

2004 No. 303

MERCHANT SHIPPING

**The Merchant Shipping (Prevention of Oil Pollution)
(Amendment) Regulations 2004**

Made - - - - - 9th February 2004
Laid before Parliament 12th February 2004
Coming into force - - 8th March 2004

The Secretary of State for Transport, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), in exercise of the powers conferred upon him by sections 85(l)(a) and (b), (3), (5) to (7) and 86(1) of that Act, and in exercise of the powers conferred by article 3 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983(b) and article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(c) and, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to measures relating to maritime transport(e), in exercise of the powers conferred on him by the said section 2(2), 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 Oil Pollution) (Amendment) Regulations 2004 and shall come into force on 8th March 2004.

(2) In these Regulations “the principal Regulations” means the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996(f).

Amendment of Regulations: Interpretation

2.—(1) In regulation 1(2) of the principal Regulations:

- (a) in the definition of “anniversary date”, for “date” there shall be substituted “day and month”;
- (b) in the definition of “the Convention” for the words “November 4th 1994” there shall be substituted the words “11th October 2002”,
- (c) for the definition of “Marine Safety Agency” there shall be substituted the following:
““Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport”,

(a) 1995 c. 21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.
(b) S.I. 1983/1106, amended by S.I. 1985/2002, 1991/2885 and 1993/1580. The provisions that can be made under the Order were extended by section 128 of the Merchant Shipping Act 1995 (c. 21) and varied by section 7(6) and (7) of the Merchant Shipping and Maritime Security Act 1997 (c. 28).
(c) S.I. 1996/282.
(d) 1972 c. 68.
(e) S.I. 1994/757.
(f) S.I. 1996/2154, amended by S.I. 1997/1910 and S.I. 2000/483.

- (d) after the definition of “slop tank” there shall be inserted the following definition:
 ““short international voyage” means a voyage from a port in one country to which the Convention applies to a port in another country, or conversely—
 (a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety, and
 (b) which does not exceed 600 nautical miles in distance between the last port of call in the country in which the voyage begins and the last port of call in the scheduled voyage before beginning a return voyage, and which on the return voyage does not exceed 600 nautical miles in distance between the port of call in which the ship commences its return voyage and the first port of call in the country in which the voyage began,
 and for the purposes of this definition no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled;”,
- (e) for the definition of “Specifications for the Design, Operation and Control of Crude Oil Washing Systems” there shall be substituted the following:
 ““Specifications for the Design, Operation and Control of Crude Oil Washing Systems” means the International Maritime Organisation’s Resolution No. A 446(XI) as amended by Resolutions A.497(XII) and A.897(21) contained in the 2000 edition of Crude Oil Washing Systems, published by that Organisation;”.

(2) For each reference in the principal Regulations to “the Marine Safety Agency” (except as mentioned in paragraph 1(c) above) there shall be substituted a reference to “the Maritime and Coastguard Agency”.

Amendment of Regulations: Transitional provision

3. After regulation 1 of the principal Regulations, there shall be inserted the following regulation:

“Transitional provision

1A Except in special circumstances as determined by the Maritime and Coastguard Agency, a certificate issued or endorsed before 8th March 2004 by:

- (a) an appropriate Certifying Authority, or
- (b) the Administration of a State which is a Party to the Convention in accordance with regulation 6(5),

shall remain valid until it expires under the terms of these Regulations as in force before that date, and shall for any other purpose of these Regulations be treated as though it had been issued or endorsed under these Regulations as amended.”.

Amendment of Regulations: Survey and Certification

4. For regulations 4 to 8 of the principal Regulations, there shall be substituted the following.

“Surveys

4.—(1) A United Kingdom oil tanker of 150 GT and above and every other United Kingdom ship of 400 GT and above, shall be subject to the following surveys:

- (a) before the ship is put in service, or before an IOPP Certificate or UKOPP Certificate is first issued in relation to the ship, an initial survey as set out in regulation 4(1)(a) of Annex I to the Convention,
- (b) within five years of the first issue of an IOPP Certificate or UKOPP Certificate, and thereafter at intervals which, subject to regulation 7(3) and 8(3) to (6), shall be no more than five years, a renewal survey as set out in regulation 4(1)(b) of Annex I to the Convention, and
- (c) after a repair resulting from investigations prescribed in regulation 5(4) below, or whenever any important repairs or renewals are made, an additional survey as set out in regulation 4(1)(e) of Annex I to the Convention.

