

REPUBLIC OF SOUTH AFRICA

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**MERCHANT SHIPPING  
(SAFE CONTAINERS CONVENTION)  
BILL**

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*(As introduced in the National Assembly (proposed section 75); explanatory summary of  
Bill published in Government Gazette No. 33390 of 16 July 2010)  
(The English text is the official text of the Bill)*

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(MINISTER OF TRANSPORT)

**[B 31—2010]**

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# BILL

To give effect to the International Convention for Safe Containers, and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. (1) In this Act, unless the context indicates otherwise—
  - “**Authority**” means the South African Maritime Safety Authority established by section 2(1) of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998);
  - “**container**” means a container as defined in the Convention and to which the Convention applies;
  - “**Contracting State**” means a state specified in a notice under section 4;
  - “**inspector**” means a person appointed as an inspector under section 6;
  - “**Minister**” means the Minister of Transport;
  - “**organ of state**” has the same meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996;
  - “**the Convention**” means the International Convention for Safe Containers set out in Part 1 of the Schedule;
  - “**the Republic**” includes the Prince Edward Islands referred to in section 3;
  - “**this Act**” includes the regulations.
- (2) In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned by the Convention, has the same meaning as in the Convention.

## Act binds State

2. This Act binds the State and every organ of state.

## Application of Act

3. (1) This Act extends to the Prince Edward Islands as defined in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948).
- (2) In its application to those islands, transport between the Republic and the Prince Edward Islands is not international transport.

## Declaration of Contracting States

4. (1) The Minister may, by notice in the *Gazette*, declare a state, other than the Republic, specified in the notice as a State Party to the Convention.
- (2) A notice under subsection (1) is evidence that a state specified in such notice is a State Party to the Convention.

### **Certain provisions of Convention have force of law**

5. Subject to this Act, Articles II to VI of the Convention have the force of law in the Republic.

### **Inspectors**

6. (1) The Authority may appoint as an inspector any person who is qualified to be so appointed, to perform any of the functions assigned to an inspector in terms of this Act. 5

(2) The Authority must issue to each inspector a certificate in the prescribed form, stating that he or she has been appointed as an inspector.

(3) When boarding any vehicle or entering any premises contemplated in section 7(1), an inspector must, on request, show the certificate to the person in charge of the vehicle or premises. 10

### **Powers of inspectors**

7. (1) In addition to any powers that he or she may have under the regulations, an inspector may, without a warrant, at any reasonable time—

(a) board any vehicle, including a ship, train, truck or aircraft, or enter any premises if he or she believes on reasonable grounds that— 15

(i) there is significant evidence that the condition of a container in or on such vehicle or premises creates an obvious risk to safety;

(ii) there is a container in or on such vehicle or premises, for the purpose of verifying as to whether such container carries a valid Safety Approval Plate as required by the Convention; or 20

(iii) a provision of this Act has been contravened; and

(b) examine any record or document and make copies or extracts of such a record or document, found in such a vehicle, ship, train, truck, aircraft or premises.

(2) The owner or person in charge of any vehicle boarded or premises entered by an inspector and every person in such vehicle or on such premises, must give the inspector all reasonable assistance to enable the inspector to perform his or her functions under this Act and must provide the inspector with any information that the inspector may reasonably require with respect to the administration of this Act. 25

(3) An entry and inspection of premises without a warrant must be carried out only during normal hours of business and with the consent of the owner or person in control of the premises. 30

### **Obstruction of inspectors**

8. (1) No person may obstruct or hinder an inspector in the performance of his or her functions under this Act. 35

(2) No person may knowingly make any false or misleading statement, either orally or in writing, to an inspector engaged in the performance of his or her functions under this Act.

(3) No person may remove or interfere in any way with a container detained by an inspector in terms of this Act, unless authorised by an inspector. 40

### **Inquiry into accident or incident**

9. (1) If an accident or incident involving a container results in death or injury to any person, danger to the health or safety of the public or damage to property or the environment, the Authority may direct an inquiry to be conducted into the accident or incident by any suitable person, authorised by the Authority. 45

(2) The person authorised by the Authority under subsection (1) has all the powers conferred upon a court of marine enquiry by section 9(1) and (4) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and subsections (2) and (3) of that section apply accordingly.

