



MINISTRY OF WORKS AND TRANSPORT

Maritime Services Division

SHIPPING NOTICE

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GUIDELINES REGARDING THE VERIFIED GROSS MASS OF A CONTAINER CARRYING CARGO

Notice to Ship Owners, Operators, Masters, Crew, Ports, Trinidad and Tobago Coast Guard, Trinidad and Tobago Pilots' Association, Shipping Association, Seamen and Waterfront Workers Trade Union, Yachting Association.

Summary

This Notice is to:

Advise ship owners, ship operators, masters, and crew of vessels, passengers and the general public of the requirements for the verification of the gross mass weights of export containers.

1 INTRODUCTION

- 1.1 To ensure the safety of the ship, the safety of workers both aboard ships and ashore, the safety of cargo and overall safety at sea, the International Convention for the Safety of Life at Sea (SOLAS), as amended, requires in chapter VI, part A, regulation 2 that packed containers' gross mass are verified prior to stowage aboard ship. The shipper is responsible for the verification of the gross mass of a container carrying cargo (hereinafter "a packed container"). The shipper is also responsible for ensuring that the verified gross mass is communicated in the shipping documents sufficiently in advance to be used by the ship's master or his representative and the terminal representative in the preparation of the ship stowage plan. In the absence of the shipper providing the verified gross mass of the packed container, the container should not be loaded on to the ship unless the master or his representative and the terminal representative have obtained the verified gross mass through other means.
- 1.2 The purpose of these Guidelines is to establish a common approach for the implementation and enforcement of the SOLAS requirements regarding the verification of the gross mass of packed containers. The Guidelines provide recommendations on how to interpret and apply the provisions of the SOLAS requirements. They also identify issues that may arise from the application of these requirements and provide guidance for how such issues should be resolved. Adherence to these Guidelines will facilitate compliance with the SOLAS requirements by shippers of containerized shipments, and they will assist other parties in international containerized supply chains, including shipping companies and port terminal facilities and their employees, in understanding their respective roles in accomplishing the enhancement of the safe handling, stowage and transport of containers.

2 DEFINITIONS

- 2.1 For the purpose of these Guidelines are found in the Shipping (Carriage of Cargo) Regulations 2016 at Annex 1.

3 SCOPE OF APPLICABILITY

- 3.1 The SOLAS requirements to verify the gross mass of a packed container apply to all containers to which the CSC applies, and which are to be stowed onto a ship determined by the Administration to be subject to SOLAS chapter VI.

- 3.2** For example (but not limited to), a packed container on a chassis or trailer to be driven on a ro-ro ship is subject to the SOLAS requirements, if the ship has been determined by the Administration to be subject to SOLAS chapter VI and is not engaged on short international voyages. However, cargo items tendered by a shipper to the master for packing into a container already on board the ship are not subject to these SOLAS requirements.
- 3.3** The term container includes tank-containers, flat-racks, bulk containers etc. Also included are containers carried on a chassis or a trailer except when such containers are driven on or off a ro-ro ship engaged in short international voyages (see definition of ship). Excluded from the definition is any type of vehicle¹. Also excluded from the definition are "offshore containers" to which the CSC, according to the *Guidelines for the approval of offshore containers handled in open seas* (MSC/Circ.860) and the *Revised recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended* (CSC.1/Circ.138/Rev.1), does not apply.

4 MAIN PRINCIPLES

- 4.1** The responsibility for obtaining and documenting the verified gross mass of a packed container lies with the shipper.
- 4.2** A container packed with packages and cargo items should not be loaded onto a ship to which the SOLAS regulations apply unless the master or his representative and the terminal representative have obtained, in advance of vessel loading, the verified actual gross mass of the container.
- 4.3** The Shipping (Carriage of Cargoes) Regulations 2016 is in no way intended to supersede any contract of carriage.

5 METHODS FOR OBTAINING THE VERIFIED GROSS MASS OF A PACKED CONTAINER

- 5.1** The SOLAS regulations prescribe two methods by which the shipper may obtain the verified gross mass of a packed container:
- 5.1.1** Method No.1: Upon the conclusion of packing and sealing a container, the shipper may weigh, or have arranged that a third party weighs, the packed container.
- 5.1.2** Method No. 2: The shipper (*or, by arrangement of the shipper, a third party*), may weigh all packages and cargo items, including the mass of pallets, dunnage and other packing and securing material to be packed in the container, and add the tare mass of the container to the sum of the single masses using a certified method as described in paragraphs 5.1.2.3 and 5.1.2.3.1. Any third party that has performed some or all of the packing of the container should inform the shipper of the mass of the cargo items and packing and securing material that the party has packed into the container in order to facilitate the shipper's verification of the gross mass of the packed container under Method No. 2. as required by SOLAS VI/2 and paragraph 5, the shipper should ensure that the verified gross mass of the container is provided sufficiently in advance of vessel loading. How such information is to be communicated between the shipper and any third party should be agreed between the commercial parties involved.
- 5.1.2.1** Individual, original sealed packages that have the accurate mass of the packages and cargo items (including any other material such as packing material and refrigerants inside the packages) clearly and permanently marked on their surfaces, do not need to be weighed again when they are packed into the container.
- 5.1.2.2** Certain types of cargo items (e.g. scrap metal, unbagged grain and other cargo in bulk) do not easily lend themselves to individual weighing of the items to be packed in the container. In such cases, usage of Method No.2 would be inappropriate and impractical, and Method No.1 should be used instead.

