



Prevention of Oil Pollution Act 1971

1971 CHAPTER 60

Enforcement

[^{F1}18 Powers of inspection.

- (1) The Secretary of State may appoint any person as an inspector to report to him—
 - (a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act (including prohibitions so imposed by the creation of offences under any provision of this Act other than section 3) have been complied with;
 - (b) what measures (other than measures made obligatory by regulations made under section 4 of this Act) have been taken to prevent the escape of oil and mixtures containing oil;
 - (c) whether the oil reception facilities provided in harbours are adequate;and any such inspector may be so appointed to report either in a particular case or in a class of cases specified in his appointment.
- (2) Every surveyor of ships shall be taken to be a person appointed generally under the preceding subsection to report to the Secretary of State in every kind of case falling within that subsection.
- (3) [^{F2}Sections 27 and 28(1), (3) and (4) of the ^{M1}Merchant Shipping Act 1979] (powers of inspectors) shall apply to persons appointed or taken to be appointed under subsection (1) of this section as it applies to the inspectors referred to in that section and shall, as so applying, have effect as if—
 - [^{F3}(a) any reference to a ship included any vessel, any reference to the Merchant Shipping Acts (except the second reference in sub-paragraph (iii) of section 27(1)(h), were a reference to this Act and the reference in that sub-paragraph to regulations were omitted;] and
 - (b) any power under that section to inspect premises included power to inspect any apparatus used for transferring oil.
- ^{F4}(4)
- (5) Any power of an inspector, [^{F5}under section 27] as so applied, to require the production of any oil record book required to be carried or records required to be kept in pursuance

Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971, Section 18. (See end of Document for details)

of regulations made under section 17 of this Act shall include power to copy any entry therein and require the master to certify the copy as a true copy of the entry; . . . ^{F6}

- (6) Without prejudice to any powers exercisable by virtue of the preceding provisions of this section, in the case of a vessel which is for the time being in a harbour in the United Kingdom the harbour master, and any other person appointed by the Secretary of State under this subsection (either generally or in relation to a particular vessel), shall have power—
- (a) to go on board and inspect the vessel or any part thereof, or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the vessel into the waters of the harbour;
 - (b) to require the production of any oil record book required to be carried or records required to be kept in pursuance of regulations made under section 17 of this Act; and
 - (c) to copy any entry in any such book or record and require the master to certify the copy as a true copy of the entry.
- (7) A person exercising any powers conferred by subsection (6) of this section shall not unnecessarily detain or delay the vessel from proceeding on any voyage.
- (8) If any person fails to comply with any requirement duly made in pursuance of paragraph (b) or paragraph (c) of subsection (6) of this section, he shall be liable on summary conviction to a fine not exceeding [^{F7}level 3 on the standard scale]; and if any person wilfully obstructs a person acting in the exercise of any power conferred by virtue of this section [^{F8}and the obstruction is not punishable by virtue of the said section 28(1)], he shall be liable on summary conviction to a fine not exceeding [^{F9}level 4 on the standard scale].]

Textual Amendments

- F1** S. 18 repealed (except in its application to ss. 2(1) and 3) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- F2** Words substituted by **Merchant Shipping Act 1979 (c. 39), s. 28(7)(c)(i)**
- F3** S. 18(3)(a) substituted by **Merchant Shipping Act 1979 (c. 39), s. 28(7)(c)(i)**
- F4** S. 18(4) 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 substituted by **Merchant Shipping Act 1979 (c. 39), s. 28(7)(c)(ii)**
- F6** Words repealed by **Merchant Shipping Act 1979 (c. 39), Sch. 7 Pt. II**
- F7** 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**
- F8** Words inserted by **Merchant Shipping Act 1979 (c. 39), s. 28(7)(c)(iii)**
- F9** 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**, s. 54 and (N.I.) S.I. 1984/703 (N.I. 3), **art. 5**

Modifications etc. (not altering text)

- C1** S. 18 restricted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 17(a)**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- C2** S. 18(1)(a) amended (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 17**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- C3** S. 18(2) amended (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 17(a)**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- C4** S. 18(6) restricted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 17(b)**; S.I. 1993/3137, art. 3(2), **Sch. 2**

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Marginal Citations

M1 1979 c. 39.

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