(3) The person authorised to conduct an inquiry must, as soon as possible after conclusion of that inquiry, submit a report with recommendations to the Authority, together with all the evidence and other material that was before the inquiry. 50

(4) The Authority must publish the report within 60 days of receipt, unless the report contains a recommendation that a publication be withheld in the public interest, in which case the Authority may withhold publication of the report in whole or in part as it deems fit.

(5) The Authority may supply copies of a published report in the manner and on the terms that it deems proper. 5

## Regulations

**10.** (1) The Minister may make regulations—

(a) regarding the detention and transportation of containers that do not carry a valid Safety Approval Plate as required by the Convention; 10

(b) regarding 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) regarding the maintenance and repair of containers;

(d) pertaining to the circumstances under which and the manner in which the Authority may dispose of detained containers that have not been reclaimed; 15

(e) requiring that the Safety Approval Plate affixed to any or all containers approved in terms of this Act be in one or more of the official languages of the Republic;

(f) prescribing matters required or permitted by this Act to be prescribed; and 20

(g) generally with regard to any other incidental administrative or procedural matter necessary to prescribe for the proper implementation of this Act.

(2) (a) The Minister may incorporate all or part of any health and safety standard, without re-stating the text thereof, in a regulation by referring to the number, title and year of issue of that health and safety standard or to any other particular by which that health and safety standard is sufficiently identified. 25

(b) Whenever a health and safety standard referred to in paragraph (a) is subsequently amended or substituted, the amended health and safety standard is, in the absence of a contrary intention, deemed to have been incorporated in terms of the regulation contemplated in paragraph (a). 30

(c) A copy of a full text of a health and safety standard incorporated in terms of paragraph (a) and any amendment or substitution thereof, must be kept at a place in the Republic that the Authority directs and must be available for public inspection.

(d) Section 28 of the Standards Act, 2008 (Act No. 8 of 2008), does not apply to any incorporation of a health and safety standard or to any amendment or substitution of a health and safety standard under this section. 35

## Offences and penalties

**11.** (1) A person who contravenes this Act commits an offence and is liable upon conviction to a fine or to imprisonment for a period not exceeding two years.

(2) Without affecting the jurisdiction of any court existing apart from this subsection, a court has jurisdiction over an offence in terms of this Act if— 40

(a) the offence was committed in the territorial jurisdiction of that court; or

(b) the accused is found or carries on business in the territorial jurisdiction of that court.

(3) If a person— 45

(a) admits to the Authority that he or she has contravened this Act;

(b) agrees to abide by the decision of the Authority; and

(c) deposits with the Authority such amount of money as may be determined by the Authority, which amount must not exceed the maximum fine that may be imposed under subsection (1), 50

the Authority may, after any inquiry that it deems fit, determine the matter summarily and may, without legal proceedings, order the whole or any part of the deposit to be forfeited by way of a penalty.

(4) A person may appeal to the Minister against a determination or order of the Authority. 55

(5) An appeal must be lodged within 90 days from the date of the determination or order.

(6) The imposition of a penalty under subsection (3) must not be regarded as a conviction for an offence, and no prosecution in respect of the offence in question may thereafter be instituted.

(7) All fines and other money penalties imposed under this Act must be paid to the Authority for the benefit of the Maritime Fund established by section 38 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998). 5

#### **Duration of Act**

12. This Act continues in force until a date fixed by the President by proclamation in the *Gazette* following denunciation of the Convention by the Republic or the termination thereof in accordance with Article XII of the Convention. 10

#### **Repeal of Act 11 of 1985**

13. The International Convention for Safe Containers Act, 1985 (Act No. 11 of 1985), is repealed.

#### **Short title and commencement**

14. This Act is called the Merchant Shipping (Safe Containers Convention) Act, 2010, 15 and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

**SCHEDULE***(Section 1)***PART 1****INTERNATIONAL CONVENTION FOR SAFE CONTAINERS****PREAMBLE**

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**THE CONTRACTING PARTIES,**

**RECOGNISING** 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,

**RECOGNISING**, in this context, the advantages of formalising common international safety requirements, 10

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

**HAVE DECIDED** to formalise 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: 15

**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. 20

**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; 25
  - (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; 30
  - (d) of a size such that the area enclosed by the four outer bottom corners is either:
    - (i) at least 14 m<sup>2</sup> (150 sq ft), or
    - (ii) at least 7 m<sup>2</sup> (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. 35

