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FEDERAL REPUBLIC OF NIGERIA

Safe Containers Act 2003 No...

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ARRANGEMENT OF SECTIONS

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SCHEDULE

EXPLANATORY NOTE

In the 1960s, there was a rapid increase in the use of freight containers for consignment of goods by sea and the development of specialized container ships. In 1967, the International Maritime Organisation (IMO) undertook to study the safety of containerization in marine transport. The containerization itself emerged as the most important aspect to be considered.

IMO in cooperation with the Economic Commissions for Europe, developed a draft convention and on December 2, 1972, the Convention for Safe Containers was adopted in a conference in London. It entered into force on September 6, 1977.

The Convention has two goals:

1. To maintain the high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedure and related strength requirements; and
2. To facilitate the international transport of containers by providing uniform international safety regulations, equally applicable to all modes of surface transport. In this way, the proliferation of divergent national safety regulations can be avoided.

The requirements of the convention apply to the great majority of freight containers used internationally except those designed specially for carriage by air. As it was not intended that all containers or reusable packing boxes should be affected, the scope of the convention is limited to containers of a prescribed minimum size having corner fitting devices which permit handling, securing and stacking.

The Convention includes two technical Annexes. Annex I deals with regulations for the testing, inspection, approval and maintenance of containers. It sets out procedures whereby containers used in international transport must be safety approved by a State Party or by an organization acting on its behalf.

Annex II deals with the structural safety requirements and tests including details of test procedure.

Amendment procedure

Amendments to the annexes are to be considered by IMO at the request of a Contracting party and adopted by two-thirds majority of those present and voting in the IMO Maritime Safety Committee.

Amendments enter into force on a date determined by the MSC at the time of the adoption unless by a specific date one-fifth or five of the Contracting Parties (whichever is less) object.

As well as this tacit acceptance procedure, amendments to any part of the Convention can be adopted by the IMO Assembly, following consideration and adoption by the MSC. In this case, amendments enter into force twelve months after being accepted by two-thirds of the Contracting parties

There was an amendment in 1981 which was adopted on April 2, 1981. It provided for transitional arrangements for plating of containers (which had to be completed by January 1, 1985), and for the marking of the date of the container's next examination by January 1, 1987.

Another amendment was adopted on June 13, 1983 and entered into force on January 1, 1984 by tacit acceptance. It extended the interval between re-examination to 30 months and allowed for a choice of container re-examination procedures between the original periodic examination scheme and a new continuous examination programme.

The 1991 amendments were adopted on May 17, 1991 and entered into force January 1, 1993 also by tacit acceptance. It concerned Annexes I and II of the Convention. They included the addition of a new Chapter V to Annex I concerning regulations for the approval of modified containers

The last amendments were adopted on November 4, 1993 by IMO Assembly and are to enter into force 12 months after being accepted by two-thirds of Contracting Parties. The amendments concern the information contained on the CSC Approval plate and some of the test loads and testing procedures required by the Convention. There are presently six ratifications to the amendments.

The amendments are integrated into the convention. Thus, they are to be read into the convention as part of the same instrument.

The need for incorporation and implementation of the Convention into Nigerian law

The Convention is yet to be ratified by Nigeria. The ratification of international conventions is purely within the ambit of the Federal executive and in most cases, it is difficult to say precisely, why a particular convention is not ratified. However, one has to appreciate that ratification involves not only legal and political considerations but also financial implications which may entail the establishment of units, training of personnel and acquisition of machineries. Nevertheless, it is hoped that the enactment of the draft Act by the Federal legislature prior to ratification, will facilitate the accession to the Convention by the Federal executives. This will enable Nigeria get a reciprocal treatment that is conferred by the Convention from other State Parties.

The need for the incorporation and implementation of this Convention into Nigeria law cannot be over-emphasised. This need arises from the fact that apart from her oil transport, a greater percentage of Nigeria's imports and exports are conveyed in the types of containers covered by the convention.

Also, a reasonable volume of trade going to land-locked states within the sub-region passes through Nigerian ports. The Act and Regulations made pursuant to the Act would serve as a legal framework for the protection of commodities carried into and through Nigerian ports and for the safety of persons handling the containers on which such commodities are carried.

If Nigeria fails to incorporate and implement the convention she stands the risk of having her goods and those of the landlocked states (both imports and exports) conveyed in substandard containers.

Apart from the danger or risks which the containers might constitute to persons transporting and handling them, the goods conveyed therein stand the risk of not getting to their destinations in a safe condition. For imports, the goods arrive in damaged or unsafe conditions thereby reducing their utility. For exports, the adverse condition of the goods would reduce the value and prices of these goods. The ultimate effect of this is that the country loses income that would have accrued to it had the goods arrived their destinations in good condition.

Another effect of not incorporating and implementing the convention is that substandard containers used in conveying Nigerian goods stand the risk of being detained in the territory of a State Party to the convention, thereby causing delay in the delivery of such good. Needless to say that some delays may be very costly.

The incorporation and implementation of the Convention would help, not only in achieving its two main objectives as stated above, but also in reducing (if not eliminating) the risks of conveying goods in and out of Nigeria in substandard containers with its attendant problems.

The mode of enactment and implementation is by reproduction and incorporation by reference of the Convention as the Safe Containers Act 2002, with the convention forming a functional schedule.

A Regulation is also made pursuant to the Act, giving effect to the provisions of the Act and consequently implementing the Convention.

The draft Act consists of a Preamble, Long Title and 14 sections arranged in the following order:

Sections:

- 1-5: Preliminary issues- short title, commencement, incorporation, interpretation and application
- 6: Minister's power to make regulations pursuant to the Act.
- 7-10: Enforcement of the Act and the regulations.
- 11: Offences and punishment under the Act and the regulations.

- 12: Proceedings from the application of the Act and the regulations.
13-14: Amendment of the Schedule and the duration of the Act respectively.

The draft Regulations made pursuant to the Minister's power under Section 6 of the Act are 21 in number, and are arranged in the following order:

Regulations:

- 1-4: Preliminary issues - short title, commencement, interpretation and application
5-8: Procedures for maintenance and examination of containers.
9-12: Procedures for repairs of containers
13-19: Testing, inspection and approval of containers.
19: Detention of containers
20: Offences and punishment under the regulations
21-21: Release and disposal of containers respectively.

The Merchant Shipping Act of Nigeria is modeled after the English Merchant Shipping Act of 1894 which makes no provisions for container transportation. This is not surprising as container trading only developed in the '60s. It is therefore expected that the draft Act if enacted, will exist side by side the Merchant Shipping Act.

This explanatory note does not form part of the Act and the regulations. It is meant solely to assist the understanding of the objective of the Act and the regulations.

SAFE CONTAINERS ACT

An Act to incorporate and implement the terms of the International Convention for Safe Containers 1972.

