
 STATUTORY INSTRUMENTS

1984 No. 1153

MERCHANT SHIPPING

POLLUTION

The Merchant Shipping (Prevention of Oil Pollution) (Hong Kong) Order 1984

<i>Made</i> - - - -	31st July 1984
<i>Laid before Parliament</i>	8th August 1984
<i>Coming into Operation</i>	30th August 1984

At the Court at Buckingham Palace, the 31st day of July 1984

Present,

The Queen's Most Excellent Majesty in Council

Whereas by virtue of section 20(1)(a) and (c) of the Merchant Shipping Act 1979(a) ("the Act of 1979") Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect to—

- (a) the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2nd November 1973 ("the Convention")(b), and
- (b) the Protocol relating to the said Convention which constitutes attachment 2 to the final act of the International Conference on Tanker Safety and Pollution Prevention signed in London on 17th February 1978 ("the Protocol")(c):

And whereas by virtue of section 20(3)(e) of the Act of 1979 such an Order may extend to certain territories:

And whereas by virtue of section 20(3)(c) of the Act of 1979 such an Order may repeal the provisions of any enactment so far as it appears to Her Majesty that those provisions are not required having regard to provisions made by this Order:

And whereas this Order is made only for the purpose of giving effect to the Convention and the Protocol:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by

(a) 1979 c. 39.
 (b) Cmnd. 5748.
 (c) Cmnd. 7347.

section 20(1)(a) and (c) and (3) of the Act of 1979, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

1. This Order may be cited as the Merchant Shipping (Prevention of Oil Pollution) (Hong Kong) Order 1984 and shall come into operation on 30th August 1984.

2. The provisions of the instruments set out in Schedule 1 hereto are hereby revoked, subject to the limitations (if any) specified in that Schedule.

3. The provisions of Articles 3(1) and 6 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983(a), modified as in Schedule 2 hereto, shall extend to Hong Kong.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE 1

Article 2

STATUTORY INSTRUMENTS REVOKED

The Oil in Navigable Waters (Hong Kong) Order 1963 (S.I. 1963/788)

except to the extent to which, by virtue of the said Order, the Oil in Navigable Waters (Records) Regulations 1972 (S.I. 1972/1929) apply to oil tankers of less than 150 gross registered tonnage and other ships of less than 400 gross registered tonnage (and the gross registered tonnage of a ship having alternative such tonnages shall be taken to be the larger of those tonnages)

The Oil in Navigable Waters (Hong Kong) Regulations 1963 (S.I. 1963/848)

SCHEDULE 2

Article 3

ARTICLES 3(1) AND 6 OF THE MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) ORDER 1983, AS EXTENDED TO HONG KONG

3.— (1) The Governor may make regulations for the prevention of oil pollution (hereinafter referred to as “the Regulations”) for the purpose of

(a) S.I. 1983/1106.

giving effect to the said Convention and Protocol, and the Regulations may in particular include provisions—

- (a) with respect to the carrying out of surveys and inspections for that purpose, and for the issue, duration and recognition of certificates for that purpose and the payment of fees in connection with such a survey, inspection or certificate;
- (b) with respect to the application of the Regulations to the Crown and the extra-territorial operation of the Regulations;
- (c) that specified contraventions of the Regulations shall be offences punishable on summary conviction by a fine not exceeding 500,000 Hong Kong dollars and on conviction on indictment by imprisonment for a term not exceeding two years and a fine;
- (d) for detaining any ship in respect of which such a contravention is suspected to have occurred and, in relation to such a ship, for applying section 692 of the Merchant Shipping Act 1894(a) (which relates to the detention of a ship) with such modifications, if any, as are prescribed by the Regulations;

and the Regulations may—

- (i) provide that the Regulations for the time being in force under Article 3(1) of the Merchant Shipping (Prevention of Oil Pollution) Order 1983 as it applies in the United Kingdom shall, subject to such modifications (if any) as may be specified by the Governor, be deemed to be Regulations made by the Governor under this Article;
- (ii) make different provisions for different circumstances;
- (iii) provide for exemptions from any provisions of the Regulations;
- (iv) provide for the delegation of functions exercisable by virtue of the Regulations; and
- (v) include such incidental, supplemental and transitional provisions as appear to the Governor to be expedient for the purposes of the Regulations.

6. Any discharge of oil or oily mixture from a ship to which any Regulations made under this Order apply which is not prohibited by any such Regulations is authorised by this Order.

(a) 1894 c. 60.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to Hong Kong certain provisions of the Merchant Shipping (Prevention of Oil Pollution) Order 1983. Its main purpose is to give the Governor of Hong Kong power to make regulations to enable effect to be given in Hong Kong to the International Convention for the Prevention of Pollution from Ships 1973 (Cmnd. 5748) and the Protocol thereto of 1978 (Cmnd. 7347).

The Statutory Instruments specified in Schedule 1 will no longer be required once the Regulations made by the Governor are in force, and they are accordingly being revoked.

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