¹Refer to the *Revised recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended* (CSC.1/Circ.138/Rev.1).

5.1.2.3 The method used for weighing the container's contents under Method No.2 is subject to certification and approval by the Maritime Services Division.²

5.1.2.3.1 The application process for use of Method 2 is detailed at Annex 2.

5.1.3 If a container is packed by multiple parties or contains cargo from multiple parties, the shipper as defined in paragraph 2.1 is responsible for obtaining and documenting the verified gross mass of the packed container. If the shipper chooses Method No.2 to obtain the verified gross mass, the shipper is then subject to all the conditions given in paragraphs 5.1.2, 5.1.2.1, 5.1.2.2, and 5.1.2.3.

6 DOCUMENTATION

6.1 The SOLAS regulations require the shipper to verify the gross mass of the packed container using Method No.1 or Method No.2 and to communicate the verified gross mass in a shipping document. For Trinidad and Tobago this document can be found in the schedule to the Shipping (carriage of cargoes) Regulation 2016 at Annex 1.

6.2 The verified gross mass of the packed container should be signed by a person duly authorized by the shipper.

6.3 It is a condition for loading onto a ship to which the SOLAS regulations apply that the verified gross mass of a packed container be provided, preferably by electronic means such as Electronic Data Interchange (EDI) or Electronic Data Processing (EDP), to the ship's master or his representative and to the terminal representative sufficiently in advance of ship loading to be used in the preparation and implementation of the ship stowage plan.

6.3.1 Because the contract of carriage is between the shipper and the shipping company, not between the shipper and the port terminal facility, the shipper may meet its obligation under the SOLAS regulations by submitting the verified gross mass to the shipping company. It is then the responsibility of the shipping company to provide information regarding the verified gross mass of the packed container to the terminal representative in advance of ship loading. Similarly, the shipper may also submit the verified gross mass to the port terminal facility representative upon delivery of the container to the port facility in advance of loading.

6.3.1.1 The master or his representative and the terminal representative should enter into arrangements to ensure the prompt sharing of verified container gross mass information provided by shippers. Existing communication systems may be used for the transmission and sharing of such verified container gross mass information.

6.3.1.2 At the time a packed container is delivered to a port terminal facility, the terminal representative should have been informed by the shipping company whether the shipper has provided the verified gross mass of the packed container and what that gross mass is.

6.3.2 There is no SOLAS prescribed time deadline for the shipper's submission of the verified gross mass other than such information is to be received in time to be used by the master and the terminal representative in the ship stowage plan. The finalization of the ship stowage plan will depend on ship type and size, local port loading procedures, trade lane and other operational factors. It is the responsibility of the shipping company with whom the shipper enters into a contract of carriage to inform the shipper, following prior discussions with the port terminal, of any specific time deadline for submitting the information.

² Reference to the relevant MSC Circular regarding contact information for the competent authority

7 EQUIPMENT

- 7.1** The scale, weighbridge, lifting equipment or other devices used to verify the gross mass of the container, in accordance with either Method No.1 or Method No.2 discussed above, should meet the applicable accuracy standards as identified in the verification certificate issued by the Trinidad and Tobago Bureau of Standards (TTBS). It must be noted here that companies must have their equipment calibrated before they could be verified by TTBS.

8 REGISTRATION OF OPERATORS OF WEIGHTING EQUIPMENT

- 8.1** Section 4 a (vi) of the shipping (carriage of cargoes) Regulation 2016 as amended requires the owners or operators of any piece of equipment used for the purposes as set out be registered with the Maritime Services Division. The intent of this section is to ensure that all operators of equipment used for ascertaining the gross mass weight of a container are so trained in its operation thereby improving the accuracy of the measurements.

8.1.1 Application Process

Applicants need to submit the following as part of their application:

- Full Company name
- Address where verified weighing will be taken
- Copy of verification certificate from TTBS
- Name of Operator
- Copy of Operator training document or certificate

- 8.1.2** With respect to the acceptable document or certificate referred to above, the following documents or certificate will be accepted:

- Certificate of Training from TTBS on the use of Weighing equipment
- Certificate of training from the Manufacture in the operation of the specific weighing equipment
- Certificate or Document from a calibration Company indicating the operation training was completed.

- 8.1.3** The Maritime Services Division will issue a certificate to the operators once the application is approved. The supply Chain is advised that if audited and found in contravention of the Shipping (Carriage of Cargoes) Regulation 2016 as amended that their certification to operate can be withdrawn.

