

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010 (“the 2010 Regulations”). The Merchant Shipping (Ship-to-Ship Transfers) (Amendment) Regulations 2012 (“the 2012 Regulations”) amended the 2010 Regulations by separating the prohibitions on the ship-to-ship transfer of cargo oil and the ship-to-ship transfer of bunker oil (fuel). These are described in the 2010 Regulations as a “cargo transfer” and a “bunkering operation” respectively (see regulation 2 of the 2010 Regulations) and were both contained in regulation 3(1) of the 2010 Regulations. Following amendment by the 2012 Regulations, the prohibition on bunkering operations is contained in regulation 3(2A) of the 2010 Regulations. Regulation 6 of the 2010 Regulations, which permits the Secretary of State to make exemptions to the general prohibitions on cargo transfers and bunkering operations, was not amended by the 2012 Regulations.

Regulation 2 of these Regulations amends regulation 6(1) of the 2010 Regulations in order to put beyond doubt the Secretary of State’s power to exempt from the general prohibitions contained in regulation 3 of the 2010 Regulations both cargo transfers and bunkering operations.

An impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sectors is foreseen.

An Explanatory Memorandum for this instrument has been published alongside these Regulations at [www.legislation.gov.uk](http://www.legislation.gov.uk).