

1988 No. 2292

MARINE POLLUTION

The Merchant Shipping (Prevention of Pollution by
Garbage) Regulations 1988

Made - - - - - 23rd December 1988

Coming into force 31st December 1988

The Secretary of State for Transport in exercise of the powers conferred on him by article 2 of the Merchant Shipping (Prevention of Pollution by Garbage) Order 1988(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:-

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1988 and shall come into force on 31st December 1988.

(2) In these Regulations:

“garbage” means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except sewage originating from ships;

“harmful substances in packaged form” means those substances which are identified as marine pollutants in the IMDG Code and which are in the form of containment specified in the schedules of that Code;

“the IMDG Code” means the 1977 edition of the International Maritime Dangerous Goods Code published by the International Maritime Organisation, as amended from time to time by any document which is considered by the Secretary of State to be relevant and is specified in a Merchant Shipping Notice;

“mile” means an international nautical mile that is to say a distance of 1,852 metres;

“nearest land”: in relation to all land other than the part of Australia specified below, “from the nearest land” means from the nearest baseline from which the territorial sea of any territory is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone 1958(b); and in relation to the part of the north-eastern coast of Australia which lies between the points 11° 00’S, 142° 08’E and 24° 42’S, 153° 15’E, “from the nearest land” means from the nearest of the straight lines joining consecutively the following points:

11° 00’S, 142° 08’E; 10° 35’S, 141° 55’E; 10° 00’S, 142° 00’E; 9° 10’S, 143° 52’E; 9° 00’S, 144° 30’E; 13° 00’S, 144° 00’E; 15° 00’S, 146° 00’E; 18° 00’S, 147° 00’E; 21° 00’S, 153° 00’E and 24° 42’S, 153° 15’E;

“noxious liquid substances” and “non-polluting liquid substances” have the meanings respectively given to them in the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987(c);

(a) S.I. 1988/2252.
(b) Cmnd 2511.
(c) S.I. 1987/551.

“oil” and “oily mixtures” have the meanings respectively given to them in the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983(a);

“operational wastes” means all maintenance wastes, cargo associated wastes and cargo residues except residues or wastes from oil or oily mixtures, noxious liquid substances, non-polluting liquid substances or harmful substances in packaged form;

“plastics” includes, but is not limited to, synthetic ropes, synthetic fishing nets and plastic garbage bags;

“required standard”: to the required standard means, in relation to comminuted or ground garbage, comminuted or ground sufficiently finely to be capable of passing through a screen with openings no greater than 25 millimetres;

“sea” includes any estuary or arm of the sea;

“ship” means a vessel of any type whatsoever operating in the marine environment including submersible craft, floating craft and any structure which is a fixed or floating platform but excludes hovercraft;

“Special Area”: any area which is defined by the Secretary of State in a Merchant Shipping Notice and which he therein declares will on a given date become a Special Area for the purposes of Annex V to the International Convention for the Prevention of Pollution from Ships 1973 as amended by the Protocol thereto of 1978, shall on and after that date be a Special Area for the purpose of these Regulations;

“United Kingdom ship” means a ship which:

- (a) is registered in the United Kingdom; or
- (b) is not registered under the law of any country but is wholly owned by persons each of whom is either a British citizen or a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in a part of the United Kingdom.

Application

2. These Regulations apply to United Kingdom ships wherever they may be and to other ships while they are within the United Kingdom or the territorial waters thereof.

Disposal of Garbage outside Special Areas

3. The disposal from a ship into the sea outside Special Areas of any plastics is prohibited.

4. The disposal from a ship into the sea outside Special Areas of garbage other than plastics is prohibited except where it is made as far from the nearest land as is practicable, and

- (a) in the case of dunnage, lining and packing materials which will float, not less than 25 miles from the nearest land; or
- (b) in the case of food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse, not less than 12 miles or, if such wastes and other garbage have been ground or comminuted to the required standard, not less than 3 miles from the nearest land.

Disposal of Garbage within Special Areas

5. The disposal from a ship into the sea within Special Areas of any garbage other than food wastes is prohibited.

6. The disposal from a ship into the sea within a Special Area of food wastes is prohibited except where it is made as far as practicable, and in any case not less than 12 nautical miles, from the nearest land.

Disposal of garbage into the sea within 500 metres of fixed or floating platforms

7. The disposal into the sea of any garbage from a ship which is a fixed or floating platform engaged in the exploration, exploitation and associated offshore processing of seabed mineral resources, or from any ships alongside or within 500 metres of such a

(a) S.I. 1983/1398, to which there is an amendment not relevant to these Regulations.

platform, is prohibited provided that food wastes which have been comminuted or ground to the required standard may be disposed of into the sea from such platforms or ships if the platform in question is located more than 12 miles from the nearest land.

Exemptions

8. The Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for any class of cases or individual case on such terms (if any) as he may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Offences

9. Any breach of these Regulations shall be an offence on the part of the owner, manager, demise charterer and master of the ship punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by a fine.

Defences

10.—(1) It shall be a defence to any charge under these Regulations to prove that the disposal was necessary for the purpose of securing the safety of the ship and/or those on board, or of saving life at sea, or that the escape of garbage resulted from damage to the ship or its equipment and that all reasonable precautions were taken before and after the damage occurred to prevent or minimise the escape.

(2) It shall be a defence to a charge under regulation 3 or 5 of disposal into the sea of synthetic fishing nets or of synthetic material incidental to the repair of such nets to prove that the disposal was an accidental loss and that all reasonable precautions were taken to prevent the loss.

(3) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps and exercised all due diligence to ensure that the Regulations were complied with.

Signed by authority of the Secretary of State
23rd December 1988

Michael Portillo
Minister of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to regulations 1-6 of Annex V to the International Convention for the Prevention of Pollution from Ships 1973 (Cmnd 5748) as amended by the Protocol thereto of 1978 (Cmnd 7347). The Convention as amended with Annexes I and II thereto was ratified by the United Kingdom on 22nd May 1980 and came into force internationally on 2nd October 1983. Annex V, which was accepted by the United Kingdom on 27th May 1986, comes into force internationally on 31st December 1988.

The Regulations apply to United Kingdom ships wherever they may be and to other ships while they are within the United Kingdom or United Kingdom territorial waters. The term "ships" in these Regulations includes submersible craft and offshore installations. Any discharge of garbage from ships into the sea must comply with the requirements of the Regulations. The requirements applicable to discharges in Special Areas are more stringent than those applicable outside Special Areas. At the time when these Regulations come into force there are no Special Areas but areas may subsequently be designated as such by the Secretary of State in a Merchant Shipping Notice.

If a ship fails to comply with the requirements of these Regulations the owner, manager, charterer and master are each guilty of an offence punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by a fine.

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