

*Draft Order in Council laid before Parliament under section 128(8)(a) of the Merchant Shipping Act 1995, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**1998 No.**

**MARINE POLLUTION**

**The Merchant Shipping (Control  
of Pollution) (SOLAS) Order 1998**

*Made* - - - - 1998  
*Coming into force* - - 1st July 1998

At the Court at Buckingham Palace, the            day of            1998  
Present,  
The Queen's Most Excellent Majesty in Council

Whereas by section 128(1)(e) of the Merchant Shipping Act 1995<sup>(1)</sup> Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect to any international agreement not mentioned in paragraphs (a) to (d) of the said subsection (1) which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships;

And whereas the International Convention for the Safety of Life at Sea 1974<sup>(2)</sup>, the Protocol thereto of 1978<sup>(3)</sup>, and amendments, contain provisions relating to such matters;

And whereas the United Kingdom has ratified that Convention and its Protocol and has accepted all amendments thereto in force on 1st July 1998;

Now, therefore, Her Majesty, in exercise of the powers conferred by section 128(1)(e), (3), (4) and (7) of the said Act of 1995, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation and commencement**

**1.** This Order may be cited as the Merchant Shipping (Control of Pollution) (SOLAS) Order 1998 and shall come into force on 1st July 1998.

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(1) 1995 c. 21.

(2) Cmnd. 7874.

(3) Cmnd. 7346; the Convention, Protocol, amendments in force on 1st July 1997 and amendments relating in part to control of pollution are set out in the 1997 consolidation edition of SOLAS published by the International Maritime Organisation.

## **Power to make regulations**

2.—(1) The Secretary of State may make regulations for the purpose of giving effect to the International Convention for the Safety of Life at Sea Convention 1974, the Protocol thereto, and amendments in force on 1st July 1998, so far as it relates to the prevention, reduction or control of pollution of the sea or other waters by waste matter from ships.

(2) Such regulations may in particular include provision—

- (a) with respect to the carrying out of surveys and inspections for the purpose mentioned in subsection (1) and the issue, duration and recognition of certificates for that purpose;
- (b) with respect to the application of the regulations to the Crown and the extra-territorial operation of any provision of the regulations.
- (c) that a contravention of a provision of the regulation shall be an offence punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years and a fine;
- (d) that any such contravention shall be an offence punishable only on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale or such less amount as is prescribed by the regulations;
- (e) for detaining any ship in respect of which such a contravention is suspected to have occurred and, in relation to such a ship, for applying section 284 of the Merchant Shipping Act 1995 with such modifications, if any, as are prescribed by the regulations.

(3) Such regulations may—

- (a) make different provision for different circumstances;
- (b) make provision in terms of any document which the Secretary of State or any person considers relevant from time to time;
- (c) provide for exemptions from any provisions of the regulations;
- (d) provide for the delegation of functions exercisable by virtue of the regulations;
- (e) include such incidental, supplemental and transitional provisions as appear to the Secretary of State to be expedient for the purposes of regulations.

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 the International Convention for the Safety of Life at Sea Convention 1974 (and its Protocol of 1978, and amendments) (“SOLAS”) so far as the Convention relates to the prevention, reduction or control of pollution of the sea or other waters by waste matter from ships. (The Convention relates primarily to safety, but recent amendments also contain provisions for the protection of the environment.)

The 1997 consolidated edition of SOLAS and all amendments are obtainable from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.