

2013 No. 2944

MARINE POLLUTION

MERCHANT SHIPPING

SAFETY

**The Marine Pollution and Merchant Shipping (Revocation)
Regulations 2013**

Made - - - 11th November 2013

Laid before Parliament 22nd November 2013

Coming into force - - 31st December 2013

The Secretary of State, in exercise of the powers conferred by section 1(2) of the Prevention of Oil Pollution Act 1971(a), and sections 86(2)(c) and 142(1) to (5) of the Merchant Shipping Act 1995(b), makes the following Regulations.

The Secretary of State is satisfied that no persons in the United Kingdom will be affected by the exercise of powers in this instrument under section 86 of the Merchant Shipping Act 1995 and that no consultation is necessary in accordance with section 86(4) of that Act.

The Secretary of State has had regard, in so far as it relates to the pollution of the sea by oil, to the provisions of the Convention for the Protection of the Marine Environment of the North-East Atlantic 1992 (including its Annexes) signed in Paris on 22nd September 1992(c), in accordance with section 1(2) of the Prevention of Oil Pollution Act 1971.

Citation and commencement

1. These Regulations may be cited as the Marine Pollution and Merchant Shipping (Revocation) Regulations 2013 and come into force on 31st December 2013.

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- (a) 1971 c. 60. Section 1(1), (3) and (4) was repealed by S.I. 1983/1106, article 2 and the Schedule. Section 1(2) remains in force for the purposes of section 3. Regulation 18 of S.I. 2005/2055 limits the application of section 1 as it relates to discharges to which section 3 applies.
- (b) 1995 c. 21. Section 86(2)(c) of this Act enables the Secretary of State to make transitional provisions in connection with modifications made by virtue of section 86(2)(a) or (b) in consequence or in anticipation of the making of safety regulations under section 85 of that Act. There are amendments to section 86 which are not relevant to these Regulations.
- (c) The Convention for the Protection of the Marine Environment of the North-East Atlantic 1992 (“OSPAR Convention”) replaced the 1972 Oslo Convention (which regulated dumping at sea) and the 1974 Paris Convention (which extended the 1972 Convention to land-based sources and the offshore industry). The OSPAR Convention entered into force on 25th March 1998.

Revocations

2. The instruments listed in the Schedule are revoked.

Signed by authority of the Secretary of State for Transport

Stephen Hammond
Parliamentary Under Secretary of State
Department for Transport

11th November 2013

SCHEDULE

Regulation 2

Revocations

<i>Regulations revoked</i>	<i>Reference</i>
The Oil in Navigable Waters (Transfer Records) Regulations 1957(a)	S.I. 1957/358
The Oil in Navigable Waters (Records) Regulations 1972(b)	S.I. 1972/1929
The Merchant Shipping (Safety Convention) (Transitional Provisions) Regulations 1981(c)	S.I. 1981/584
The Prevention of Oil Pollution Act 1971 (Application of Section 1) Regulations 1984	S.I. 1984/1684

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- (a) S.I. 1957/358 was made under section 7 of the Oil in Navigable Waters Act 1955 (c. 25). Following the repeal of section 7, these Regulations had effect as if made under section 17 of the Prevention of Oil Pollution Act 1971. Following the repeal of section 17, and the re-enactment of the powers (with modifications) in section 142 of the Merchant Shipping Act 1995, these Regulations have effect as if made under those re-enacted provisions.
- (b) S.I. 1972/1929 was made under section 7 of the Oil in Navigable Waters Act 1955. Following the repeal of section 7, these Regulations had effect as if made under section 17 of the Prevention of Oil Pollution Act 1971. Following the repeal of section 17, and the re-enactment of the powers (with modifications) in section 142 of the Merchant Shipping Act 1995, these Regulations have effect as if made under those re-enacted provisions. These Regulations were revoked, except to the extent that they apply to oil tankers of less than 150 gross registered tonnage and other ships of less than 400 gross registered tonnage, by S.I. 1983/1106, article 2 and the Schedule.
- (c) S.I. 1981/584 was made under section 22(3) of the Merchant Shipping Act 1979 (c. 39). Following the repeal of section 22(3) and its re-enactment (with modifications) in section 86(2) of the Merchant Shipping Act 1995, these Regulations have effect as if made under those re-enacted provisions.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument revokes four sets of Regulations relating to marine pollution and merchant shipping.

The Oil in Navigable Waters (Transfer Records) Regulations 1957 (S.I. 1957/358) require records to be kept about the transfer of oil between certain vessels whilst in UK territorial waters. These requirements have been superseded by a combination of two sets of Regulations. In relation to shipping, regulation is provided by the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (S.I. 1996/2154) and, in relation to offshore installations, by the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (S.I. 2005/2055). S.I. 1957/358 is, therefore, no longer required.

The Oil in Navigable Waters (Records) Regulations 1972 (S.I. 1972/1929) require the keeping of certain records in respect of discharges of oil, and of specified operations carried out on or in connection with a ship. They were revoked, except in relation to oil tankers of less than 150 gross registered tonnage and other ships of less than 400 gross registered tonnage, by the Merchant Shipping (Prevention of Oil Pollution) Order 1983 (S.I. 1983/1106). The relevant industry to which the Regulations still apply is now self-regulating and that, combined with enhanced requirements for ports to deal with waste oil, means that the Regulations are no longer required.

The Merchant Shipping (Safety Convention) (Transitional Provisions) Regulations 1981 (S.I. 1981/584) make transitional provisions arising from modifications made by S.I. 1981/568 to certain Merchant Shipping Acts. The purpose of the modifications was to ensure that references in those Acts to the International Convention for the Safety of Life at Sea 1974 (“the SOLAS Convention”) referred to that Convention as amended by the Protocol of 1978. The related transitional provisions made by S.I. 1981/584 expired at the end of April 1982. Provision is also made for the continued acceptance of certain certificates issued under the SOLAS Convention as if they had been issued under the Protocol of 1978. Certificates issued under the SOLAS Convention have a maximum duration of five years so no certificates to which these Regulations apply remain in force. These provisions are therefore spent.

The Prevention of Oil Pollution Act 1971 (Application of Section 1) Regulations 1984 (S.I. 1984/1684) provide that section 1 of the Prevention of Oil Pollution Act 1971 (“the 1971 Act”) applies to any oil produced directly or indirectly from crude oil, making certain discharges of such oil an offence under section 3 of that Act. The discharge of such oil is now regulated by the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (S.I. 2005/2055) (“the 2005 Regulations”), making a breach of the requirements a criminal offence. Regulation 18 of the 2005 Regulations provides that sections 1 and 3 of the 1971 Act do not apply to emissions which are a discharge or release of oil for the purposes of the 2005 Regulations. These provisions have, therefore, been superseded and are redundant.

The OSPAR and SOLAS Conventions and the Protocol of 1978 may be obtained from the International Maritime Organization, 4 Albert Embankment, London, SW1 7SR (www.imo.org/Pages/home.aspx).

A full impact assessment has not been produced for this instrument as no impact on business, the public or voluntary sectors is foreseen. The Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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