

2006 No. 2950

MARINE POLLUTION

**The Merchant Shipping (Prevention of Pollution by Sewage and
Garbage) Order 2006**

<i>Made</i>	- - - -	<i>14th November 2006</i>
<i>Laid before Parliament</i>		<i>21st November 2006</i>
<i>Coming into force</i>	- -	<i>12th December 2006</i>

At the Court at Buckingham Palace, the 14th day of November 2006

Present,

The Queen's Most Excellent Majesty in Council

This Order is made only for the purpose of giving effect to Annexes IV and V to the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2nd November 1973 (“the Convention”)(a).

Accordingly, Her Majesty, in exercise of the powers conferred upon Her by section 128(1)(a), (3) and (4) of the Merchant Shipping Act 1995(b), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Merchant Shipping (Prevention of Pollution by Sewage and Garbage) Order 2006 and comes into force on 12th December 2006.

Revocations

2.—(1) The following Orders and articles are revoked—

(a) the Merchant Shipping (Prevention of Pollution by Garbage) Order 1988(c);

(a) Cmnd 5748.

(b) 1995 c. 21; section 128 was amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), Schedule 6, paragraph 3, and other amendments have been made to section 128 which are not relevant to this Order.

(c) S.I. 1988/2252, amended by S.I. 1993/1581, 1997/2569 and 1998/254.

- (b) the Merchant Shipping (Prevention of Pollution by Garbage) (Amendment) Order 1993(a);
- (c) article 3 of the Merchant Shipping (Prevention of Pollution) (Amendment) Order 1997(b); and
- (d) article 3 of the Merchant Shipping (Prevention of Pollution) (Amendment) Order 1998(c).

Regulations to give effect to Annex IV

3. The Secretary of State may make regulations for the prevention of pollution by sewage from ships for the purpose of giving effect to Annex IV to the Convention.

Regulations to give effect to Annex V

4. The Secretary of State may make regulations for the prevention of pollution by garbage from ships for the purpose of giving effect to Annex V to the Convention.

Provisions supplementary to articles 3 and 4

5. Without prejudice to the generality of articles 3 and 4, the regulations referred to in those articles may in particular include provision—

- (a) with respect to the carrying out of surveys and inspections and the issue, duration and recognition of certificates;
- (b) with respect to—
 - (i) the application of the regulations to the Crown,
 - (ii) the extraterritorial operation of the regulations, and
 - (iii) the extension of the provisions of the regulations, with or without modifications, to any relevant British possession;
- (c) that a specified contravention of the regulations shall be an offence punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by a fine;
- (d) that any such contravention shall be an offence punishable only on summary conviction by a fine not exceeding level 5 on the standard scale;
- (e) in connection with offences created by the regulations, corresponding to the provision made in connection with offences under section 131 of the Merchant Shipping Act 1995 by sections 143(6), 144 and 146 of that Act(d) (whether by applying, or making provision for the application of, any of those sections, subject to such modifications as may be specified in the regulations); and
- (f) for detaining a ship in respect of which a contravention of the regulations is suspected to have occurred, and, in relation to that ship, for applying section 284 of the Merchant Shipping Act 1995(e) with such modifications as may be specified in the regulations.

(a) S.I. 1993/1581.

(b) S.I. 1997/2569.

(c) S.I. 1998/254.

(d) Section 131(3)(a) was amended by section 7(1) of the Merchant Shipping and Maritime Security Act 1997 (c.28). Section 144(4) was amended by section 7(3) of that Act.

(e) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), Schedule 1, paragraph 5.

Application and modification of section 131(3) of the Merchant Shipping Act 1995

6. Section 131(3) of the Merchant Shipping Act 1995 (which provides that a person guilty of an offence under that section shall be liable on summary conviction to a fine not exceeding £250,000 or on conviction on indictment to a fine) shall apply in respect of such contravention of the regulations made under this Order as may be specified in those regulations as it applies in respect of an offence under section 131, but as if in subsection (3)(a) for “£250,000” there were substituted “£25,000”.

Christine Cook
Deputy Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order enables regulations to be made to give effect to Annexes IV (Regulations for the Prevention of Pollution by Sewage from Ships) and V (Regulations for the Prevention of Pollution by Garbage from Ships) to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL).

The Convention and the Annexes to it are available from the International Maritime Organization at 4 Albert Embankment, London SE1 7SR.

A Regulatory Impact Assessment has not been produced for this Order as it has no impact on the costs or savings of business, charities, the voluntary sector or public sector.

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