9 DISCREPANCIES IN GROSS MASS

- 9.1** Any discrepancy between a packed container's gross mass declared prior to the verification of its gross mass and its verified gross mass should be resolved by use of the verified gross mass.
- 9.2** Any discrepancy between a verified gross mass of a packed container obtained prior to the container's delivery to the port terminal facility and a verified gross mass of that container obtained by that port facility's weighing of the container should be resolved by use of the latter verified gross mass obtained by the port terminal facility.

10 CONTAINERS EXCEEDING THEIR MAXIMUM GROSS MASS

- 10.1** SOLAS regulation VI/5 requires that a container not be packed to more than the maximum gross mass indicated on the Safety Approval Plate under the International Convention for Safe Containers (CSC), as amended. A container with a gross mass exceeding its maximum permitted gross mass may not be loaded onto a ship.

11 CONTAINERS ON ROAD VEHICLES

- 11.1** If the verified gross mass of a packed container is obtained by weighing the container while it is on a road vehicle, (e.g. chassis or trailer), the tare mass of the road vehicle (and, where applicable, the tractor) should be subtracted to obtain the verified gross mass of the packed container. The subtraction should reflect the tare mass of the road vehicle (and, where applicable, the tractor) as indicated in their registration documents as issued by the competent authority of the State where these assets are registered. The mass of any fuel in the tank of the tractor should also be subtracted.
- 11.2** If two packed containers on a road vehicle are to be weighed, their gross mass should be determined by weighing each container separately. Simply dividing the total gross mass of the two containers by two after subtracting the mass of the road vehicle and the tractor, where applicable, would not produce an accurate verified gross mass for each container, and should not be allowed.

12 EMPTY CONTAINERS

- 12.1** Shippers of empty containers and operators of empty containers are encouraged to have practices and arrangements in place to ensure that they are empty. The tare weight will visually appear on the container in accordance with the International Organization for Standardization (ISO) standard for container marking and identification³) and should be used.

13 CONTINGENCIES FOR CONTAINERS RECEIVED WITHOUT A VERIFIED GROSS MASS

- 13.1** Notwithstanding that the shipper is responsible for obtaining and documenting the verified gross mass of a packed container, situations may occur where a packed container is delivered to a port terminal facility without the shipper having provided the required verified gross mass of the container. Such a container should not be loaded onto the ship until its verified gross mass has been obtained. In order to allow the continued efficient onward movement of such containers, the master or his representative and the terminal representative may obtain the verified gross mass of the packed container on behalf of the shipper. This may be done by weighing the packed container in the terminal or elsewhere. The verified gross mass so obtained should be used in the preparation of the ship loading plan. Whether and how to do this should be agreed between the commercial parties, including the apportionment of the costs involved.

14 MASTER'S ULTIMATE DECISION WHETHER TO STOW A PACKED CONTAINER

- 14.1** Ultimately, and in conformance with the Code of Safe Practice for Cargo Stowage and Securing, the ship's master should accept the cargo on board his ship only if he is satisfied that it can be safely transported. Nothing in the SOLAS regulations limit the principle that the master retains ultimate discretion in deciding whether to accept a packed container for loading onto his ship. Availability to both the terminal representative and to the master or his representative of the verified gross mass of a packed container sufficiently in advance to be used in the ship stowage plan is a prerequisite for the container to be loaded onto a ship to which the SOLAS regulations apply. It does, however, not constitute an entitlement for loading.

15 ENFORCEMENT

- 15.1** The ultimate effectiveness and enforcement of the SOLAS container gross mass verification requirement is that a packed container, for which the verified gross mass has not been obtained sufficiently in advance to be used in the ship stowage plan, will be denied loading onto a ship to which the SOLAS regulations apply. Any costs associated with the non-loading, storage, demurrage or eventual return of the container to the tendering shipper of the container should be subject to contractual arrangements between the commercial parties.

³ Refer to standard ISO 6346 – Freight containers – Coding, identification and marking.

16 EFFECTIVE DATE OF THE SOLAS REQUIREMENTS REGARDING VERIFIED GROSS MASS OF A CONTAINER CARRYING CARGO

16.1 The SOLAS requirements regarding verified gross mass of a container carrying cargo (SOLAS regulation VI/2) are expected to enter into force in 1 July 2016.