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. 40

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 45

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. 5

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. 10

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. 15

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. 20

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. 25

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 five years from the date of entry into force of the present Convention. 30

### ARTICLE IV

#### *Testing, inspection, approval and maintenance*

1. For the enforcement of the provisions of 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 organisations duly authorised by it. 35

2. An Administration which entrusts such testing, inspections and approval to an organisation shall inform the Secretary-General of the Inter-Governmental Maritime Consultative Organisation (hereinafter referred to as “the Organisation”) for communication to Contracting Parties. 40

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. 45

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

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#### *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 authorised 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 Organisation at London by all States Members of the United Nations or Members of any of the specialised 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 to 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 Organisation (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 Organisation:
  - (a) Upon the request of a Contracting Party, any amendment proposed by it to the present Convention shall be considered in the Organisation. If adopted by a majority of two thirds of those present and voting in the Maritime Safety Committee of the Organisation, to which all Contracting Parties shall have been invited to participate and vote, such amendment shall be communicated to all Members of the Organisation and all Contracting Parties at least six months prior to its consideration by the Assembly of the Organisation. Any Contracting Party which is not a Member of the Organisation 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 Organisation 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 Organisation 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 Organisation 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 at 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. 5

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*

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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 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. 15 20

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. 25

4. Decisions of the arbitration tribunal, both as to its procedures 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. 30

**ARTICLE XIV***Reservations*

1. Reservations to the present Convention shall be permitted, excepting those relating to the provisions of Articles I to 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. 35

2. Any reservation 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 40

(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. 45

**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: 5

- (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; 10
- (d) denunciations under Article XI;
- (e) the termination of the present Convention under Article XII.

**ARTICLE XVI***Authentic texts* 15

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 authorised thereto by their respective Governments, have signed the present Convention. 20

**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 5

*Safety Approval Plate*

1. (1) (a) A Safety Approval Plate conforming to the specifications set out in the Appendix to 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. 10

(b) On each container, all maximum gross weight markings shall be consistent with the maximum gross weight information on the Safety Approval Plate.

(c) The owner of the container shall remove the Safety Approval Plate on the container if:

(i) the container has been modified in a manner which would void the original approval and the information found on the Safety Approval Plate; or 15

(ii) the container is removed from service and is not being maintained in accordance with the Convention; or

(iii) the approval has been withdrawn by the Administration.

(2) (a) The plate shall contain the following information in at least the English or French language: 20

**“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 25

Maximum operating gross weight (kg and lb)

Allowable stacking weight for 1,8 g (kg and lb)

Transverse racking test load value (kg and lb). 30

(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 the 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 (factors) are designed to be greater or less than those stipulated in Annex II, such values shall be indicated on the Safety Approval Plate. 35

(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. 40

*Maintenance and examination*

2. (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. 45

(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. 50

(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 55

shall determine whether the container has any defects which could place any person in danger.

(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. 5

(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. 10

(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.

(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 his 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. 15 20

## CHAPTER II

### REGULATIONS FOR APPROVAL OF NEW CONTAINERS BY DESIGN TYPE 25

#### *Approval of new containers*

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

#### *Design type approval*

4. 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 with 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 manufacturer to affix the Safety Approval Plate to every container of the design type series. 30 35

#### *Provisions for approval by design type*

5. (1) Where the containers are to be manufactured by design type series, application made to 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. 40

(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: 45

- (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; 50
- (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. 55

(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. 5

***Examination during production***

6. 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. 10

***Notification of Administration***

7. 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. 15

**CHAPTER III**

**REGULATIONS FOR APPROVAL OF NEW CONTAINERS BY INDIVIDUAL APPROVAL**

***Approval of individual containers*** 20

8. 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. 25

**CHAPTER IV**

**REGULATIONS FOR APPROVAL OF EXISTING CONTAINERS AND NEW CONTAINERS NOT APPROVED AT TIME OF MANUFACTURE**

***Approval of existing containers***

9. (1) If, within five 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: 30

- (a) date and place of manufacture;
- (b) manufacturer's identification number of the container, if available;
- (c) maximum operating gross weight capability; 35
- (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 40
- (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; 45
- (e) allowable stacking weight for 1,8 g (kg and lb); 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 50

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.

(2) 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.