WHEREAS at a conference jointly convened by the International Maritime Organisation and the United Nations in London on December 2, 1972, the Convention for Safe containers was adopted;

AND WHEREAS at the said conference the delegates agreed unanimously to recommend to their respective Governments to take steps to implement the provisions of the Convention;

WHEREAS it is expedient that the said Convention as amended and as set out in the Schedule to this Act (in this Act referred to as "the Convention") should, subject to the provisions of this Act, be given the force of law;

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria, in this present Assembly, and by the authority of the same, as follows

Short title

1. This Act may be cited as the Safe Containers Act.

Short title

Commencement

2. This Act shall commence on a day to be appointed by the President by publication in the official Gazette

Commence-ment

Incorporation

3. As from the commencement of this Act, the Convention shall have the force of law in Nigeria

Incorporation

Interpretation

4. In this Act, except where the context otherwise require

Interpretation

"*container*" means a container as defined in the

Convention

"*convention*" means the International Convention for Safe Containers as amended in 1981, 1983, 1991 and set out in the schedule, and as may be amended from time to time;

"*existing container*" means an existing container as defined in the Convention

"*inspector*" means a person designated as an inspector pursuant to section 7(1)

"*Minister*" means the Minister of Transport.

"*new container*" means a new container as defined in the Convention

Application

5. This Act shall apply to new and existing containers used in international transport, except those containers specially designed for air transport.

Application

Regulations

6. (1) Subject to subsection (2) of this section, the Minister having regard to the Convention may make regulations for carrying out and giving effect to the provisions of this Act and, without restricting the generality of the foregoing, may make regulations

Power of Minister
to make
Regulations

(a) for the detention and transportation of containers that do not carry a valid Safety Approval Plate as required by the Convention;

(b) for the detention and transportation of containers in respect of which there is significant evidence that the condition of the container creates an obvious risk to safety;

(c) respecting the maintenance and repairing of containers;

(d) describing the circumstances and the manner in which detained containers that have not been repossessed by the person entitled thereto may be disposed;

(e) requiring that the Safety Approval Plate affixed to any or all containers approved under the authority of the

Government of the Federal Republic of Nigeria be in English.

(2) No regulation made under subsection (1) of this section may Limitations

(a) authorise any person to prevent the removal of the contents of a container; or

(b) authorise the continued detention of a container after steps have been taken to bring it in compliance with the provisions of the Convention,

(3) Subject to subsection (4) of this section, a copy of the regulation made by the Minister under subsection (1) of this section shall be published in the official Gazette. Publication of regulation

(4) Notwithstanding the provisions of subsection (3) of this section, publication shall not be required in respect of a regulation that makes no material substantive change to an existing regulation.

Enforcement

7. (1) The Minister may appoint as an inspector for the purposes of this Act and the regulations any person who, in the Minister's opinion, is qualified to be so appointed. Appointment of inspectors

(2) The Minister shall furnish every inspector with a certificate of his designation as an inspector setting out the provisions of this Act, the regulations, the Convention and Annexes I and II to the Convention that the inspector is authorised to enforce, and, on boarding any vehicle or entering any place described in section 8(1), an inspector shall, if so required, produce the certificate to the person in charge thereof.

8. (1) In addition to any powers that he may have pursuant to the regulations, an inspector may at any reasonable time Powers of inspector

(a) go on board any vehicle, including a ship, train, or truck, or enter any place in which he believes on reasonable grounds that

(i) there is significant evidence that the condition of a container creates an obvious risk to safety, or

(ii) a provision of this Act or the regulations has

been contravened;

(b) go on board any vehicle, including a ship, train, truck, or enter any place in which he believes on reasonable grounds there is a container, for the purpose of verifying that the container carries a valid Safety Approval Plate as required by this Act; and

(c) examine any record or document required under the regulations to be kept, and make copies thereof or extracts therefrom.

(2) The owner or person in charge of any vehicle boarded or place entered by an inspector pursuant to subsection (1) of this section and every person found therein shall give the inspector all reasonable assistance to enable the inspector to carry out his duties and functions under this Act and the regulations and shall furnish the inspector with any information he may reasonably require with respect to the administration of this Act and the regulations.

Assistance to inspectors

Obstruction of inspectors

9. (1) No person shall obstruct or hinder an inspector in carrying out his duties or functions under this Act or the regulations.

Obstruction of inspectors

(2) No person shall orally or in writing, knowingly make any false or misleading statement, to an inspector engaged in carrying out his duties or functions under this Act or the regulations.

False statements

(3) Unless authorized by an inspector, no person shall remove or interfere in any way with a container detained by an inspector pursuant to the regulations.

Removal e.t.c of detained containers

Inquiries

10. (1) Where an accident or incident involving a container has resulted in death or injury to any person, danger to the health or safety of the public or damage to property or the environment, the Minister may direct an inquiry to be made into that accident or incident, and may authorise any person or persons that the Minister deems qualified to conduct the inquiry.

Power of Minister to direct inquiry

(2) For the purpose of an inquiry under subsection (1) of this section, any person or persons authorised by the Minister under that subsection may,

Powers of persons conducting inquiry

- (a) go on board any vehicle, including a ship, train, truck, and inspect same;
- (b) enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make;
- (c) by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any inquiries he thinks fit to make;
- (d) require and enforce the production of all books, papers or documents which he considers important for the purpose of his report; and
- (e) administer oaths, or in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration, which shall be free from stamp duty, of the truth of the statement made by him in his examination.

(3) Every witness summoned under subsection (2) of this section, shall be allowed such expenses as would be allowed a witness attending on summons to give evidence before a court of competent jurisdiction; and, in case of any dispute as to the amount of those expenses, the dispute shall be referred to a Registrar of that court, and that Registrar shall, on request being made to him for that purpose under the hand of the authorised person or persons, ascertain and certify the proper amount of those expenses.

(4) If after having been required to do so as prescribed in subsection (1) of this section any person fails, neglects or refuses to attend as a witness before an authorized person or persons, or having attended, refuses or neglects to give any answer or return, or to produce any document in his possession, or to make or subscribe any declaration, which an authorised person or persons is hereby empowered to require, that person shall be guilty of an offence under this Act.

(5) After the conclusion of an inquiry under subsection (1) of this section, the person or persons authorised to conduct the inquiry shall submit a report with recommendations to the Minister, together with all the evidence and other material that was before the inquiry within six months from the date of the conclusion of the inquiry.

Report of inquiry

(6) A report made pursuant to subsection (5) shall be published by the Minister within thirty days after he has received it, unless the report contains a recommendation that publication be withheld in

Publication of report

the public interest, in which case the Minister may withhold publication of the report in whole or in part as he deems appropriate.

Offence and punishment

11. (1) Every person who contravenes a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not less than one hundred thousand naira but not exceeding two hundred thousand naira.

Contravention of Act or regulations

(2) Where a body corporate is guilty of an offence under this Act or the regulations and the offence is proved to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of, any director or other officer of the body corporate or of any person purporting to act in any such capacity or on behalf of the body corporate, he as well as the body corporate shall be guilty of the offence and liable on summary conviction to a fine not less than two hundred and fifty thousand naira but not exceeding five hundred thousand naira in the case of the body corporate and not less than one hundred thousand naira but not exceeding two hundred thousand naira in the case of the director or other officer of the body corporate or any other person acting in any such capacity or on behalf of the body corporate.

