

Statutory Instrument 1996 No. 2154

The Merchant Shipping (Prevention of Oil Pollution) Regulations 1996

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STATUTORY INSTRUMENTS

1996 No. 2154

MERCHANT SHIPPING

The Merchant Shipping (Prevention of Oil Pollution) Regulations 1996

Made

19th August 1996

Laid before Parliament

27th August 1996

Coming into force

17th September 1996

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Explanatory Note

The Secretary of State for Transport, in exercise of the powers conferred by Article 3 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983^[1] and by Article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996^[2] and of all other powers enabling him in that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 and shall come into force on 17th September 1996.

(2) In these Regulations, except where the context otherwise requires—
"amidships" means at the middle of the length (L);

"Annex I" means Annex I to the Convention (which sets out regulations for the prevention of pollution by oil);

"anniversary date" means the date in each year corresponding to the date of expiry of the IOPP Certificate or UKOPP Certificate;

"approved" means approved by the Secretary of State or by a Certifying Authority specified in Merchant Shipping Notice M.1645 in relation to any equipment or arrangements;

"area" in relation to a ship shall be calculated in all cases to moulded lines;

"breadth" (B) means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material, measured in metres;

"central tank" means any tank inboard of a longitudinal bulkhead;

"Certifying Authority" means the Secretary of State or any person authorised by the Secretary of State and includes in particular (if so authorised) Lloyd's Register of Shipping, the British Committee of Bureau Veritas, the British Committee of Det Norske Veritas, the British Committee of Germanischer Lloyd, and the British Technical Committee of the American Bureau of Shipping;

"chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an oil tanker when carrying a cargo or part cargo of noxious liquid substances in bulk;

"clean ballast" means the ballast in a tank which, since oil was last carried therein, has been so cleaned that the effluent therefrom, if it were discharged from a ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If the ballast is discharged through an approved oil discharge monitoring and control system, evidence based on such a system that the oil content of the effluent did not exceed 15 ppm shall be determinative that the ballast was clean, notwithstanding the presence of visible traces referred to above;

"combination carrier" means a ship designed to carry either oil or solid cargoes in bulk;

"controlled waters" means the waters specified as areas within which the jurisdiction and rights of the United Kingdom are exercisable by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996^[3];

"the Convention" means the International Convention for the Prevention of Pollution from Ships 1973, including its protocols, Annex I (but no other Annex) and appendices thereto^[4], as amended by the Protocol of 1978 to that Convention^[5] and includes all the amendments adopted by the Organisation's Marine Environment Protection Committee up to November 4th 1994 and any further amendments considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

"Convention country" means a country which is a Party to the Convention;

"crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes—

- (a) crude oil from which certain distillate fractions may have been removed; and
- (b) crude oil to which certain distillate fractions may have been added;

"crude oil tanker" means an oil tanker engaged in the trade of carrying crude oil;

"deadweight" (DW) means the difference in metric tons between the displacement of a ship in water of a specific gravity of 1.025 at the load waterline corresponding to the assigned summer freeboard and the lightweight of the ship;

"discharge", in relation to harmful substances or effluents containing such substances, means any release, howsoever caused, from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying; but does not include—

- (a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter signed in London on 13 November 1972^[6]; or
- (b) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or
- (c) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control;

and "to discharge" shall be constructed accordingly;

"existing ship", without prejudice to regulation 17(2), means a ship which is not a new ship;

"filtering equipment" mean filters or any combination of separators and filters which are designed to produce effluent containing not more than 15ppm of oil;

"flag state" means the state whose flag a ship is entitled to fly;

"forward and after perpendiculars" shall be taken at the forward and after ends of the length (L). The forward perpendicular shall coincide with the foreside of the stem on the waterline on which the length is measured;

"Government ship" has the same meaning as in section 308(4) of the Merchant Shipping Act 1995^[7];

"GT" means gross registered tonnage and the gross registered tonnage of a ship having alternative gross registered tonnages shall be taken to be the larger of those tonnages;

"Guidelines and Specifications for oil discharge monitoring and control systems for oil tankers" means Resolution A496(XII) adopted by the

International Maritime Organisation and contained in the 1987 Edition of Oily Water Separators and Monitoring Equipment, published by that Organisation;

"harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or interfere with other legitimate uses of the sea, and includes oil;

"instantaneous rate of discharge of oil content" means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant;

"IOPP Certificate" means the International Oil Pollution Prevention Certificate issued in accordance with the Convention;

"length" (L) means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline. The length (L) shall be measured in metres;

"lightweight" means the displacement of a ship in metric tons without cargo, fuel, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores, and passengers and crew and their effects;

"major conversion" means a conversion of an existing ship—

- (a) which substantially alters the dimensions or carrying capacity of the ship; or

- (b) which changes the type of the ship; or

- (c) the intent of which, in the opinion of the Secretary of State, is substantially to prolong its life; or

- (d) which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the Protocol^[8] not applicable to it as an existing ship;

but conversion of—

- (e) an existing oil tanker of 20,000 tons deadweight and above to meet the requirements of regulation 18; or

- (f) an existing oil tanker to meet the requirements of regulation 31; shall not be deemed to constitute a major conversion;

"Marine Safety Agency" means the Marine Safety Agency of the Department of Transport;

"Merchant Shipping Notice" means a Notice described as such and issued by the Marine Safety Agency; and any reference to a particular Merchant Shipping Notice includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

"mile" means an international nautical mile that is to say a distance of 1,852 metres;

"nearest land": in relation to all land other than the part of Australia specified below, "from the nearest land" means from the nearest base-line from which the territorial sea of any territory is established in accordance with the United Nations Convention on the Law of the Sea^[9]; and in relation to the part of the North-eastern coast of Australia which lies between the points 11°00'S, 142°08'E and 24°42'S, 153°15'E, "from the nearest land" means from the nearest of the straight lines joining consecutively the following points—
11°00'S, 142°08'E; 10°35'S, 141°55'E; 10°00'S, 142°00'E; 9°10'S, 143°52'E; 9°00'S, 144°30'E; 13°00'S, 144°00'E; 15°00'S, 146°00'E; 18°00'S, 147°00'E; 21°00'S, 153°00'E and 24°42'S, 153°15'E;

"new ship", except as provided in regulation 17(1), means a ship—

(a) for which the building contract was placed after 31 December 1975; or

(b) in the absence of a building contract, the keel of which was laid or which was at a similar stage of construction after 30 June 1976; or

(c) the delivery of which is after 31 December 1979; or

(d) which has undergone a major conversion—

(i) for which the contract was placed after 31 December 1975;
or

(ii) in the absence of a contract, the construction work of which was begun after 30 June 1976; or

(iii) which is or was completed after 31 December 1979;

"oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than oil-like substances which are subject to the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987^[10];

"oil fuel" means any oil used as fuel in connection with the propulsion and auxiliary machinery of the ship in which such oil is carried;

"oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier or a chemical tanker when it is carrying a cargo or part cargo of oil in bulk;

"oily mixture" means a mixture with any oil content;

"permeability" of a space means the ratio of the volume within that space which is assumed to be occupied by water to the total volume of that space;

"ppm" means parts per million;

"product carrier" means an oil tanker engaged in the trade of carrying oil other than crude oil;

"proper officer" means a consular officer appointed by Her Majesty's Government in the United Kingdom and, in relation to a port in a country outside the United Kingdom which is not a foreign country, also any officer exercising in that port functions similar to those of a superintendent;

"Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters" means Resolution A393(XI) of that title adopted by the International Maritime Organisation as modified by the Marine Environment Protection Committee's Resolution 60(33) contained in the 1987 Edition of Oily Water Separators and Monitoring Equipment published by that Organisation;

"sea" includes any estuary or arm of the sea;

"segregated ballast" means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances;

"separating equipment" means either separators or filters, or any combination of them, which are designed to produce effluent containing not more than 100 ppm of oil;

"ship" means a vessel of any type whatsoever operating in the marine environment including waters navigable by sea-going vessels and includes submersible craft, floating craft and a structure which is a fixed or floating platform but excludes hovercraft;

"slop tank" means a tank specifically designed for the collection of tank drainings, tank washings and other oily mixtures;

"special area" means a sea area where, for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil is required, and shall include those areas listed in regulation 16;

"Specifications for Oil Tankers with Dedicated Clean Ballast Tanks" means the International Maritime Organisation's Resolution Number A495 (XII) contained in the 1982 edition of Dedicated Clean Ballast Tanks published by that Organisation;

"Specifications for Oil/Water Interface Detectors" means the International Maritime Organisation's Resolution Number MEPC 5(XIII), contained in the 1987 edition of Oily Water Separators and Monitoring Equipment, published by that Organisation;

"Specifications for the Design, Operation and Control of Crude Oil Washing Systems", means the International Maritime Organisation's Resolution Number

A446(XI) contained in the 1983 edition of Crude Oil Washing Systems, published by that Organisation;

"surveyor" means a surveyor appointed by a Certifying Authority;

"tank" means an enclosed space which is formed by the permanent structure of a ship and which is designed for the carriage of liquid in bulk;

"UKOPP Certificate" means a certificate entitled the United Kingdom Oil Pollution Prevention Certificate issued by a Certifying Authority and evidencing compliance with the requirements of these Regulations;

"United Kingdom ship" has the same meaning as in section 85(2) of the Merchant Shipping Act 1995;

"volume" in relation to a ship shall be calculated in all cases to moulded lines;

"wing tank" means any tank adjacent to the side shell plating.

(3) In these Regulations—

- (a) a reference to a numbered regulation is, unless otherwise stated, a reference to the regulation of that number in these Regulations; and
- (b) a reference in a regulation to a numbered paragraph is, unless otherwise stated, a reference to the paragraph of that number in that regulation.

(4) The following Regulations are hereby revoked—

- (a) The Merchant Shipping (Prevention of Oil Pollution) Regulations 1983^[11];
- (b) The Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations 1985^[12];
- (c) The Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations 1992^[13];
- (d) The Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations 1993^[14];
- (e) The Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations 1994^[15].

Applications and exemptions

2.—(1) Unless expressly provided otherwise, these Regulations apply to—

- (a) United Kingdom ships;
- (b) other ships while they are within the United Kingdom or the territorial waters thereof; and
- (c) Government ships registered in the United Kingdom and Government ships not so registered but held for the purposes of Her Majesty's Government in the United Kingdom.