Legal Notice No __ of 2016

REPUBLIC OF TRINIDAD AND TOBAGO

THE SHIPPING ACT 1987

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 406 OF THE SHIPPING ACT

THE SHIPPING (CARRIAGE OF CARGOES) REGULATIONS 2016

PART I

General

Citation

1. These Regulations may be cited as the Shipping (Carriage of Cargoes) Regulations 2016.

Interpretation

2. In these Regulations:

“ Act” means the Shipping Act, 1987;

“appropriate cargo information” means information relevant to the cargo and its stowage and securing, which should specify in particular the precautions necessary for the safe carriage of that cargo by sea;

“bulk cargo” means cargo carried in bulk;

“cargo” means any cargo which, owing to its particular hazard to ships or persons on board, may require special precautions, with the exception of liquids carried in bulk and gases carried in bulk;

“Cargo Securing Manual” means a manual drawn up to the standard contained in the Maritime Safety Committee Circular of the IMO, MSC/Circ. 745, dated 13th June 1996, and approved, in the case of Trinidad and Tobago ships by the Director, or in the case of other ships by or on behalf of the flag state;

“cargo ship” means a ship which is not a passenger ship, troop ship, pleasure vessel or fishing vessel;

“cargo hold” or “cargo space” means any hold or space in the ship appropriated for the carriage of cargo;

“cargo unit” includes a cargo transport unit and means wheeled cargo, vehicle, container, flat, pallet, portable tank, packaged unit, or any other cargo, and loading equipment, or any part thereof, which belongs to the ship and which is not fixed to the ship;

“cargoes which may liquefy” means cargoes which are subject to moisture migration and subsequent liquefaction if shipped with a moisture content in excess of the transportable moisture limit;

“Certifying Authority” means the Director or any other person or organization authorised by the Division;

“container” means an article of transport equipment as defined in the International Convention for Safe Containers, (CSC 1972), published by the IMO;

“Director” means the Director of Maritime Services appointed under section 403 of the Act;

“Division” means the Maritime Services Division established under section 403 of the Act;

“flag state” in relation to a ship means the state in which the ship is registered or, if unregistered, whose flag it is entitled to fly;

“flow moisture point” means the percentage moisture content (wet weight basis) at which a flow state develops under the methods of test in a representative sample of the material as prescribed by the Code of Safe Practice for Solid Bulk Cargoes (BC Code), published by the IMO;

“flow state” means the condition when a mass of granular material is saturated with liquid to an extent that under prevailing external forces such as vibration, impaction or ship’s motion, it loses its internal shear strength and behaves as a liquid;

“forwarder” means a person who receives the appropriate cargo information in preparation for eventual delivery of the cargo to the ship or its agent, and may include a cargo packer or consolidator;

“grain” includes wheat, maize (corn), oats, rye, barley, rice, pulses, seeds and processed forms thereof whose behaviour is similar to that of grain in its natural state;

“IMO” means the International Maritime Organisation;

“in bulk”, except in the context of roll-on roll-off cargo spaces, means directly and without intermediate form of containment in a hold, tank or cargo space forming a structural part of, or permanently attached to, a ship;

“International Grain Code” means the International Code for the Safe Carriage of Grain in Bulk adopted by the Maritime Safety Committee of the IMO by resolution MSC.23(59) on 23rd May 1991;

“moisture content” means the amount of moisture present in a particular sample expressed as a percentage by weight of the total wet weight of the sample;

“offshore supply vessel” means a ship which is used for the transportation of stores, materials, equipment and personnel between a base ashore and offshore installations or between offshore installations;

“operator of the terminal” means the person under whose control are the activities at the terminal;

“passenger ship” means a ship carrying more than 12 passengers;

“pleasure vessel” has the same meaning as in section 2 of the Act;

“roll-on roll-off cargo spaces” means spaces not normally subdivided in any way and extending to either a substantial length or the entire length of the ship in which the goods (packaged or in bulk, in or on rail or road cars, vehicles (including road or rail tankers), trailers, containers, pallets, demountable tanks or in or on similar stowage units or other receptacles) can be loaded and unloaded normally in a horizontal direction;

“Shipping Notice” means a Notice described as such, issued by the Division;

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

“SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974, its Protocols of 1978 and 1988 as amended, in force;

“terminal” means any terminal, jetty, pier, floating structure or other works within a harbour at which ships can obtain shelter or ship and unship goods or passengers;

“tons” means gross tons, and a ship to which regulation 6 of the Shipping (Tonnage) Regulations refers may continue to use the gross tonnage additionally ascertained, in accordance with the provisions of the Second Schedule to the Regulations. Where a ship has alternative tonnages under that Schedule, the tonnage which may be used shall be the larger of those tonnages;

“transportable moisture limit” means 9/10ths of the flow moisture point;

“trimming” means any levelling of the material within a cargo space, either partial or total, by means of loading spouts or chutes, portable machinery, equipment or manual labour; and

“Trinidad and Tobago ship” means a Trinidad and Tobago ship as defined in section 2 of the Act.

Application

3. (1) These Regulations apply to:

- (i) sea-going Trinidad and Tobago ships wherever they may be, and
- (ii) sea-going ships which are not Trinidad and Tobago ships while they are within Trinidad and Tobago waters, when loaded or intended to be loaded with any cargo.

(2) These Regulations apply to the carriage of all cargoes, but are subject to any requirements contained in any Shipping (Dangerous Goods and Marine Pollutants) Regulations made under the Act in respect of the carriage of dangerous goods and marine pollutants as may be defined in those Regulations.