Contravention by bodies corporate

(3) Any fine imposed pursuant to this section shall be paid to the Federal Government.

Proceedings from the application of the Act or the regulations

12. (1) Proceedings for an offence against this Act and the regulations may be summarily dealt with before;

Proceedings from the application of the Act and the regulations

(a) a Magistrate sitting alone; or

(b) the Federal High Court exercising its summary criminal jurisdiction.

(2) In proceedings for an offence against this Act or the regulations brought before a Magistrate's Court the court may, notwithstanding any limitations as to sentences imposed by the Magistrate Court Act of Nigeria or any other Act, impose the maximum penalty provided by this Act or the regulations for the offence.

Power of court to impose maximum penalty

Amendment of schedule

13. The Minister may by regulation amend the schedule to reflect

Amendment of

any amendment to the Convention to which the Government of the Federal Republic of Nigeria has not objected as provided in the Convention

schedule

Duration of Act

14. This Act shall continue in force until a day to be appointed by the President by publication in a Gazette following termination of the Convention or denunciation thereof by the Government of the Federal Republic of Nigeria, and no longer.

Duration of Act

SCHEDULE

INTERNATIONAL CONVENTION FOR SAFE CONTAINERS (CSC)

Preamble

THE CONTRACTING PARTIES,

RECOGNIZING the need to maintain a high level of safety of human life in the handling, stacking and transporting of containers,

MINDFUL of the need to facilitate international container transport,

RECOGNIZING, in this context, the advantages of formalizing common international safety requirements,

CONSIDERING that this end may best be achieved by the conclusion of a Convention,

HAVE DECIDED to formalize structural requirements to ensure safety in the handling, stacking and transporting of containers in the course of normal operations, and to this end

HAVE AGREED as follows:

ARTICLE I

General Obligation under the Present Convention

The Contracting Parties undertake to give effect to the provisions of the present Convention and the Annexes hereto, which shall constitute an integral part of the present Convention.

ARTICLE II

Definitions

For the purpose of the present Convention, unless expressly provided otherwise:

1. "Container" means an article of transport equipment:

(a) of a permanent character and accordingly strong enough to be suitable for repeated use;

(b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;

(c) designed to be secured and/or readily handled, having corner fittings for these purposes;

(d) of a size such that the area enclosed by the four outer bottom corners is either:

(i) at least 14 sq.m. (150 sq.ft.) or

(ii) at least 7 sq.m. (75 sq.ft.) if it is fitted with top corner fittings;

the term "container" includes neither vehicles nor packaging; however, containers when carried on chassis are included.

2. "Corner fittings" means an arrangement of apertures and faces at the top and/or bottom of a container for the purposes of handling, stacking and/or securing.

3. "Administration" means the Government of a Contracting Party under whose authority containers are approved.

4. "Approved" means approved by the Administration.

5. "Approval" means the decision by an Administration that a design type or a container is safe within the terms of the present Convention.

6. "International transport" means transport between points of departure and destination situated in the territory of two countries to at least one of which the present Convention applies. The present Convention shall also apply when part of a transport operation between two countries takes place in the territory of a country to which the present Convention applies.

7. "Cargo" means any goods, wares, merchandise and articles of every kind whatsoever carried in the containers.

8. "New container" means a container the construction of which was commenced on or after the date of entry into force of the

present Convention.

9. "Existing container" means a container which is not a new container.

10. "Owner" means the owner as provided for under the national law of the Contracting Party or the lessee or bailee, if an agreement between the parties provides for the exercise of the owner's responsibility for maintenance and examination of the container by such lessee or bailee.

11. "Type of Container" means the design type approved by the Administration.

12. "Type-series container" means any container manufactured in accordance with the approved design type.

13. "Prototype" means a container representative of those manufactured or to be manufactured in a design type series.

14. "Maximum Operating Gross Weight or Rating" or "R" means the maximum allowable combined weight of the container and its cargo.

15. "Tare Weight" means the weight of the empty container including permanently affixed ancillary equipment.

16. "Maximum Permissible Payload" or "P" means the difference between maximum operating gross weight or rating and tare weight.

ARTICLE III

Application

1. The present Convention applies to new and existing containers used in international transport, excluding containers specially designed for air transport.

2. Every new container shall be approved in accordance with the provisions either for type-testing or for individual testing as contained in Annex I.

3. Every existing container shall be approved in accordance with the relevant provisions for approval of existing containers set out in Annex I within 5 years from the date of entry into force of the

present Convention.

ARTICLE IV

Testing, Inspection, Approval and Maintenance

1. For the enforcement of the provisions in Annex I every Administration shall establish an effective procedure for the testing, inspection and approval of containers in accordance with the criteria established in the present Convention, provided however that an Administration may entrust such testing, inspection and approval to organizations duly authorized by it.
2. An Administration which entrusts such testing, inspection and approval to an organization shall inform the Secretary-General of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "the Organization") for communication to Contracting Parties.
3. Application for approval may be made to the Administration of any Contracting Party.
4. Every container shall be maintained in a safe condition in accordance with the provisions of Annex I.
5. If an approved container does not in fact comply with the requirements of Annexes I and II the Administration concerned shall take such steps as it deems necessary to bring the container into compliance with such requirements or to withdraw the approval.

ARTICLE V

Acceptance of Approval

1. Approval under the authority of a Contracting Party, granted under the terms of the present Convention, shall be accepted by the other Contracting Parties for all purposes covered by the present Convention. It shall be regarded by the other Contracting Parties as having the same force as an approval issued by them.
2. A Contracting Party shall not impose any other structural safety

requirements or tests on containers covered by the present Convention, provided however that nothing in the present Convention shall preclude the application of provisions of national regulations or legislation or of international agreements, prescribing additional structural safety requirements or tests for containers specially designed for the transport of dangerous goods, or for those features unique to containers carrying bulk liquids or for containers when carried by air. The term "dangerous goods" shall have that meaning assigned to it by international agreements.

ARTICLE VI

Control

1. Every container which has been approved under article III shall be subject to control in the territory of the Contracting Parties by officers duly authorized by such Contracting Parties. This control shall be limited to verifying that the container carries a valid Safety Approval Plate as required by the present Convention, unless there is significant evidence for believing that the condition of the container is such as to create an obvious risk to safety. In that case the officer carrying out the control shall only exercise it in so far as it may be necessary to ensure that the container is restored to a safe condition before it continues in service.

2. Where the container appears to have become unsafe as a result of a defect which may have existed when the container was approved, the Administration responsible for that approval shall be informed by the Contracting Party which detected the defect.

ARTICLE VII

Signature, ratification, acceptance, approval and accession

1. The present Convention shall be open for signature until 15 January 1973 at the Office of the United Nations at Geneva and subsequently from 1 February 1973 until 31 December 1973 inclusive at the Headquarters of the Organization at London by all States Members of the United Nations or Members of any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party of the present Convention.

2. The present Convention is subject to ratification, acceptance or approval by States which have signed it.

3. The present Convention shall remain open for accession by any State referred to in paragraph 1.

4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the Organization (hereinafter referred to as the "Secretary-General").

