of Labour (for Classes 1,2,3,4, 5 and 9); or
 - (d) the Ministry of Health (for Classes 6, 8 and 9); or
 - (e) a recognised National Radiation Laboratory in the South Pacific Region (for Class 7).
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Packaging for dangerous goods not manufactured in Solomon Islands used for international shipping must comply with the requirements of the Administration of the country in which they were manufactured and must be constructed in accordance with the design criteria of the IMDG Code, and be tested, certified, and marked to show that they meet the packaging requirements of the IMDG Code.

- (7) Any packaging for dangerous goods used only within Solomon Islands waters must -
- (a) comply with one of the following sets of requirements -
 - (i) the IMDG Code;
 - (ii) the United Nations Recommendations on the Transport of Dangerous Goods;
 - (iii) the International Civil Aviation Organisation's Technical Instructions for the Safe Transport of Dangerous Goods by Air; and
 - (b) if required under the respective code or standard, be constructed in accordance with its design, tested, certified, and marked to show that they meet the packaging requirements and then approved by one of the following -
 - (i) the Director (for classes 1,2,3,4, 5 and 9); or
 - (ii) the Director of Civil Aviation in Solomon Islands (for classes 1,2,3, 4, 5 and 9); or
 - (iii) the Ministry of Labour (for Classes 1,2,3,4, 5 and 9); or
 - (iv) Ministry of Health (for Classes 6, 8 and 9); or
 - (v) a recognised National Radiation Laboratory in the South Pacific Region (for Class 7).

Packaging for dangerous goods not manufactured in Solomon Islands used only within the offshore limits must comply with the requirements of the Administration of the country in which they were manufactured and must comply with one of the sets of codes specified in paragraph (7)(a) of this Schedule.

(8) Packaging manufactured in Solomon Islands must be designed, manufactured, remanufactured, maintained, reused or reconditioned under AS/NZS 9000:1994 Quality System requirements.

(9) The approval of packaging for dangerous goods is subject to evidence of satisfactory service as found by normal handling during loading and unloading operations.

(10) Packaging of dangerous goods of Classes 3,4,5.1, 6.1, 8 and 9, does not require approval, providing the packaging -

- (a) complies with the quantity limits as specified in 2.2; and
- (b) is appropriate for the nature and quantity of the dangerous goods does not contaminate or react with them; and
- (c) is sufficiently robust to remain intact, and continue to contain the dangerous goods safely, for normal conditions of loading, transport and unloading, allowing also for reasonably foreseeable changes in temperature, humidity and pressure.

2.2 Quantities of Goods exempted from packaging approval

Dangerous goods carried in the quantities listed below do not require certification or testing of their packaging:

<i>Classification of Goods</i>	<i>Quantity</i>
3,4,5.1,6.1,8,9 I -	1kg or 1 litre or less
4,5.1,6.1,8,9 II -	3kg or 3 litre or less
3 II -	5 litre or less
3,4,5.1,6.1,8,9 III -	5kg or 5 litre or less

SCHEDULE 3
MARKING, LABELLING AND PLACARDING REQUIREMENTS

Marking, labelling and placarding specifications and standards

- 3.1 Marking, labelling and placarding must comply with the specifications of Volume I, Sections 7 and 8 of the IMDG Code and those contained in NZS5417:1986 as amended from time to time.
- 3.2 Packaging containing dangerous goods must be durably marked with the proper shipping name. Trade names alone must not be used.
- 3.3 Packages containing a harmful substance must be durably marked or labelled to indicate that the substance is a marine pollutant.
- 3.4 To make clear the class or classes and therefore the dangerous properties of the goods contained therein, packages containing dangerous goods must be provided as appropriate with distinctive label, stencils of the labels or placards.
- 3.5 The method of -
- (a) marking the proper shipping name and of affixing labels; and
 - (b) applying stencils of labels; and
 - (c) affixing placards on packages containing dangerous goods -
- must be such that this information will still be identifiable on packages surviving at least three (3) months immersion in the sea.
- 3.6 In considering suitable marking, labelling, and placarding methods, account must be taken of the durability of the materials used and of the surface of the package.
- 3.7 The following dangerous good packages do not have to meet the labelling requirements if the -
- (a) packages contain dangerous goods of a low degree of hazard or are packed in limited quantities as allowed by the specific exemptions provided in the IMDG Code; or
 - (b) packages are stowed and handled in units that are identified by labels or placards in special circumstances specifically provided for in the IMDG Code.
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**SCHEDULE 4
PRESCRIBED DOCUMENTS**