(3) Where any requirement in those Regulations regulates an aspect of carriage provided for in these Regulations, those Regulations shall apply to that extent, and not these.

PART II

General Provisions

Cargo information

4. (1) (a) The shipper shall, subject to sub-regulation (4) below, provide such information to the owner or master sufficiently in advance of loading as is necessary to enable them to ensure that—

(i) the different commodities to be carried are compatible with each other or suitably separated;

(ii) the cargo is suitable for the ship;

(iii) the ship is suitable for the cargo; and

(iv) the cargo can be safely stowed and secured on board the ship and transported under all expected conditions during the intended voyage.

(v) Any piece of equipment used by a shipper in order to enable the provision of cargo information to the owner or master as required at paragraph (b) (i) below shall be subject to the requirements of the Metrology Act.

(vi) The owners or operators of any piece of equipment used for the purposes as set out at paragraph (v) above shall be required to register with the Division in such manner as the Director shall determine.

(b) The cargo information referred to in paragraph (a) shall include:

(i) in the case of general cargo and cargo carried in cargo units, a general description of the cargo, the gross mass of the cargo or cargo units and any relevant special properties of the cargo;

(ii) in the case of bulk cargoes, information on the stowage factor of the cargo, the trimming procedures, the likelihood of shifting including angle of repose, if applicable, and any other relevant special properties;

(iii) in the case of a concentrate or other cargo which may liquefy, additional information in the form of a certificate indicating the moisture content of the cargo and its transportable moisture limit;

(iv) in the case of bulk cargoes which are not classified in accordance with Regulation VII/2 of the SOLAS Convention, but have chemical properties that may create a potential hazard, information on its chemical properties in addition to that required by sub-paragraph (ii) above;

(i) in the case of cargo carried in cargo units as identified at sub-paragraph (i) above, a container verification weight form in the manner and containing the information as set out in the First Schedule.

(c) for the purposes of weight verification of containers, the shipper shall be guided by the procedures as set out by Shipping Notice 9 of 2016 as amended from time to time, and where applicable shall pay the fees as set out in the Second Schedule.

(2) The information shall be confirmed in writing and by appropriate shipping documents prior to loading the cargo on the ship.

(3) In preparing cargo units for carriage by ships, the shipper or, as the case may be, the forwarder, shall ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents.

(4) Where the shipper does not deliver the cargo to the ship or its agent he shall provide the forwarder with such cargo information.

(5) If the shipper does not deliver the cargo to the ship or its agent it shall be the duty of the forwarder to provide the owner or master with the appropriate cargo information.

(6) If a shipper or forwarder fails to provide appropriate cargo information as required by this regulation, or furnishes cargo information which he knows to be false or recklessly furnishes cargo information which is false, he shall be guilty of an offence.

(7) If an owner or master accepts for carriage, or takes or receives on board any cargo for which appropriate cargo information as required by this regulation has not been furnished, he shall be guilty of an offence.

Carriage of documentation

5. (1) The owner and master of every ship to which these Regulations apply, other than a ship engaged in the carriage of grain, shall ensure that appropriate documentation, relevant to the cargo and its stowage and securing, which should specify in particular the precautions necessary for the safe carriage of that cargo by sea, is carried on board.

(2) Such documentation may consist of one or more of the following Codes of Safe Practice:

(a) the Code of Safe Practice for Cargo Stowage and Securing adopted by the Organization by Resolution A.714(17), 1992 edition, as amended;

(b) the Code of Safe Practice for Ships Carrying Timber Deck Cargoes adopted by the Organization by Resolution A.715(17), 1992 edition; and

(c) the Code of Safe Practice for Solid Bulk Cargoes (BC Code) adopted by the Organisation by Resolution A.434(XI), 1991 edition, as amended.

(3) The owner and master of every ship carrying grain to which these Regulations apply shall ensure that the International Grain Code is carried on board.

(4) All passenger ships and cargo ships carrying cargoes other than solid bulk cargoes, except cargo ships of less than 500 tons engaged on voyages which are not international voyages, shall carry on board a Cargo Securing Manual.

(5) An owner or master who contravenes sub-regulations (1) or (3) above shall be guilty of an offence.

Stowage and securing

6. (1) The owner and master shall ensure that:

(a) cargo and cargo units carried on or under deck are loaded, stowed and secured so as to prevent as far as is practicable, throughout the voyage, damage or hazard to the ship and the persons on board, and loss of cargo overboard;

(b) appropriate precautions are taken during loading and transport of heavy cargoes or cargoes with abnormal physical dimensions to ensure that no structural damage to the ship occurs and to maintain adequate stability throughout the voyage;

(c) appropriate precautions are taken during loading and transport of cargo units on board ro-ro ships, especially with regard to the securing arrangements on board such ships and on the cargo units and with regard to the strength of the securing points and lashings;

(d) cargo on board all ships to which regulation 5(4) is applicable is stowed and secured throughout any voyage in accordance with the Cargo Securing Manual; and

(e) cargo on board all ships to which regulation 5(4) is applicable with roll-on/roll-off cargo spaces, shall be stowed and secured in accordance with the Cargo Securing Manual before the ship leaves a berth.

