ANNEX 13

RESOLUTION MSC.277(85)
(adopted on 28 November 2008)

CLARIFICATION OF THE TERM "BULK CARRIER" AND GUIDANCE FOR APPLICATION OF REGULATIONS IN SOLAS TO SHIPS WHICH OCCASIONALLY CARRY DRY CARGOES IN BULK AND ARE NOT DETERMINED AS BULK CARRIERS IN ACCORDANCE WITH REGULATION XII/1.1 AND CHAPTER II-1

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

NOTING that the 1997 SOLAS Conference adopted chapter XII of the International Convention for the Safety of Life at Sea (SOLAS), 1974, concerning additional safety measures for bulk carriers,

NOTING ALSO that SOLAS chapter XII which entered into force on 1 July 1999 has since been revised by the adoption of resolutions MSC.170(79) and MSC.216(82),

NOTING FURTHER that definitions of the term "bulk carrier" exist in SOLAS chapters II-1, IX and XII,

DESIRING to ensure that all Contracting Governments to the 1974 SOLAS Convention implement SOLAS chapters II-1, III, IX, XI-1 and XII in a consistent and uniform manner,

RECOGNIZING, therefore, the need to establish, for that purpose, guidance on applications of, and interpretations to, the relevant provisions of SOLAS,

1. URGES Governments concerned to:

.1 apply the provisions of this resolution to bulk carriers as defined in SOLAS and to ships as described in paragraph 1.5 of this resolution the keels of which are laid or which are at a similar stage of construction on or after 1 January 2009;

.2 apply the provisions of this resolution to bulk carriers as defined in SOLAS and to ships which occasionally carry dry cargoes in bulk as described in paragraphs 1.3.2, 1.6 and 1.7 of this resolution the keels of which are laid or which are at a similar stage of construction on or after 1 July 2010;

.3 interpret the term "*bulk carrier*" and its definition, as follows:

.1 "*primarily to carry dry cargo in bulk*" means primarily designed to carry dry cargoes in bulk and to transport cargoes which are carried, and loaded or discharged, in bulk, and which occupy the ship's cargo spaces exclusively or predominantly; and

.2 "*includes such types as ore carriers and combination carriers*" and "*constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces*" means that ships are not considered outside the definition of bulk carriers on the grounds that they are not ore or combination carriers or that they lack some or all of the specified constructional features;

.4 note with respect to the above definitions that bulk carriers may carry cargoes which are not loaded or discharged in bulk, and remain bulk carriers while so doing;

.5 avoid the inappropriate application of provisions of SOLAS chapters II-1, III, IX, XI-1 and XII to certain dedicated ship types by excluding from the scope of cargoes deemed, for the purpose of determining ship type, to be dry cargoes carried in bulk:

.1 woodchips; and

.2 cement, fly ash and sugar,

provided that loading and unloading is not carried out by grabs heavier than 10 tonnes, power shovels and other means which frequently damage cargo hold structures;

.6 permit ships other than those described in paragraphs 1.3 and 1.5 to occasionally carry dry cargoes in bulk, provided:

.1 they are of double-side skin construction (where "double-side skin construction" is as defined in SOLAS chapter XII in relation to bulk carriers);

.2 the freeboard assigned is type B without reduced freeboard; and

.3 they comply with SOLAS regulations as applicable to bulk carriers to the extent indicated below:

SOLAS regulation
Regulation II-1/3-2.2 (Protective coatings of dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers)[1]
Regulations XII/6.2, 6.3 and 6.4 (Structural and other requirements for bulk carriers)
Regulation XII/10 (Solid bulk cargo density declaration)
Regulation XII/11 (Loading instrument)
Regulation XII/12 (Hold, ballast and dry space water ingress alarms)
Regulation XII/13 (Availability of pumping systems)

[1] Double-side skin void spaces of ships in accordance with paragraph 1.6 should be treated in the same manner as double-side skin spaces of bulk carriers.

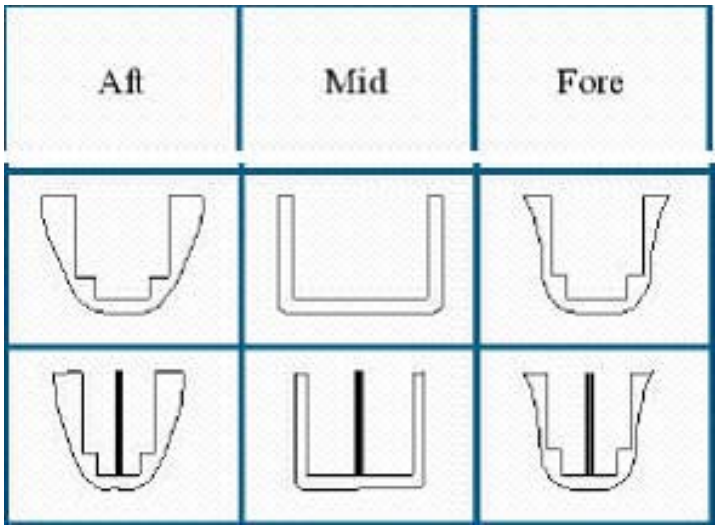
.7 permit ships of single-side skin construction of less than 100 m in length to occasionally carry dry cargoes in bulk, provided:

.1 the freeboard assigned is type B without reduced freeboard; and

.2 they comply with SOLAS regulations as applicable to bulk carriers to the extent indicated below:

SOLAS regulation
Regulation XII/11 (Loading instrument)
Regulation XII/12 (Hold, ballast and dry space water ingress alarms)
Regulation XII/13 (Availability of pumping systems)

.8 note that the ships referred to in paragraph 1.6 above are commonly arranged with 'tween decks or have discontinuities of the inner shape of the cargo hold area in the fore and aft region such as illustrated below:



.9 not consider a ship complying with paragraphs 1.6 and 1.7 to be a bulk carrier but, subject to compliance with the provisions in the relevant paragraphs, allow such ships to occasionally carry dry cargoes in bulk; and

.10 issue ships falling under the provisions of paragraph 1.5 and ships occasionally carrying dry cargoes in bulk with a statement attesting to the application of paragraph 1.5, 1.6 or 1.7 under the provisions of this resolution;

2. INVITES Governments concerned to bring the contents of this resolution to the attention of all parties concerned.

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