ARTICLE VIII

Entry into force

1. The present Convention shall enter into force twelve months from the date of the deposit of the tenth instrument of ratification, acceptance, approval or accession.

2. For each State ratifying, accepting, approving, or acceding to the present Convention after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force twelve months after the date of the deposit by such State of its instrument of ratification, acceptance, approval or accession.

3. Any State which becomes a Party to the present Convention after the entry into force of an amendment shall, failing an expression of a different intention by that State.

(a) be considered as a Party to the Convention as amended; and

(b) be considered as a Party to the unamended Convention in relation to any Party to the Convention not bound by the amendment.

ARTICLE IX

Procedure for amending any part or parts of the present convention

1. The present Convention may be amended upon the proposal of a Contracting Party by any of the procedures specified in this article.

2. Amendment after consideration in the Organization:

(a) Upon request of a Contracting Party, any amendment proposed by it to the present Convention shall be considered in the Organization. If adopted by a majority of two-thirds of those

present and voting in the Maritime Safety Committee of the Organization, to which all Contracting Parties shall have been invited to participate and vote, such amendment shall be communicated to all Members of the Organization and all Contracting Parties at least six months prior to its consideration by the Assembly of the Organization. Any Contracting Party which is not a Member of the Organization shall be entitled to participate and vote when the amendment is considered by the Assembly.

(b) If adopted by a two-thirds majority of those present and voting in the Assembly, and if such majority includes a two-thirds majority of the Contracting Parties present and voting, the amendment shall be communicated by the Secretary-General to all Contracting Parties for their acceptance.

(c) Such amendment shall come into force twelve months after the date on which it is accepted by two-thirds of the Contracting Parties. The amendment shall come into force with respect to all Contracting Parties except those which, before it comes into force, make a declaration that they do not accept the amendment.

3. Amendment by a Conference:

Upon the request of a Contracting Party, concurred in by at least one-third of the Contracting Parties, a Conference to which the States referred to in article VII shall be invited will be convened by the Secretary-General.

ARTICLE X

Special procedure for amending the Annexes

1. Any amendment to the Annexes proposed by a Contracting Party shall be considered in the Organization at the request of that Party.

2. If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee of the Organization to which all Contracting Parties shall have been invited to participate and to vote, and if such majority includes a two-thirds majority of the Contracting Parties present and voting, such amendment shall be communicated by the Secretary-General to all Contracting Parties for their acceptance.

3. Such an amendment shall enter into force on a date to be determined by the Maritime Safety Committee at the time of its

adoption unless, by a prior date determined by the Maritime Safety Committee at the same time, one-fifth or five of the Contracting Parties, whichever number is less, notify the Secretary-General of their objection to the amendment. Determination by the Maritime Safety Committee of the dates referred to in this paragraph shall be by a two-thirds majority of those present and voting, which majority shall include a two-thirds majority of the Contracting Parties present and voting.

4. On entry into force any amendment shall, for all Contracting Parties which have not objected to the amendment, replace and supersede any previous provision to which the amendment refers; an objection made by a Contracting Party shall not be binding on other Contracting Parties as to acceptance of containers to which the present Convention applies.

5. The Secretary-General shall inform all Contracting Parties and Members of the Organization of any request and communication under this article and the date on which any amendment enters into force.

6. Where a proposed amendment to the Annexes has been considered but not adopted by the Maritime Safety Committee, any Contracting Party may request the convening of a Conference to which the States referred to in article VII shall be invited. Upon receipt of notification of concurrence by a least one-third of the other Contracting Parties such a Conference shall be convened by the Secretary-General to consider amendments to the Annexes.

ARTICLE XI

Denunciation

1. Any Contracting Party may denounce the present Convention by effecting the deposit of an instrument with the Secretary-General. The denunciation shall take effect one year from the date of such deposit with the Secretary-General.

2. A Contracting Party which has communicated an objection to an amendment to the Annexes may denounce the present Convention and such denunciation shall take effect on the date of entry into force of such an amendment.

ARTICLE XII

Termination

The present Convention shall cease to be in force if the number of Contracting Parties is less than five for any period of twelve consecutive months.

ARTICLE XIII

Settlement of Disputes

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of the present Convention which cannot be settled by negotiation or other means of settlement shall, at the request of one of them, be referred to an arbitration tribunal composed as follows: each party to the dispute shall appoint an arbitrator and these two arbitrators shall appoint a third arbitrator, who shall be the Chairman. If, three months after receipt of a request, one of the parties has failed to appoint an arbitrator or if the arbitrators have failed to elect the Chairman, any of the parties may request the Secretary-General to appoint an arbitrator or the Chairman of the arbitration tribunal.
2. The decision of the arbitration tribunal established under the provisions of paragraph 1 shall be binding on the parties to the dispute.
3. The arbitration tribunal shall determine its own rules of procedure.
4. Decisions of the arbitration tribunal, both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote.
5. Any controversy which may arise between the parties to the dispute as regards the interpretation and execution of the award may be submitted by any of the parties for judgment to the arbitration tribunal which made the award.

ARTICLE XIV

Reservations

1. Reservations to the present Convention shall be permitted, excepting those relating to the provisions of articles I-VI, XIII, the present article and the Annexes, on condition that such reservations are communicated in writing and, if communicated before the deposit of the instrument of ratification, acceptance, approval or accession, are confirmed in that instrument. The Secretary-General

shall communicate such reservations to all States referred to in article VII.

2. Any reservations made in accordance with paragraph 1:

(a) modifies for the Contracting Party which made the reservation the provisions of the present Convention to which the reservation relates to the extent of the reservation; and

(b) modifies those provisions to the same extent for the other Contracting Parties in their relations with the Contracting Party which entered the reservation.

3. Any Contracting Party which has formulated a reservation under paragraph 1 may withdraw it at any time by notification to the Secretary-General.

ARTICLE XV

Notification

In addition to the notifications and communications provided for in articles IX, X, and XIV, the Secretary-General shall notify all the States referred to in article VII of the following:

(a) signatures, ratifications, acceptances, approvals and accessions under article VII;

(b) the dates of entry into force of the present Convention in accordance with article VIII;

(c) the date of entry into force of amendments to the present Convention in accordance with articles IX and X;

(d) denunciations under article XI;

(e) the termination of the present Convention under article XII.

ARTICLE XVI

Authentic texts

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General, who shall communicate certified true copies to all States referred to in article VII.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at Geneva this second day of December, one thousand nine hundred and seventy-two.

ANNEX I

REGULATIONS FOR THE TESTING, INSPECTION, APPROVAL AND MAINTENANCE OF CONTAINERS

CHAPTER I-REGULATIONS COMMON TO ALL SYSTEMS OF APPROVAL

Regulation 1

Safety Approval Plate

1. (a) A Safety Approval Plate conforming to the specifications set out in the Appendix of this Annex shall be permanently affixed to every approved container at a readily visible place, adjacent to any other approval plate issued for official purposes, where it would not be easily damaged.

(b) On each container for which the construction is commenced on or after January 1, 1984 all maximum gross weight markings on the container shall be consistent with the maximum gross weight information on the Safety Approval Plate.

