

SAFETY

The Merchant Shipping (Medical Stores) Regulations 1986¹⁹²
*as amended*¹⁹³

[The Minister] in exercise of the powers conferred on him by [sections 122 and 293 of the Merchant Shipping Act], and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, Commencement¹⁹⁴ and Interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Medical Stores) Regulations 1986* and [came into force on 22nd September 1988]¹⁹⁵.

(2) The Merchant Shipping (Medical Scales) Regulations 1974^(d)¹⁹⁶ and the Merchant Shipping (Medical Scales) (Merchant Ships and Other Vessels) (Amendment) Regulations 1975 and 1980^(e)¹⁹⁷ are hereby revoked.

(3) In these Regulations:

- ¹⁹⁸ “Class VI¹⁹⁹ passenger vessels” means vessels when operating as vessels of [that Class] within the meaning of the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984^(c)²⁰⁰
- “chemical” means any chemical listed in the following International Maritime Organization publications:
- (a) the General Index of the International Maritime Dangerous Goods Code;
 - (b) the Index of Dangerous Chemicals Carried in Bulk;
 - (c) Chapter XIX of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
- “crew” means all persons including the master employed in any capacity on board a ship;
- “employer” means employer of the master of the vessel;
- “fishery research vessel” means a vessel used primarily for research into sea fishing and fish stocks;
- “fishing vessel” means a vessel for the time being employed in sea fishing for profit;
- “grt” means gross registered tonnage and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages; for a ship having its tonnage determined both under Part II and regulation 16 of the

* These regulations were applied in 1988 from 1986 Regulations.

¹⁹² applied in the Bahamas in 1988 from UK SI 144/1986 by SI 39/1988

¹⁹³ by Merchant Shipping (Medical Stores)(Amendment) Regulations 1988 applied in the Bahamas from UK SI 1116/1988 by SI 39/1988

¹⁹⁴ the words “, Revocation” omitted.

¹⁹⁵ These regulations were applied in 1988 by SI 39 of 1988 which was gazetted on 22 September, 1988.

^(d) [UK] S.I. 1974/1193

¹⁹⁶ previously applied in the Bahamas

^(e) [UK] S.I. 1975/1581 and 1980/407

¹⁹⁷ previously applied in the Bahamas (in the case of the 1980 Regulations by SI 17/1981)

¹⁹⁸ words inserted by regulation 2(1) of the Merchant Shipping (Medical Stores)(Amendment) Regulations 1988 also applied in the Bahamas by SI 39/1988 from UK SI 1116/1988

¹⁹⁹ words omitted.

^(c) [UK] S.I. 1984/1216, to which there are amendments not relevant to these Regulations.

²⁰⁰ for definition of classes of passenger ships, *see* Appendix V

Merchant Shipping (Tonnage) Regulations 1982^(a)²⁰¹ the gross tonnage shall be that determined under regulation 16;

“IMDG Code” means the 1988 edition of the International Maritime Dangerous Goods Code published by the International Maritime Organization;²⁰²

²⁰³ [“ Home Trade area” is an area encompassing—

(a) the Bahamas; and

(b) the area bound—

(i) by a line from the northern most limits of Juniper Inlet on the north east coast of Florida in the United States of America to the northern most limits of the Bahamas; and

(ii) by a line from the southern most limits of Key West on the south east coast of Florida to the southern most limits of the Bahamas];

“Merchant Shipping Notice” means a Notice described as such and issued by the Secretary of State [of the United Kingdom for Transport]; and a reference to a particular Merchant Shipping Notice includes a reference to any document amending or replacing that Notice which is considered by the [the Minister] to be relevant from time to time and is specified in a Merchant Shipping Notice;

“smooth and partially smooth waters” means the waters defined as such in [the Schedule to the Merchant Shipping (Smooth and Partially Smooth Waters) Regulations 1981²⁰⁴] and any waters adjacent to another country treated for the purposes of merchant shipping safety legislation of that country as sheltered waters;

“offshore installation” means any offshore installation which is maintained within the meaning of section 1(4) Mineral Workings (Offshore Installations) Act 1971^(c)

“pleasure craft” means a vessel primarily used for sport or recreation;

“submersible craft” means any vessel used or designed for use under the surface of any waters;

“voyage” means a journey from a port to the next port of call of a ship (which may be the same port).

