

GUERNSEY STATUTORY INSTRUMENT

2012 No. 17

**The Merchant Shipping (Prevention of Pollution: Substances Other than Oil) (Intervention) (Bailiwick of Guernsey) Order, 2012***Made by the Public Services Department**February, 2012**Made by the General Services Committee**February, 2012**Made by the Shipping Committee**February, 2012**Coming into operation**1<sup>st</sup> March, 2012*

**THE STATES OF GUERNSEY PUBLIC SERVICES DEPARTMENT, THE STATES OF ALDERNEY GENERAL SERVICES COMMITTEE, and THE CHIEF PLEAS OF SARK SHIPPING COMMITTEE** in exercise of the powers conferred on them by sections 146(1)(a) and 289 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002<sup>a</sup>, and all other powers enabling them in that behalf, hereby make the following Order:-

**Prescribed Substances.**

1. The substances prescribed for the purposes of section 146 (Application of sections 144 and 145 to substances other than oil) of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 ("the Law") are those listed in the amended list of substances annexed to the Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil,

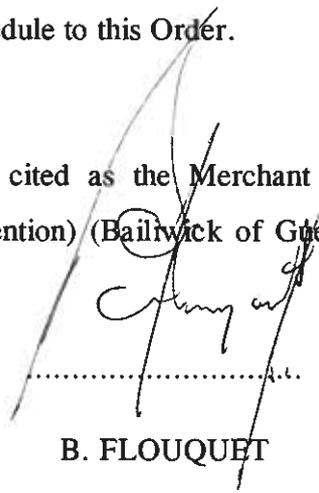
---

<sup>a</sup> Order in Council No. VIII of 2004; as amended by Ordres en Conseil Vol. XL; Order in Council No. XIII of 2010); Recueil d'Ordonnances Tome XXIX, p. 406; Ordinance No. XXXV of 2009.

1973<sup>b</sup> ("the 1973 Intervention Protocol") that was adopted by Resolution MEPC.100(48) of the Marine Environment Protection Committee of the International Maritime Organisation ("IMO") on 11 October 2002, as amended by Resolution MPEC.165(56) of that Committee adopted on 13 July 2007, and as set out in the Schedule to this Order.

**Citation and Commencement.**

2. This Order may be cited as the Merchant Shipping (Prevention of Pollution: Substances Other than Oil) (Intervention) (Bailiwick of Guernsey) Order, 2012 and shall come into force on 1 March 2012.

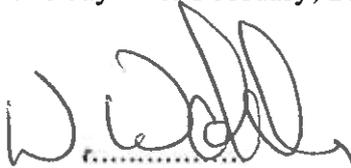


B. FLOUQUET

Minister

For and on behalf of the Public Services Department

Dated this day of February, 2012.



W. WALDEN

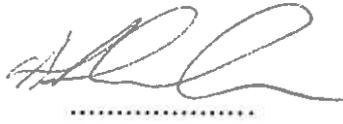
Chairman

For and on behalf of the General Services Committee of the States of Alderney.

Dated this day of February, 2012.

---

<sup>b</sup> Adopted on 2 November 1973, the 1973 Protocol extended the application of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 ("the 1969 Intervention Convention") to substances other than oil.

A handwritten signature in black ink, appearing to read 'A. COOK', with a horizontal line of small dots underneath it.

**A. COOK**

**Chairman**

**For and on behalf of the Shipping Committee of the Chief Pleas of Sark.**

**Dated this    day of February, 2012.**

SCHEDULE

**LIST OF PRESCRIBED SUBSTANCES**

Any of the following products are prescribed for the purposes of section 146(1)(a) of the Law if they are either carried on board a ship as cargo or are residues of such products previously carried:

- 1 **Oils**, as defined in Annex I to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), as amended<sup>c</sup>, when carried in bulk, including those listed in Appendix I with the exception of crude oil, fuel oil, diesel oil and lubricating oil which are covered by the 1969 Intervention Convention;
- 2 **Noxious Liquid Substances**, as defined in Annex II to MARPOL 73/78, as amended, when carried in bulk, and identified:

.1 as Pollution Category X or Y, in:

.1 Chapter 17 of the International Bulk Chemical Code (IBC Code); or

.2 Lists 1 to 4 of MEPC.2/Circulars<sup>d</sup>, issued annually in December; or

.2 in the composite list of GESAMP<sup>e</sup> Hazard Profiles, issued periodically as

---

<sup>c</sup> The Convention was adopted on 2 November 1973 and the Protocol on 17 February 1978. The combined instrument entered into force on 2 October 1983. It has been subsequently amended on several occasions, including by the addition of a new Protocol in 1997.

<sup>d</sup> Issued by the IMO.

<sup>e</sup> Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (drawn from the IMO and UNCTAD (the United Nations Conference on Trade and Development)).

BLG<sup>f</sup> circulars, with either:

- .1 a "2" in column B1 and "2" in column E3; or
- .2 "3" in column E3;
- 3 **Harmful substances**, in packaged form, as defined in Annex III to MARPOL 73/78, as amended, and which have been identified as Severe Marine Pollutants (PP) in the International Maritime Dangerous Goods Code (IMDG Code) or which meet criteria for such as defined in the IMDG Code;
- 4 **Radioactive material**, transported in type B or type C packages, or as fissile material, or under special arrangements, as covered by the provisions of class 7 of the IMDG Code; and
- 5 **Liquefied gases**, identified in chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1983 (IGC Code), as amended, when carried in bulk, and the products for which preliminary suitable conditions for the carriage have been prescribed by the Administration and port administrations involved in accordance with paragraph 1.1.6 of the IGC Code.

---

<sup>f</sup> The IMO Sub-Committee on Bulk Liquids and Gases.



## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order, made under section 146(1)(a) of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, prescribes substances other than oil, the threat of pollution from which (following a shipping casualty) triggers the Board's powers of intervention under section 144 of that Law.

The Order gives effect to the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil 1973 ("the 1973 Protocol").

The substances are listed in the Schedule. They are the substances enumerated in the Annex to the 1973 Protocol as amended, most recently in 2002 and 2007.

BLG<sup>f</sup> circulars, with either:

- .1 a "2" in column B1 and "2" in column E3; or
  - .2 "3" in column E3;
- 3 **Harmful substances**, in packaged form, as defined in Annex III to MARPOL 73/78, as amended, and which have been identified as Severe Marine Pollutants (PP) in the International Maritime Dangerous Goods Code (IMDG Code) or which meet criteria for such as defined in the IMDG Code;
- 4 **Radioactive material**, transported in type B or type C packages, or as fissile material, or under special arrangements, as covered by the provisions of class 7 of the IMDG Code; and
- 5 **Liquefied gases**, identified in chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1983 (IGC Code), as amended, when carried in bulk, and the products for which preliminary suitable conditions for the carriage have been prescribed by the Administration and port administrations involved in accordance with paragraph 1.1.6 of the IGC Code.

---

<sup>f</sup> The IMO Sub-Committee on Bulk Liquids and Gases.