(c) On each container for which the construction was commenced before January 1, 1984 all maximum gross weight markings on the container shall be made consistent with the maximum gross weight information of the Safety Approval Plate not later than January 1, 1989.

2. (a) The Plate shall contain the following information in at least the English or French language:

"CSC SAFETY APPROVAL"

Country of approval and approval reference

Date (month and year) of manufacture

Manufacturer's identification number of the container or, in the case of existing containers for which that number is unknown, the number allotted by the Administration

Maximum operating gross weight (kilograms and lbs.)

Allowable stacking weight for 1.8 g (kilograms and lbs.)

Transverse racking test load value (kilograms and lbs.)

(b) a blank space should be reserved on the Plate for insertion of end-wall and/or side-wall strength values (factors) in accordance with paragraph 3 of this Regulation and Annex II, tests 6 and 7. A blank space should also be reserved on Plate for the first and subsequent maintenance examination dates (month and year) when used.

3. Where the Administration considers that a new container satisfies the requirements of the present Convention in respect of safety and if, for such container, the end-wall and/or side-wall strength values (factor) are designed to be greater or less than those stipulated in Annex II, such values shall be indicated on the Safety Approval Plate.

4. The presence of the Safety Approval Plate does not remove the necessity of displaying such labels or other information as may be required by other regulations which may be in force.

Regulation 2

Maintenance and Examination

1. The owner of the container shall be responsible for maintaining it in safe condition.
2. (a) The owner of an approved container shall examine the container or have it examined in accordance with the procedure

either prescribed or approved by the Contracting Party concerned, at intervals appropriate to operating conditions.

(b) The date (month and year) before which a new container shall undergo its first examination shall be marked on the Safety Approval Plate.

(c) The date (month and year) before which the container shall be re-examined shall be clearly marked on the container on or as close as practicable to the Safety Approval Plate and in a manner acceptable to that Contracting Party which prescribed or approved the particular examination procedure involved.

(d) The interval from the date of manufacture to the date of the first examination shall not exceed five years. Subsequent examination of new containers and re-examination of existing containers shall be at intervals of not more than 30 months. All examinations shall determine whether the container has any defects which could place any person in danger. As a transitional provision, any requirements for marking on containers the date of the first examination of new containers or the re-examination of new containers covered in Regulation 10 and of existing containers shall be waived until January 1, 1987. However, an Administration may make more stringent requirements for the containers of its own (national) owners.

3.(a) As an alternative to paragraph 2, the Contracting Party concerned may approve a continuous examination programme if satisfied, on evidence submitted by the owner, that such a programme provides a standard of safety not inferior to the one set out in paragraph 2 above.

(b) To indicate that the container is operated under an approved continuous examination programme, a mark showing the letters "ACEP" and the identification of the Contracting Party which has granted approval of the programme shall be displayed on the container on or as close as practicable to the Safety Approval Plate.

(c) All examinations performed under such a programme shall determine whether a container has any defects which could place any person in danger. They shall be performed in connection with a major repair, refurbishment, or on-hire/off-hire interchange and in no case less than once every 30 months.

(d) As a transitional provision any requirements for a mark to indicate that the container is operated under an approved

continuous examination programme shall be waived until January 1, 1987. However, an Administration may make more stringent requirements for the containers of its own (national) owners.

4. For the purpose of this regulation "the Contracting Party concerned" is the Contracting Party of the territory in which the owner is domiciled or has his head office. However, in the event that the owner is domiciled or has head office in a country the government of which has not yet made arrangements for prescribing or approving an examination scheme and until such time as the arrangements have been made, the owner may use the procedure prescribed or approved by the Administration of a Contracting Party which is prepared to act as "the Contracting Party concerned". The owner shall comply with the conditions for the use of such procedures set by the Administration in question.

CHAPTER II -- REGULATIONS FOR APPROVAL OF NEW CONTAINERS BY DESIGN TYPE

Regulation 3

Approval of New Containers

To qualify for approval for safety purposes under the present Convention all new containers shall comply with the requirements set out in Annex II.

Regulation 4

Design Type Approval

In the case of containers for which an application for approval has been submitted, the Administration will examine designs and witness testing of a prototype container to ensure that the containers will conform to the requirements set out in Annex II. When satisfied, the Administration shall notify the applicant in writing that the container meets the requirements of the present Convention and this notification shall entitle the manufacture to affix the Safety Approval Plate to every container of the design type series.

Regulation 5

Provisions for Approval by Design Type

1. Where the containers are to be manufactured by design type series, application made to be an Administration for approval by

design type shall be accompanied by drawings, a design specification of the type of container to be approved and such other data as may be required by the Administration.

2. The applicant shall state the identification symbols which will be assigned by the manufacturer to the type of container to which the application for approval relates.

3. The application shall also be accompanied by an assurance from the manufacturer that he will:

(a) produce to the Administration such containers of the design type concerned as the Administration may wish to examine;

(b) advise the Administration of any change in the design or specification and await its approval before affixing the Safety Approval Plate to the container;

(c) affix the Safety Approval Plate to each container in the design type series and to no others;

(d) keep a record of containers manufactured to the approved design type.

This record shall at least contain the manufacturer's identification numbers, dates of delivery and names and addresses of customers to whom the containers are delivered.

4. Approval may be granted by the Administration to containers manufactured as modifications of an approved design type if the Administration is satisfied that the modifications do not affect the validity of tests conducted in the course of design type approval.

5. The Administration shall not confer on a manufacturer authority to affix Safety Approval Plates on the basis of design type approval unless satisfied that the manufacturer has instituted internal production-control features to ensure that the containers produced will conform to the approved prototype.

Regulation 6

Examination during Production

In order to ensure that containers of the same design type series are manufactured to the approved design, the Administration shall examine or test as many units as it considers necessary, at any stage

during production of the design type series concerned.

Regulation 7

Notification of Administration

The manufacturer shall notify the Administration prior to commencement of production of each new series of containers to be manufactured in accordance with an approved design type.

CHAPTER III -- REGULATIONS FOR APPROVAL OF NEW CONTAINERS BY INDIVIDUAL APPROVAL

Regulation 8

Approval of Individual Containers

Approval of individual containers may be granted where the Administration, after examination and witnessing of tests, is satisfied that the container meets the requirements of the present Convention; the Administration, when so satisfied, shall notify the applicant in writing of approval and this notification shall entitle him to affix the Safety Approval Plate to such container.

CHAPTER IV -- REGULATIONS FOR APPROVAL OF EXISTING CONTAINERS AND NEW CONTAINERS NOT APPROVED AT THE TIME OF MANUFACTURE

Regulation 9

Approval of Existing Containers

1. If, within 5 years from the date of entry into force of the present Convention, the owner of an existing container presents the following information to an Administration:

- (a) date and place of manufacture;
- (b) manufacturer's identification number of the container if available;
- (c) maximum operating gross weight capability;

(d) (i) evidence that a container of this type has been safely operated in maritime and/or inland transport for a period of at least two years, or

(ii) evidence to the satisfaction of the Administration that the container was manufactured to a design type which had been tested and found to comply with the technical conditions set out in Annex II, with the exception of those technical conditions relating to the end-wall and side-wall strength tests, or

(iii) evidence that the container was constructed to standards which, in the opinion of the Administration, were equivalent to the technical conditions set out in Annex II, with the exception of those technical conditions relating to the end-wall and side-wall strength tests;

(e) allowable stacking weight for 1.8 g (kilograms and lbs.); and

(f) such other data as required for the Safety Approval Plate; then the Administration, after investigation, shall notify the owner in writing whether approval is granted; and if so, this notification shall entitle the owner to affix the Safety Approval Plate after an examination of the container concerned has been carried out in accordance with Regulation 2.