(4) Any reference in these Regulations to the British Pharmacopœia, the European Pharmacopœia, or the British National Formulary shall in its application to a particular case be construed as a reference to the edition thereof current at, or not more than three months before, the time when any requirement of these Regulations has effect.

(5) Any reference in these Regulations to a publication (other than those referred to in paragraph (4) of this regulation) includes a reference to any amendment thereof published before the date on which these Regulations are made (and, in the case of the United States Pharmacopœia, means the edition current as such date, as so amended); and shall include any document amending the same, or shall mean any new edition thereof together with any document amending the same, which is considered by [the Minister] to be relevant from time to time and is specified in a Merchant Shipping Notice.

^(a) [UK] S.I. 1982/841

²⁰¹ *infra*.

²⁰² words inserted by regulation 2(1) of the Merchant Shipping (Medical Stores)(Amendment) Regulations 1988 by also applied in the Bahamas from UK SI 1116/1988 by SI 39/1988

²⁰³ n.b. the term Home Trade Area is not defined in legislation, however, this suggested definition is derived from the expression “home-trade voyage” which is defined in section 2 of the Merchant Shipping Act.

²⁰⁴ see Appendix X for excerpt.

^(c) [UK] 1971 c.61; section 1 was substituted by section 24 of the [UK] Oil and Gas (Enterprise) Act 1982 (c.23).

(6) Any reference in these Regulations to a specified scale shall be a reference to that scale of medicines and medical stores contained in Merchant Shipping Notice No. [1726].

Application

2.—(1) These Regulations apply to [Bahamian] ships other than:—

- (a) fishing vessels;
- (b) fishery research vessels;
- (c) pleasure craft, provided that not more than 3 members of the crew receive remuneration for their employment as such;
- (d) offshore installations whilst on or within 500 metres of their working stations; and
- (e) submersible vessels unless being operated without shore or surface vessel support.

(2) [The Minister] may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Medicines and medical stores

3.—(1) The medicines and medical stores of the scale specified in column 2 of the Table below shall be kept on board every ship satisfying the conditions set out in column 1 of that Table in the numbered paragraph opposite that scale; and if a ship satisfies the conditions contained in more than one of the numbered paragraphs in column 1, medicines and medical stores kept on board shall comply with the sum of the requirements of the scales specified opposite those paragraphs.

(2) Any ship falling within entry 7 of column 1²⁰⁵ of the table need have on board for the purposes of complying with the requirement to carry the medicines and medical stores of Scale VI only those medicines or medical stores laid down in the International Maritime Organization Medical First Aid Guide for use in Accidents Involving Dangerous Goods (1985 edition) (published by the International Maritime Organization)²⁰⁶ as the treatments to be followed after contact with the chemicals carried by that ship, or residues present from earlier voyages.

(3) There shall be kept on board every ship on a voyage on which a doctor is carried as a member of the crew, any additional supplies which the doctor may reasonably require having regard to the size of the crew, the number of passengers on board and the intended voyage.

²⁰⁵ words substituted by the Merchant Shipping (Medical Stores)(Amendment) Regulations 1988 applied in the Bahamas from UK SI 1116/1988.

²⁰⁶ words substituted by the Merchant Shipping (Medical Stores)(Amendment) Regulations 1988 applied in the Bahamas from UK SI 1116/1988.

