

SHIPPING ACT, 2007
SHIPPING (GAS CARRIERS) REGULATIONS 2007

**Made by the Minister pursuant to section 400 of the Shipping Act
2007**

1. These Regulations may be cited as the Shipping (Gas Carriers) Regulations 2007. Citation

2. (1) In these Regulations:— Interpretation

"Cargo Ship Safety Construction Certificate", "Cargo Ship Safety Equipment Certificate", "Cargo Ship Safety Radiotelegraphy Certificate" and "Cargo Ship Safety Radiotelephony Certificate" mean respectively the certificates so entitled, issued in conformity with the Safety Convention and, in the case of a Trinidad and Tobago ship, under or pursuant to the Shipping Act 2007;

"constructed" means, in relation to a ship, having its keel laid or being at a similar stage of construction; and "similar stage of construction" means the stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is the less;

"1986-1994 gas carrier" means—

- (a) a gas carrier which was constructed on or after 1 July 1986 but before 1 October 1994;
- (b) a ship which was converted to being a gas carrier in that period; or
- (c) (to the extent that the Director considers reasonable and practicable) a gas carrier which was constructed before 1 July 1986, but which underwent repairs, alterations or modifications of a major character in that period;

"gas carrier" means a self-propelled cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas listed in Chapter 19 of the IGC Code or any other substance so listed;

"the IBC Code" means, in relation to 1986-1994 gas carriers the 1983 IBC Code, and in relation to new gas carriers, the 1994 IBC Code;

"the IGC Code" means, in relation to 1986-1994 gas carriers, the 1983 IGC Code and in relation to new gas carriers, the 1993 IGC Code;

"in bulk" means directly and without intermediate form of containment in a tank forming an integral part of, or permanently located on, a ship;

"International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk" means, in relation to a Trinidad and Tobago ship, a certificate issued pursuant to regulation 5 and, in relation to any other ship, a certificate issued in conformity with Chapter 1 of the IGC Code by or on behalf of the Administration of the State in which the ship is registered;

"new gas carrier" means—

- (a) a gas carrier which is constructed on or after 1 October 1994;
- (b) a ship which is converted to being a gas carrier on or after that date; or
- (c) (to the extent that the Director considers reasonable and practicable) a gas carrier which was constructed before that date, but underwent repairs, alterations or modifications of a major character after that date;

"1983 IBC Code" means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the International Maritime Organization in 1983, and any amendment thereto or replacement thereof;

"1994 IBC Code" means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the International Maritime Organization in 1994 and any amendment thereto or replacement thereof;

"1983 IGC Code" means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk published by the International Maritime Organization in 1983 and any amendment thereto or replacement thereof;

"1993 IGC Code" means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk published by the International Maritime Organization in 1993 and any amendment thereto or replacement thereof;

"Safety Convention" has the meaning given by section 159 of the Shipping Act.

- (2) In interpreting the IGC Code—

- (a) the requirements of the IGC Code having been made mandatory under regulation 4 the language thereof shall be construed accordingly;
- (b) the definitions set out in Chapter 1, paragraph 1.3 thereof, shall apply;
- (c) references to the Administration shall, in relation to Trinidad and Tobago ships, be references to the Director; and references to the Port Administration shall, in relation to all ships in the Trinidad and Tobago, be references to the Director.

(3) In interpreting the 1983 IGC Code—

- (a) in paragraph 2.7.8.1, the number "2.9.1.2.1" shall be read as "2.9.2.1"; in paragraph 4.2.2.3, last line, "1 mm" shall be read as "10 mm"; in paragraph 5.2.1.1, first line, "this section" shall be read as "sections 5.2-5.5";

in paragraph 5.4.6.3.1, second line, "service temperatures" shall be read as "design temperatures";

in paragraph 11.1.1.1, the number "56.4" shall be read as "56.6";

in paragraph 14.2.3.1, first line, "one set" shall be read as "one spare set";

- (b) the number of firemen's outfits required pursuant to paragraph 11.6.1 shall, for ships below 2000m³ total cargo capacity, be 4.

3. (1) Subject to subregulations (2) and (3), these Regulations apply to 1986-1994 gas carriers and to new gas carriers. Application

(2) Where a ship is constructed or adapted to carry one or more of the substances listed both in Chapter 17 of the IBC Code and in Chapter 19 of the IGC Code and is not constructed or adapted to carry any substance listed only in Chapter 19 of the IGC Code then these Regulations shall not apply to that ship.

(3) These Regulations apply to all ships specified in subregulation (1) which are Trinidad and Tobago ships wherever they may be and to other such ships while they are within the Trinidad and Tobago or the territorial waters thereof: provided that in the case of a ship registered in a State which is not a party to the Safety Convention they shall not apply by reason of its being in the Trinidad and Tobago or the territorial waters thereof if it would not have been there but for stress of weather or any circumstances which could not have been prevented by the owner, the master or the charterer (if any).

4. Every ship to which these Regulations apply shall be constructed, equipped and operated in accordance with the requirements relevant to it of Chapter 1, paragraphs 1.1.4.1-1.1.4.4 inclusive, and Chapters 2-19 inclusive of the IGC Code.