***Approval of new containers not approved at time of manufacture***

10. 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; 15
- (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 has been tested and found to comply with the technical conditions set out in Annex II; 20
- (e) allowable stacking weight for 1,8 g (kg and lb); 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.

**CHAPTER V 30**

**REGULATIONS FOR APPROVAL OF MODIFIED CONTAINERS**

***Approval of modified containers***

11. The owner of an approved container that has been modified in a manner resulting in structural changes shall notify the Administration or an approved organization duly authorized by it of those changes. The Administration or authorized organization may require retesting of the modified container as appropriate prior to recertification. 35

**APPENDIX**

The Safety Approval Plate, conforming to the model reproduced below, shall take the form of a permanent, non-corrosive, fireproof rectangular plate measuring not less than 200 mm x 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.

**CSC SAFETY APPROVAL**

<sup>2</sup> \$ 100 mm ÷

1	<b>[GB—L/749/2/7/75]</b>
...	
2	<b>DATE MANUFACTURED</b>
3...	<b>IDENTIFICATION No.</b>
4...	<b>MAXIMUM GROSS</b>
	<b>WEIGHT</b> <b>..... kg . . . . . lb</b>
5...	<b>ALLOWABLE STACKING WEIGHT</b>
6...	<b>FOR 1,8 g</b> <b>. . . . . kg . . . . . lb</b>
7...	<b>RACKING TEST LOAD</b>
	<b>VALUE</b> <b>. . . . . kg . . . . . lb</b>
8...	
9...	<sup>2</sup> \$ 200 mm ÷

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 (kg and lb).

5. Allowable stacking weight for 1,8 g (kg and lb).

6. Transverse racking test load value (kg and lb).

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 is 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:

## 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*

TEST LOADINGS AND APPLIED FORCES	TEST PROCEDURES
<p><b>Internal loading:</b></p> <p>A uniformly distributed load such that the combined weight of container and test load is equal to 2 R. In the case of a tank-container, when the test weight of the internal load plus the tare weight is less than 2 R, a supplementary load distributed over the length of the tank is to be applied to the container.</p>	<p>(i) <i>Lifting from top corner fittings:</i></p> <p>Containers greater than 3 000 mm (10 ft) (nominal) in length shall have lifting forces applied vertically at all four top corner fittings.</p> <p>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°.</p>
<p><b>Externally applied forces:</b></p> <p>Such as to lift the combined weight of 2 R in the manner prescribed (under the heading TEST PROCEDURES).</p>	<p>(ii) <i>Lifting from bottom corner fittings:</i></p> <p>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:</p> <p>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).</p>

**(B) Lifting by any other additional methods**

<b>TEST LOADINGS AND APPLIED FORCES</b>	<b>TEST PROCEDURES</b>
<p><b>Internal loading:</b></p> <p>A uniformly distributed load such that the combined weight of container and test load is equal to 1,25 R. In the case of a tank-container, when the test weight of the internal load plus the tare weight is less than 1,25 R, a supplementary load distributed over the length of the tank is to be applied to the container.</p>	<p>(i) <i>Lifting from fork-lift pockets:</i></p> <p>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% of the length of the fork pocket.</p>
<p><b>Externally applied forces:</b></p> <p>Such as to lift the combined weight of 1,25 R in the manner prescribed (under the heading TEST PROCEDURES).</p>	<p>(ii) <i>Lifting from grappler arm positions:</i></p> <p>The container shall be placed on pads in the same horizontal plane, 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.</p>
	<p>(iii) <i>Other methods:</i></p> <p>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.</p>

**2. STACKING**

2.1 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.

2.2 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 (kg and lb).

<b>TEST LOADINGS AND APPLIED FORCES</b>	<b>TEST PROCEDURES</b>
<p><b>Internal loading:</b></p> <p>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.</p>	<p>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.</p>
<p><b>Externally applied forces:</b></p> <p>Such as to subject each of the four top corner fittings to a vertical downward force equal to <math>0,25 \times 1,8 \times</math> the allowable superimposed static stacking weight.</p>	<p>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 (1½ in) longitudinally.</p>

### 3. CONCENTRATED LOADS

TEST LOADINGS AND APPLIED FORCES	TEST PROCEDURES
<b>(a) On roof</b>	
<b>Internal loading:</b>  None.	
<b>Externally applied forces:</b>  A concentrated load of 300 kg (660 lb) 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.
<b>(b) On floor</b>	
<b>Internal loading:</b>  Two concentrated loads, each of 2 730 kg (6 000 lb) and each applied to the container floor through a contact area of 142 cm <sup>2</sup> (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 lb), that is 2 730 kg (6 000 lb) on each of two surfaces, having, when loaded, a total contact area of 284 cm <sup>2</sup> (44 sq in), that is 142 cm <sup>2</sup> (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.
<b>Externally applied forces:</b>  None.	