(2) Where packaged goods have been packed into or onto a cargo unit, the shipper or forwarder of such goods shall ensure that:

(a) the cargo is packed and secured so as to prevent, throughout any voyage, damage or hazard to the ship and the persons on board; and

(b) if the cargo unit is a container, it is not loaded to more than the maximum gross weight indicated on the Safety Approval Plate attached to the container in accordance with the International Convention for Safe Containers (CSC 1972), published by the IMO.

(3) (a) An owner or master who contravenes sub-regulation (1) shall be guilty of an offence;

(b) a shipper or forwarder who contravenes sub-regulation(2) shall be guilty of an offence.

Oxygen analysis and gas detection equipment

7. (1) In the case of a ship transporting or accepting for transport a bulk cargo which is liable to emit a toxic or flammable gas, or cause oxygen depletion in the cargo hold, an appropriate instrument for measuring the concentration of gas or oxygen in the air shall be provided together with detailed instructions for its use. Such an instrument shall be of a type approved by the Certifying Authority, and the crew shall be trained in its use.

(2) An owner of a ship which transports, or a master who accepts for carriage, such a bulk cargo without ensuring that paragraph (1) has been complied with shall be guilty of an offence.

The use of pesticides in ships

8. (1) If pesticides are used in cargo spaces, they shall be used in accordance with such recommendations on the safe use of pesticides in ships as shall be determined by the Division and issued by way of a Shipping Notice.

(2) If sub-regulation (1) is not complied with the owner and master shall each be guilty of an offence.

PART III

Special Provisions For Bulk Cargoes Other Than Grain

Acceptability for loading

9. (1) Prior to loading a bulk cargo the master shall be in possession of stability information, provided pursuant to regulation 42 of the Shipping (Load Line) Regulations containing comprehensive information on the ship's stability and on the distribution of cargo and ballast for the standard loading conditions.

(2) The master shall not accept for loading concentrates or other cargoes which may liquefy unless:

(i) either the moisture content of the cargo indicated in the certificate referred to in regulation 4(1)(b) is less than its transportable moisture limit or

(ii) if the moisture content is above that limit, appropriate safety arrangements are made to the satisfaction of the Certifying Authority to ensure adequate stability in the case of cargo shifting, and the ship has adequate structural integrity.

(3) Prior to loading a bulk cargo referred to in regulation 4(1)(b)(iii), appropriate special precautions for its safe carriage shall be taken.

(4) The owner shall ensure that the master is furnished with the information referred to in sub-regulation (1).

(5) The master shall not accept cargo for loading unless:

(a) he has in his possession the information required by paragraph (1),

(b) he is satisfied by calculations that the proposed loading arrangements would ensure sufficient stability in accordance with the stability information provided under sub-regulation (1); and

(c) he is satisfied that, in the case of a cargo to which sub-regulation (3) applies, the precautions required by that sub-regulation have been taken.

(6) An owner who contravenes sub-regulation (4) shall be guilty of an offence.

(7) A master who contravenes sub-regulations (2) or (5) shall be guilty of an offence.

Loading, unloading and stowage of bulk cargoes

10. (1) (a) In this regulation "terminal representative" means an individual who represents the terminal or other facility where the ship is loading or unloading and who has responsibility for operations conducted by that terminal or facility with regard to the particular ship.

(b) For the purposes of sub-regulations (3) and (7) below, the appropriate authority of a port in Trinidad and Tobago shall be the harbour authority of that port. If a terminal in the port is not operated by the harbour authority, then the operator of the terminal shall be the appropriate authority.

(2) To enable the master to prevent excessive stresses in the ship's structure, it shall be the duty of the owner to ensure the ship shall be provided with a cargo loading manual, which shall be written in a language with which the ship's officers responsible for cargo operations are familiar. If this language is not English, the ship shall be provided with a manual written also in the English language. The manual may consist of one or more booklets and shall, as a minimum, include:

(a) stability data, to the extent required by regulation 42 of the Shipping (Load Line) Regulations;

(b) ballasting and deballasting rates and capacities;

(c) maximum allowable load per unit surface area of the tank top plating;

(d) maximum allowable load per hold;

(e) general loading and unloading instructions with regard to the strength of the ship's structure including any limitations on the most adverse operating conditions during loading, unloading, ballasting operations and the voyage;

(f) any special restrictions such as limitations on the most adverse operating conditions imposed by the Division or organization recognised by it, if applicable; and

(g) where strength calculations are required, maximum permissible forces and moments on the ship's hull during loading, unloading and the voyage.

