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S T A T U T O R Y I N S T R U M E N T S

2017 No. 837

MARINE POLLUTION

**The Merchant Shipping (Ship-to-Ship Transfers) (Amendment)
Regulations 2017**

<i>Made</i>	- - - -	<i>16th August 2017</i>
<i>Laid before Parliament</i>		<i>18th August 2017</i>
<i>Coming into force</i>	- -	<i>11th September 2017</i>

The Secretary of State, in exercise of the powers conferred by section 130 of the Merchant Shipping Act 1995(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Ship-to-Ship Transfers) (Amendment) Regulations 2017 and come into force on 11th September 2017.

Amendment of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010

2.—(1) The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010(b) are amended as follows.

(2) In regulation 6, for paragraph (1) substitute—

“(1) Subject to paragraph (3), the Secretary of State may exempt—

- (a) a cargo transfer from the provisions of regulation 3(1); and
- (b) a bunkering operation from the provisions of regulation 3(2A).”

Signed by authority of the Secretary of State for Transport

16th August 2017

John Hayes
Minister of State
Department for Transport

(a) 1995 c. 21.

(b) S.I. 2010/1228, as amended by S.I. 2010/1769, S.I. 2011/974, S.I. 2011/2183, S.I. 2012/742, S.I. 2013/755 and S.I. 2015/664.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010 (“the 2010 Regulations”). The Merchant Shipping (Ship-to-Ship Transfers) (Amendment) Regulations 2012 (“the 2012 Regulations”) amended the 2010 Regulations by separating the prohibitions on the ship-to-ship transfer of cargo oil and the ship-to-ship transfer of bunker oil (fuel). These are described in the 2010 Regulations as a “cargo transfer” and a “bunkering operation” respectively (see regulation 2 of the 2010 Regulations) and were both contained in regulation 3(1) of the 2010 Regulations. Following amendment by the 2012 Regulations, the prohibition on bunkering operations is contained in regulation 3(2A) of the 2010 Regulations. Regulation 6 of the 2010 Regulations, which permits the Secretary of State to make exemptions to the general prohibitions on cargo transfers and bunkering operations, was not amended by the 2012 Regulations.

Regulation 2 of these Regulations amends regulation 6(1) of the 2010 Regulations in order to put beyond doubt the Secretary of State’s power to exempt from the general prohibitions contained in regulation 3 of the 2010 Regulations both cargo transfers and bunkering operations.

An impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sectors is foreseen.

An Explanatory Memorandum for this instrument has been published alongside these Regulations at www.legislation.gov.uk.

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