(2) A United Kingdom oil tanker of 150 GT and above and every other United Kingdom ship of 400 GT and above shall also be subject to the following surveys:

- (a) within three months before or after the second or third anniversary date of an IOPP Certificate being issued, an intermediate survey as set out in regulation 4(1)(c) of Annex I to the Convention, and
- (b) within three months before or after each anniversary date of the issue of the ship's IOPP Certificate, other than when an intermediate survey is required to be carried out within that period, an annual survey as set out in regulation 4(1)(d) of Annex I to the Convention.

Responsibilities of owner and master

5.—(1) The owner and master of every ship shall ensure that the condition of the ship and its equipment shall be maintained to conform:

- (a) in the case of a United Kingdom ship, or any ship surveyed pursuant to these Regulations, with the provisions of these Regulations,
- (b) in the case of any other ship, with the requirements of Annex I to the Convention,

so as to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) The owner and master of every ship shall ensure that after any survey of the ship required by these Regulations or by Annex I to the Convention (as applicable) has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey without the approval of the appropriate Certifying Authority, or of the Administration of the State which carried out the survey for that ship, except by direct replacement.

(3) The owner and master of every ship shall ensure that whenever an accident occurs to a ship or a defect is discovered which, in either case, substantially affects the integrity of the ship or the efficiency or completeness of its equipment:

- (a) if the ship is a United Kingdom ship, it is reported at the earliest opportunity to the Secretary of State and to any other appropriate Certifying Authority,
- (b) if the ship is a United Kingdom ship in a port outside the United Kingdom it is also reported to the proper officer and to the appropriate authorities of the country in which the port is situated, and
- (c) if the ship is a non-United Kingdom ship in a port in the United Kingdom, it is reported at the earliest opportunity to the Secretary of State.

(4) Whenever an accident or defect is reported:

- (a) to the Secretary of State or a Certifying Authority under paragraph (3)(a), or
- (b) to the proper officer under paragraph (3)(b),

the Secretary of State, Certifying Authority or proper officer shall cause investigations to be initiated to determine whether or not a survey by a surveyor is necessary, and if a survey is found to be necessary require that survey to be carried out.

Issue and Endorsement of Certificates

6.—(1) Where the Certifying Authority is satisfied after the completion of an initial or renewal survey carried out in accordance with regulation 4(1)(a) or (b) above that the requirements of Annex I to the Convention are being complied with, that Certifying Authority shall issue:

- (a) to any oil tanker of 150 GT and above and any other ship of 400 GT and above engaged in international voyages, an IOPP Certificate, and
- (b) to any oil tanker of 150 GT and above and any other ship of 400 GT and above not engaged in international voyages, a UKOPP Certificate.

(2) Where the Certifying Authority is satisfied after the completion of an intermediate or annual survey in accordance with the provisions of regulation 4(2)(a) or (b) above that the requirements of Annex I to the Convention are being complied with, that Certifying Authority shall so endorse the IOPP Certificate issued to the ship.

(3) If any oil tanker of 150 GT and above and any other ship of 400 GT and above which was previously under the flag of another State becomes a United Kingdom ship engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention, a Certifying Authority shall issue an IOPP Certificate to the ship if it is fully satisfied that the ship is in compliance with the requirements of regulation 4(4)(a) and (b) of Annex I to the Convention.

(4) If any oil tanker of 150 GT and above and any other ship of 400 GT and above which was previously under the flag of another State becomes a United Kingdom ship not engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention, a Certifying Authority shall issue a UKOPP Certificate to the ship if it is fully satisfied that the ship is in compliance with the requirements of regulation 4(4)(a) and (b) of Annex I to the Convention.

(5) The Secretary of State may, through a proper officer or otherwise, request the Administration of a State which is a Party to the Convention to carry out a survey of a United Kingdom ship and, if satisfied that the requirements of Annex I to the Convention are complied with:

- (a) to issue or authorise the issue of an IOPP Certificate to the ship, or to endorse or authorise the endorsement of such a Certificate in accordance with the requirements of that Annex,
- (b) to include in the Certificate a statement to the effect that it has been issued or endorsed at the request of the Secretary of State, and
- (c) to transmit a copy of the survey report and the Certificate to the Secretary of State as soon as possible.

