
STATUTORY INSTRUMENTS

2008 No. 3257

The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008

PART 1

General

Application

6.—(1) Subject to paragraphs (16) to (20), the provisions of these Regulations apply as follows.

(2) Regulations 7 to 12, 14, 15, 16(1) to (5), 17, and 18(1) and (2) apply to a United Kingdom ship, wherever it may be, which is engaged in international voyages and is—

- (a) of 400 GT or above, or
- (b) certified to carry more than 15 persons.

(3) Regulations 13 and 19(1) apply to a ship which is—

- (a) not a United Kingdom ship,
- (b) registered in, or is not registered but is entitled to fly the flag of, a country whose Government is a Contracting Government”,
- (c) engaged in international voyages,
- (d) of 400 GT or above, or certified to carry more than 15 persons, and
- (e) in United Kingdom waters, or controlled waters.

(4) Regulation 16(6) applies to a ship which is—

- (a) not a United Kingdom ship,
- (b) engaged in international voyages,
- (c) of 400 GT or above, or certified to carry more than 15 persons, and
- (d) in a port or offshore terminal in the United Kingdom.

(5) Regulation 18(3) and (4) applies in relation to a ship which is—

- (a) a United Kingdom ship, wherever it may be, which is engaged in international voyages and is—
 - (i) of 400 GT or above, or
 - (ii) certified to carry more than 15 persons; or
- (b) not a United Kingdom ship, but is—
 - (i) engaged in international voyages,
 - (ii) of 400 GT or above, or certified to carry more than 15 persons, and
 - (iii) in United Kingdom waters, or controlled waters, or any other waters which are sea.

(6) Regulation 19(2) applies to a ship which satisfies all the criteria set out in paragraph (3) except for the criterion in paragraph (3)(b).

(7) Regulation 20 applies to a ship which is a United Kingdom ship but which does not satisfy all the other criteria set out in paragraph (2).

(8) Regulations 21 to 25 apply to a ship which is—

(a) a United Kingdom ship, wherever it may be, which is engaged in international voyages and is—

- (i) of 400 GT or above, or
- (ii) certified to carry more than 15 persons; or

(b) not a United Kingdom ship, but is—

- (i) engaged in international voyages,
- (ii) of 400 GT or above, or certified to carry more than 15 persons, and
- (iii) in United Kingdom waters, or controlled waters, or any other waters which are sea.

(9) Regulations 26 to 28 apply to a ship which is—

- (a) a United Kingdom ship wherever it may be, or
- (b) a ship other than United Kingdom ship, but which is in—
 - (i) United Kingdom waters,
 - (ii) controlled waters, or
 - (iii) any other waters which are sea.

(10) Regulation 29 applies to a ship which is referred to in paragraph (9)(a) or (b) and is—

- (a) a relevant platform, or
- (b) alongside or within 500 metres of such a platform.

(11) Regulation 30 applies to a United Kingdom ship wherever it may be.

(12) Regulation 31 applies to a ship which is referred to in paragraph (9)(a) or (b) and has a length overall of 12 metres or more.

(13) In paragraph (12), “length overall” means the extreme length of the hull of the ship measured between the foremost part of the bow and the aftmost part of the stern.

(14) Regulation 32 applies to a ship which is referred to in paragraph (9)(a) or (b) and is—

- (a) of 400 GT or above, or
- (b) certified to carry 15 or more persons.

(15) Regulations 33 and 34 apply to a ship which is referred to in paragraph (9)(a) or (b) and is—

- (a) of 400 GT or above,
- (b) certified to carry 15 or more persons, and engaged in voyages to ports or offshore terminals under the jurisdiction of a Party to the Convention other than the ship’s flag State, or
- (c) a relevant platform.

(16) Regulation 35 applies to a ship which is referred to in paragraph (9)(a) or (b) and is—

- (a) certified to carry 15 or more persons, and engaged on a voyage whose duration is one hour or less, or
- (b) a relevant platform, while it is engaged in exploration and exploitation of the sea-bed.

(17) These Regulations do not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government, non-commercial service.

(18) Regulation 21(2) does not apply to a ship other than an old ship.

- (19) Regulations 23 to 25 do not apply to—
- (a) the discharge of sewage which is necessary for the purpose of—
 - (i) securing the safety of the ship,
 - (ii) securing the safety of those on board the ship, or
 - (iii) saving life at sea; or
 - (b) the discharge of sewage which results from damage to a ship or its equipment, except to the extent that the discharge is due to a failure to take all reasonable precautions before and after the occurrence of the damage, for the purpose of preventing or minimizing the discharge.
- (20) Regulations 26 to 29 do not apply to—
- (a) the disposal of garbage which is necessary for the purpose of—
 - (i) securing the safety of the ship,
 - (ii) securing the safety of those on board the ship, or
 - (iii) saving life at sea;
 - (b) the escape of garbage which results from damage to a ship or its equipment, except to the extent that the escape is due to a failure to take all reasonable precautions before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or
 - (c) the accidental disposal into the sea of synthetic fishing nets or synthetic material incidental to the repair of such nets, except to the extent that the disposal is due to a failure to take all reasonable precautions to prevent the loss.