3. Existing containers which do not qualify for approval under paragraph 1 of this Regulation may be presented for approval under the provisions of Chapter II or Chapter III of this Annex. For such containers the requirements of Annex II relating to end-wall and/or side-wall strength tests shall not apply. The Administration may, if it is satisfied that the containers in question have been in service, waive such of the requirements in respect of presentation of drawings and testing, other than the lifting and floor-strength tests, as it may deem appropriate.

3. The examination of the container concerned and the affixing of the Safety Approval Plate shall be accomplished not later than 1 January, 1985.

Regulation 10

Approval of New Containers Not Approved at Time of Manufacture

If, on or before 6 September, 1982, the owner of a new container which was not approved at the time of manufacture presents the

following information to an Administration:

- (a) date and place of manufacture;
- (b) manufacturer's identification number of the container if available;
- (c) maximum operating gross weight capability;
- (d) evidence to the satisfaction of the Administration that the container was manufactured to a design type which had been tested and found to comply with the technical conditions set out in Annex II;
- (e) allowable stacking weight for 1.8 g (kilograms and lbs.); and
- (f) such other data as required for the Safety Approval Plate; the Administration, after investigation, may approve the container, notwithstanding the provisions of Chapter II. Where approval is granted, such approval shall be notified to the owner in writing, and this notification shall entitle the owner to affix the Safety Approval Plate after an examination of the container concerned has been carried out in accordance with Regulation 2. The examination of the container concerned and the affixing of the Safety Approval Plate shall be accomplished not later than 1 January, 1985.

APPENDIX

The Safety Approval Plate, conforming to the model reproduced below, shall take the form of a permanent, non-corrosive, fire-proof rectangular plate measuring not less than 200 mm by 100 mm. The words "CSC Safety Approval" of a minimum letter height of 8 mm and all other words and numbers of a minimum height of 5 mm shall be stamped into, embossed on or indicated on the surface of the Plate in any other permanent and legible way.

1. Country of Approval and Approval Reference as given in the example on line 1. (The country of Approval should be indicated by means of the distinguishing sign used to indicate country of registration of motor vehicles in international road traffic.)

2. Date (month and year) of manufacture.

3. Manufacturer's identification number of the container or, in the case of existing containers for which that number is unknown, the number allotted by the Administration.
4. Maximum Operating Gross Weight (kilograms and lbs.).
5. Allowable Stacking Weight for 1.8 g (kilograms and lbs.).
6. Transverse Racking Test Load Value (kilograms and lbs.)
7. End Wall Strength to be indicated on plate only if end walls are designed to withstand a load of less or greater than 0.4 times the maximum permissible payload, i.e. 0.4 P.
8. Side Wall Strength to be indicated on plate only if the side walls are designed to withstand a load of less or greater than 0.6 times the maximum permissible payload, i.e. 0.6 P.
9. First maintenance examination date (month and year) for new containers and subsequent maintenance examination dates (month and year) if Plate used for this purpose.

ANNEX II

STRUCTURAL SAFETY REQUIREMENTS AND TESTS

Introduction

In setting the requirements of this Annex, it is implicit that in all phases of the operation of containers the forces as a result of motion, location, stacking and weight of the loaded container and external forces will not exceed the design strength of the container. In particular, the following assumptions have been made;

(a) the container will so be restrained that it is not subjected to forces in excess of those for which it has been designed;

(b) the container will have its cargo stowed in accordance with the recommended practices of the trade so that the cargo does not impose upon the container forces in excess of those for which it has been designed.

Construction

1. A container made from any suitable material which satisfactorily performs the following tests without sustaining any permanent

deformation or abnormality which would render it incapable of being used for its designed purpose shall be considered safe.

2. The dimensions, positioning and associated tolerances of corner fittings shall be checked having regard to the lifting and securing systems in which they will function.

Test loads and test procedures

Where appropriate to the design of the container, the following test loads and test procedures shall be applied to all kinds of containers under test:

TEST LOADINGS AND TEST PROCEDURES APPLIED FORCES

1. LIFTING

The container, having the prescribed INTERNAL LOADING, shall be lifted in such a way that no significant acceleration forces are applied. After lifting, the container shall be suspended or supported for five minutes and then lowered to the ground.

(A) LIFTING FROM CORNER FITTINGS

Internal loading:

(i) Lifting from top corner fittings:

A uniformly distributed load such that the combined weight of container and test load is equal to R. Containers greater than 3,000 mm (10 ft.) (nominal) in length shall have lifting forces applied vertically at all four top corner fittings.

Containers of 3,000 mm (10 ft.) (nominal) in length or less shall have lifting forces applied at all four top corner fittings, in such a way that the angle between each lifting device and the vertical shall be 30°.

Externally applied forces:

(ii) Lifting from bottom corner fittings:

Such as to lift the combined weight of 2 R in the manner prescribed (under the heading TEST PROCEDURES).

Containers shall have lifting forces applied in such a manner that the lifting devices bear on the bottom corner fittings only. The lifting forces shall be applied at angles to the horizontal of:

30° for containers of length 12,000 mm (40 ft.) (nominal) or greater;

37° for containers of length 9,000 mm (30 ft.) (nominal) and up to but not including 12,000 mm (40 ft.) (nominal),

45° for containers of length 6,000 mm (20 ft.) (nominal) and up to but not including 9,000 mm (30 ft.) (nominal),

60° for containers of less than 6,000 mm (20 ft.) (nominal).

(B) LIFTING BY ANY OTHER ADDITIONAL METHODS

Internal loading:

(i) Lifting from fork lift pockets:

A uniformly distributed load such that the combined weight of container and test load is equal to 1.25 R.

The container shall be placed on bars which are in the same horizontal plane, one bar centred within each fork lift pocket which is used for lifting the loaded container. The bars shall be of the same width as the forks intended to be used in the handling, and shall project into the fork pocket 75 per cent of the length of the fork pocket.

Externally applied forces:

Such as to lift the combined weight of 1.25 R in the manner prescribed (under the heading TEST PROCEDURES).

Internal loading:

(ii) Lifting from grappler arm positions:

A uniformly distributed load such that the combined weight of containers and test load is equal to

The container shall be placed on pads in the same horizontal plane,

1.25 R.

Externally applied forces:

Such as to lift the combined weight of 1.25 R, in the manner prescribed (under the heading TEST PROCEDURES).

one under each grappler arm position. These pads shall be of the same sizes as the lifting area of the grappler arms intended to be used.

