



Prevention of Oil Pollution Act 1971

1971 CHAPTER 60

General provisions for preventing oil pollution

1 Discharge of certain oils into sea outside territorial waters.

(1) F1

(2) This section applies—

- (a) to crude oil, fuel oil and lubricating oil; and
- (b) to heavy diesel oil, as defined by regulations made under this section by the Secretary of State;

and shall also apply to any other description of oil which may be specified by regulations made by the Secretary of State, having regard to the provisions of any Convention accepted by Her Majesty's Government in the United Kingdom in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into any part of the sea outside the territorial waters of the United Kingdom.

(3) F1

Textual Amendments

F1 S. 1(1)(3)(4) repealed by S.I. 1983/1106, art. 2, Sch.

Modifications etc. (not altering text)

C1 S. 1 excluded (20.8.2005) by Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (S.I. 2005/2055), regs. 1, **18(1)**

2 Discharge of oil into United Kingdom waters.

(1) If any oil or mixture containing oil is discharged as mentioned in the following paragraphs into waters to which this section applies, then, subject to the provisions of this Act, the following shall be guilty of an offence, that is to say—

Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971, Cross Heading: General provisions for preventing oil pollution. (See end of Document for details)

- (a) ^{F2}
- (c) if the discharge is from a place on land, the occupier of that place, unless he proves that the discharge was caused as mentioned in paragraph (d) of this subsection;
- (d) if the discharge is from a place on land and is caused by the act of a person who is in that place without the permission (express or implied) of the occupier, that person;
- (e) if the discharge takes place otherwise than as mentioned in the preceding paragraphs and is the result of any operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources, the person carrying on the operations.
- (2) This section applies to the following waters, that is to say,—
- (a) the whole of the sea within the seaward limits of the territorial waters of the United Kingdom; and
- (b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.
- ^{F3F4}(2A)
- ^{F4}(2B)
- (3) In this Act “place on land” includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters; and “occupier”, in relation to any such thing as is mentioned in the preceding provisions of this subsection, if it has no occupier, means the owner thereof, and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.
- (4) A person guilty of an offence under this section shall be liable [^{F5}on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine][^{F5}on summary conviction, or on conviction on indictment, to a fine].

Textual Amendments

- F2** S. 2(1)(a)(b) repealed by S.I. 1983/1106, art. 2, **Sch.**
- F3** S. 2(2A)(2B) inserted by Prevention of Oil Pollution Act 1986 (c. 6, SIF 111), s. **1(1)**
- F4** S. 2(2A)(2B) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F5** Words in s. 2(4) substituted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 6(2)** (with reg. 5(1))

Modifications etc. (not altering text)

- C2** S. 2 excluded (20.8.2005) by Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (S.I. 2005/2055), regs. 1, **18(1)**
- C3** S. 2(2A)(2B) extended with modifications by S.I. 1989/1350, art. 3, **Sch. 2**
- C4** S. 2(4) extended by S.I. 1983/1106, **art. 4** and S.I. 1983/1398, **regs. 2(1)(2), 34(2)**
- C5** S. 2(4) extended with modifications by S.I. 1989/1350, art. 3, **Sch. 2**

Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971, Cross Heading: General provisions for preventing oil pollution. (See end of Document for details)

3 Discharge of certain oils from pipe-lines or as the result of exploration etc. in designated areas.

- (1) If any oil to which section 1 of this Act applies, or any mixture containing such oil, is discharged into any part of the sea—
- (a) from a pipe-line; or
 - (b) (otherwise than from a ship) as the result of any operation for the exploration of the sea-bed and subsoil or the exploitation of their natural resources in a designated area,

then, subject to the following provisions of this Act, the owner of the pipe-line or, as the case may be, the person carrying on the operations shall be guilty of an offence unless the discharge was from a place in his occupation and he proves that it was due to the act of a person who was there without his permission (express or implied).