(6) A Certificate issued or endorsed in accordance with paragraph (5) shall have the same force and receive the same recognition as a Certificate issued or endorsed in accordance with paragraphs (1) to (3).

(7) The Secretary of State may, at the request of the Administration of a State which is a Party to the Convention, carry out a survey of a ship registered in that State and, if satisfied that the requirements of Annex I to the Convention are complied with, issue an IOPP Certificate to the ship or endorse such a Certificate in accordance with the requirements of that Annex.

(8) The Secretary of State shall include in any Certificate issued or endorsed in accordance with paragraph (7) a statement to the effect that it has been issued or endorsed at the request of that Administration, and shall transmit a copy of the survey report and the Certificate to that Administration as soon as possible.

(9) A Certificate issued or endorsed in accordance with paragraph (7) shall have effect as if issued or endorsed by the Administration of the State which requested the survey of the ship to be carried out.

(10) An IOPP Certificate issued or endorsed in accordance with this regulation shall be drawn up in a form corresponding to the model given in Appendix II to Annex I to the Convention.

(11) A UKOPP Certificate issued in accordance with this regulation shall be drawn up in the form corresponding to the model given in Appendix II to Annex I to the Convention with the substitution:

- (a) for references to "IOPP Certificate" of references to "UKOPP Certificate", and
- (b) for references to regulations of the MARPOL Convention of references to corresponding provisions of these Regulations.

Duration and validity of Certificates

7.—(1) Subject to paragraphs (2) to (5), an IOPP Certificate or UKOPP Certificate shall be issued:

- (a) on the date of the completion of the relevant survey,
- (b) as being valid from the date of issue, and
- (c) for a period of validity not exceeding five years.

(2) Where a renewal survey required under regulation 4(1)(b) above has been completed within a period of three months before the date of expiry of a UKOPP or IOPP Certificate, the new Certificate shall be issued as being valid from the date of expiry of the existing Certificate.

(3) Subject to regulation 8(6) below, where a renewal survey required under regulation 4(1)(b) above has been completed after the expiry of an IOPP Certificate or UKOPP Certificate, the new Certificate shall be issued as being valid from the date of expiry of that expired Certificate.

(4) Where an annual or intermediate survey is completed before the period prescribed for such a survey in regulation 4(2) above:

- (a) the anniversary date shown on the IOPP Certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed,
- (b) subsequent annual or intermediate surveys required under regulation 4(2) shall be completed at the intervals prescribed by those regulations using the new anniversary date, and
- (c) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 4(2) are not exceeded.

(5) An IOPP Certificate or UKOPP Certificate shall cease to be valid:

- (a) if its period of validity has been exceeded and the certificate has either not been extended by the appropriate Certifying Authority in accordance with regulation 8 or the period of any such extension has expired,
- (b) if the relevant surveys have not been completed within the periods specified in regulation 4 and the Certificate endorsed in accordance with regulation 6, or
- (c) upon transfer of the ship to the flag of another State.

Extension of validity of Certificates

8.—(1) Where an IOPP Certificate has been issued for a period of validity of less than five years and the intermediate and annual surveys required under regulation 4(2) above have been completed, the appropriate Certifying Authority may extend the validity of that Certificate so that the certificate is valid for a maximum period of five years.

(2) Where a renewal survey required under regulation 4(1)(b) has been completed before the expiry of an IOPP Certificate or UKOPP Certificate but the new Certificate cannot be issued or placed on board the ship before the expiry of the existing Certificate, the appropriate Certifying Authority may endorse the existing Certificate as valid for a period not exceeding five months from the expiry date of the existing Certificate.

(3) Where a renewal survey required under regulation 4(1)(b) has not been completed before the expiry of an IOPP Certificate or UKOPP Certificate and at the time of expiry the ship is not in a port in which it is to be surveyed, the appropriate Certifying Authority may, where it appears to it proper and reasonable to do so, extend the validity of the certificate, solely for the purpose of allowing the ship to complete its voyage to its port of survey, for a period of no more than three months.

(4) Where no other extension has been granted, the appropriate Certifying Authority may extend the validity of the IOPP Certificate of a ship used solely on short international voyages for a period of no more than one month.

(5) An extension of validity under paragraph (3) or (4) above shall be disregarded for the purposes of determining the date of expiry of an existing UKOPP Certificate or IOPP Certificate under regulation 7(2) or (3).