Requirements applying to documents under these Regulations

- 4.1 A dangerous goods document and a signed certificate or declaration that the shipment offered for carriage is properly packaged and marked, labelled or placarded as appropriate, and in proper condition for carriage may be combined in one form.
- 4.2 A signed container packing certificate or vehicle packing declaration stating that -
- (a) the cargo in the unit has been properly packed; and
 - (b) the cargo in the unit has been properly secured; and
 - (c) all applicable transport requirements have been met -
- may be combined with the documentation referred to in Schedule 5.
- 4.3 If the documentation relates to a harmful substance, the signed certificate or declaration must state that the shipment offered for carriage is properly packaged and marked, labelled or placarded as appropriate, and in proper condition for carriage, so as to minimise the hazards to the marine environment.
- 4.4 In all documents relating to the carriage of dangerous goods by sea where the goods are named, the proper shipping name of the goods must be used (trade names alone must not be used) and the correct description given in accordance with the classification set out in Schedule 1.
- 4.5 On all documents relating to the carriage of harmful substances, the words "MARINE POLLUTANT" must be added.
- 4.6 All documents required to be completed for the shipment of dangerous goods must be in the English language.
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**SCHEDULE 5
STOWAGE REQUIREMENTS**

- 5.1 All dangerous goods must be loaded, stowed, and secured safely and appropriately in accordance with the nature of the goods and the requirements of Volume I, Section 14 of the IMDG Code.
- 5.2 Incompatible dangerous goods must be segregated from one another as required by Volume I, Section 15 of the IMDG Code.
- 5.3 Cargo transport units, including freight containers, must be loaded, stowed and secured throughout the voyage in accordance with the ship's Securing Manual.
- 5.4 Explosive (except ammunition) that present a serious risk must be -
- (a) stowed in a magazine that is kept securely closed while at sea; and
 - (b) segregated from detonators
- 5.5 Electrical apparatus and cables in any compartment in which explosives are carried must be so designed and used as to minimise the risk of fire or explosion.
- 5.6 Dangerous goods in packaged form that give off dangerous vapours must be stowed in a mechanically ventilated space or on deck.
- 5.7 Dangerous goods in solid form in bulk that give off dangerous vapours must be stowed in a well ventilated space.
- 5.8 In ships carrying flammable liquids or gases, special precautions must be taken as necessary against fire or explosion.
- 5.9 Substances that are liable to spontaneous heating or combustion must not be loaded unless adequate precautions have been taken to minimise the likelihood of the outbreak of fire.
- 5.10 Harmful substances must be properly stowed and secured to minimise hazards to the marine environment without impairing the safety of the ship and persons on board.
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SCHEDULE 6
TRAINING REQUIREMENTS

- 6.1 A person other than a passenger involved in the transportation or handling of dangerous goods intended for carriage by sea must be trained in -
- (a) the safe transport of dangerous goods; and
 - (b) the safe handling of dangerous goods
- 6.2 The required training must include a description of-
- (a) the classes of dangerous cargoes;
 - (b) marking of dangerous cargoes;
 - (c) labelling and placarding of dangerous cargoes;
 - (d) packing dangerous cargoes;
 - (e) relevant segregation and compatibility requirements;
 - (f) the purpose and content of the transport documents;
 - (g) available emergency response documents
- 6.3 The training must include safety training, as applicable to an individual's duties, on -
- (a) methods and procedures for accident avoidance, such as proper use of package handling equipment and appropriate methods of stowage of dangerous goods; and
 - (b) available emergency response information and how to use it; and
 - (c) general dangers presented by the various classes of dangerous goods and how to prevent exposure to those hazards, including if appropriate the use of personal protection clothing and equipment; and
 - (d) immediate procedures to be followed in the event of an unintentional release of dangerous goods, including any emergency response procedures for which the person is responsible and personal protection procedures to be followed.

MADE AT HONIARA this twentieth-third day of September, 2011.

HON. JACKSON FIULAU
Minister for Infrastructure Development
