
STATUTORY INSTRUMENTS

1987 No. 551

The Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987

PART II

DISCHARGE AND WASHING OF TANKS

Category A substances—discharge

3. The discharge into the sea of a Category A substance is prohibited.

Category A—tank washing in all areas

4.—(1) A tank from which a Category A substance has been unloaded shall be washed before the ship leaves the port of unloading.

(2) The resulting tank washings shall be discharged into a reception facility at that port and washing and discharge shall, subject to paragraph (5), continue until the washings at the point of discharge into the reception facility are at or below the concentration (“the prescribed concentration”) prescribed for the substance in question—

- (a) if the ship is not in a Special Area, in column III of Schedule 1 hereto; or
- (b) if the ship is in a Special Area, in column IV of Schedule 1 hereto.

(3) After the tank washings at the point of discharge into the reception facility reach a level of concentration at or below the prescribed concentration, discharge from the tank shall be continued until the tank is empty.

(4) The level of concentration of the Category A substance in the washings at the point of discharge shall be ascertained by analysis of samples taken at that point and verified by a Marpol surveyor or, where there is no Marpol surveyor at that port, by the master.

(5) Where a Marpol surveyor at the port of unloading, or where there is no Marpol surveyor at that port, the master, is satisfied that it is not practicable to measure such level of concentration without undue delay to the ship at that port, the requirements of paragraph (2) shall be sufficiently complied with if—

- (a) the tank is pre-washed in accordance with the procedures specified for that tank and substance in the Procedures and Arrangements Manual, and
- (b) the Marpol surveyor at the port of unloading or, where there is no Marpol surveyor at that port, the master, records in the Cargo Record Book that
 - (i) the tank and its pumps and piping systems have been emptied, and
 - (ii) the pre-wash has been carried out in accordance with the pre-wash procedure approved for that tank and that substance in the ship’s Procedures and Arrangements Manual, and

- (iii) the tank washings resulting from such pre-wash have been discharged to a reception facility and the tank is empty.

Category A residual mixtures—discharge

5. The discharge into the sea of a Category A residual mixture is prohibited except where all the following conditions are satisfied:

- (a) the effluent consists solely of water added to the tank after it has been emptied in accordance with regulation 4(3) or 4(5); and
- (b) the ship is proceeding at a speed of at least 7 knots in the case of a self-propelled ship or at least 4 knots in the case of a ship which is not self-propelled; and
- (c) the discharge is made below the water line; and
- (d) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

Category B and C substances—discharge

6. The discharge into the sea of a Category B or Category C substance is prohibited.

Category B and C—unloading in all areas

7. Whenever a Category B substance or a Category C substance is unloaded, unloading shall if possible be carried out in accordance with the relevant provisions of the ship's Procedures and Arrangements Manual.

Category B and C—tank washing outside Special Areas

8. Where a Category B substance or a Category C substance is unloaded at a port which is not within a Special Area, then—

- (a) if it was impossible for unloading to be carried out as required by regulation 7 or to the satisfaction of a Marpol surveyor, or
- (b) in any case where the substance in question is a high residue substance,

every tank from which such substance has been unloaded shall be pre-washed and the resulting tank washings shall be discharged into a reception facility at the port of unloading.

Category B—tank washing in Special Areas

9. Where a Category B substance is unloaded at a port in a Special Area, every tank from which such substance has been unloaded shall be pre-washed and the resulting tank washings shall be discharged into a reception facility at the port of unloading unless—

- (a) unloading was carried out as required by regulation 7 or to the satisfaction of a Marpol surveyor, and
- (b) the substance is not a high residue substance, and
- (c) the residues are to be retained on board for discharge outside a Special Area.

Category C—tank washing in Special Areas

10. Where a Category C substance is unloaded at a port in a Special Area every tank from which such substance has been unloaded shall be pre-washed and the resulting tank washings shall be discharged to a reception facility at the port of unloading unless—

- (a) unloading was carried out as required by regulation 7 or to the satisfaction of a Marpol surveyor, and
- (b) either
 - (i) the substance is a Category C substance identified in the ship's Procedures and Arrangements Manual as likely to result in a residue quantity from any one tank which does not exceed one cubic metre or 1/3,000th of the capacity of that tank, whichever is the greater, or
 - (ii) the substance is not a high residue substance and the residues are to be retained on board for discharge outside a Special Area.

Category B and C residual mixtures—discharge

11.—(1) The discharge into the sea of a Category B residual mixture or a Category C residual mixture is prohibited except where all the following conditions are complied with:

- (a) all relevant requirements of regulations 7 to 10 have been complied with;
- (b) the concentration of the substance in, and the rate of discharge of, the effluent is in accordance with the procedures and arrangements specified in respect of substances of the category in question in the ship's Procedures and Arrangements Manual;
- (c) the ship is proceeding at a speed of at least 7 knots in the case of a self-propelled ship or at least 4 knots in the case of a ship which is not self-propelled;
- (d) the discharge is made below the water line;
- (e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres; and
- (f)
 - (i) if the ship is in a Special Area and the substance in question is a Category B substance, the tank from which the discharge is made has been pre-washed (whether or not such pre-wash was required by regulation 9) in accordance with the procedure specified in the ship's Procedures and Arrangements Manual for the substance in question and the resulting tank washings have been discharged to a reception facility; or
 - (ii) if the ship is in a Special Area and the substance is a Category C substance the maximum quantity of the substance discharged from any one tank and its associated piping system does not exceed the maximum quantity approved in the ship's Procedures and Arrangements Manual for discharge of Category C substances in a Special Area.