### 4. TRANSVERSE RACKING

TEST LOADINGS AND APPLIED FORCES	TEST PROCEDURES
<b>Internal loading:</b>  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.
<b>Externally applied forces:</b>  Such as to rack the end structures of the container sideways. The forces shall be equal to those for which the container was designed.	The externally applied forces shall be applied either separately or simultaneously to each of the top corner fittings on one side of the container in lines parallel both to the base and to the planes of the ends of the container. The forces shall be applied first towards and then away from the top corner fittings. In the case of containers in which each end is symmetrical about its own vertical centerline, one side only need be tested, but both sides of containers with asymmetric ends shall be 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.

TEST LOADINGS AND APPLIED FORCES	TEST PROCEDURES
<p><b>Internal loading:</b></p> <p>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.</p>	<p>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.</p>
<p><b>Externally applied forces:</b></p> <p>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.</p>	<p>The externally applied forces shall be applied first towards and then away from the anchor points. Each side of the container shall be tested.</p>

## 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.

TEST LOADINGS AND APPLIED FORCES	TEST PROCEDURES
<p><b>Internal loading:</b></p> <p>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.</p>	<p>The prescribed internal loading shall be applied as follows: Both ends of a container shall be tested except that 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.</p>
<p><b>Externally applied forces:</b></p> <p>None.</p>	

## 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.

<b>TEST LOADINGS AND APPLIED FORCES</b>	<b>TEST PROCEDURES</b>
<p><b>Internal loading:</b></p> <p>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.</p>	<p>The prescribed internal loading shall be applied as follows: Both sides of a container shall be tested except that 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.</p>
<p><b>Externally applied forces:</b></p> <p>None.</p>	

## PART 2

## 1993 AMENDMENTS

1. Paragraphs 14 to 16 of Article II (Definitions) are amended to read:

- “14. ‘Maximum Operating Gross Mass’ or ‘Rating’ or ‘R’ means the maximum allowable sum of the mass of the container and its cargo. The letter ‘R’ is expressed in units of mass. Where the Annexes are based on gravitational forces derived from this value, that force, which is an inertial force, is indicated as ‘Rg’.
- 15. ‘Tare’ means the mass of the empty container, including permanently affixed ancillary equipment.
- 16. ‘Maximum Permissible Payload’ or ‘P’ means the difference between maximum operating gross mass or rating and tare. The letter ‘P’ is expressed in units of mass. Where the Annexes are based on the gravitational forces derived from this value, that force, which is an inertial force, is indicated as ‘Pg’.”.

New paragraphs 17 to 19 are added as follows:

- 17. The word ‘load’, when used to describe a physical quantity to which units may be ascribed, signifies mass.
- 18. The word ‘loading’, for example, as in ‘internal loading’, signifies force.
- 19. The letter ‘g’ means the standard acceleration of gravity, ‘g’ equals 9,8 m/s<sup>2</sup>.”.

2. Annex I, subparagraph 1(b) of Regulation 1 is amended to read:

“(b) On each container all maximum gross mass markings shall be consistent with the maximum gross mass information on the Safety Approval Plate.”.

Subparagraph 2(a) is amended to read:

“(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 mass (kg and lbs)

Allowable stacking load for 1,8 g (kg and lbs)

Transverse racking test force (Newton’s).”.

A new paragraph 5 is added as follows:

- “5. A container, the construction of which was completed prior to the date of commencement of this paragraph, may retain the Safety Approval Plate as permitted by the Convention prior to that date as long as no structural modifications occur to that container.”.

3. Annex I, subparagraphs 1(c) and 1(e) of Regulation 9 are amended to read:

- “(c) maximum operating gross mass capability;
- (e) allowable stacking load for 1,8 g (kg and lbs); and”.