TABLE²⁰⁷

Column 1	Column 2
(1) For vessels on voyages exceeding 100 miles to or from any place outside the [Home Trade Area].	Scale I
(2) For vessels plying either within the [Home Trade Area] or elsewhere on [a] voyage not exceeding 100 miles except as described for Scales IIA, III, IV and V below.	Scale II
(3) For vessels on voyages within the [Home Trade Area] carrying not more than 8 persons except as described in Scale IV below.	Scale IIA
(4) For vessels proceeding to sea on voyages between ports in [the Bahamas] and wholly within the [Home Trade Area] except as described for Scales IV and V below.	Scale III
(5) For vessels on voyages not exceeding 72 hours duration between ports in [the Bahamas], and also for vessels carrying not more than 8 persons between ports [in the Bahamas and ports in the United States on the coast of east Florida between the limits of Jupiter Inlet and Key West].	Scale IV
(6) For seagoing vessels and other passenger vessels within smooth or partially smooth waters or the specified areas referred to in Merchant Shipping Notice M.979.	Scale V
(7) Vessels carrying chemicals as the whole or part of a cargo in quantities carried in excess of those defined in Volume 1 Section 18 of the IMDG Code, or the residues from earlier such cargoes.	Scale VI subject to regulation 3(2) above
(8) For ships, other than Class VI ²⁰⁸ passenger vessels, proceeding to sea carrying more than 12 passengers with no qualified doctor as a member of the crew.	Scale VII

Medicines and Medical Stores on Board When These Regulations Come Into Force

4.—(1) It shall be sufficient compliance with regulation 3 for there to be kept, in place of any instrument or appliance thereby required to be kept on board the ship, an instrument or appliance designed to fulfil the same function, for so long as it remains in good serviceable condition, if it was kept on board the ship on the date on which these Regulations come into operation.

(2) [omitted as spent]

Standards of medicines and medical stores

5. All medicines and other medical stores required by these Regulations to be kept on board a ship shall conform to the standards and requirements of the British National Formulary or the British Pharmacopœia or the European Pharmacopœia or the United States Pharmacopœia and with the requirements of and with the specifications set out in

²⁰⁷ table substituted by the Merchant Shipping (Medical Stores)(Amendment) Regulations 1988 applied in the Bahamas from UK SI 1116/1988. see Appendix XI for original UK table, without suggested adaptations.

²⁰⁸ words “and VIA” omitted.

Merchant Shipping Notice No. [1726].

Packaging and labelling of containers

6.—(1) Without prejudice to any other enactment, any container of medicines or other medical stores required by regulation 3 to be kept on board a ship:

- (a) shall have in English on a label the particulars specified in paragraph (3) of this regulation;
- (b) in the case of a container of tablets or capsules, shall be capable of reclosure to prevent ingress of moisture;
- (c) in the case of a container of disinfectant, shall not show deleterious reaction with the disinfectant after storage in normal conditions for six months;
- (d) in the case of a container of insecticide, shall be air-tight, water-tight, packed in a suitable and sturdy case and, if the container is a pressure canister, have a cap or other means of protecting the valve against accidental opening when the canister is not in use;
- (e) in the case of medicine or disinfectant not in the container supplied by its manufacturer, shall be packed in a sturdy, brown-coloured or non-translucent container.

(2) Any label referred to in paragraph (1)(a) of this regulation shall either be firmly affixed to the container and rendered resistant to moisture by varnish or other effective means or be an integral part of the container.

(3) The particulars required by paragraph (1)(a) of this regulation to be shown on labels are:

- (a) the ordering name by which the medicine or medical store is referred to in Merchant Shipping Notice No. [1726];
- (b) any storage requirements laid down in any of the publications referred to in regulation 5, elsewhere in these Regulations or in Merchant Shipping Notice No. [1726];
- (c) if the medicines or medical stores are perishable, the expiry date as defined in regulation 8;
- (d) the name and address of the supplier of the medicines and medical stores, the product licence number and batch number;
- (e) in the case of any container of a disinfectant or of an antiseptic prescribed in any of the Scales set out in Merchant Shipping Notice No. [1726], the dilution recommended for any purposes stated thereon;
- (f) in the case of any container of an insecticide prescribed in any of the Scales set out in Merchant Shipping Notice No. [1726], instructions for use and precautions to be taken as detailed in [Part II of Schedule 6] to Merchant Shipping Notice No. [1726];
- (g) in the case of a container of hypochlorite, a notice indicating that the chemical may combust spontaneously and that the hypochlorite should be stored in a cool, dark place; and
- (h) any further information required by Merchant Shipping Notice No. [1726].

Storage of medicines

7.—(1) Any medicine or medical store shall be stored in accordance with any instructions on its container or prescribed in Merchant Shipping Notice No. [1726].