- (2) In this section “designated area” means an area for the time being designated by an Order made under section 1 of the ^{M1}Continental Shelf Act 1964.
- (3) A person guilty of an offence under this section shall be liable [^{F6}on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine]^{F6}on summary conviction, or on conviction on indictment, to a fine].

Textual Amendments

- F6** Words in s. 3(3) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 6\(3\)](#) (with reg. 5(1))

Modifications etc. (not altering text)

- C6** S. 3 excluded (20.8.2005) by [Offshore Petroleum Activities \(Oil Pollution Prevention and Control\) Regulations 2005 \(S.I. 2005/2055\)](#), regs. 1, [18\(1\)](#)

Marginal Citations

- M1** 1964 c. 29.

4^{F7}

Textual Amendments

- F7** S. 4 repealed by [S.I. 1983/1106](#), art. 2, [Sch.](#)

^{F8}5 Defences of owner or master charged with offence under s. 1 or s. 2.

- (1) Where a person is charged with an offence under section 1 of this Act, or is charged with an offence under section 2 of this Act as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture was discharged for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life, unless the court is satisfied that the discharge of the oil or mixture was not necessary for that purpose or was not a reasonable step to take in the circumstances.

Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971, Cross Heading: General provisions for preventing oil pollution. (See end of Document for details)

- (2) Where a person is charged as mentioned in subsection (1) of this section, it shall also be a defence to prove—
- (a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture, or
 - (b) that the oil or mixture escaped by reason of leakage, that neither the leakage nor any delay in discovering it was due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.]

Textual Amendments

F8 S. 5 repealed for certain purposes (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 Note (with s. 312(1), Sch. 14 para. 1)

Modifications etc. (not altering text)

C7 Ss. 5, 7 extended with modifications by S.I. 1989/1350, art. 3, Sch. 2

6 Defences of other persons charged with offences under s. 2 or s. 3.

- (1) Where a person is charged, in respect of the escape of any oil or mixture containing oil, with an offence under section 2 or 3 of this Act—
- [^{F9}(a) as the occupier of a place on land; or]
 - (b) as a person carrying on operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources; or
 - (c) as the owner of a pipe-line,
- it shall be a defence to prove that neither the escape nor any delay in discovering it was due to any want of reasonable care and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.
- (2) Where a person is charged with an offence under section 2 of this Act in respect of the discharge of a mixture containing oil from a place on land, it shall also, subject to subsection (3) of this section, be a defence to prove—
- (a) that the oil was contained in an effluent produced by operations for the refining of oil;
 - (b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which that section applies; and
 - (c) that all reasonably practicable steps had been taken for eliminating oil from the effluent.
- (3) If it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place on land, or land adjacent to those waters, was fouled by oil, subsection (2) of this section shall not apply unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharged at or before that time from that place.

Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971, Cross Heading: General provisions for preventing oil pollution. (See end of Document for details)

Textual Amendments

F9 S. 6(1)(a) repealed for certain purposes (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** Note (with s. 312(1), Sch. 14 para. 1)

Modifications etc. (not altering text)

C8 S. 6 excluded (20.8.2005) by **Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (S.I. 2005/2055)**, regs. 1, **18(1)**

[^{F107} **Protection of acts done in exercise of certain powers of harbour authorities etc.**

- (1) Where any oil, or mixture containing oil, is discharged in consequence of—
- (a) the exercise of any power conferred by sections 530 to 532 of the ^{M2}Merchant Shipping Act 1894 (which relate to the removal of wrecks by harbour, conservancy and lighthouse authorities); or
 - (b) the exercise, for the purpose of preventing an obstruction or danger to navigation, of any power to dispose of sunk, stranded or abandoned vessels which is exercisable by a harbour authority under any local enactment;

and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section 1 or section 2 of this Act in respect of that discharge, the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

- (2) Subsection (1) of this section shall apply to the exercise of any power conferred by section 13 of the ^{M3}Dockyard Ports Regulation Act 1865 (which relates to the removal of obstructions to dockyard ports) as it applies to the exercise of any such power as is mentioned in paragraph (a) of that subsection, and shall, as so applying, have effect as if references to the authority exercising the power were references to the Queen's harbour master for the port in question.]

