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STATUTORY INSTRUMENTS

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**2018 No. 68**

**The Merchant Shipping (Prevention of Pollution from  
Noxious Liquid Substances in Bulk) Regulations 2018**

**PART 1**

**General**

**Ambulatory reference**

**4.—**(1) Any reference in these Regulations to a specific provision in the Convention, Annex II, the BCH Code, the IBC Code, the IGC Code, the Polar Code, the RO Code or the OSV Guidelines is to be construed as—

- (a) a reference to the provision in that instrument as modified from time to time; and
- (b) a reference, if the instrument is replaced by another instrument, to the provision in that other instrument.

(2) For the purposes of paragraph (1) the Convention is modified if omissions, additions or other alterations to the text take effect in accordance with Article 16 of the Convention.

(3) For the purposes of paragraph (1) the Polar Code is modified if—

- (a) amendments to the Introduction and Chapter 2 of part II-A of that Code are adopted, brought into force and take effect in accordance with Article 16 of the Convention as applicable to amendments to an Annex to that Convention; and
- (b) amendments to part II-B of that Code are adopted by a Resolution of the Marine Environment Protection Committee in accordance with the rules of procedure of that Committee.

(4) For the purposes of paragraph (1)—

- (a) Parts 1 and 2 of the RO Code are modified if omissions, additions or other alterations to the text take effect in accordance with Article 16 of the Convention;
- (b) Part 3 of the RO Code is modified if omissions, additions or other alterations to the text are adopted by a Resolution of the Marine Environment Protection Committee in accordance with the rules of procedure which apply to that Committee; and
- (c) any modifications referred to in sub-paragraph (a) or (b) adopted by a Resolution of the Maritime Safety Committee and the Marine Environment Protection Committee must be identical and come into force, or take effect, at the same time.

(5) A modification to, or replacement of—

- (a) the Convention by virtue of paragraph (2);
- (b) the Polar Code by virtue of paragraph (3)(a); or
- (c) the RO Code by virtue of paragraph (4)(a),

has effect at the time that such modification or replacement comes into force in accordance with Article 16(8) of the Convention.

(6) For the purposes of paragraph (1) the BCH Code, the IBC Code, the IGC Code or the OSV Guidelines are modified if omissions, additions or other alterations to the text take effect in accordance with a Resolution of either the Marine Environment Protection Committee or the Maritime Safety Committee of the IMO.

(7) A modification of the BCH Code, the IBC Code, the IGC Code, the Polar Code, the RO Code or the OSV Guidelines has effect at the time specified in any Resolution described in paragraph (3) (b), (4)(c) or (6).

(8) No modification or replacement of a reference to an instrument by virtue of paragraph (1) affects any rights or liabilities arising before the date on which the modification or replacement has effect.