Compliance with the
IGC Code

5. (1) The structure, equipment, fittings, arrangements and materials (other than items in respect of which a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radiotelegraphy Certificate or Cargo Ship Safety Radiotelephony Certificate is issued) of a gas carrier shall be subjected to the following surveys: Survey requirements

- (a) an initial survey before the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk is issued for the first time, which shall include a complete examination of its structure, equipment, fittings, arrangements and materials in so far as the ship is covered by the IGC Code; such a survey shall be such as to ensure that the structure, equipment, fittings, arrangements and materials fully comply with the applicable provisions of the IGC Code;
- (b) a periodical survey at intervals not exceeding 5 years which shall be such as to ensure that the structure, equipment, fittings, arrangements and materials comply with the applicable provisions of the IGC Code;
- (c) a minimum of one intermediate survey during the period of validity of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk; in cases where only one such intermediate survey is carried out in any one certificate validity period, it shall be held not before 6 months prior to, nor later than 6 months after, the half-way date of the certificate's period of validity; intermediate surveys shall be such as to ensure that the equipment and associated pump and piping systems comply with the applicable provisions of the IGC Code and are in good working order; a record of such surveys in the form entitled "Endorsement for Intermediate Surveys" set out in the appendix to the IGC Code shall be endorsed by the surveyor on the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;
- (d) an annual survey within 3 months before or after the anniversary date of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk which shall include a general examination to ensure that the structure, equipment, fittings, arrangements and materials remain in all respects satisfactory for the service for which the ship is intended; a record of such survey in the form entitled "Endorsement for Mandatory Annual Surveys" set out in the appendix to the IGC Codes shall be endorsed by the surveyor on the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;
- (e) an additional survey, either general or partial according to the circumstances, shall be made when it has been determined under regulation 7(3) to be necessary, or whenever any important repairs or renewals are made; such

a survey shall ensure that the necessary repairs or renewals have been effectively made, that the materials and workmanship of such repairs or renewals are satisfactory, and that the ship is fit to proceed to sea without danger to the ship or persons on board; a record of such survey shall be endorsed by the surveyor on the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk certifying that on completion of the survey the ship complied with the relevant provisions of the IGC Code.

(2) Every such survey of a Trinidad and Tobago ship shall be carried out by a surveyor appointed by the Director.

6. (1) Upon satisfactory completion of an initial or periodical survey the Director shall issue to a ship which complies with the relevant requirements of the IGC Code a certificate called an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, the model form of which is set out in the appendix to the IGC Code.

Issue of International
Certificate of Fitness

(2) A certificate shall cease to be valid—

- (a) if any survey required by regulation 4(1)(c) or (d) is not completed within the period specified for that survey;
- (b) if any survey required by regulation 4(1)(e) is not completed within such reasonable time as the surveyor may specify; or
- (c) upon transfer of the ship to registry in another State.

(3) In either of the cases specified in sub-paragraph (a) or (b) of subregulation (2) the owner shall deliver up the certificate issued in relation to the ship to the Director on demand.

(4) In the case of a ship which has transferred from registry in another State to registry in the Trinidad and Tobago the Director may, subject to such requirements as to survey or otherwise as he may think fit, if he is satisfied that, notwithstanding that the surveys were not carried out as required by regulation 5 (1)

- (a) the ship has already been subjected to a satisfactory initial or periodical survey and to any intermediate, annual or additional surveys required; and
- (b) the ship was issued by or on behalf of the Administration of that other State with a certificate of fitness which would, but for the change of registry, have remained valid; and
- (c) the condition of the ship and its equipment has been maintained in conformity with the provisions of the IGC Code; and
- (d) since completion of the surveys referred to in sub-paragraph (a) no change has been made in the structure, equipment, fittings, arrangements and materials covered by those surveys, without the sanction of the Administration of that other State or of the Director, except by direct replacement;

issue to that ship an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk for a period to be determined by the Director, but

not extending beyond the expiry date of the certificate referred to in subparagraph (b).

(5) The International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk shall be kept on board ship and shall be available for inspection at all reasonable times.

Maintenance of condition after survey

7. (1) The condition of a gas carrier and its equipment shall be maintained so as to conform to the provisions of the IGC Code.

(2) After any survey of the ship under regulation 5 has been completed, no change shall be made in the structure, equipment, fittings, arrangements and materials covered by the survey, without the sanction of the Director, except by direct replacement.

(3) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or crew, the master or owner of the ship shall report at the earliest opportunity to the Director, who shall determine whether an additional survey is necessary. If the ship is in a port of another State, the master or owner shall also report immediately to the appropriate authority of the government of the State in which the port is situated.

Equivalents

8. Where the IGC Code requires that a particular fitting, material, appliance, apparatus, item of equipment or type thereof should be fitted or carried in a ship, or that any particular provision should be made, or any procedure or arrangement should be complied with, the Director may allow any other fitting, material, appliance, apparatus, item of equipment or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship, if he is satisfied by trial thereof or otherwise that such fitting, material, appliance, apparatus, item of equipment or type thereof, or that any particular provision, procedure or arrangement is at least as effective as that required by the IGC Code.

Loading and carriage in bulk of dangerous substances

9. No ship to which these Regulations apply shall load in bulk or carry in bulk any of the substances listed in Chapter 19 of the IGC Code unless—

- (a) there is in force in respect of that ship a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk covering the substance which the ship is loading or carrying; or
- (b) the Director has given approval to its carriage.

10. (1) Where there is a breach of regulation 4, 7 or 9 in relation to a ship then the owner and master of the ship shall each be guilty of an offence punishable on summary conviction by a fine not exceeding *[\$30,000]*.

Penalties

(2) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure that the Regulations were complied with.

Power to detain

11. In any case where a ship does not comply with the requirements of these Regulations the ship shall be liable to be detained and section 384 of

the Shipping Act 2007 (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that for the words "this Act" wherever they appear, there shall be substituted the words "the Shipping (Gas Carriers) Regulations 2007."