Textual Amendments

F10 S. 7 repealed for certain purposes (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** Note (with s. 312(1), Sch. 14 para. 1)

Modifications etc. (not altering text)

C9 Ss. 5, 7 extended with modifications by **S.I. 1989/1350**, art. 3, **Sch. 2**

Marginal Citations

M2 1894 c. 60.
M3 1865 c. 125.

8 Discharge of certain ballast water into harbours.

(1) ^{F11}

^{F12}(2)

Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971, Cross Heading: General provisions for preventing oil pollution. (See end of Document for details)

Textual Amendments

- F11** S. 8(1) repealed by S.I. 1983/1106, art. 2, **Sch.**
- F12** S. 8(2) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

9 **F13**

Textual Amendments

- F13** S. 9 repealed by S.I. 1984/862, **arts. 1(4), 2** (by art. 2(1) it is provided that S.I. 1984/862 applies to any harbour authority or terminal operator whose harbour or terminal in the United Kingdom is used by oil tankers, chemical tankers or other vessels any of which are carrying residues or mixtures, which residues or mixtures contain oil or noxious liquid substances, including such vessels when undergoing repair or being broken up)

F14 **10 Restrictions on transfer of oil at night.**

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Textual Amendments

- F14** S. 10 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

11 Duty to report discharge of oil into waters of harbours.

- (1) If any oil or mixture containing oil—
 - F15**(a)
 - F15**(b)
 - (c) is found to be escaping or to have escaped into any such waters from a place on land;
- F16** . . . the occupier of the place on land **F16** . . . shall forthwith report the occurrence to the harbour master, or, if the harbour has no harbour master, to the harbour authority.

F17(2)

- (3) If a person fails to make a report as required by this section he shall be liable on summary conviction to a fine not exceeding [**F18**level 5 on the standard scale].

Textual Amendments

- F15** S. 11(1)(a)(b) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F16** Words in s. 11(1) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F17** S. 11(2) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F18** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**; (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and (N.I.) S.I. 1984/703 (N.I. 3), **art. 5**

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Modifications etc. (not altering text)

C10 S. 11 extended with modifications by S.I. 1989/1350, art. 3, Sch. 2

[^{F19}11A Certain provisions not to apply where a discharge or escape is authorised under Part I of the Environmental Protection Act 1990.

- (1) The provisions of sections 2(1) and [^{F20} 3(1)] of this Act shall not apply to any discharge which is made under, and the provisions of section 11(1) of this Act shall not apply to any escape which is authorised by, ^{F21}...[^{F22} a permit granted under regulations under section 2 of the Pollution Prevention and Control Act 1999[^{F23} or section 18 of the Regulatory Reform (Scotland) Act 2014]].
- (2) This section does not extend to Northern Ireland.]

Textual Amendments

- F19** S. 11A inserted (12.10.1995) by 1995 c. 25, s. 120(1), Sch. 22 para. 15(2) (with ss. 7(6), 115, 117); S.I. 1995/2649, art. 2
- F20** Words in s. 11A(1) substituted (21.3.2000 (E.W) and 29.9.2000 (S.)) by 1999 c. 24, s. 6(1), Sch. 2 para. 1(a); S.I. 2000/800, art. 2; S.S.I. 2000/322, art. 2
- F21** Words in s. 11A(1) repealed (1.4.2015 for S.) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), Sch. 3; S.S.I. 2015/74, art. 2(2)(a)
- F22** Words in s. 11A(1) inserted (21.3.2000 (E.W.) and 29.9.2000 (S.)) by 1999 c. 24, s. 6(1), Sch. 2 para. 1(b); S.I. 2000/800, art. 2; S.S.I. 2000/322, art. 2
- F23** Words in s. 11A(1) inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 2; S.S.I. 2014/160, art. 2(1)(2), Sch.

Changes to legislation:

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