(2) These Regulations do not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

(3) The Secretary of State may exempt a ship of a new type whose constructional

features are such as to render the application of any of the provisions of regulations 10 to 32 relating to construction and equipment unreasonable or impracticable from those provisions, provided that the construction and equipment of that ship provides equivalent protection against pollution by oil, having regard to the service for which it is intended. Particulars of any such exemption granted by the Secretary of State shall be indicated in the IOPP or UKOPP Certificate referred to in regulation 7.

(4) In ships, other than oil tankers, fitted with cargo spaces which are constructed and used to carry oil in bulk of an aggregate capacity of 200 cubic metres or more, the requirements of regulations 10, 12, 13, 15(1), (2) and (3), 16, 24, 26 and 28(4) for oil tankers shall also apply to the construction and operation of these spaces, except that where such aggregate capacity is less than 1,000 cubic metres it shall be sufficient to comply with the requirements of regulation 15(4) as if they applied to the ship in lieu of those of regulation 15(1), (2) and (3).

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

Equivalents

3. The Secretary of State may permit any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by these Regulations if such fitting, material, appliance or apparatus is at least as effective as that required by these Regulations, but shall not permit the substitution of operational methods to control the discharge of oil as being equivalent to those design and construction features which are prescribed by these Regulations.

PART II

SURVEYS, CERTIFICATES AND OIL RECORD BOOK

Surveys before issue of a Certificate

4.—(1) The owner of every United Kingdom oil tanker of 150 GT and above and every other United Kingdom ship of 400 GT and above, shall cause the same to be subjected—

(a) to a survey before the ship is put into service or before an IOPP Certificate or UKOPP Certificate in respect of the ship is issued for the first time by a surveyor appointed by the Marine Safety Agency;

(b) to a renewal survey within 5 years of the first issue of an IOPP Certificate or a UKOPP Certificate, and at intervals not exceeding 5 years thereafter by a surveyor appointed by a Certifying Authority.

(2) The surveyor shall survey the ship and satisfy himself that its structure, equipment, systems, fittings, arrangements and material are in accordance with the requirements of these Regulations and that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily water separating equipment and oil filtering systems are in good working order.

(3) The initial and any renewal survey to be carried out under this regulation shall be in accordance with the procedures specified in Merchant Shipping Notice M 1076.

Annual Survey

5.—(1) The owner of every United Kingdom ship in respect of which an IOPP Certificate has been issued shall, so long as the certificate remains in force, cause the ship to be subject to an annual survey, which shall be carried out within three months before or after the anniversary date of the IOPP Certificate, provided that no annual survey shall be required when the intermediate survey pursuant to regulation 6 is carried out within three months before or after the anniversary date of the IOPP Certificate.

(2) The surveyor shall survey the ship in accordance with the procedures specified in Merchant Shipping Notice M 1076 and satisfy himself—

- (a) that those parts of the ship and its equipment specified in that Merchant Shipping Notice which are the subject of the survey remain efficient; and
- (b) that no material alterations have been made in the structure, equipment, systems, fittings, arrangements and materials to which the IOPP Certificate relates without the approval of the Secretary of State.

(3) On completion of the survey the surveyor shall, if it is in order to do so, endorse the IOPP Certificate to that effect.

Intermediate Survey

6.—(1) The owner of every United Kingdom ship in respect of which an IOPP Certificate has been issued shall, so long as the Certificate remains in force, cause the ship to be subject to an intermediate survey during the period of validity of the Certificate. This intermediate survey shall be held not earlier than six months before and not later than six months after the half-way date of the period of validity of the Certificate.

(2) The surveyor shall survey the ship in accordance with the procedures specified in Merchant Shipping Notice M. 1076 and satisfy himself—

- (a) that those parts of the ship and its equipment specified in that Merchant Shipping Notice which are the subject of the survey are in good working order and fully comply with these regulations;
- (b) that no material alterations have been made in the structure, equipment, systems, fittings, arrangements and material to which the IOPP Certificate relates without the approval of the Secretary of State.

(3) On completion of the survey, the surveyor shall, if it is in order to do so, endorse the IOPP Certificate to that effect.

Issue and duration of Certificate

7.—(1) When it is in order to do so the Secretary of State, or as the case may be a Certifying Authority, shall issue to the ship an appropriate Certificate which—

- (a) in the case of an oil tanker of 150 GT and above and any other ship of 400 GT and above which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention, is an IOPP Certificate; and
- (b) in the case of any other oil tanker of 150 GT and above and any other ship of 400 GT and above, is a UKOPP Certificate.

(2) The Secretary of State may request through a proper officer or otherwise, the Government of a Convention country to survey a United Kingdom ship and, if

satisfied that the provisions of the Convention are complied with, to issue or authorise the issue of an IOPP Certificate to the ship.

(3) A Certificate so issued shall contain a statement that it has been issued in accordance with such a request, and it shall have the same effect as a Certificate issued under paragraph (1).

(4) The Secretary of State may at the request of a Government of a Convention country survey a ship registered in that State and if satisfied that the provisions of the Convention are complied with, issue an IOPP Certificate to that ship; a Certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it was issued by that Government and not by the Secretary of State.

(5)

(a) The IOPP Certificate for ships other than oil tankers and the IOPP Certificate for oil tankers shall be in the form prescribed by the Convention. The UKOPP Certificate for Ships other than oil tankers and the UKOPP Certificate for oil tankers shall be in a form prescribed by the Secretary of State. These Certificates shall be valid for a period not exceeding five years from the date of issue.

(b) The Certificates referred to in the subparagraph (a) above shall be supplemented by a Record of Construction and Equipment in the case of an international certificate in the form prescribed by the Convention, and in the case of a United Kingdom certificate in the form prescribed by the Secretary of State.

(6) A Certificate shall cease to be valid—

(a) if without the approval of the Secretary of State or, as the case may be, a Certifying Authority significant alteration has been made to the construction, equipment, systems, fitting arrangements or material required by the Regulations, other than the direct replacement of such equipment or fittings;

(b) in the case of an IOPP Certificate, if the intermediate survey is not carried out within the period specified in regulation 6; or

(c) when the ship transfers to the flag of another State.

(7) The appropriate Certificate shall be kept on board every United Kingdom ship which is either an oil tanker of 150 GT or above or any other ship of 400 GT or above, and shall be available for inspection at all reasonable times.

Responsibilities of owner and master

8.—(1) The owner and master of every ship shall each ensure that—

(a) the condition of the ship and its equipment is maintained so as to comply with the relevant provisions of these Regulations; and

(b) after any survey of a United Kingdom ship required by these Regulations has been completed, no material change is made in the structure, equipment, systems, fittings, arrangements or material subject to such survey without the approval of the Secretary of State.

(2) Whenever an accident occurs to a United Kingdom ship or a defect is

discovered, either of which affects the integrity of a ship or the efficiency or completeness of its equipment—

- (i) the master or (if the master fails to do so) the owner shall report it at the earliest opportunity to the Secretary of State or a Proper Officer, either of whom may cause investigations to be initiated to determine whether a survey by a surveyor is necessary and who may in that event require such a survey to be carried out; and
- (ii) if the ship is in a port of a Convention country (other than the United Kingdom) the master or (if the master fails to do so) the owner shall in addition make such a report immediately to the appropriate authorities of the country in which the port is situated.

(3)

- (a) If an accident has occurred to or a defect has been discovered in or on any ship of a country (other than the United Kingdom) and which is for the time being in a United Kingdom port, and the accident or defect is such as to affect the integrity of the ship or the efficiency or completeness of its equipment, the owner or (if he fails to do so) the master shall make a report immediately to the Secretary of State and to the authority responsible for issuing the IOPP Certificate to the ship;
- (b) The owner or (if he fails to do so) the master shall report the results of any investigation or survey initiated by the authority responsible for issuing the IOPP Certificate to the ship to the Secretary of State, who may cause the ship to be detained until such a report has been made.
- (c) If within a reasonable period the Secretary of State is not satisfied that a full and proper report has been made to the authority responsible for issuing an IOPP Certificate to the ship, or that the action taken is not sufficient to restore the integrity of the ship or the efficiency or completeness of its equipment, he may take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. Without prejudice to any other action he may take, the Secretary of State may request the authority responsible for issuing the IOPP Certificate to the ship to carry out such surveys and inspections as it may consider to be necessary to establish that the condition of the ship is such that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

Procedure to be adopted when corrective action is necessary

9.—(1) In any case where the Certifying Authority determines that the condition of a United Kingdom ship or its equipment does not correspond with the particulars of the IOPP or UKOPP Certificate or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, the Certifying Authority shall advise the owner or master of the corrective action which in its opinion is required, and shall give notice thereof to the Secretary of State.

(2) If such corrective action is not taken within such period (being a reasonable period) as the Certifying Authority may specify, the Certifying Authority shall, at the end of that time, immediately notify the Secretary of State who may, on receipt of such notification, suspend the validity of the IOPP or UKOPP certificate issued to the ship and shall give notice of any such suspension to the owner and to the Certifying

Authority.

(3) The master shall thereupon deliver up the Certificate issued to the Certifying Authority on demand.

(4) Where the ship is in a port of a Convention country (other than the United Kingdom) and corrective action in accordance with paragraph (1) has not been taken, the Certifying Authority shall in addition immediately notify the appropriate authorities of the country in which the port is situated.

(5) Where, in the case of a ship of a Convention country (other than the United Kingdom) which is for the time being in a United Kingdom port, the nominated surveyor or the recognised organisation responsible for issuing the IOPP Certificate to the ship determines that it is necessary to withdraw the certificate, a report shall, unless made by the nominated surveyor or recognised organisation, be made by the master of the ship to the Secretary of State. The Secretary of State may then take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purposes of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

Oil Record Book

10.—(1) Every ship of 400 GT and above, other than an oil tanker, and every oil tanker of 150 GT and above shall be provided with an Oil Record Book, Part I (Machinery Space Operations). Every oil tanker of 150 GT and above shall also be provided with an Oil Record Book, Part II (Cargo/Ballast Operations). The Oil Record Book shall be in the form prescribed in the Convention.