(6) In special circumstances as determined by the Maritime and Coastguard Agency, where a renewal survey required under regulation 4(1)(b) above:

- (a) has been completed after the expiry of the UKOPP Certificate or IOPP Certificate,

- (b) has been completed during the period for which the validity of the UKOPP Certificate or IOPP Certificate has been extended in accordance with paragraph (3) above, or
- (c) has been completed during the period for which the validity of the UKOPP Certificate or IOPP Certificate has been extended in accordance with paragraph (4) above,

the new Certificate may be issued as being valid from the date of the completion of the renewal survey.”.

Amendment of Regulations: Design and construction requirements for existing tankers

5. For the words between regulation 30 and regulation 32 of the principal Regulations there shall be substituted the following:

“Existing oil tankers (building contracts before 6th July 1993): compliance with double hull or equivalent design requirements for single hull oil tankers

31.—(1) Subject to paragraph (2), this regulation shall apply to an oil tanker of 5,000 tons deadweight and above:

- (a) for which the building contract was placed before 6th July 1993, or
 - (b) in the absence of a building contract, the keel of which was laid or which was at a similar stage of construction before 6th January 1994, or
 - (c) the delivery of which was before 6th July 1996, or
 - (d) which had undergone a major conversion—
 - (i) for which the contract was placed before 6th July 1993, or
 - (ii) in the absence of a contract, the construction work of which was begun on or before 6th January 1994, or
 - (iii) which was completed on or before 6th July 1996.
- (2) This regulation shall not apply to an oil tanker which—
- (a) complies with the requirements of Schedule 6 in Merchant Shipping Notice 1643/MARPOL 1,
 - (b) complies with those requirements as modified in accordance with Schedule 7 in Merchant Shipping Notice 1643/MARPOL 1, or
 - (c) conforms to other methods of design and construction which ensure at least the same level of protection against oil pollution in the event of collision or stranding and have the approval of the Secretary of State based on guidelines developed by the International Maritime Organisation.
- (3) For the purposes of paragraph (2):
- (a) an oil tanker which does not meet in all respects the requirements mentioned in paragraph (2) regarding minimum distances between the cargo tank boundaries of the ship side and bottom plating shall be treated as meeting those requirements if—
 - (i) the side protection distance is not less than that which the IBC Code specifies for Type 2 cargo tank location (that is to say, the said distance is nowhere less than 760mm from the shell plating), and
 - (ii) the bottom protection distance is not less than the lesser of B/15 or 2 metres, and
 - (b) “the IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (1998 Edition) published by the International Maritime Organisation.
- (4) A category 1 oil tanker to which this regulation applies:
- (a) if it is a United Kingdom oil tanker, shall not operate, and
 - (b) if it is any other oil tanker, shall not enter a port or offshore terminal under the jurisdiction of the United Kingdom:
 - (i) if the ship was delivered in 1973 or earlier, on or after the anniversary in 2003 of the day and month of that ship’s delivery,
 - (ii) if the ship was delivered in 1974 or 1975, on or after the anniversary in 2004 of the day and month of that ship’s delivery,