(iii) Other Methods:

Where containers are designed to be lifted in the loaded condition by any method not mentioned in (A) or (B)(i) and (ii) they shall also be tested with the INTERNAL LOADING AND EXTERNALLY APPLIED FORCES representative of the acceleration conditions appropriate to that method.

2. STACKING

1. For conditions of international transport where the maximum vertical acceleration forces vary significantly from 1.8 g and when the container is reliably and effectively limited to such conditions of transport, the stacking load may be varied by the appropriate ratio of acceleration forces.

2. On successful completion of this test the container may be rated for the allowable superimposed static stacking weight which should be indicated on the Safety Approval Plate against the heading "Allowable stacking weight for 1.8 g (kilograms and lbs.)".

Internal loading:

A uniformly distributed load such that the combined weight of container and test load is equal to 1.8 R. Tank containers may be tested in the tare condition.

The container, having the prescribed INTERNAL LOADING, shall be placed on four level pads which are in turn supported on a rigid horizontal surface, one under each bottom corner fitting or equivalent corner structure. The pads shall be centralized under the fittings and shall be of approximately the same plan dimensions as the fittings.

Externally applied forces:

Such as to subject each of the four top corner fittings to a vertical downward force equal to $1/4 \times 1.8$ x the allowable superimposed static stacking weight.

Each EXTERNALLY APPLIED FORCE shall be applied to each of the corner fittings through a corresponding test corner fitting or through a pad of the same plan dimensions. The test corner fitting or pad shall be offset with respect to the top corner fitting of the container by 25 mm (1 in.) laterally and 38 mm (1 1/2 in.) longitudinally.

3. CONCENTRATED LOADS (a) ON ROOF

Internal loading:

None.

Externally applied forces:

A concentrated load of 300 kg (660 lbs.) uniformly distributed over an area of 600 mm x 300 mm (24 in. x 12 in.).

The EXTERNALLY APPLIED FORCES shall be applied vertically downwards to the outer surface of the weakest area of the roof of the container.

3. CONCENTRATED LOADS (b) ON FLOOR

Internal loading:

Two concentrated loads each of 2,730 kg (6,000 lbs.) and each applied to the container floor through a contact area of 142 cm² (22 sq.in.)

The test should be made with the container resting on four level supports under its four bottom corners in such a manner that the base structure of the container is free to deflect.

A testing device loaded to a weight of 5,460 kg (12,000 lbs.) that is 2,730 kg (6,000 lbs) on each of two

surfaces having, when loaded, a total contact area of 284 cm² (44 sq. in.) that is 142 cm² (22 sq. in) on each surface, the surface width being 180 mm (7 in.) spaced 760 mm (30 in.) apart, centre to centre, should be manoeuvred over the entire floor area of the container.

Externally applied forces:

None.

4. TRANSVERSE RACKING

Internal loading:

None

The container in tare condition shall be placed on four level supports one under each bottom corner and shall be restrained against lateral and vertical movement by means of anchor devices so arranged that the lateral restraint is provided only at the bottom corners diagonally opposite to those at which the forces are applied.

Externally applied forces:

Such as to rack the end structures of the container sideways. The forces shall be equal to those for which the container was designed.

tested.

5. LONGITUDINAL RESTRAINT (STATIC TEST)

When designing and constructing containers, it must be borne in mind that containers, when carried by inland modes of transport may sustain accelerations of 2 g applied horizontally in a longitudinal direction.

Internal loading:

A uniformly distributed load, such that the combined weight of a container and test load is equal to the maximum operating gross weight or rating, R. In the case of a tank container, when the weight of the internal load plus the tare is less than the maximum gross weight or rating, R, a supplementary load is to be applied to the container.

The container having the prescribed INTERNAL LOADING shall be restrained longitudinally by securing the two bottom corner fittings or equivalent corner structures at one end to suitable anchor points.

Externally applied forces:

Such as to subject each side of the container to longitudinal compressive and tensile forces of magnitude R, that is, a combined force of 2 R on the base of the container as a whole.

The EXTERNALLY APPLIED FORCES shall be applied first towards and then away from the anchor points. Each side of the container shall be tested.

Page

6. END-WALLS

The end-walls should be capable of withstanding a load of not less than 0.4 times the maximum permissible payload. If, however, the end-walls are designed to withstand a load of less or greater than 0.4 times the maximum permissible payload such a strength factor shall be indicated on the Safety Approval Plate in accordance with Annex I, Regulation 1.

Internal loading:

Such as to subject the inside of an end-wall to a uniformly distributed load of 0.4 P or such other load for which the container may be designed.

The prescribed INTERNAL LOADING shall be applied as follows:

Both ends of a container shall be tested except where the ends are identical only one end need be tested. The end-walls of containers which do not have open sides or side doors may be tested separately or simultaneously.

The end-walls of containers which do have open sides or side doors should be tested separately. When the ends are tested separately the reactions to the forces applied to the end-wall shall be confined to the base structure of the container.

Externally applied forces:

None.

7. SIDE-WALLS

The side-walls should be capable of withstanding a load of not less than 0.6 times the maximum permissible payload. If, however, the side-walls are designed to withstand a load of less or greater than 0.6 times the maximum permissible payload, such a strength factor shall be indicated on the Safety Approval Plate in accordance with Annex I, Regulation 1.

Internal loading:

Such as to subject the inside of a side-wall to a uniformly distributed load of 0.6 P or such other load for which the container may be designed.

The prescribed INTERNAL LOADING shall be applied as follows:

Both sides of a container shall be tested except where the sides are identical only one side need be tested. Side-walls shall be tested separately and the reactions to the internal loading shall be confined

to the corner fittings or equivalent corner structures. Open topped containers shall be tested in the condition in which they are designed to be operated, for example, with removable top members in position

Externally applied forces:

None.

SAFE CONTAINERS REGULATIONS

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SAFE CONTAINERS REGULATIONS

Short Title

1. These Regulations may be cited as the Safe Containers Regulations.

Short title

Commencement

2. This Regulation shall commence on a day to be appointed by the Minister by publication in the official Gazette.

Commencement

Interpretation

3. In these Regulations, except where the context otherwise require

Interpretation

"Act" means the *Safe Containers Act*;

"Annex I" or "Annex II" means Annex I or Annex II of the Convention;

"authorised organisation" means an organisation authorised under section 13;

"the Authority" means the National Maritime Authority as constituted under section 1 of the National Shipping Policy Act;

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"Convention" means the International Convention for Safe Containers (CSC) as amended in 1981, 1983, 1991 and set out in the schedule to the Act, and as may be amended by the Minister from time to time pursuant to section 13 of the Act;

Other words and expressions used in these Regulations have the same meaning as in the Convention

Application

4. These Regulations apply to new and existing containers used in international transport, except those containers specially designed for air transport.