(2) The Oil Record Book shall be completed on each occasion, on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship—

- (a) for machinery space operations (all ships)—
 - (i) ballasting or cleaning of oil fuel tanks;
 - (ii) discharging ballast or cleaning water from oil fuel tanks;
 - (iii) disposing oily residues (sludge);
 - (iv) discharging overboard bilge water which has accumulated in machinery spaces;
- (b) for cargo/ballast operation (oil tankers)—
 - (i) loading oil cargo;
 - (ii) internal transfer of oil cargo during voyage;
 - (iii) unloading oil cargo;
 - (iv) ballasting cargo tanks and dedicated clean ballast tanks;
- (v) cleaning cargo tanks including crude oil washing;
 - (vi) discharging ballast except from segregated ballast tanks;
 - (vii) discharging water from slop tanks;
 - (viii) closing, after the discharge of the contents of the slop tanks, all valves or similar devices opened to permit such operations;
 - (ix) closing those valves necessary for the isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations; and
- (x) disposing residues.

(3) In the event of a discharge of oil or oily mixture as is referred to in regulation

11 or in the event of an accidental or other exceptional discharge of oil not excepted by that regulation, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge.

(4) Each operation described in paragraph (2) shall be fully recorded without delay in the Oil Record Book so that all entries in the book appropriate to that operation are completed. Each completed operation shall be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master.

(5) The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board. It shall be preserved for a period of three years after the last entry has been made.

(6) The Secretary of State or a person authorised by the Certifying Authority may inspect the Oil Record Book on board whilst the ship is in a port or offshore terminal and may make a copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such an entry. Any such copy shall be admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of an Oil Record Book and the taking of a certified copy by the Secretary of State, or a person so authorised, under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

PART III

REQUIREMENTS FOR CONTROL OF OPERATIONAL POLLUTION—CONTROL OF DISCHARGE OF OIL

General exceptions

11. The provisions of regulations 12, 13 and 16 shall not apply to—

- (a) any discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea; or
- (b) any discharge into the sea of oil or oily mixture which results from damage to a ship or its equipment provided that—
 - (i) all reasonable precautions were taken after the damage, or discovery of the discharge, to prevent or minimise the discharge; and
 - (ii) the owner or the master did not act either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or
- (c) any approved discharge into the sea of substances containing oil, when being used for the purpose of combating specific pollution incidents in order to minimise the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will be made.

Ships other than oil tankers and machinery space bilges of oil tankers

12.—(1) Subject to regulation 11 this regulation applies to—

- (a)
 - (i) United Kingdom ships other than oil tankers; and

- (ii) United Kingdom oil tankers in relation to discharges from their machinery space bilges (unless mixed with oil cargo residue) but excluding cargo pump room bilges; wherever they may be, and—
- (b) subject to regulation 38, to—
 - (i) other ships, other than oil tankers; and
 - (ii) other oil tankers, in relation to discharges from their machinery space bilges (unless mixed with oil cargo residue) but excluding cargo pump room bilges, wherever they may be.

(2) Subject to paragraph (3), a ship to which this regulation applies shall not discharge oil or oily mixture into any part of the sea unless all the following conditions are satisfied—

- (a) the ship is proceeding on a voyage;
- (b) the ship is not within a special area;
- (c) the oil content of the effluent does not exceed 15ppm; and
- (d) the ship has in operation the filtering equipment and the oil discharge and monitoring and control system, required by regulation 14.

(3) In the case of a ship referred to in regulation 14(7) (that is to say, a ship delivered before 6th July 1993) which by virtue of that regulation is for the time being not required to be fitted and is not in fact fitted with the equipment required by regulation 14(1), (2) or (3), paragraph (2) shall not apply until—

- (a) 6th July 1998; or
- (b) the date on which the vessel is so fitted;

whichever is earlier. Even so, until that date (that is to say, the earlier of the two said dates) the ship shall not discharge oil or oily mixture into the sea unless all the following conditions are satisfied—

- (i) the ship is not within a special area;
- (ii) the ship is more than 12 miles from the nearest land;
- (iii) the ship is proceeding on a voyage;
- (iv) the oil content of the effluent is less than 100ppm; and
- (v) the ship has in operation approved oily-water separating equipment of a design which is approved in accordance with the specification set out in the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters.

(4) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge prescribed by this regulation.

(5) Insofar as any oil or oily mixture has not been unloaded as cargo and may not be discharged into the sea in compliance with paragraphs (2) or (3), it shall be retained on board and discharged into reception facilities.

(6) Subject to paragraph (7), this regulation does not apply to discharges which occur landward of the line which for the time being is the baseline for measuring the breadth of the territorial waters of the United Kingdom.

(7) Notwithstanding paragraph (6), discharges prohibited by paragraph (4) shall continue to be prohibited when made in the sea on the landward side of the line referred to in paragraph (6).

Oil Tankers

13.—(1) Subject to regulation 11 this regulation applies to—

- (a) every United Kingdom oil tanker; and
- (b) subject to regulation 38, every other oil tanker wherever it may be.

(2) Subject to paragraph (3) an oil tanker to which this regulation applies shall not discharge any oil or oily mixture (except those for which provision is made in regulation 12) into any part of the sea unless all the following conditions are satisfied—

- (a) the tanker is proceeding on a voyage;
- (b) the tanker is not within a special area;
- (c) the tanker is more than 50 miles from the nearest land;
- (d) the instantaneous rate of discharge of oil content does not exceed 30 litres per mile;
- (e) the total quantity of oil discharged into the sea does not exceed $\frac{1}{3,000}$ of the total quantity of the particular cargo of which the residue formed a part, or, in the case of existing tankers, the total quantity of oil discharged does not exceed $\frac{1}{1,500}$ of the total quantity of the particular cargo of which the residue formed a part; and
- (f) the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by regulation 15.

(3) The provisions of paragraph (2) shall not apply to the discharge of clean or segregated ballast or unprocessed oily mixture which without dilution has an oil content not exceeding 15 ppm and which does not originate from cargo pump room bilges and is not mixed with oil cargo residues.

(4) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or contain chemicals or other substances introduced for the purposes of circumventing the conditions of discharge prescribed by this regulation.

(5) Insofar as any oil or oily mixture has not been unloaded as cargo and may not be discharged into the sea in compliance with paragraph (2), it shall be retained on board and shall be discharged into reception facilities.

(6) Subject to paragraph (7), this regulation does not apply to discharges which occur landward of the line which for the time being is the baseline for measuring the breadth of the territorial waters of the United Kingdom.

(7) Notwithstanding paragraph (6), discharges prohibited by paragraph (4) shall continue to be prohibited when made in the sea on the landward side of the line referred to in paragraph (6).

Oil filtering equipment and oil discharge monitoring and control system

14.—(1) Subject to paragraphs (3) and (7), every ship of 400 GT and above but less

than 10,000 GT shall be fitted with oil filtering equipment complying with paragraph (5); and any such ship which carries ballast water in its bunker fuel tanks—

(a)

(i) in addition, shall be provided with an alarm device and the means for automatically stopping and discharge of oily mixture when the oil content in the effluent exceeds 15 ppm complying with the specifications referred to in paragraph (6); and

(ii) shall not discharge such ballast water into the sea unless using that equipment and a record of any such discharge shall be made in the Oil Record Book; or

(b) shall discharge the ballast water to reception facilities.

(2) Subject to paragraphs (2) and (6), every ship which is of 10,000 GT and above shall be provided with—

(a) oil filtering equipment complying with paragraph (5); and

(b) oil content measuring equipment fitted with an 15ppm alarm device and with arrangements for automatically stopping any discharge of oily mixture when the oil content in the effluent exceeds 15 ppm, both complying with paragraph (6).

(3) The Secretary of State may waive the requirements in paragraphs (1) and (2) if a ship is engaged exclusively on voyages within special areas and—

(a) it is fitted with a holding tank having a volume adequate for the retention on board of all oily bilge water;

(b) all oily bilge water is retained on board for subsequent discharge to reception facilities;

(c) adequate reception facilities are available to receive such oily bilge water in a sufficient number of ports or terminals that the ship calls at;

(d) the IOPP Certificate, when required, is endorsed to the effect that the ship is exclusively engaged on voyages within special areas; and

(e) the relevant entries are recorded in the Oil Record Book.

(4) Subject to paragraph (7), every ship which is of less than 400 GT shall, so far as reasonably practicable be constructed to ensure that oil or oily mixtures are retained on board and discharged to reception facilities or, if oil or oily mixtures are to be discharged into the sea, are so discharged in accordance with the requirements of regulation 12(2).

(5) Oil filtering equipment shall be of an approved design in accordance with the specification for such equipment set out in the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters.

(6) Oil content measuring equipment and alarm device shall be of an approved design in accordance with the specification for such equipment set out in the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters, and the arrangements for automatically stopping any discharge shall be of an approved design.

(7) A ship delivered before 6th July 1993 need not comply with the foregoing

requirements before 6th July 1998; but, if the ship does not so comply before that date, it shall be fitted with oily-water separating equipment which is such as to ensure that any oily mixture discharged into the sea after passing through the equipment has an oil content not exceeding 100 ppm.

Retention of oil on board

15.—(1) Subject to the provisions of paragraphs (5) and (6), oil tankers of 150 GT and above shall comply with the requirements of paragraphs (2) and (3).

(2)

(a) Adequate means shall be provided for cleaning the cargo tanks and transferring the dirty ballast residues and tank washings from the cargo tanks into a slop tank. In existing oil tankers, any cargo tank may be designated as a slop tank.

(b) Arrangements shall be provided to transfer the oil waste into a slop tank or combination of slop tanks in such a way that any effluent discharges into the sea will be such as to comply with regulation 13.

(c) The slop tank or combination of slop tanks provided shall have sufficient capacity to retain the slops generated by tank washings, oil residues and dirty ballast residues; and that capacity shall be not less than 3 per cent of the cargo oil carrying capacity of the ship unless—

(i) segregated ballast tanks or dedicated clean ballast tanks are provided in accordance with regulation 18, or a cargo tank cleaning system using crude oil washing, in accordance with regulation 21. In that event the total capacity of the slop tank or tanks may be reduced to 2 per cent of the oil carrying capacity of the ship;

(ii) in the case of combination carriers, the oil cargo is carried in tanks with smooth walls, when the said total capacity may be reduced to 1 per cent of the oil carrying capacity of the ship;

Provided that, where the tank washing arrangements are such that, once the slop tank or tanks are charged with washing water, this water is sufficient for the tank washing and, where applicable, for providing the driving fluid for the pumps (including eductors) without the introduction of additional water into the system, the above figures of 3 per cent, 2 per cent and 1 per cent may be reduced to 2 per cent, 1.5 per cent and 0.8 per cent respectively.