- (iii) if the ship was delivered in 1976 or 1977, on or after the anniversary in 2005 of the day and month of that ship's delivery,
 - (iv) if the ship was delivered in 1978, 1979 or 1980, on or after the anniversary in 2006 of the day and month of that ship's delivery,
 - (v) if the ship was delivered in 1981 or later, on or after the anniversary in 2007 of the day and month of that ship's delivery,
- (5) A category 2 or 3 oil tanker to which this regulation applies:
- (a) if it is a United Kingdom oil tanker, shall not operate, and
 - (b) if it is any other oil tanker, shall not enter a port or offshore terminal under the jurisdiction of the United Kingdom:
 - (i) if the ship was delivered in 1973 or earlier, on or after the anniversary in 2003 of the day and month of that ship's delivery,
 - (ii) if the ship was delivered in 1974 or 1975, on or after the anniversary in 2004 of the day and month of that ship's delivery,
 - (iii) if the ship was delivered in 1976 or 1977, on or after the anniversary in 2005 of the day and month of that ship's delivery,
 - (iv) if the ship was delivered in 1978 or 1979, on or after the anniversary in 2006 of the day and month of that ship's delivery,
 - (v) if the ship was delivered in 1980 or 1981, on or after the anniversary in 2007 of the day and month of that ship's delivery,
 - (vi) if the ship was delivered in 1982, on or after the anniversary in 2008 of the day and month of that ship's delivery,
 - (vii) if the ship was delivered in 1983, on or after the anniversary in 2009 of the day and month of that ship's delivery,
 - (viii) if the ship was delivered in 1984, on or after the anniversary in 2010 of the day and month of that ship's delivery,
 - (ix) if the ship was delivered in 1985, on or after the anniversary in 2011 of the day and month of that ship's delivery,
 - (x) if the ship was delivered in 1986, on or after the anniversary in 2012 of the day and month of that ship's delivery,
 - (xi) if the ship was delivered in 1987, on or after the anniversary in 2013 of the day and month of that ship's delivery,
 - (xii) if the ship was delivered in 1988, on or after the anniversary in 2014 of the day and month of that ship's delivery,
 - (xiii) if the ship was delivered in 1989 or later, on or after the anniversary in 2015 of the day and month of that ship's delivery).
- (6) A category 1 oil tanker, on or after the 25th anniversary of its delivery:
- (a) if it is a United Kingdom oil tanker, shall not operate, and
 - (b) if it is any other oil tanker, shall not enter a port or offshore terminal under the jurisdiction of the United Kingdom, unless—
 - (i) it has wing tanks or double bottom spaces, not used for the carriage of oil and meeting the width and height requirements of Regulation 13E(4) of Annex I of the Convention, which cover at least 30 per cent of L for the full depth of the ship on each side or at least 30 per cent of the projected bottom shell area within L, or
 - (ii) it operates with hydrostatically balanced loading, taking into account the guidelines developed by Resolution 64(36) of 4th November 1994 of the Marine Environment Protection Committee of the International Maritime Organisation.
- (7) A category 1 oil tanker, on or after the anniversary in 2005 of the day and month of that ship's delivery:
- (a) if it is a United Kingdom oil tanker, shall not operate, and
 - (b) if it is any other oil tanker, shall not enter a port or offshore terminal under the jurisdiction of the United Kingdom,

unless it complies with the Condition Assessment Scheme adopted by Resolution 94(46) of 27th April 2001 of the Marine Environment Protection Committee of the International Maritime Organisation and amended by Resolution 99(48) of 11th October 2002 of that Committee.

(8) A category 2 oil tanker, on or after the anniversary in 2010 of the day and month of that ship's delivery:

- (a) if it is a United Kingdom oil tanker, shall not operate, and
- (b) if it is any other oil tanker, shall not enter a port or offshore terminal under the jurisdiction of the United Kingdom,

unless it complies with the Condition Assessment Scheme adopted by Resolution 94(46) of 27th April 2001 of the Marine Environment Protection Committee of the International Maritime Organisation and amended by Resolution 99(48) of 11th October 2002 of that Committee.

(9) A category 2 or 3 oil tanker, on or after the anniversary in 2015 of the day and month of that ship's delivery:

- (a) if it is a United Kingdom oil tanker, shall not operate, and
- (b) if it is any other oil tanker, shall not enter a port or offshore terminal under the jurisdiction of the United Kingdom.

(10) The Secretary of State may grant an exemption from any of paragraphs (4) to (9) of this regulation under regulation 2(5) of these Regulations only where that exemption:

- (a) allows an oil tanker to enter a port or offshore terminal under the jurisdiction of the United Kingdom,
- (b) is granted in exceptional circumstances, and
- (c) is granted because the oil tanker is in difficulty and in search of a place of refuge, or is unloaded and proceeding to a port of repair.

(11) In this regulation:

“age” means the age of the ship, expressed in number of years after the date of its delivery,

“category 1 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which does not comply with the requirements for new oil tankers as defined in Regulation 1(26) of Annex I of the Convention,

“category 2 oil tanker” means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which complies with the requirements for new oil tankers as defined in Regulation 1(26) of Annex I of the Convention,

“category 3 oil tanker” means an oil tanker of 5,000 tons deadweight and above other than a category 1 or category 2 oil tanker,

“double hull oil tanker” means an oil tanker meeting the double hull or equivalent design requirements of Regulation 13F of Annex I of the Convention,

“fuel oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the specification acceptable to the International Maritime Organisation,

“heavy diesel oil” means marine diesel oil, other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested by the method acceptable to the International Maritime Organisation,

“L” has the meaning given in Regulation 13E(2) of Annex I of the Convention,

“new oil tanker” means a new oil tanker as defined in Regulation 1(26) of Annex I of the Convention,

and other words and phrases have the meaning they have in Council Regulation (EC) No. 417/2002 of the European Parliament and of the Council of 18th February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94(a).”.