4. Annex I, subparagraphs (c) and (e) of Regulation 10 are amended to read:

- “(c) maximum operating gross mass capability;
- (e) allowable stacking load for 1,8 g (kg and lbs); and”.

5. Annex I, the fourth, fifth and sixth lines of the model of the Safety Approval Plate reproduced in the Appendix are amended to read:

“MAXIMUM OPERATING GROSS MASS . . . . kg . . . . lbs  
 ALLOWABLE STACKING LOAD FOR 1,8 g . . . . kg . . . . lbs  
 TRANSVERSE RACKING TEST FORCE . . . . Newton’s”.

6. Annex I, items 4 to 8 of the Appendix are amended to read:

- “4. Maximum operating gross mass (kg and lbs).
- 5. Allowable stacking load for 1,8 g (kg and lbs).
- 6. Transverse racking test force (Newton’s).

7. End-wall strength to be indicated on plate only if end-walls are designed to withstand a force of less or greater than 0,4 times the gravitational force by maximum permissible payload, i.e. 0,4 Pg.
8. Side-wall strength to be indicated on plate only if the side-walls are designed to withstand a force of less or greater than 0,6 times the gravitational force by maximum permissible payload, i.e. 0,6 Pg.”.
7. The first sentence of the Introduction to Annex II (Structural safety requirements and tests) is amended to read:  
 “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 gravitational effect of the loaded container and external forces will not exceed the design strength of the container.”.
8. Annex II, section 1(A) — Lifting from corner fittings — the text concerning test loadings and applied forces is amended to read:  
**“TEST LOAD AND APPLIED FORCES**  
**Internal load:**  
 A uniformly distributed load such that the sum of the mass of container and test load is equal to 2 R. In the case of a tank-container, when the test load of the internal load plus the tare is less than 2 R, a supplementary load, distributed over the length of the tank, is to be added to the container.  
**Externally applied forces:**  
 Such as to lift the sum of a mass of 2 R in the manner prescribed (under the heading TEST PROCEDURES).”.
9. Annex II, section 1(B) — Lifting by any other additional methods — is amended to read:

<b>“TEST LOAD AND APPLIED FORCES</b>	<b>TEST PROCEDURES</b>
<p><b>Internal load:</b></p> <p>A uniformly distributed load such that the sum of the mass of container and test load is equal to 1,25 R.</p> <p><b>Externally applied forces:</b></p> <p>Such as to lift the sum of a mass of 1,25 R in the manner prescribed (under the heading TEST PROCEDURES).</p>	<p>(i) <i>Lifting from fork-lift pockets:</i></p> <p>The container shall be placed on bars which are in the same horizontal plane, one bar being centred within each forklift 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% of the length of the fork pocket.</p>
<p><b>Internal load:</b></p> <p>A uniformly distributed load such that the sum of the mass of container and test load is equal to 1,25 R. In the case of a tank-container, when the test load of the internal load plus the tare is less than 1,25 R, a supplementary load, distributed over the length of the tank, is to be added to the container.</p> <p><b>Externally applied forces:</b></p> <p>Such as to lift the sum of a mass of 1,25 R in the manner prescribed (under the heading TEST PROCEDURES).</p>	<p>(ii) <i>Lifting from grappler arm positions:</i></p> <p>The container shall be placed on pads in the same horizontal plane, 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.</p>

“TEST LOAD AND APPLIED FORCES	TEST PROCEDURES
	(iii) <i>Other methods:</i> 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 load and externally applied forces representative of the acceleration conditions appropriate to that method.”.

10. Annex II, paragraphs 1 and 2 of section 2 — STACKING — are amended to read:
- “1. For conditions of international transport where the maximum vertical acceleration varies 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.
  2. On successful completion of this test, the container may be rated for the allowable superimposed static stacking load, which should be indicated on the Safety Approval Plate against the heading ALLOWABLE STACKING LOAD FOR 1,8 g (kg and lbs).”.

11. Annex II, section 2 — STACKING — the text concerning test loadings and applied forces is amended to read:

**“TEST LOAD AND APPLIED FORCES**

**Internal load:**

A uniformly distributed load such that the sum of the mass of container and test load is equal to 1,8 R. Tank-containers may be tested in the tare condition.