(d) Slop tanks shall be so designed, particularly as regards the position of inlets, outlets, baffles or weirs (where fitted), as to avoid excessive turbulence and entrainment of oil or emulsion with water.

(e) New oil tankers of 70,000 tons deadweight and above shall be provided with at least two slop tanks.

(3)

(a) An oil discharge monitoring and control system of an approved design shall be fitted. It shall be designed and installed in accordance with the Guidelines and Specification for Oil Discharge and Control Systems for Oil Tankers.

(b) Any such system shall be fitted with a recording device to provide, unless otherwise required by the Guidelines and Specifications referred to in subparagraph (a) a continuous record of the discharge of oil in litres per mile and the total quantity of oil discharged or, in lieu of the total quantity of oil

discharged, the oil content and rate of discharge of the effluent. The record shall be identifiable as to the time and date and be kept for at least three years.

(c) The system shall be brought into operation when there is a discharge of effluent into the sea and shall be such as to ensure that any discharge of oily mixture is, unless otherwise permitted by the Guidelines and Specifications referred to in subparagraph (a), automatically stopped when the instantaneous rate of discharge of oil exceeds 30 litres per mile.

(d) On any failure of the system the discharge shall be stopped and the failure noted in the Oil Record Book. A manually operated alternative system shall be provided and may be used in the event of such a failure, but the defective unit shall be made operable as soon as possible. If a tanker with a defective unit is within the United Kingdom or the territorial waters thereof, the Secretary of State may allow the tanker to undertake one ballast voyage before proceeding to a repair port.

(e) Effective oil/water interface detectors, of a design approved in accordance with the Specifications for Oil/Water Interface Detectors, shall be provided for the rapid and accurate determination of the oil/water interface in slop tanks and in other tanks where the separation of oil and water is effected and from which it is intended to discharge effluent direct to the sea.

(f) Approved instruction manuals on the operation and maintenance of the various components comprising the oil discharge monitoring and control system shall be provided. These manuals shall contain information on manual as well as automatic operation and shall be so drawn up as to ensure that at no time will oil be discharged except in compliance with the conditions specified in regulation 13.

(4) Oil tankers of less than 150 GT pursuant to regulation 13 shall retain oil and all contaminated washings on board for subsequent discharge to reception facilities. The total quantity of oil and water used for washing and returned to a storage or slop tank shall be recorded in the Oil Record Book. This total quantity shall be discharged to reception facilities unless adequate arrangements are made to ensure that any effluent which is discharged into the sea is effectively monitored to ensure that the provisions of regulation 13 are complied with.

(5)

(a) Paragraphs (1), (2) and (3) shall not apply to any oil tanker which is engaged exclusively on voyages of 72 hours or less in duration and within 50 miles of the nearest land, provided that—

(i) the oil tanker is engaged exclusively in trade between ports or terminals within the United Kingdom;

(ii) the oil tanker retains on board all oily-mixtures for subsequent discharge to reception facilities;

(iii) the Secretary of State has determined that adequate facilities are available to receive such oily mixtures.

(b) The requirements of paragraph (3) shall not apply to any oil tanker where—

(i) the tanker is an existing oil tanker of 40,000 deadweight tons or above, engaged in specific trades, in accordance with regulations 22(1) and complying with the conditions specified in regulation 22(2); or

(ii) subject to subparagraph (b)(iii), the tanker is engaged exclusively on voyages—

(aa) within special areas; or

(bb) within 50 miles from the nearest land outside special areas and—

(A) trading between ports and terminals within the United Kingdom; or

(B) on restricted voyages of 72 hours or less in duration;

(iii) tankers to which subparagraph (b)(ii) applies shall comply with the following requirements—

(aa) all oily mixtures are retained on board for subsequent discharge to reception facilities;

(bb) for voyages specified in subparagraph (b)(ii)(bb) adequate reception facilities are available to receive such oily mixtures in those oil loading ports or terminals the tanker calls at;

(cc) the IOPP or UKOPP Certificate is endorsed to the effect that the ship is exclusively engaged in one or more of the categories of voyages specified in subparagraphs (b)(ii)(aa) and (b)(ii)(bb) above; and

(dd) the relevant entries are recorded in the Oil Record Book.

(6) Paragraphs (1), (2) and (3) shall not apply to oil tankers carrying asphalt or other products subject to the provisions of these Regulations which, through their physical properties, inhibit effective product/water separation and monitoring: in such cases the requirements of regulation 13 shall be satisfied by the retention of residues on board and the discharge of all contaminated washings to reception facilities.

Methods for the prevention of oil pollution from ships operating in special areas

16.—(1) For the purposes of these Regulations the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area and the Antarctic area, defined as follows—

(a) "the Mediterranean Sea area" means the Mediterranean Sea including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36'W;

(b) "the Baltic Sea area" means the Baltic Sea with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel to the Skaw in the Skagerrak at 57°44.8'N;

(c) "the Black Sea area" means the Black Sea with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N;

(d) "the Antarctic area" means the sea area south of 60° south latitude, and any designated by the Secretary of State in a Merchant Shipping Notice following a Resolution of the Marine Environment Protection Committee of the International Maritime Organisation.

(2) Subject to the provisions of regulation 11 and paragraph (3), there shall be prohibited—

(a) in the Antarctic area, any discharge into the sea from any United Kingdom ship of oil or oily mixture; and

(b) in every special area other than the Antarctic area—

- (i) any discharge into the sea of oil or oily mixture from any United Kingdom oil tanker or from any United Kingdom ship of 400 GT or above other than an oil tanker; and
- (ii) any discharge into the sea of oil or oily mixture from a United Kingdom ship of less than 400 GT other than an oil tanker, except when the oil content of the effluent without dilution does not exceed 15 ppm.

(3)

(a) Paragraph (2) shall not apply to the discharge of clean or segregated ballast.

(b) Paragraph (2)(a) shall not apply to the discharge of processed bilge water from machinery spaces, provided that all the following conditions are satisfied—

- (i) the bilge water does not originate from cargo pump room bilges;
- (ii) the bilge water is not mixed with cargo oil residues;
- (iii) the ship is proceeding on a voyage;
- (iv) the oil content of the effluent, without dilution, does not exceed 15 ppm of mixture;
- (v) the ship has in operation an oil filtering system complying with regulation 14(5) and equipment complying with regulation 14(6);
- (vi) the oil filtering system is equipped with a stopping device which will ensure that the discharge is automatically stopped if the oil content of the effluent exceeds 15 ppm parts of the mixture.

(4)

(a) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.

(b) Where residues of oil or oily mixture may not be discharged into the sea in compliance with paragraphs (2) or (3), they shall be retained on board and shall only be discharged into reception facilities.

(5) Nothing in this regulation shall prohibit a ship on a voyage only part of which is in a special area from discharging outside the special area in accordance with regulations 12 and 13.

(6) A United Kingdom ship shall not enter the Antarctic unless—

(a) it is fitted with a tank or tanks of sufficient capacity for the retention on board of all sludge, dirty ballast, tank washing water and other oily residues and mixtures while operating in the area; and

(b) it has concluded arrangements to have such oily residues and mixtures discharged into a reception facility after it has left the area.

(7) Subject to regulation 38, this regulation, other than paragraph (6), applies to ships which are not United Kingdom ships as it applies to United Kingdom ships.

PART IV

REQUIREMENTS FOR THE SEGREGATION OF CARGO

Interpretation of Part IV

17.—(1) Notwithstanding the provisions of regulation 1(2), for the purposes of this Part a "new oil tanker" means an oil tanker—

- (a) for which the building contract was placed after 1st June 1979; or
- (b) in the absence of a building contract, the keel of which was laid, or which was at a similar stage of construction after 1st January 1980; or
- (c) the delivery of which was after 1st June 1982; or
- (d) which has undergone a major conversion—
 - (i) for which the contract was placed after 1st June 1979; or
 - (ii) in the absence of a contract, the construction work of which was begun after 1st January 1980; or
 - (iii) which was completed after 1st June 1982,

except that, for oil tankers of 70,000 tons deadweight and above, the definitions in regulation 1(2) shall apply for the purposes of regulation 18(1).

(2) For the purposes of regulations 18, 21, 22, 23, 26(5) and 26(6) an "existing oil tanker" means an oil tanker which is not a new oil tanker as defined in paragraph (1).

General application New tankers of 20,000 tons deadweight and above

18.—(1) Every new crude oil tanker of 20,000 tons deadweight and above and every new product carrier of 30,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with paragraphs (2), (3) and (4), and (5) if appropriate.

(2) The capacity of the segregated ballast tanks shall be such that the ship can operate safely on ballast voyages without recourse to the use of cargo tanks for water ballast except as provided for in paragraph (3) or (4):

Provided that the capacity of the segregated ballast tanks shall be at least such that, in any ballast condition at any part of the voyage, including the condition consisting of lightweight plus segregated ballast only, the ship's draughts and trim can meet each of the following requirements—

- (a) the moulded draught amidships (dm) in metres (without taking into account any ship's deformation) shall not be less than $2.0+0.02L$;
- (b) the draughts at the forward and after perpendiculars shall correspond to those determined by the draught amidships (dm) as specified in subparagraph (a), in association with the trim by the stern of not greater than $0.015L$; and
- (c) in any case the draught at the after perpendicular shall not be less than that which is necessary to obtain full immersion of the propeller.

(3) In no case shall ballast water be carried in cargo tanks, except—

- (a) on those voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship;
- (b) where the particular character of the operation of an oil tanker renders it necessary to carry ballast water in excess of the quantity which may be carried in segregated ballast tanks under paragraph (2), provided that the Marine Safety Agency has approved that method of operation.

Any such additional ballast water shall be processed and discharged in accordance with the requirements of regulations 13 and 15 and an entry of the discharge shall be made in the Oil Record Book.

(4) In the case of new crude oil tankers, the additional ballast permitted by paragraph (3) shall be carried only in cargo tanks that have been crude oil washed in accordance with regulation 21 before departure from an oil unloading port or terminal.

(5) Notwithstanding the provisions of paragraph (2) the capacity of the segregated ballast tanks for new oil tankers less than 150 metres in length shall be as may be determined by the Secretary of State.