(2) Where a tank which contained a Category B or Category C residual mixture has been emptied by a discharge made in accordance with paragraph (1), water thereafter added to that tank may be discharged notwithstanding that the ship is not proceeding as required by sub-paragraph (1)(c), provided that all the other requirements of that paragraph are complied with.

Category D substances—discharge

12. The discharge into the sea of a Category D substance is prohibited.

Category D residual mixtures—discharge

13. The discharge into the sea of a Category D residual mixture is prohibited except where—

- (a)
 - (i) the ship is proceeding on its way at a speed of at least 7 knots in the case of a self-propelled ship or at least 4 knots in the case of a ship which is not self-propelled;

- (ii) the concentration of the substance in the effluent is not greater than one part of the substance to ten parts of water; and
 - (iii) the discharge is made at a distance of not less than 12 nautical miles from the nearest land; or
- (b) the discharge is made in accordance with regulation 11 as it applies to Category C residual mixtures.

Unassessed liquid substances—discharge

14. The discharge into the sea of any unassessed liquid substance carried in bulk, or of a residual mixture containing any such substance, is prohibited except where—

- (a) the Secretary of State has given written approval to its carriage; and
- (b) any conditions relating to discharge and subject to which that approval was given are complied with.

Clean and segregated ballast and non-polluting liquid substances—discharge

15. Nothing in these Regulations shall prohibit the discharge of clean ballast, segregated ballast or any non-polluting substance.

Emergency discharges

16. Regulations 3, 5, 6 and 11 to 14 shall not apply to any discharge into the sea of a noxious liquid substance or unassessed liquid substance or mixture containing any such substance—

- (a) which is necessary for the purpose of securing the safety of a ship or saving life at sea, or
- (b) which results from damage to a ship or its equipment, provided that
 - (i) all reasonable precautions were taken after the occurrence of the damage or discovery of the discharge to prevent or minimise the discharge; and
 - (ii) neither the owner nor the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result, or
- (c) where the substance or mixture in question is approved by the Secretary of State for use in combating specific pollution incidents in order to minimise the damage from pollution and the discharge is made with the approval of the Secretary of State or, if the discharge is to be made in waters within the jurisdiction of a state other than the United Kingdom, with the approval of the government of that state.

Exemption—Categories A, B and C

17. Notwithstanding the provisions of regulations 3—11 any tank from which a Category A or Category B or Category C substance has been unloaded shall not be required to be washed and the resultant washings discharged before the ship leaves the port of unloading as required by those regulations if a Marpol surveyor at the port of unloading exempts the ship from those regulations on one of the following grounds:—

- (a) the tank is to be re-loaded with the same substance or another substance compatible with it and the tank will not be washed or ballasted before such re-loading;
- (b)
 - (i) the tank is neither to be washed nor ballasted at sea; and
 - (ii) the requirements for washing and discharge will be complied with in respect of that tank at another port; and

- (iii) it has been confirmed in writing to the satisfaction of the Secretary of State, or if the port is not in the United Kingdom, of the government or other proper authority of the state in which the port is situated, that an adequate reception facility will be available for the purpose at that other port; or
- (c) the substance is one for which cleaning by ventilation is stated to be appropriate in the ship's Procedures and Arrangements Manual or is approved by the Secretary of State.

Oil-like substances

18. Notwithstanding the provisions of regulations 6—13 an oil-like substance may be carried on an oil tanker and discharged in accordance with regulation 13 of the Prevention of Oil Pollution Regulations provided that:

- (a) the ship complies with the requirements of those regulations applicable to product carriers as therein defined (oil tankers engaged in the trade of carrying oil other than crude oil); and
- (b) (i) where the substance in question is a Category C substance and the ship was constructed on or after 1st July 1986, it complies with the damage stability requirements for a Type 3 ship specified in the IBC Code; or
(ii) where the substance in question is a Category C substance and the ship is
 - (I) a ship for which the building contract was placed on or after 2nd November 1973 and which is engaged wholly or partly on voyages to ports or terminals under the jurisdiction of states parties to MARPOL 1973/78 other than the state in which the ship is registered, or
 - (II) a United Kingdom ship constructed on or after 1st July 1983 engaged solely on voyages between ports or terminals in the United Kingdom, the Channel Islands and the Isle of Man,
it complies with the damage stability requirements for a Type 3 ship specified in the BCH Code; and
- (c) the oil content meter in the ship's oil discharge and monitoring system required by regulation 15(3) of the Prevention of Oil Pollution Regulations is approved by the Secretary of State, or by or on behalf of the government of the state in which the ship is registered, for use in monitoring the concentration of the substance in question; and
- (d) the ship carries an IOPP Certificate or a UKOPP Certificate, in either case with the supplement thereto entitled "Record of Construction and Equipment for Oil Tankers"; and
- (e) the IOPP Certificate or the UKOPP Certificate as the case may be is endorsed by the Secretary of State, or by or on behalf of the government of the state in which the ship is registered, to indicate that the ship may carry oil-like substances in conformity with Regulation 14 of Annex II to MARPOL 1973/78 and the list in such endorsement of the oil-like substances which the ship is permitted to carry includes the substance in question.