

# Statutory Instrument 1998 No. 254

## The Merchant Shipping (Prevention of Pollution) (Amendment) Order 1998

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### STATUTORY INSTRUMENTS

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### 1998 No. 254

### MARINE POLLUTION

### The Merchant Shipping (Prevention of Pollution) (Amendment) Order 1998

<i>Made</i>	<i>11th February 1998</i>
<i>Laid before Parliament</i>	<i>23rd February 1998</i>
<i>Coming into force</i>	<i>17th March 1998</i>

At the Court at Buckingham Palace, the 11th day of February 1998

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 128(1)(a) of the Merchant Shipping Act 1995<sup>[1]</sup> 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<sup>[2]</sup>:

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 128(1)(a), (3) and (4) 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 1998 and shall come into force on 17th March 1998.

**Amendment of 1987 Order**

2. In the Merchant Shipping (Prevention and Control of Pollution) Order 1987<sup>[3]</sup>, article 5(1), after the words "under the said section 131" there shall be added the words "as if in subsection (3)(a) for "£250,000" there were substituted "£25,000"".

**Amendment of 1988 Order**

3. - (1) The Merchant Shipping (Prevention of Pollution by Garbage) Order 1988<sup>[4]</sup> shall be amended as follows.

(2) In article 2(2), after sub-paragraph (c), there shall be added the following sub-paragraph:

" (d) for detaining any ship in respect of which a contravention is suspected to have occurred and, in relation to such a ship, for applying section 284 of the Merchant Shipping Act 1995 with such modifications, if any, as are specified in the Regulations."

(3) In article 3(1), after the words "under the said section 131" there shall be added the words "as if in subsection (3)(a) for "£250,000" there were substituted "£25,000"".

N. H. Nicholls  
Clerk of the Privy Council

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**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 further amends the Merchant Shipping (Prevention of

Pollution by Garbage) Order 1988 ("the 1988 Order").

This Order modifies the penalties provided for by section 131(3) of the Merchant Shipping Act 1995 as they apply in respect of contraventions of Regulations made under the 1987 or 1988 Orders specified in such Regulations by reducing the level of fine which may be imposed on summary conviction to £25,000. The Order also provides that Regulations made under the 1988 Order may make provision for detaining ships suspected of contravening the Regulations and, in relation to such ships, may apply section 284 of the Merchant Shipping Act 1995 subject to such modifications, if any, as are specified in the Regulations.

The International Convention for the Prevention of Pollution from Ships may be obtained from the International Maritime Organisation at 4, Albert Embankment, London SE1 7SR.

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*Notes:*

- [1] 1995 c. 21.[back](#)
  - [2] Cmnd. 5748.[back](#)
  - [3] S.I. 1987/470, amended by S.I. 1987/664, 1990/2595, 1992/2668 and 1997/2569.[back](#)
  - [4] S.I. 1988/2252, amended by S.I. 1993/1581 and 1997/2569.[back](#)
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