(6) Every new crude oil tanker of 20,000 tons deadweight and above shall be fitted with a cargo tank cleaning system using crude oil washing. This system shall fully comply with the requirements of regulation 21 within one year after the tanker is first engaged in the trade of carrying crude oil or by the end of the third voyage carrying crude oil suitable for crude oil washing, whichever occurs later. Unless an oil tanker carries crude oil which is not suitable for crude oil washing, it shall operate the system in accordance with regulation 21.

Existing crude oil tankers of 40,000 tons deadweight and above

(7) Subject to the provisions of paragraphs (8) and (9) and to the provisions of regulations 22 and 23, every existing crude oil tanker of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the requirements of paragraphs (2) and (3).

(8) Subject to regulations 22 and 23, existing crude oil tankers of 40,000 tons deadweight and above may, in lieu of being provided with segregated ballast tanks, operate with a cargo tank cleaning procedure using crude oil washing in accordance with regulation 21 unless the crude oil tanker is intended to carry crude oil which is not suitable for crude oil washing.

Existing product carriers of 40,000 tons deadweight and above

(9) Subject to regulation 22, every existing product carrier of 40,000 tons deadweight and above shall be provided with segregated ballast tanks and shall comply with the requirements of paragraphs (2) and (3) or, alternatively, operate with dedicated clean ballast tanks in accordance with the provisions of regulation 20.

An oil tanker described in the IOPP or UKOPP certificate as a segregated ballast oil tanker

(10) Any oil tanker which is not required to be provided with segregated ballast tanks in accordance with paragraphs (1), (7) or (9) may be described in the IOPP or UKOPP Certificate as a segregated ballast tanker if it complies with the requirements of paragraphs (2) and (3), or paragraph (5) if appropriate.

Protective location of segregated ballast spaces

19. In every new crude oil tanker of 20,000 tons deadweight and above and every new product carrier of 30,000 tons deadweight and above, the segregated ballast tanks required to provide the capacity to comply with regulation 18 which are located within the cargo tank length shall be arranged, in accordance with the requirements of Schedule 1 in Merchant Shipping Notice No 1643/MARPOL 1 to provide a measure of protection against oil outflow in the event of grounding or collision.

Requirements for oil tankers with dedicated clean ballast tanks

20.—(1) An oil tanker operating with dedicated clean ballast tanks in accordance with the provisions of regulation 18(9) shall have adequate tank capacity, dedicated solely to the carriage of clean ballast to meet the requirements of regulations 18(2) and (3) as those provisions apply to segregated ballast tanks.

(2) The arrangements and operational procedures for dedicated clean ballast tanks shall comply with the requirements of Specifications for Oil Tankers with Dedicated Clean Ballast Tanks.

(3) An oil tanker operating with dedicated clean ballast tanks shall be equipped with an oil content meter approved in accordance with the specification for such equipment set out in the Recommendations on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters, so as to permit supervision of the oil content in the ballast water being discharged.

(4) Every oil tanker operating with dedicated clean ballast tanks shall be provided with a dedicated Clean Ballast Tank Operation Manual detailing the system and specifying operational procedures. This Manual shall be approved by the Marine Safety Agency and shall contain all the information set out in the Specifications referred to in paragraph (2). If an alteration affecting the dedicated clean ballast tank system is made, the Operation Manual shall be revised, and the revision approved by the Marine Safety Agency.

Requirements for crude oil washing

21.—(1) Every crude oil washing system required to be provided in accordance with regulation 18(6) and (8) shall comply with the requirements of this regulation.

(2) The crude oil washing installation and associated equipment and arrangements (including qualification of personnel) shall comply with the requirements and specifications set out in Specifications for the Design, Operation and Control of Crude Oil Washing Systems.

(3) With respect to the ballasting of cargo tanks, sufficient cargo tanks shall be crude oil washed prior to each ballast voyage to ensure that, taking into account the tanker's trading pattern and expected weather conditions, ballast water will be put only into cargo tanks which have been crude oil washed.

(4) Every oil tanker operating with crude oil washing system shall be provided with an Operations and Equipment Manual describing the system and equipment in detail and specifying the operational procedures to be followed. This Manual shall be approved by the Marine Safety Agency and shall contain all the information set out in Specifications referred to in paragraph (2). If any alteration is made affecting the crude oil washing system the Operations and Equipment Manual shall be revised, and the revision approved by the Marine Safety Agency.

Existing oil tankers engaged in specific trades

22.—(1) Subject to the provisions of paragraph (2) regulations 18(7), (8) and (9) shall not apply to an existing oil tanker engaged solely in specific trades between—

- (a) ports or terminals within a Convention Country; or
- (b) ports or terminals between two or more Convention Countries, where—
 - (i) the voyage is entirely within a Special Area as defined in regulation 16(1); or
 - (ii) the voyage is entirely within other limits designated by the Secretary of State.

(2) The provisions of paragraph (1) shall apply only when the ports or terminals

where the cargo is loaded on such voyages are provided with reception facilities adequate for the reception and treatment of all the ballast and tank washing water from oil tankers using them and all the following conditions are complied with—

- (a) subject to the exceptions provided for in regulation 11, all ballast water, including clean ballast water, and tank washing residues shall be retained on board until they are transferred to the said reception facilities, and the entry relating to the transfer in the Oil Record Book referred to in regulation 10 shall be endorsed by a competent authority appointed by the Convention Country;
- (b) agreement has been reached between the Secretary of State and the Governments of the Convention Country or Countries referred to in subparagraph (1)(a) or (b) on the use of an existing oil tanker for such a trade;
- (c) the adequacy of reception facilities (in accordance with any Regulations relating to reception facilities) at the ports or terminals referred to above, shall be approved by the governments of the Convention Countries within which those ports or terminals are situated; and
- (d) the IOPP Certificate has been endorsed to the effect that the oil tanker is solely engaged in such specific trade.

Existing oil tankers having special ballast arrangements

23.—(1) Where an existing oil tanker of 40,000 deadweight tons and above is so constructed or operates in such a manner that it complies at all times with the draught and trim requirements set out in regulation 18(2) without recourse to the use of ballast water, it shall be deemed to comply with the segregated ballast tank requirements referred to in regulation 18(7), provided that all the following conditions are complied with—

- (a) the operational procedures and ballast arrangements have been approved;
- (b) when the draught and trim requirements are achieved through an operational procedure, agreement as to the use of that procedure has been reached between the Secretary of State and the Governments of the Convention Countries concerned;
- (c) the IOPP Certificate has been endorsed to the effect that the oil tanker is operating with special ballast arrangements.

(2) In no case shall ballast be carried in cargo oil tanks except on those voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for the safety of the ship. Such additional ballast water shall be discharged in compliance with regulation 13 and 15 and the discharge of such water shall be entered in the Oil Record Book.

Segregation of oil and water ballast and carriage of oil in forepeak tanks

24.—(1) Except as provided in paragraph (2), in new ships of 4,000 GT and above other than oil tankers, and in new oil tankers of 150 GT and above, no ballast water shall be carried in any oil fuel tank.

(2) Where abnormal conditions or the need to carry large quantities of oil fuel render it necessary for ships referred to in paragraph (1) to carry ballast water which is not clean ballast water in any oil fuel tank, such ballast water shall be discharged to reception facilities or into the sea in compliance with regulation 12 using the equipment specified in regulation 14(2), and the discharge shall be entered in the Oil Record Book.

(3) All other ships shall comply with the requirements of paragraph (1) so far as it is reasonable and practicable to do so.

(4) In a ship of 400 GT and above for which the building contract is placed after 1st January 1982 or, in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 1st July 1982, oil shall not be carried in a forepeak tank or a tank forward of the collision bulkhead.

(5) All ships other than those subject to paragraph (4) shall comply with the provisions of that paragraph, so far as it is reasonable and practicable to do so.

Tanks for oil residue (sludge)

25.—(1) Every ship of 400 GT and above shall be provided with a tank or tanks of adequate capacity, having regard to the type of machinery installed and length of voyage, to receive any oily residues (sludges) which cannot be dealt with in accordance with the requirements of these Regulations, such as those resulting from the purification of fuel and lubricating oils and oil leakages in the machinery spaces.

(2) In new ships, such tanks shall be designed and constructed so as to facilitate their cleaning and the discharge of residues to reception facilities. Existing ships shall comply with this requirement so far as it is reasonable and practicable to do so.

(3) Every ship to which this regulation applies shall be provided with piping to enable residues from machinery spaces and machinery space bilges to be pumped to a reception facility. This piping shall be led to the open deck and there fitted with a flange in accordance with dimensions given in Schedule 2 in Merchant Shipping Notice No 1643/MARPOL 1.

(4) Piping to and from sludge tanks shall have no direct connection overboard other than the discharge connection required by paragraph (3).

Pumping, piping and discharge arrangements of oil tankers

26.—(1) In every oil tanker, a discharge manifold for the discharge of dirty ballast water or oil contaminated water to reception facilities shall be located on the open deck on both sides of the ship.

(2) In every oil tanker, pipelines for any discharge to the sea of ballast or oil contaminated water from cargo tank areas which may be permitted under regulations 12, 13 or 16 shall be led to the open deck or to the ship's side above the waterline in the deepest ballast condition, or, subject to the approval of the Marine Safety Agency, below the waterline—

(a) to enable such discharges below the waterline as are permitted by paragraph (6) to be made; and

(b) where the discharge outlet is located above the departure ballast waterline but not above the waterline in the deepest ballast condition, if so located before 1st January 1981.

(3) In new oil tankers, means shall be provided for stopping the discharge into the sea of ballast water or oil contaminated water from cargo tank areas, other than those discharges below the waterline permitted under paragraph (6), from a position on the upper deck or above, and so located that the manifold referred to in paragraph (1) and the discharge to the sea from the pipe lines referred to in paragraph (2) may be

visually observed. The means for stopping the discharge may be situated elsewhere than at the observation position if an effective communication system, such as a telephone or radio system, is provided between the observation position and the discharge control position.

(4) Every new oil tanker required to be provided with segregated ballast tanks or fitted with a crude oil washing system shall comply with the following requirements—

(a) it shall be equipped with oil piping so designed and installed that oil retention in the lines is minimised;

(b) means shall be provided to drain all cargo pumps and all oil lines at the completion of cargo discharge where necessary by connection to a stripping device, so designed that the line and pump drainings shall be capable of being discharged both ashore and to a cargo tank or a slop tank. For discharge ashore a special small diameter line shall be provided and connected outboard of the deck manifold valves, both port and starboard.