- (3) Before a solid bulk cargo is loaded or unloaded, the master and the terminal representative shall agree on a plan which:
- (i) shall ensure that the permissible forces and moments on the ship are not exceeded during loading or unloading, and
 - (ii) shall include the sequence, quantity and rate of loading or unloading, taking into consideration the intended speed of loading or unloading, intended number of pours and the deballasting or ballasting capability of the ship. The plan and any subsequent amendments thereto shall be lodged with the appropriate authority of the port State.
- (4) It shall be the duty of the master to ensure that bulk cargoes are loaded and trimmed reasonably level, as necessary, to the boundaries of the cargo space so as to minimize the risk of shifting and to ensure that adequate stability will be maintained throughout the voyage.
- (5) It shall be the duty of the master to ensure that:
- (a) when bulk cargoes are carried in 'tween-decks, the hatchways of such 'tween-decks are closed in those cases where the loading information indicates an unacceptable level of stress of the bottom structure if the hatchways are left open;
 - (b) the cargo is trimmed reasonably level and either extends from side to side or is secured by additional longitudinal divisions of sufficient strength;
 - (c) the safe load-carrying capacity of the 'tween-decks is observed to ensure that the deck structure is not overloaded.
- (6) The master and terminal representative shall ensure that loading and unloading operations are conducted in accordance with the plan agreed under sub-regulation (3).
- (7) (a) If during loading or unloading any of the limits of the ship referred to in sub-regulation (2) are exceeded or are likely to become so if the loading or unloading continues, the master has the right to suspend operation, and if he does so he shall notify accordingly the appropriate authority of the port State with which the plan has been lodged.
- (b) Where paragraph (a) applies the master and the terminal representative shall ensure that corrective action is taken.
 - (c) When unloading cargo, the master and terminal representative shall ensure that the unloading method does not damage the ship's structure.
- (8) (a) The master shall ensure that ship's personnel continuously monitor cargo operations.
- (b) Where possible, the ship's draught shall be checked regularly during loading or unloading to confirm the tonnage figures supplied.
 - (c) Each draught and tonnage observation shall be recorded in a cargo log-book.
 - (d) If significant deviations from the plan agreed under paragraph (3) are detected, cargo or ballast operations or both shall be adjusted to ensure that the deviations are corrected.
- (9) (a) An owner who contravenes sub-regulation (2) shall be guilty of an offence.
- (b) A master who contravenes sub-regulations (3), (4), (5), (6), (7)(b) or (c) or (8) shall be guilty of an offence.
 - (c) A terminal representative in Trinidad and Tobago who contravenes sub-regulations (3), (6), (7)(b) or (c) shall be guilty of an offence.

PART IV

Requirements for Cargo Ships Carrying Grain

International Grain Code

- 11.** (1) A ship carrying grain shall comply with the requirements of the International Grain Code.
- (2) Without prejudice to sub-regulation (1) or any other requirement of these Regulations, the owner and master shall ensure that:
- (a) a ship loading grain complies with the International Grain Code; and

(b) subject to paragraph (4)(b), the ship has on board a document of authorisation as required by the International Grain Code. In the case of a Trinidad and Tobago ship the document of authorisation shall be issued by the Certifying Authority.

(3) Except when a ship may be in distress, the owner and master shall not permit a ship loaded with grain in bulk outside Trinidad and Tobago waters to enter any port in Trinidad and Tobago so laden, unless the ship has been loaded in accordance with the International Grain Code.

(4) No person shall order the commencement of the loading of grain into a ship in Trinidad and Tobago unless he is satisfied that:

(a) the ship has on board a document of authorisation referred to in sub-regulation (2)(b); or

(b) the master has demonstrated to the satisfaction of the Certifying Authority that the ship will, in its proposed loading condition, comply with the appropriate requirements of the International Grain Code and has obtained a document to this effect signed by a surveyor of such a Certifying Authority.

(5) An owner or master who contravenes sub-regulations (2) or (3) shall be guilty of an offence.

(6) A person who contravenes sub-regulation (4) shall be guilty of an offence.

PART V

Enforcement

Power to detain

12. 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 387 of the Act (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that as if for the words “this Act”, wherever they appear, there were substituted the words “the Shipping (Carriage of Cargoes) Regulations 2016”.

Penalties and defences

13. (1) A person guilty of an offence under Part II, III or IV of these Regulations shall be liable on summary conviction to a fine not exceeding **\$10,000.00** or imprisonment for a term not exceeding two years.

(2) In any proceedings for an offence under Part II, III or IV of these Regulations it shall be a defence for a person to prove that all reasonable steps had been taken by that person to ensure compliance with the Regulations.

Offences due to the fault of another person

14. Where the commission by any person of an offence under Part II, III or IV of these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence. 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.