Amendment of Regulations: Shipboard oil pollution emergency plan

6. In regulation 33 of the principal Regulations:
- (a) in paragraph (2), after the words “Resolution MEPC 54(32)” there shall be added the words “as amended by Resolution MEPC.86(44) of 13th March 2000”, and
 - (b) after paragraph (2) there shall be inserted the following:
“(3) In the case of ships to which regulation 16 of Annex II to the Convention also applies, such a plan may be combined with the shipboard marine pollution emergency plan for noxious liquid substances required under regulation 16 of Annex II to the Convention, and in this case the title of the plan shall be “Shipboard Marine Pollution Emergency Plan”.”

Power to detain

7. For regulation 35(2) (power to deny entry or detain) of the principal Regulations, there shall be substituted:

- “(2) In any case where:
- (a) a ship does not comply with the requirements of these Regulations,
 - (b) the steps to be taken by an inspector under regulation 34(1)(b) or (c) involve detention of the ship,
 - (c) an accident occurs to a non-United Kingdom ship, or a defect is discovered in a non-United Kingdom ship, either of which substantially affects the integrity of the ship or the efficiency or completeness of its equipment, and a full and proper report of that accident or defect has not been made to the appropriate authority for that ship, or
 - (d) within a reasonable period of a report being made of an accident to or defect in a non-United Kingdom ship the Secretary of State is not satisfied that action taken as respects that ship is sufficient to restore the integrity of the ship or the efficiency or completeness of its equipment,
- the ship shall be liable to be detained and section 284(1) to (6) and (8) of the Merchant Shipping Act 1995(b) (which relates to the detention of a ship) shall have effect in relation to that ship, as if for the words “this Act” wherever they appear, there were substituted the words “the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996”.”

Signed on behalf of the Secretary of State for Transport

David Jamieson
Parliamentary Under Secretary of State
Department for Transport

9th February 2004

(a) O.J. L 64, 7.3.2002, p.1.

(b) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1977 (c. 28), Schedule 1, paragraph 5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (S.I. 1996/2154, amended by S.I. 1997/1910 and S.I. 2000/483).

Regulation 4 of these Regulations implements amendments to the International Convention for the Prevention of Pollution at Sea 1973 as amended by its Protocol of 1978 (“MARPOL 73/78”) which harmonise the survey and certification requirements of MARPOL 73/78 with the survey and certification requirements of the International Convention on the Safety of Life at Sea (SOLAS).

Regulation 5 of these Regulations implements Regulation (EC) No. 417/2002 of the European Parliament and the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94 (O.J. L 64, 7.3.2002, p.l). Regulation 5 restates the content of Regulation (EC) No. 417/2002, for the purposes of coherence. These Regulations are made under section 2(2) of the European Communities Act 1972(c. 68) in so far as they implement Regulation (EC) No. 417/2002.

Regulation 6 of these Regulations implements amendments to MARPOL 73/78 which relate to the guidelines for development of shipboard oil pollution emergency plans, and makes provision for its combination with the shipboard marine pollution emergency plan for noxious liquid substances in the case of oil tankers where regulation 16 of Annex II to the Convention also applies.

Regulation 7 of these Regulations amends provisions on the power to detain ships which do not comply with the requirements of the Regulations, and applies section 284(1) to (6) and (8) of the Merchant Shipping Act 1995

A Regulatory Impact Assessment has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG. A copy has been placed in the library of each House of Parliament.

Merchant Shipping Notices can be read or downloaded free from the Maritime and Coastguard Agency website (www.mcga.gov.uk). Printed copies can be obtained from Mail Marketing (Scotland) Ltd, Unit 6 Blooms Grove Industrial Estate, Norton Street, Nottingham NG7 3JG (telephone 0115 901 3336). Resolutions and other publications of the International Maritime Organisation can be obtained from IMO, 4 Albert Embankment, London SE1 7SR.

STATUTORY INSTRUMENTS

2004 No. 303

MERCHANT SHIPPING

**The Merchant Shipping (Prevention of Oil Pollution)
(Amendment) Regulations 2004**

£3.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0044 2/2004 140044 19585

ISBN 0-11-048682-X



9 780110 486826