(5) Every existing crude oil tanker required to be provided with segregated ballast tanks, or to be fitted with a crude oil washing system, or to operate with dedicated clean ballast tanks shall comply with the provisions of paragraph (4)(b).

(6) Ballast water or oil contaminated water from the cargo tank areas of any oil tanker shall be discharged only above the waterline, except that—

(a) segregated ballast and clean ballast may be discharged below the waterline—

(i) in ports or at offshore terminals; or

(ii) at sea by gravity,

provided that the surface of the ballast water has been examined immediately before the discharge to ensure that no contamination with oil has taken place;

(b) existing oil tankers which, without modification, are not capable of discharging segregated ballast above the waterline may discharge segregated ballast below the waterline at sea, provided that the surface of the ballast water has been examined immediately before the discharge to ensure that no contamination with oil has taken place.

(c) existing oil tankers operating with dedicated clean ballast tanks which without modification are not capable of discharging ballast water from the dedicated clean ballast tanks above the waterline, may discharge this ballast below the waterline provided that the discharge of the ballast water is supervised with the aid of an oil content meter as provided for in regulation 20(3).

(d) dirty ballast water or oil contaminated water from tanks in the cargo area of an oil tanker at sea, other than slop tanks, may be discharged by gravity below the waterline, provided that sufficient time has elapsed in order to allow oil/water separation to have taken place and the ballast water has been examined immediately before the discharge with an oil/water interface detector of the kind referred to in regulation 15(3)(e), in order to ensure that the height of the interface is such that the discharge does not involve any increased harm to the marine environment.

(e) dirty ballast water or oil contaminated water from cargo tank areas of an existing oil tanker may be discharged below the waterline, subsequent to or in

lieu of discharge by the method referred to in subparagraph (d), provided that—

- (i) a part of the flow of such water is led through permanent piping to a readily accessible location on the upper deck or above where it may be visually observed during the discharge operation; and
- (ii) such part flow arrangements comply with the requirements set out in Schedule 3 in Merchant Shipping Notice No. 1643/MARPOL 1.

PART V

REQUIREMENTS FOR MINIMISING OIL POLLUTION FROM OIL TANKERS DUE TO SIDE AND BOTTOM DAMAGE

Interpretation

27. For the purposes of determining the permissible size and arrangements of cargo tanks and for assessing the standard of subdivision of oil tankers the meaning of "side and bottom damage" and "hypothetical outflow of oil" are set out in Schedule 4 in Merchant Shipping Notice 1643/MARPOL 1.

Limitation of size and arrangement of cargo tanks

28.—(1) Every new oil tanker shall comply with the provisions of this regulation. Every existing oil tanker shall comply with the provisions of this regulation if—

- (a) it was delivered to its first owner after 1st January 1977; or
- (b) it was delivered to its first owner on or before—
 - (i) 1st January 1977; and
 - (ii) the building contract for the tanker was placed after 1st January 1974, or in cases where there was no building contract the keel was laid or the tanker was at a similar stage of construction after 30th June 1974.

(2) Cargo tanks of oil tankers shall be of such size and arrangement that the hypothetical outflow O_c or O_s , calculated in accordance with the provisions of Schedule 4 in Merchant Shipping Notice No. 1643/MARPOL 1, anywhere in the length of the ship does not exceed 30,000 cubic metres or 400^3XDW , whichever is the greater, but subject to a maximum of 40,000 cubic metres.

(3) The volume of any one wing cargo oil tank of an oil tanker shall not exceed 75 per cent of the limits of the hypothetical outflow O_c or O_s , referred to in paragraph (2). The volume of any one centre cargo oil tank shall not exceed 50,000 cubic metres. However, in segregated ballast oil tankers as defined in regulation 18 the permitted volume of a wing cargo oil tank situated between two segregated ballast tanks, each exceeding L_c in length may be increased to the maximum limit of hypothetical oil outflow provided that the width of the wing tanks exceeds t_c , where t_c is defined in Schedule 4 in Merchant Shipping Notice No. 1643/MARPOL 1.

(4) The length of each cargo tank shall not exceed 10 metres or one of the following values, whichever is the greater—

- (a) where no longitudinal bulkhead is provided inside the cargo tanks, the lesser of—
 - (i) 0.5

$$\frac{b_i}{B}$$

+0.1)L; and

(ii) 0.2L;

(b) where a centreline longitudinal bulkhead is provided inside the cargo tanks—

$$\frac{b_i}{B}$$

+0.15)L;

(c) where two or more longitudinal bulkheads are provided inside the cargo tanks—

(i) for wing cargo tanks—

0.2L;

(ii) for centre cargo tanks—

(A) if

$$\frac{b_i}{B}$$

is equal to or greater than one fifth—

0.2L;

(B) if

$$\frac{b_i}{B}$$

is less than one fifth—

where no centreline longitudinal bulkhead is provided—

(0.5

$$\frac{b_i}{B}$$

is+0.1)L

where a centreline longitudinal bulkhead is provided—

(0.25

$$\frac{b_i}{B}$$

+0.15)L;

and in this paragraph "b_i" is the minimum distance from the ship's side to the outer longitudinal bulkhead of the tank in question measured inboard at right angles to the centreline at the level corresponding to the assigned summer freeboard.

(5) In order not to exceed the volume limits established by paragraphs (2), (3) and (4) and irrespective of the type of cargo transfer system installed, when such a system inter-connects two or more cargo tanks, valves or other similar closing devices shall be provided for separating the tanks from each other. These valves or devices shall be closed when the tanker is at sea.

(6) Lines of piping which run through cargo tanks in a position less than t_c from the ship's side or less than V_s from the ship's bottom, where V_s is defined in Merchant Shipping Notice No. 1643/MARPOL 1, shall be fitted with valves or similar closing devices at the point at which they open into any cargo tank. These valves shall be kept closed at sea at any time when the tanks contain cargo oil, except that they may be opened for cargo transfer needed for the purpose of trimming of the ship.

Subdivision and stability

29.—(1) Every new oil tanker shall comply with the subdivision and damage stability criteria specified in Schedule 5, in Merchant Shipping Notice No. 1643/MARPOL 1.

(2) The master of every new oil tanker and the person in charge of a new non-self propelled oil tanker to which these Regulations apply shall be supplied by the owner with—

(a) information relating to loading and distribution of cargo necessary to ensure compliance with the provision of this regulation; and

(b) data on the ability of the ship to comply with the damage stability criteria prescribed by this regulation, including the effect of any lesser requirements that may have been imposed by the Secretary of State.

Such information and data shall be supplied in an approved form.

PART VI

IMPROVED REQUIREMENTS FOR THE DESIGN AND CONSTRUCTION OF OIL TANKERS AGAINST OIL POLLUTION IN THE EVENT OF COLLISION OR STRANDING

"New" oil tankers (building contracts after 5th July 1993)

30.—(1) This regulation applies to oil tankers of 600 tons deadweight and above—

(a) for which the building contract is placed on or after 6th July 1993; or

(b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 6th January 1994; or

(c) the delivery of which is on or after 6th July 1996; or

(d) which has undergone a major conversion—

(i) for which the contract is placed after 6th July 1993; or

(ii) in the absence of a contract, the construction work of which is begun after 6th January 1994; or

(iii) which is completed after 6th July 1996.

(2) Subject to paragraphs (4) and (5), every oil tanker of 5,000 tons deadweight and above shall comply with the requirements of paragraph (3) and, in the case of an oil tanker in respect of which regulation 19 makes provision, compliance with the requirements of paragraph (3) shall be instead of compliance with the requirements of that regulation.

(3) The entire cargo tank length shall be protected by ballast tanks or spaces other than cargo and fuel oil tanks, in accordance with the requirements set out in Schedule 6 in Merchant Shipping Notice No. 1643/MARPOL 1.

(4) Double bottom tanks or spaces as required by paragraph (3) may be dispensed with, if the design of the tanker meets the conditions set out in Schedule 7 in Merchant Shipping Notice No. 1643/MARPOL 1.

(5) Instead of complying with the requirements of paragraph (3) or (4), an oil tanker referred to in paragraph (2) may conform to other methods of design and construction, provided that such methods—

- (a) ensure at least the same level of protection against oil pollution in the event of collision or stranding; and
- (b) have the approval of the Secretary of State based on guidelines developed by the Organisation.

(6) In an oil tanker to which this regulation applies, oil shall not be carried in any space extending forward of a collision bulkhead provided in accordance with regulation 3 in the Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1984^[16]. An oil tanker which is not required to have a collision bulkhead in accordance with the said regulation 3 shall not carry oil in any space extending forward of the transverse plane perpendicular to the centreline that is located as if it were a collision bulkhead provided in accordance with that regulation.

(7) In approving the design and construction of an oil tanker to which this regulation applies, the Certifying Authority shall have due regard to general safety considerations (including the need for the maintenance of and for inspections of wing and double bottom tanks or spaces).

"Existing" oil Tankers (building contracts before 6th July 1993)

31.—(1) Subject to paragraphs (2) and (3), this regulation applies to every crude oil tanker of 20,000 tons deadweight and above and to every product carrier of 30,000 tons deadweight and above—

- (a) for which the building contract was placed before 6th July 1993; or
- (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction before 6th January 1994; or
- (c) the delivery of which was before 6th July 1996.

(2) This regulation does not apply (or, having applied, shall cease to apply) to a crude oil tanker or product carrier which has undergone a major conversion—

- (a) for which the contract is placed after 6th July 1993; or
- (b) in the absence of a contract, the construction work of which is begun after 6th January 1994; or
- (c) which is completed after 6th July 1996.

(3) This regulation does not apply (or, having applied, shall cease to apply) to an oil tanker which, although not required to comply with the requirements of regulation 30,—

- (a) does in fact comply with—
 - (i) the requirements of Schedule 6 in Merchant Shipping Notice 1643/MARPOL 1; or

(ii) those requirements as modified in accordance with Schedule 7 in Merchant Shipping Notice 1643/MARPOL 1; or

(b) conforms to other methods of design and construction which satisfy the requirements of regulation 30(5);

and, for the purposes of this regulation, an oil tanker which does not meet in all respects the requirements mentioned in sub-paragraph (a) or (b) as regards minimum distances between the cargo tank boundaries and the ship side and bottom plating shall be treated as meeting those requirements if—

(A) the side protection distance is not less than that which the IBC Code specifies for Type 2 cargo tank location (that is to say, the said distance is nowhere less than 760mm from the shell plating); and

(B) the bottom protection distance is not less than the lesser of B/15 and 2 metres.