Equivalent and exemptions

15. (1) Where these Regulations, or documentation referred to in these Regulations, require that a particular piece of equipment, or type thereof, shall be provided or carried in a ship, or that any particular provision shall be made, the Certifying Authority shall permit any other piece of equipment to be provided or carried, or any other provision to be made in that ship if he is satisfied by trials thereof or otherwise that such other piece of equipment or provision is at least as effective as that required by these Regulations, or information referred to in these Regulations.

(2) For the purposes of these Regulations, the results of verification and tests carried out by bodies or laboratories of other member States of the IMO offering suitable and satisfactory guarantees of technical and professional competence and independence shall be accepted.

(3) The Director may exempt any ship from all or any of the provisions of these Regulations as may be specified in the exemption on such terms (if any) as he may specify and, on giving reasonable notice, he may alter or cancel such an exemption.

FIRST SCHEDULE

(Regulation 4)



VERIFICATION WEIGHT FORM

Serial Number (NT 001)

Name of Weighing Station/ Company	NEED AND FRIENDS
Serial Number of Weighing Equipment	XFR 118kjuoo00
TTBS Verification Certificate Number	TTBS 34561278
Container Identification Number	TGHU 759933 0 45 G1
Container Tare Weight	3, 870 KG
Gross Weight of Container	27,0000 KG
Name of Scale Operator	Wiley John
Date and Signature of Scale Operator	<i>1 July 2016 Wiley John</i>
Name of Shipper	Junior Damen
I , the under-signed Shipper hereby declare that the above information is true and correct with the knowledge that any failure to provide accurate information or attempt to provide information that is recklessly or knowingly false is a breach of these Regulations and punishable by a fine or imprisonment Date and Signature of Shipper _____	

SECOND SCHEDULE

(Regulation 4)

Fees payable to the Maritime Services Division for certification under the Weight Verification Process

Issue of Equipment Operator Certificate	-	\$ 40.00
Issue of Method 2 Company Certificate	-	\$200.00

Made this day of April, 2016

F. HINDS
Minister of Works and Transport

Annex 2 - Method 2 Application Process to Maritime Services Division

A2.1 The Maritime Services Division (MSD) is responsible for approving, through the process described below, the suitability of businesses seeking accreditation and ensuring that the process fully conforms to the requirements of SOLAS as amended.

A2.2 The process must provide / ensure a satisfactory level of security for all cargo to be packed in containers.

Application procedure

A2.3 Applicants need to submit the following as part of their application:

- Full Company name and head office address
- Addresses where verified weighing will be undertaken
- Name(s) of responsible person(s) Operations Director / Logistics Personnel etc.

A2.4 Additional elements of a Documented Procedure for a “Method 2” Shipper:

- Specifying / describing the weighing method to be used
- Detailing what weighing equipment is to be used as part of the documented procedure
- Equipment maintenance procedures
- Calibration procedures (including whether there are periodic internal checks)
- Discrepancy procedure
- Reporting and quarantining of faulty equipment
- Record retention
- Training
- Copy of certificates where processes are already audited as part of a Quality Management System

The process

A2.5 For those companies without audited and certified procedures, if the preliminary details supplied by the applicant are considered satisfactory, the appropriate authority conducts (or arranges that an approved third party conducts) an on-site verification of the implementation, effectiveness and auditability of the weighing measures in place.

A2.6 Following a successful verification visit, the trader is considered to be an approved shipper for a period of time not exceeding 3 years and its name added to the official verification of container gross mass register administered by the MSD. The MSD (or the appointed Government department) continues its oversight of the process in order to ensure that it is updated as required and that all approved shippers maintain the level of implementation of their roles and safety responsibilities throughout the period of validity of their approval. To do so, the MSD may require the provision of information or documents and to conduct on-site inspections/spot-checks.

A2.7 For those companies with a documented and externally audited system the MSD will check the documents to ensure their compliance with the requirements of the regulations. On a risk basis the MSD will determine whether or not they believe that the procedures comply with regulatory requirements. If they meet the requirements the relevant approval will be issued. The MSD will investigate any discrepancies including conducting an audit if required.

A2.8 The MSD will issue an authorisation certificate to the verified shipper.

A2.9 Details will be recorded on a register administered by the MDS and access details provided to authorised parties.

Revocation of Approval

A2.10 When a mis-declaration of a gross mass is notified to the MSD, the “approved” shipper will be asked to explain the non-compliance and depending on the severity or number of non-compliances the “approval” will be revoked and shipper will have to use Method 1.

Annex 3 – Minimum Training Requirement for Scale Operators

- Importance of good measuring practices
- Legislation related to Weighing Devices
- Terminology – measurement traceability, calibration, verification, measurement uncertainty
- Components of weighbridge/balance/scale
- Weighing procedure
- Recording of accurate data

Further information can be obtained from:-

Ministry of Works and Transport
Maritime Services Division
Clarence House 127 – 129 Duke Street
Port of Spain
Telephone: 625-3858/-3218/3804/223-4351
Facsimile : 624-5884
E-mail : maritime.services@gov.tt

Director Maritime Services
Ministry of Works and Transport

3rd May 2016