
STATUTORY INSTRUMENTS

2006 No. 1248

MARINE POLLUTION

**The Merchant Shipping (Prevention of
Air Pollution from Ships) Order 2006**

<i>Made</i>	- - - -	<i>9th May 2006</i>
<i>Laid before Parliament</i>		<i>19th May 2006</i>
<i>Coming into force</i>	- -	<i>12th June 2006</i>

This Order is made only for the purpose of giving effect to the Protocol of 1997⁽¹⁾ to amend the Convention for the Prevention of Pollution from Ships, 1973⁽²⁾, as modified by the Protocol of 1978 relating thereto ⁽³⁾ (which added to that Convention Annex VI containing regulations for the prevention of air pollution from ships).

Accordingly, Her Majesty, in exercise of the powers conferred upon Her by section 128(1) (da), (3) and (4) of the Merchant Shipping Act 1995⁽⁴⁾, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Merchant Shipping (Prevention of Air Pollution from Ships) Order 2006 and comes into force on 12th June 2006.

Regulations to give effect to Annex VI

2. The Secretary of State may make regulations for the prevention of air pollution from ships for the purposes of giving effect to the Protocol of 1997 to the Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.

Provisions supplementary to article 2

3. Without prejudice to the generality of article 2, the regulations may in particular include provision—

- (a) with respect to the carrying out of surveys and inspections and the issue, duration and recognition of certificates;

(1) Miscellaneous No. 29 (1999) Cmnd 4427.

(2) Miscellaneous No. 26 (1974) Cmnd 5748.

(3) Miscellaneous No. 27 (1978) Cmnd 7347.

(4) 1995 c. 21; section 128 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 12 and 29 and Schedule 6, paragraph 3, and paragraph (da) was inserted into section 128(1), and other amendments were made to section 128, by section 2 of the Merchant Shipping (Pollution) Act 2006 (c. 8).

- (b) with respect to—
 - (i) the application of the regulations to the Crown;
 - (ii) the extraterritorial operation of the regulations; and
 - (iii) the extension of the provisions of the regulations, with or without modifications, to any relevant British possession;
- (c) that a specified contravention of the regulations shall be an offence punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by a fine;
- (d) that any such contravention shall be an offence punishable only on summary conviction by a fine not exceeding level 5 on the standard scale; and
- (e) for detaining a ship in respect of which a contravention of the regulations is suspected to have occurred, and, in relation to that ship, for applying section 284 of the Merchant Shipping Act 1995 with such modifications as may be specified in the regulations.

A.K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order enables regulations to be made to give effect to Annex VI (Regulations for the Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships, as amended by the Protocols of 1973 and 1997.

The Convention and the Annexes to it are available from the International Maritime Organization at 4 Albert Embankment, London SE1 7SR.

A Regulatory Impact Assessment has not been prepared in relation to this Order as it has no impact on the costs of business.