In subparagraph (A) above, "IBC Code" means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (1994 Edition) published by the Organization and includes any document amending it which is considered relevant by the Secretary of State and is specified in a Merchant Shipping Notice.

(4)

(a) An oil tanker to which this regulation applies—

(i) if it is a United Kingdom ship, shall be subject to an enhanced programme of inspections during renewal, annual, and intermediate surveys conducted pursuant to regulations 4, 5 and 6;

(ii) if it is not a United Kingdom ship, shall have undergone periodical, intermediate and annual surveys as provided for by the Convention; and the scope of such surveys shall at least comply (if the tanker is a United Kingdom ship) or have complied (if the tanker is not a United Kingdom ship) with guidelines developed by the Organization pursuant to regulation 13G(3)(a) of the Convention.

(b) An oil tanker to which this regulation applies and which is over five years of age shall carry on board a complete file containing the reports or copies of the reports on surveys of the ship carried out pursuant to—

(i) the requirements of these Regulations (if the tanker is a United Kingdom ship);

(ii) the requirements of the Convention (if the tanker is not a United Kingdom ship);

and the file shall contain the results of all scantling measurement required and a statement of all structural work carried out and shall be available for inspection—

(A) if the tanker is a United Kingdom ship, by the Certifying Authority, or by the competent authority of the Government of any State (other than the United Kingdom) which is a party to the Convention;

(B) if the tanker is not a United Kingdom ship, by a Certifying Authority.

(c) The file shall be accompanied by a condition evaluation report containing conclusions on the structural condition of the ship and its residual scantlings, and endorsed to indicate that it is considered satisfactory—

(i) if the tanker is a United Kingdom ship, by the Certifying Authority;

(ii) if the tanker is not a United Kingdom ship, by or on behalf of the Government of the State whose flag the ship is entitled to fly.

(d) The file and condition evaluation reports shall be prepared in a standard format in accordance with guidelines developed by the Organization pursuant to the said regulation 13G(3)(a) of the Convention.

(5)

(a) Subject to paragraph (b), an oil tanker—

(i) which is not a new oil tanker as defined in regulation 17(1); and
(ii) to which this regulation still applies immediately before the expiration of 25 years from the date on which it was delivered;
shall on the expiration of that period become subject to the provisions of regulation 30(5), (6) and (7), subparagraphs 1.1 to 1.7 of Schedule 6 and Schedule 7 in Merchant Shipping Notice No. 1643/MARPOL 1, and this regulation shall cease to apply to it.

(b) The tanker shall not become subject to the provisions referred to in subparagraph (a) above (and this regulation shall not cease to apply to it) until the expiration of 30 years from the date on which it is delivered if on the expiration of 25 years from that date wing tanks or double bottom spaces, not used for the carriage of oil and meeting the width and height requirements of paragraph 3 of Schedule 1 in Merchant Shipping Notice 1643/MARPOL 1, cover—

(i) at least 30% of L_t for the full depth of the ship on each side; or
(ii) at least 30% of the projected bottom shell area within the length L_t ;
where L_t is as defined in paragraph 1 of Schedule 1 in Merchant Shipping Notice No. 1643/MARPOL 1.

(6) An oil tanker—

(a) which is a new oil tanker as defined in regulation 17(1); and

(b) to which this regulation applies immediately before the expiration of 30 years from the date on which it was delivered;

shall on the expiration of that period become subject to the provisions of regulations 30(5), (6) and (7), subparagraph 1.1 to 1.7 of Schedule 6 and Schedule 7 in Merchant Shipping Notice No. 1643/MARPOL 1 and this regulation shall cease to apply to it.

(7) Any new ballast and load conditions resulting from the application of paragraph (5) shall, where the oil tanker is a United Kingdom ship, be subject to the approval of the Certifying Authority, and the Certifying Authority shall have particular regard to the longitudinal and local strength, intact stability and, if applicable, damage stability.

(8) Other structural or operational arrangements may be accepted as alternatives to the requirements of paragraph (5) if the alternative arrangements ensure at least the same level of protection against oil pollution in the event of collision or stranding and have the approval of the Secretary of State (in the case of a United Kingdom ship) or of the Government of the State whose flag the ship is entitled to fly (in the case of a ship other than a United Kingdom ship) based on guidelines developed by the Organization pursuant to regulation 13G(7) of the Convention.

PART VII

OFFSHORE INSTALLATIONS

Requirements for Offshore Installations

32.—(1) Offshore installations, when engaged in the exploration, exploitation and

associated offshore processing of sea bed mineral resources, shall comply with the requirements of these Regulations applicable to ships of 400 GT and above other than oil tankers, notwithstanding that the installations are not proceeding on a voyage, except that—

- (a) they shall be equipped as far as practicable with the systems and tanks required by regulations 14 and 25(1) and (2);
- (b) they shall keep a record of all operations involving oil or oily mixture discharges, in an approved form.

(2) Unless the discharge is one specified in regulation 11, an offshore installation when so engaged shall not discharge into the sea any oil or oily mixture with an oil content of 15ppm or more.

(3) For the purpose of this regulation—

- (a) "offshore installation" means any mobile or fixed drilling or production platform or any other platform used in connection with the exploration, exploitation or associated offshore processing of sea bed mineral resources;
- (b) "oil or oily mixtures" means discharge associated with platform drainage and does not include production or displacement water discharge.

PART VIII

PREVENTION OF POLLUTION ARISING FROM AN OIL POLLUTION INCIDENT

Shipboard oil pollution emergency plan

33.—(1) Every oil tanker of 150 GT and above and every ship (not being an oil tanker) of 400 GT and above shall carry on board an approved shipboard oil pollution emergency plan.

(2) The plan shall be in accordance with the guidelines for the development of shipboard oil pollution emergency plans adopted by the Marine Environment Protection Committee of the Organization on 6th March 1992 by Resolution MEPC 54(32) and includes any document amending it which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice; and the plan shall include at least—

- (i) the procedure to be followed by the master or other persons having charge of the ship to report an oil pollution incident as required by the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995^[17];
- (ii) the list of persons (including national and local authorities) to be contacted in the event of an oil pollution incident;
- (iii) a detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of oil following an incident; and
- (iv) the procedures and point of contact on the ship for co-ordinating shipboard action with national and local authorities in combating the pollution.

PART IX

POWERS TO INSPECT, DENY ENTRY, DETENTION AND PENALTIES

Power to Inspect

34.—(1)

(a) A ship to which these Regulations apply shall be subject, in any United Kingdom port or offshore terminal, to inspections by persons appointed by the Secretary of State.

(b) Any such inspection shall be limited to verifying that there is on board a valid IOPP Certificate in the form prescribed by the Convention or a UKOPP Certificate in a form prescribed by the Secretary of State, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that Certificate. In that case, or if the ship does not carry a valid certificate, the inspector shall take such steps as he may consider necessary to ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. The Secretary of State may in such a case permit the ship to leave the port or offshore terminal for the purposes of proceeding to the nearest appropriate repair yard.

(c) Notwithstanding subparagraph (b) above, and without prejudice to any specific control provisions over operational procedures provided for in these Regulations, the inspector may investigate any operation regulated by these Regulations if there are clear grounds for believing that the master or crew are not familiar with essential ship board procedures for preventing pollution by oil. In the event of any such inspection revealing deficiencies the Inspector shall take such steps as to ensure that the ship will not sail until the situation has been brought to order in accordance with the requirements of these Regulations.

(2) Upon receiving evidence that a particular ship has discharged oil or an oily mixture contrary to the provisions of these Regulations the Secretary of State shall cause the matter to be investigated and shall inform the State which has reported the contravention, as well as the International Maritime Organisation, of the action taken.

(3) For the purposes of this regulation any person appointed as an inspector shall have the powers of an inspector set out in sections 259 and 260 of the Merchant Shipping Act 1995.

Power to deny entry or detain

35.—(1) If a harbour master has reason to believe that a ship which he believes proposes to enter the harbour does not comply with the requirements of these Regulations, he shall immediately report the matter to the Secretary of State who, if he is satisfied that the ship presents an unreasonable threat of harm to the marine

environment, may deny the entry of such ship to United Kingdom ports or offshore terminals.

(2)

(a) In any case where a ship to which these Regulations apply is suspected of a contravention of the requirements of these Regulations, the ship shall be liable to be detained.

(b) Where the steps taken by an inspector under regulation 34(1)(b) or (c) involve detention of the ship, or in the event of detention under this regulation, then section 284 of the Merchant Shipping Act 1995 (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modifications that as if the words "this Act" wherever they appear, there were substituted "the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996".

(3) Where a ship other than a United Kingdom ship is—

(a) denied entry pursuant to paragraph (1); or

(b) detained pursuant to paragraph (2); or

(c) detained pursuant to regulation 37(3);

the Secretary of State shall immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

Penalties

36.—(1) If any ship fails to comply with any requirement of these Regulations (other than regulations 12, 13 and 16) the owner and the master of the ship shall each be guilty of an offence and punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by a fine.

(2) If any ship fails to comply with any requirement of regulation 12, 13 or 16, the owner and the master shall each be guilty of an offence and section 131(3) of the Merchant Shipping Act 1995 shall apply as it applies to an offence under that section, so that each of the owner and the master shall be liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine.

(3) It shall be a defence for a person charged under paragraph (1) of this regulation to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) Where an offence under this regulation is committed, or would have been committed save for the operation of paragraph (3), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of an offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

Enforcement and application of fines

37.—(1) Any document required or authorised, by virtue of any statutory provision, to be served on a foreign company for the purposes of the institution of or otherwise in connection with, proceedings for an offence of contravening regulation 12, 13 or 16 alleged to have been committed by the company as the owner of a ship shall be treated as duly served on that company if the document is served on the master of the ship; and any person authorised to serve any document for the purposes

of the institution of, or otherwise in connection with proceedings for an offence under these Regulations (whether or not in pursuance of the foregoing provisions of this paragraph) shall, for that purpose, have the right to go on board the ship in question.