(2) Any medicine shall, where applicable, be stored in accordance with the

requirements for controlled drugs contained in the Ship Captain's Medical Guide (published by Her Majesty's Stationery Office) ²⁰⁹, and subject thereto, unless it is required to be kept in a refrigerator or in a first aid satchel or box, shall be stored:

- (a) in the medical cabinet if, under the Merchant Shipping (Crew Accommodation) Regulations 1978^(a) the ship is required to have a medical cabinet; or
- (b) in a cool, dry, locked cabinet or locked container.

(3) Any medicines or medical stores kept in a hyperbaric decompression chamber or otherwise in such a way as not to be readily accessible at all times to the master or any person authorised by him shall not be taken into account in respect of the requirements of regulation 3.

Replenishment of dated medicines

8. Where—

- (a) a ship is required pursuant to regulation 3 to have on board any medicine or other medical stores in accordance with any of the Scales set out in Merchant Shipping Notice No. [1726]; and
- (b) any label required by regulation 6(1)(a) to be borne by any container of any such medicine or other medical stores, indicates a date after which the medicine or other medical store contained in it is not to be used (hereafter called "the expiry date") that medicine or medical store shall be replaced at the earliest possible date after the expiry date, and in any event within three months of the expiry date. Medicines or medical stores which have passed the expiry date shall, once replacements have been obtained, or after 3 months, whichever is the earlier, be disposed of in accordance with the Ship Captain's Medical Guide.

Offences

9.—(1) If any requirement of regulations 3, 4, 5, 6, 7 or 8 is contravened, the owner of the ship shall be guilty of an offence, punishable on summary conviction by a fine not exceeding £2,000.

(2) It shall be a defence for any person charged in connection with a contravention of regulation 3 to show that the deficiency was caused by medicines and medical stores being used for their purpose and that it has not been reasonably practicable to replace them.

(3) It shall be a defence for a person charged under this regulation, including a person charged by virtue of regulation 10, to show that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

10. Where an offence under these Regulations is committed, or would have been committed except for the operation of regulation 9(3), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and 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.

Offences by a body corporate

11.—(1) Where an offence under any of these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other

²⁰⁹ words inserted by the Merchant Shipping (Medical Stores)(Amendment) Regulations 1988 applied in the Bahamas from UK SI 1116/1988 by SI 39/1988.

^(a) [UK] S.I. 1978/795

similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of body corporate are managed by its members, the preceding paragraph shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Inspection and detention

12. Any person duly authorised by [the Minister] may inspect any ship and if he is satisfied that there is a failure to comply in relation to that ship with the requirements of regulation 3, 5 or 6 of these Regulations he may detain the ship until such requirements are met.

Compensation and Enforcement of Detention

13. *[Regulation 13 is not reproduced here as it is unlikely that it is applied under the MSA. For compensation provisions please see section 211, MSA.]*

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the Merchant Shipping (Medical Scales) Regulations 1974 as amended. The Regulations apply to all sea-going [Bahamian] ships including passenger vessels, at all times, but exclude fishing vessels, pleasure craft, offshore installations and submersible vessels (regulation 2). Every ship going to sea is required to carry medicines and other medical stores appropriate to the type and length of voyage and geographical area into which it is proposed to trade (regulation 3).

Other instruments and appliances having the same function as those prescribed by the Regulations may be treated as equivalent²¹⁰(regulation 4).

Medicines and medical stores are required to be of a certain standard (regulation 5); this includes packaging and labelling (regulation 6) and storage (regulation 7). Medicines and medical stores are required to bear a label indicating the date after which the contents should not be used; medicines and medical stores shall be replaced as soon as possible after the expiry date and in any event within 3 months (regulation 8). Contravention of the Regulations is made an offence by the owner, punishable on summary conviction by a fine not exceeding £2,000 (regulation 9). Where an offence is committed due to the act or default of some other person that other person shall be guilty of an offence and may be convicted of the offence (regulation 10).

Any ship may be inspected, and detained if the requirements of the Regulations are not met (regulation 12).

International Maritime Organisation publications may be obtained from IMO, 4 Albert Embankment, London SE1 7SR.

²¹⁰ words omitted, as spent.