**Externally applied forces:**

Such as to subject each of the four top corner fittings to a vertical downward force equal to  $0,25 \times 1,8 \times$  the gravitational force of the allowable superimposed static stacking load.”.

12. Annex 2, section 3 — CONCENTRATED LOADS — is amended to read:

“TEST LOAD AND APPLIED FORCES	TEST PROCEDURES
<b>(a) On roof</b>	
<p><b>Internal load:</b> None.</p> <p><b>Externally applied forces:</b> A concentrated gravitational force of 300 kg (660 lbs) uniformly distributed over an area of 600 mm × 300 mm (24 in × 12 in).</p>	<p>The externally applied forces shall be applied vertically downwards to the outer surface of the weakest area of the roof of the container.</p>
<b>(b) On floor</b>	
<p><b>Internal load:</b> Two concentrated loads each of 2 730 kg (6 000 lbs) and each added to the container floor within a contact area of 142 cm<sup>2</sup> (22 sq in).</p>	<p>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 mass 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 cm<sup>2</sup> (44 sq in) [that is, 142 cm<sup>2</sup> (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.</p>
<p><b>Externally applied forces:</b> None.”.</p>	

13. Annex II, the heading and subheading of section 4 — TRANSVERSE RACKING — are amended to read respectively:  
“**TEST LOAD AND APPLIED FORCES**” and “**Internal load:**”.
14. Annex II, section 5 — LONGITUDINAL RESTRAINT (STATIC TEST) — the text concerning test loadings and applied forces is amended to read:  
“**TEST LOAD AND APPLIED FORCES**  
**Internal load:**  
A uniformly distributed load, such that the sum of the mass of a container and test load is equal to the maximum operating gross mass or rating R. In the case of a tank-container, when the mass of the internal load plus the tare is less than the maximum gross mass or rating, R, a supplementary load is to be added to the container.  
**Externally applied forces:**  
Such as to subject each side of the container to longitudinal compressive and tensile forces of magnitude  $R_g$ , that is, a combined force of  $2 R_g$  on the base of the container as a whole.”.
15. Annex II, the first paragraph of section 6 — END-WALLS — is amended to read:  
“The end-walls should be capable of withstanding a force of not less than 0,4 times the force equal to gravitational force by maximum permissible payload. If, however, the end-walls are designed to withstand a force of less or greater than 0,4 times the gravitational force by maximum permissible payload, such a strength factor shall be indicated on the Safety Approval Plate in accordance with Annex I, Regulation 1.”.
16. Annex II, section 6 — END-WALLS — the text concerning test loadings and applied forces is amended to read:  
“**TEST LOAD AND APPLIED FORCES**  
**Internal load:**  
Such as to subject the inside of an end-wall to a uniformly distributed force of  $0,4 P_g$  or such other force for which the container may be designed.  
**Externally applied forces:**  
None.”.
17. Annex II, the first paragraph of section 7 — SIDE-WALLS — is amended to read:  
“The side walls should be capable of withstanding a force of not less than 0,6 times the force equal to the gravitational force by maximum permissible payload. If, however, the side-walls are designed to withstand a force of less or greater than 0,6 times the gravitational force by maximum permissible payload, such a strength factor shall be indicated on the Safety Approval Plate in accordance with Annex I, Regulation 1.”.
18. Annex II, section 7 — SIDE-WALLS — the text concerning test loadings and applied forces is amended to read:  
“**TEST LOAD AND APPLIED FORCES**  
**Internal load:**  
Such as to subject the inside of a side-wall to a uniformly distributed force of  $0,6 P_g$  or such other force for which the container may be designed.  
**Externally applied forces:**  
None.”.

## **MEMORANDUM ON THE OBJECTS OF THE MERCHANT SHIPPING (SAFE CONTAINERS CONVENTION) BILL, 2010**

### **1. Background**

1.1 South Africa has been a Contracting Party to the International Convention for Safe Containers, 1972 (the Convention), since its accession in June 1982. However, failure to implement the International Convention For Safe Containers Act, 1985 (Act No. 11 of 1985), has resulted in South Africa not meeting its obligations as a Contracting Party, in particular the obligation under Article I of the Convention.

1.2 The Convention was adopted on 2 December 1972 and entered into force on 6 September 1977. There are currently 65 Contracting Parties.