(2) In paragraph (1), a "foreign company" means a company or body which is not one to whom any of the following provisions applies—

(a) section 695 and 725 of the Companies Act 1985^[18];

(b) Article 645 and 673 of the Companies (Northern Ireland) Order 1986^[19],
so as to authorise the service of the document in question under any of those provisions.

(3) A person exercising the power of detention conferred by regulation 35(2)(a) in respect of an alleged contravention of regulation 12, 13 or 16 shall immediately release the ship if—

(a) no proceedings for the offence in question are instituted within the period of 7 days beginning with the day on which the vessel is detained;

(b) such proceedings, having been instituted through exercise of the power conferred by paragraph (1) within that period, are concluded without the master or owner being convicted;

(c) either—

(i) the sum of £55,000 is paid to the Secretary of State by way of security; or

(ii) security which, in the opinion of the Secretary of State, is satisfactory and is for an amount not less than £55,000 is given to the Secretary of State, by or on behalf of the master or owner; or

(d) where the master or owner is convicted of the offence, any costs or expenses ordered to be paid by him, and any fine imposed on him, have been paid, or;

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by such a court or tribunal is posted.

(4) The Secretary of State shall repay any sum paid in pursuance of paragraph (3)(c) or release any security so given—

(a) if no proceedings for the offence in question are instituted within the period of 7 days beginning with the day on which the sum is paid; or

(b) if such proceedings, having been instituted within that period are concluded without the master or owner being convicted.

(5) Where a sum has been paid, or security has been given, by any person in pursuance of paragraph (3)(c) and the master or owner is convicted of the offence in question, the sum so paid or the amount made available under the security shall be applied as follows—

(a) first in payment of any costs or expenses ordered by the court to be paid by the master or owner; and

(b) next in payment of any fine imposed by the court;

and any balance shall be repaid to the person paying the sum, or giving the security.

(6) For the purposes of this regulation in its application to England and Wales and subject to paragraph (8) in its application to Northern Ireland—

(a) proceedings for an offence are instituted—

(i) when a justice of the peace issues a summons or warrant under section 1 of the Magistrates' Courts Act 1980^[20] in respect of the offence,

(ii) when a person is charged with the offence after being taken into custody without a warrant,

(iii) when a bill of indictment is preferred by virtue of section 2(2)(b) of the Administration of Justice (Miscellaneous Provisions) Act 1933^[21];

and where the application of this paragraph would result in their being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times; and

(b) proceedings for an offence are concluded without the master or owner being convicted on the occurrence of one of the following events—

(i) the discontinuance of the proceedings;

(ii) the acquittal of the master or owner;

(iii) the quashing of the master or owner's conviction for the offence;

(iv) the grant of Her Majesty's pardon in respect of the master or owner's conviction for the offence.

(7) For the purposes of this regulation in its application to Scotland—

(a) proceedings for an offence are instituted—

(i) on the granting by the sheriff of a warrant in respect of the offence on presentation of a petition under section 12 of the Criminal Procedure (Scotland) Act 1975^[22];

(ii) when, in the absence of a warrant or citation, the master or owner is first brought before a court competent to deal with the case;

(iii) when, in the case where he is liberated upon a written undertaking in terms of section 18(2)(a), 294(2)(a) or 295(1)(a) of the Criminal Procedure (Scotland) Act 1975, the master or owner appears at the specified court at the specified time;

(iv) when, in a case mentioned in paragraph (iii) above where the master or owner fails to appear at the specified court at the specified time, the court grants warrant for his apprehension;

(v) when summary proceedings are commenced in terms of section 33 1(3) of the Criminal Procedure (Scotland) Act 1975; and

(b) proceedings for an offence are concluded without the master or owner being convicted on the occurrence of one of the following events—

(i) the court pronounces a verdict of not guilty or not proven against the master or owner in respect of the offence;

(ii) the proceedings are expressly abandoned (other than *pro loco et tempore*) by the prosecutor or are deserted simpliciter;

(iii) the conviction is quashed;

(iv) the accused receives Her Majesty's pardon in respect of the conviction.

(8) In its application to proceedings in Northern Ireland, paragraph (6)(a) above shall have effect as if—

(a) in sub-paragraph (i), for the references to section 1 of the Magistrates' Courts Act 1980 there were substituted a reference to Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981^[23]; and

(b) for sub-paragraph (iii) there were substituted—

"(iii) when an indictment is presented under section 2(2)(c), (e) or (f) of the Grand Jury (Abolition) Act (Northern Ireland) 1969^[24]."

(9) Where a fine imposed by a court in proceedings against the owner or master of a ship for an offence under regulations 12, 13 or 16 above is not paid or any costs or expenses ordered to be paid by him are not paid at the time ordered by the court, the court shall, in addition to any other powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress or arrestment and sale of the ship, her tackle, furniture and apparel.

(10) Where a person is convicted of an offence under regulations 12, 13 or 16 above, and the court imposes a fine in respect of the offence, then if it appears to the court that any person has incurred, or will incur, expenses in removing any pollution, or making good any damage, which is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

PART X

PROCEEDINGS FOR POLLUTION OFFENCES COMMITTED OUTSIDE UK WATERS

Restriction on jurisdiction over offences outside UK limits

38.—(1) No proceedings for an offence of contravening regulation 12, 13 or 16 by a ship which is not a United Kingdom ship, which relates to a discharge in the internal waters, territorial waters or exclusive economic zone of another State shall be instituted unless—

(a) that State, the flag state or a State damaged or threatened by the discharge requests that proceedings be taken; or

(b) the discharge has caused or is likely to cause pollution in the internal waters, territorial sea or controlled waters of the United Kingdom.

(2) Where proceedings for an offence of contravening regulation 12, 13 or 16 by a ship which is not a United Kingdom ship which relates to a discharge in the internal waters, territorial sea or exclusive economic zone of another State have been instituted but not concluded, and that State requests suspension of the proceedings, then—

(a) proceedings shall be suspended; and

(b) the Secretary of State shall transmit all the evidence and court records and documents relating to the case, together with any sum paid or security given pursuant to regulation 37 (3)(c), to that State.

(3) It shall be a defence to a person charged with contravening regulation 12, 13 or 16 for the defendant to show—

(a) that the ship is not a United Kingdom ship; and

(b) the discharge took place outside the United Kingdom, its territorial waters and the controlled waters of the United Kingdom; and

(c) the ship was in a port in the United Kingdom at the time of institution of proceedings by reason only of stress of weather or other reason beyond the control of the master or owner or charterer.

Suspension of proceedings at flag state request

39.—(1) This regulation relates to an alleged offence of contravening regulation 12, 13 or 16 by a ship which is not a United Kingdom ship, in relation to a discharge outside the United Kingdom or its territorial waters.

(2)

(a) Any proceedings for such an offence shall be stayed if the Court is satisfied that the flag state has instituted proceedings corresponding to the proceedings in United Kingdom in respect of the discharge, within six months of the institution of proceedings in the United Kingdom.

(b) Subparagraph (a) above does not apply—

(i) where the discharge resulted in major damage to the United Kingdom; or

(ii) the Secretary of State certifies that the flag state has repeatedly disregarded its obligation to enforce effectively the requirements of the Convention in respect of its ships.

(3) Where proceedings instituted by the flag state have been brought to a conclusion, the suspended proceedings shall be terminated.

(4) Where the costs of the Secretary of State incurred in respects of proceedings suspended under paragraph (2) have been paid, any money paid or security given under regulation 37(3)(c) shall be released.

Supplementary

40. For the purposes of regulations 38 and 39, proceedings for an offence are to be treated as being instituted in the United Kingdom in the circumstances set out in regulation 37(6), (7) or (8) as the case may be.

Signed by the authority of the Secretary of State for Transport

Goschen

Parliamentary Under-Secretary of State,
Department of Transport

19th August 1996

These Regulations consolidate the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983 and subsequent amendments.

2. Technical details are now included in a Merchant Shipping Notice (No. 1643/MARPOL 1).

3. In addition the Regulations include a number of new provisions:

(a) the Regulations incorporate the most recent amendments to Annex I of the International Convention for the Prevention of Pollution by Sea 1973, as

amended by the Protocol of 1978 to that Convention (MARPOL), which were adopted at the 36th session of the Marine Environmental Committee (MEPC) to the International Maritime Organisation (IMO) in November 1994. The amendments which enter into force on 3 March 1996 provide a legal basis for port states to carry out inspections of shipboard operational procedures (regulation 34(1)(b) and (c)).

(b) Certain extensions permitted by the United Nations Law of the Sea Convention 1982 (Cmnd 8941) are introduced, in particular—

(i) discharges by non-United Kingdom ships into the United Kingdom's controlled waters beyond the territorial sea and, subject to certain restrictions on institution of proceedings contained in regulation 38, elsewhere, are prohibited; but

(ii) where proceedings for a discharge of type mentioned in paragraph (i) are instituted, they may be suspended if the flag state institutes proceedings (regulation 39);

Notes:

[1] S.I. 1983/1106, amended by S.I. 1985/2002, S.I. 1991/2885 and S.I. 1993/1580. The provisions that can be made under the Order were extended by section 128(6) of the Merchant Shipping Act 1995 (c. 21). [back](#)

[2] S.I. 1996/282. [back](#)

[3] S.I. 1996/2128. [back](#)

[4] Cmnd. 5748. [back](#)

[5] Cmnd. 7347. [back](#)

[6] Cmnd. 5169. [back](#)

[7] 1995 c. 21. [back](#)

[8] Cmnd. 7347. [back](#)

[9] Cmnd. 8941. [back](#)

[10] S.I. 1987/551, amended by S.I. 1990/2604 and S.I. 1994/2083. [back](#)

[11] S.I. 1983/1398. [back](#)

[12] S.I. 1985/2040. [back](#)

[13] S.I. 1992/98. [back](#)

[14] S.I. 1993/1680. [back](#)

[15] S.I. 1994/2085. [back](#)

[16] S.I. 1984/1217, to which the only relevant amending instrument is S.I. 1985/661. [back](#)

[17] S.I. 1995/2498. [back](#)

[18] 1985 c. 6. [back](#)

[19] S.I. 1986/1032 (N.I.6). [back](#)

[20] 1980 c. 43. [back](#)

[21] 1933 c. 36. [back](#)

[22] 1975 c. 21. [back](#)

[23] S.I. 1981/1657 (N.I.26). [back](#)

[24] 1969 c. 15(N.I.). [back](#)