Application

Safety Approval Plate

5. (1) The owner of every container shall ensure that it is approved

Safety Approval
Plate to be affixed

and examined in accordance with Annex I and Annex II and has affixed to it, at a readily visible place, adjacent to any other approval plate issued for official purposes, and where it will not be easily damaged, a Safety Approval Plate that conforms to the specifications set out in Annex I and contains the information, in at least English language as specified in Annex I.

to approved
container

(2) For the purposes of subsection (1), a container may be approved by

(a) the Government of the Federal Republic of Nigeria;

(b) the Government of a State, other than the Government of the Federal Republic of Nigeria, that is a party to the Convention;

(c) an organisation authorised by the Government of the Federal Republic of Nigeria; or

(d) an organisation authorised by a government, other than the Government of the Federal Republic of Nigeria, that is a party to the Convention;

Maintenance and examination

6. The owner of every container shall ensure that it is

Maintenance and
examination

(a) maintained in a safe condition.

(b) examined in accordance with Annex I.

7.(1) The owner of every container who, in the case of a corporation, has its head office in Nigeria or, in the case of an individual, his domicile in Nigeria shall submit in writing to the Authority for approval the procedure he proposes to use in respect of periodic examination of containers and shall set out in his submission the following information:

Approval of
examination
procedure

(a) the number and type of containers owned;

(b) the date of manufacture of the containers that are to be examined;

(c) the trade in which the containers that are to be examined are engaged;

(d) the name of the person who will be carrying out the

examinations and his relevant experience;

(e) the examination procedure to be used;

(f) the maximum proposed period between two consecutive examinations, which period shall not exceed 30 months;

(g) the method to be used to mark the date by which the next examination shall be carried out; and

(h) any other information that the Authority may request to enable it to decide whether or not to give its approval to the proposed procedure.

(2) Where, with respect to a submission for approval of a proposed procedure under this section, the Authority

(a) approves the proposed procedure, it shall give its approval in writing to the owner of the container; or

(b) refuses to approve the proposed procedure, it shall give the reasons for its refusal in writing to the owner of the container.

(3) Notwithstanding the provisions of subsection (1), the owner of a container who has his head office or domicile in any state that is not a Contracting Party but who has a principal office in Nigeria may, in accordance with that subsection, submit for approval the procedure he proposes to use in respect of the periodic examination of the container.

Owners
domiciled outside
Nigeria

8. Every owner of a container shall keep for a period of at least two years a record of the last examination made in respect of that container in accordance with the procedure approved by the Authority under section 6.

Record
examination of

Repair of container

9. Where there is significant evidence that the condition of a container creates an obvious risk to safety, the owner thereof or his representative in Nigeria shall

Repair
container of

(a) withdraw it immediately from service and ensure that it is restored to a safe condition before it continues in service; or

(b) arrange for its further transportation after appropriate steps have been taken to protect the structural integrity of the container.

10. Where a container referred to in section 9 is to be repaired in Nigeria for the purposes of restoring it to a safe condition, the owner thereof or his representative in Nigeria shall submit the container to a repair facility along with specifications in writing for such repair.

Repairs within
Nigeria

11. On completion of the repair referred to in section 10, the owner of the repair facility or any person authorised by the owner of the repair facility for that purpose shall issue a statement in writing to the owner of the container or the owner's representative in Nigeria stating that the repair has been carried out at the repair facility in accordance with the written specifications submitted by the owner of the container or the owner's representative in Nigeria.

Compliance with
specifications

12. Every owner of a container or his representative in Nigeria who has submitted a container to a repair facility for repair pursuant to section 9 shall keep for a period of at least two years a record of the repair specifications and of the statement issued under section 10.

Record of repair

Testing, inspection and approval

13. The Authority may, on receipt of an application from an organisation, other than an organisation that is engaged in container ownership, leasing, repair, maintenance or manufacture, authorise the organisation to carry out the testing, inspection and approval of containers for the purposes of the Convention.

Power to test,
inspect and
approve

14. (1) Where an organisation referred to in section 13 makes an application pursuant to that section, it shall give to the Authority the following information:

Authorised
organization

(a) in the case of the testing, inspection and approval of containers;

(i) the name and description of the organization;

(ii) a description of the geographical area covered by it;

(iii) a description of the capability it has to perform the functions described in section 13;

(iv) a description of the technical personnel directly responsible for performing the functions described in section 13, including the names and qualifications of such personnel, and a statement whether the employment is on a full time or part time basis;

(v) the number of containers to be tested in a series;

(vi) the number and frequency of inspections to be carried out;

(vii) the methods to be used to evaluate the capability of the work force of a manufacturer;

(viii) the methods to be used to ensure production control;

(ix) the type of testing equipment to be employed;

(x) a list of data that an owner may be required to submit;

(xi) the guidelines to be used in the evaluation of the applications for approval; and

(b) any other information that is related to the approval of containers.

(2) The organisation shall advise the Authority should there at any time be any change in the information previously submitted in accordance with paragraph (1)(a) or (b).

15. (1) An organisation may be authorised by the Authority under section 13 regardless of whether or not it carries on business in Nigeria.

Organisation
outside Nigeria

(2) Where containers are manufactured outside Nigeria, the Authority may authorise an organisation that is not carrying on business in Nigeria to perform, with respect to those containers, the functions referred to in section 13.

Publication
fees of

16. An authorised organisation shall, when the Authority so requests, publish a schedule of fees for services provided by it in the performance of any of the functions referred to in section 13, such schedule to be based on the actual costs incurred by the organisation.

17. At the end of every year, an authorised organisation shall submit to the Authority a record of all approvals of containers made by it during that year.

Record of approved containers

18. (1) Subject to subsection (2), where an authorised organisation does not comply with any requirement set out in sections 14, 16 or 17, the Authority may revoke the authorisation granted under section 13.

Revocation of authority

(2) Where the Authority proposes to revoke an authorisation under subsection (1), it shall give notice to the authorised organisation referred to in that subsection of its intention and the reasons for the revocation.

Detention of container.

19. (1) An inspector may detain a container that does not carry a valid Safety Approval Plate as required by these Regulations.

Detention

(2) Where there is significant evidence that the condition of a container creates an obvious risk to safety, an inspector may detain the container until it is restored to a safe condition.

(3) An inspector may authorise a container that has been detained to be transported after appropriate steps have been taken to protect the structural integrity of the container.

(4) An inspector who detains a container shall forthwith affix to it a notice to that effect and shall send a written notice of the detention and the reasons therefore to the person who, according to the information at his disposal, is the owner of the container.

Offences and punishment

20. (1) It shall be an offence for a person to remove or permit the removal of a container to which a notice of detention is affixed except in accordance with an authorisation issued pursuant to subsection 19(3).

Removal of detained container

(2) Every person who contravenes any provision of these Regulations is guilty of an offence.

(3) Punishment for any offence under these Regulation shall be as prescribed under section 11 of the Act.

Punishment for contravention

21. (1) An inspector shall forthwith release a container that has been detained pursuant to subsection 19(1) where a valid Safety

Release of detained container

Approval Plate as required by the Convention has been affixed to the container.

(2) An inspector shall release a container that has been detained pursuant to subsection 19(2) and that is to continue in service, as soon as the container has been restored to a safe condition.

22. Where a container is detained under these Regulations and is not repossessed by the person entitled thereto within 180 days from the date of such detention, the Authority may sell the container by public auction.

Disposal
of
containers