

Statutory Instrument 1997 No. 2569

The Merchant Shipping (Prevention of Pollution) (Amendment) Order 1997

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STATUTORY INSTRUMENTS

1997 No. 2569

MARINE POLLUTION

The Merchant Shipping (Prevention of Pollution) (Amendment) Order 1997

<i>Made</i>	<i>30th October 1997</i>
<i>Laid before Parliament</i>	<i>11th November 1997</i>
<i>Coming into force</i>	<i>2nd December 1997</i>

At the Court at Buckingham Palace, the 30th day of October 1997

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 128(1)(a) of the Merchant Shipping Act 1995^[1] Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect 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^[2]:

And whereas this Order is made only for the purpose of giving effect to the said Convention:

Now, therefore, Her Majesty, in exercise of the powers conferred by section ^[a]128(1) (a), (3), (4) and (7) of the said Act of 1995, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Merchant Shipping (Prevention of Pollution) (Amendment) Order 1997 and shall come into force on 2nd December 1997.

Amendment of 1987 Order

2. - (1) The Merchant Shipping (Prevention and Control of Pollution) Order 1987^[3] shall be amended as follows.

(2) After article 4, there shall be added the following article:

" 5. - (1) Subsection (3) of section 131 of the Merchant Shipping Act 1995^[4] (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 the said section 131.

(2) Regulations made under this Order may apply the following sections of the Merchant Shipping Act 1995, that is to say -

- (a) section 143(6) (which provides for service of documents on foreign companies required or authorised by any statutory provision in connection with proceedings for an offence under section 131);
- (b) section 144 (which provides harbour masters with a power to detain ships for offences under section 131); and
- (c) section 146 (which provides for the enforcement and application of fines imposed for offences under Chapter II of Part VI),

or any of those provisions, subject to such modifications, if any, as may be specified in the Regulations, in respect of any contravention of those Regulations."

Amendment of 1988 Order

3. - (1) The Merchant Shipping (Prevention of Pollution by Garbage) Order 1988^[5] shall be amended as follows.

(2) After article 2, there shall be added the following article:

" **3.** - (1) Subsection (3) of section 131 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 the said section 131.

(2) Regulations made under this Order may apply the following sections of the Merchant Shipping Act 1995, that is to say -

- (a) section 143(6) (which provides for service of documents on foreign companies required or authorised by any statutory provision in connection with proceedings for an offence under section 131);
- (b) section 144 (which provides harbour masters with a power to detain ships for offences under section 131); and
- (c) section 146 (which provides for the enforcement and application of fines imposed for offences under Chapter II of Part VI),

or any of those provisions, subject to such modifications, if any, as may be specified in the Regulations, in respect of any contravention of those Regulations."

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Merchant Shipping (Prevention and Control of Pollution) Order 1987 ("the 1987 Order") and the Merchant Shipping (Prevention of Pollution by Garbage) Order 1988 ("the 1988 Order").

The Order provides that the penalties provided for by section 131(3) of the Merchant Shipping Act 1995 may be applied in respect of contraventions of Regulations made under the 1987 or 1988 Orders as may be specified in those Regulations as they apply to contraventions of the said section 131.

The Order also provides that Regulations made under the 1987 or 1988 Orders may apply sections 143(6), 144 or 146 of the Merchant Shipping Act 1995 to contraventions of the Regulations, subject to such modifications, if any, as are specified in the Regulations.

Notes:

- [1] 1995 c.21.[back](#)
- [2] Cmnd. 5748.[back](#)
- [3] S.I. 1987/470, amended by S.I. 1987/664, S.I. 1990/2595 and S.I. 1992/2668.[back](#)
- [4] Section 131(3) was amended by section 7 of the Merchant Shipping and Maritime Security Act 1997 (c.28).[back](#)
- [5] S.I. 1988/2252, amended by S.I. 1993/1581.[back](#)

[a] This Instrument was amended by correction slip. "section 128" was substituted for "section182".[back](#)

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