1.3 The Convention has two principal objectives: One is to maintain a high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements which have proven adequate over the years; the other is to facilitate international transport of containers by providing uniform international safety regulations, equally applicable to all modes of surface transport. In this way, proliferation of divergent national safety regulations can be avoided.

1.4 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 should be affected, the scope of the Convention is limited to containers of a prescribed minimum size having corner fittings, i.e. devices allowing handling, securing or stacking.

1.5 The Convention sets out procedures for the safety approval, by an Administration of a Contracting State or by an organisation acting on its behalf, of containers used in international transport. Approved containers are identified by a safety approval plate, which is affixed to the container under the authority of an Administration. The safety approval plate contains relevant technical data about the container to which it is affixed.

1.6 The approval, evidenced by the safety approval plate, granted under the authority of one Contracting State should be recognised by other Contracting States. This principle of reciprocal acceptance of safety-approved containers is the cornerstone of the Convention, and once approved and plated it is expected that containers will move in international transport with the minimum of safety control formalities.

1.7 The subsequent maintenance of a safety-approved container is the responsibility of the owner, who is required to have the container examined periodically.

1.8 The technical annex to the Convention requires that a container undergo various tests, representing a combination of safety requirements of both the inland and maritime modes of transport.

1.9 Flexibility is incorporated in the Convention by the provision of simplified amendment procedures that facilitate the adaption of test procedures to the prevailing requirements of international container traffic.

1.10 The 1981 amendments were adopted on 2 April 1981 and entered into force on 1 December 1981. These amendments provide transitional arrangements for plating of containers (which had to be completed by 1 January 1985), and for the marking of the date of the container's next examination by 1 January 1987.

1.11 The 1983 amendments were adopted on 13 June 1983 and entered into force on 1 January 1984. These amendments extend the interval between re-examinations to 30 months and permit a choice of container re-examination procedures between the original periodic examination scheme and a new continuous examination programme.

1.12 The 1991 amendments were adopted on 17 May 1991 and entered into force on 1 January 1993. These amendments include the addition of a new Chapter V to Annex I concerning regulations for the approval of modified containers.

1.13 The 1993 amendments were adopted on 4 November 1993 and have yet to enter into force. These amendments concern the information contained on the safety approval plate. They also amend certain test loads and testing procedures required by the Convention.

### **2. Purpose**

2.1 This Bill gives effect to the Convention, particularly South Africa's general obligation under Article I.

2.2 The Bill also repeals and replaces an earlier attempt to implement the Convention, in the form of the International Convention for Safe Containers Act, 1985. This Act has never been put into operation. The Bill seeks to rectify that.

### **3. Overview of Bill**

3.1 The Bill proposes to re-assign functions related to the implementation and administration of the Convention, from the Minister of Trade and Industry to the Minister of Transport and the South African Maritime Safety Authority. This will ensure that the functions are assigned to the appropriate authorities having responsibility for transport and related safety matters.

3.2 Clause 5 of the Bill declares certain provisions of the Convention to have the force of law, and clause 10 empowers the Minister of Transport to make regulations for carrying out and giving effect to the provisions of the Convention. The regulations will, for example, establish requirements for the approval, maintenance, repair, inspection, detention and disposal of containers.

3.3 The text of the Convention is set out in Part 1 of the Schedule to the Bill and incorporates several amendments to the Convention, adopted in 1981, 1983 and 1991.

3.4 Part 2 of the Schedule sets out the text of the amendments adopted in 1993, which have yet to enter into force. It is proposed that Part 2 enter into force only after the 1993 amendments have entered into force internationally, and after their acceptance by South Africa in accordance with Article IX of the Convention.

3.5 The administration and enforcement of the proposed measures are entrusted to the South African Maritime Safety Authority which, in addition to the powers conferred by regulation, is empowered to designate inspectors (clause 6), and to direct inquiries (clause 9) into certain accidents and incidents.

### **4. CONSULTATION**

The general public was consulted through the publication of the Bill in the Government Gazette No. 32101 of 15 April 2009, Notice 356 of 2009. Comments were received from Transnet and the Department of Public Enterprises, and were incorporated where necessary.

### **5. FINANCIAL IMPLICATIONS**

None.

### **6. IMPLICATIONS FOR VULNERABLE GROUPS**

None.

### **7. PARLIAMENTARY PROCEDURE**

7.1 The State Law Advisers and the Department of Transport are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

7.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.