

1987 No. 586

MARINE POLLUTION

**The Merchant Shipping (Reporting of Pollution Incidents)
Regulations 1987**

Made - - - - - *26th March 1987*

Coming into force *6th April 1987*

ARRANGEMENT OF REGULATIONS

The Secretary of State for Transport in exercise of the powers conferred on him by article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987^(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Reporting of Pollution Incidents) Regulations 1987 and shall come into force on 6th April 1987.

(2) In these Regulations,

“discharge” means any release, howsoever caused, from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying; but does not include—

- (a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter signed in London on 13th November 1972^(b); or
- (b) any release directly arising from the exploration, exploitation and a associated off-shore processing of sea-bed mineral resources; or
- (c) any release for the purposes of legitimate scientific research into pollution abatement or control;

“the IMDG Code” means the 1977 edition of the International Maritime Dangerous Goods Code published by the International Maritime Organization, as amended from time to time by any document which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“in packaged form” means in an individual package or receptacle including a freight container or a portable tank or tank container or tank vehicle or shipborne barge or other cargo unit containing harmful substances for shipment;

“marine pollutant” means a substance which is identified as a marine pollutant in the IMDG CODE;

“noxious liquid substance” means any substance which is within the definition of “noxious liquid substances” in regulation 1(2) of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987^(c).

(a) S.I. 1987/470.
(b) Cmnd 5169.
(c) S.I. 1987 551.

“oil” means petroleum in any form including crude oil, fuel oil, sludge and oil refuse and any refined petroleum products, other than petro chemicals which are noxious liquid substances;

“sea” includes any estuary or arm of the sea;

“ship” means a vessel of any type whatsoever operating in the marine environment including waters navigable by sea-going vessels and includes submersible craft, floating craft and a structure which is a fixed or floating platform but excludes hovercraft;

“United Kingdom ship” means a ship which

- (a) is registered in the United Kingdom; or
- (b) is not registered under the law of any country but is wholly owned by persons each of whom is either a British citizen or a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in a part of the United Kingdom.

(3) Any reference to a particular Merchant Shipping Notice includes a reference to any subsequent Merchant Shipping Notice amending or replacing it and specifying the date on which such subsequent Notice is to take effect.

Application

2. These Regulations apply to:

- (a) United Kingdom ships and;
- (b) other ships while they are within the United Kingdom or the territorial waters thereof.

Duty to report

3.—(1) The master of a ship involved in an incident at sea involving

- (a) an actual or probable discharge of oil, or a noxious liquid substance carried in bulk resulting or likely to result from damage to the ship or its equipment, or made or likely to be made for the purpose of securing the safety of a ship or saving life at sea; or
- (b) an actual or probable discharge of a marine pollutant in packaged form from the ship;
- (c) an actual discharge during the operation of the ship of oil or a noxious liquid substance in excess of the quantity or instantaneous rate permitted under the relevant provisions of Part 3 of the Merchant Shipping (Prevention of Oil Pollution) Regulation 1983(a) or Part II of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987(b);

shall report the particulars of such an incident without delay and to the fullest extent possible in accordance with the requirements of regulation 4.

(2) In the event of a report from such a ship being incomplete or unobtainable, the owner, shall, to the fullest extent practicable, make or complete the report required by paragraph (1).

Contents of Reports

- 4. The report or the initial report if there is more than one shall in every case include:
 - (a) the identity of ship or ships involved;
 - (b) the time, type and location of incident;
 - (c) the quantity and type of substance involved;
 - (d) the assistance or salvage measures requested or being undertaken.

(a) S.I. 1983/1398, amended by S.I. 1985/2040.

(b) S.I. 1987/551.

Supplementary reports

5. Any person required under regulation 3(1) or (2) to make a report shall, if possible:—

- (a) make such a supplementary report or reports as may be appropriate in the circumstances—
 - (i) supplementing the information contained in the initial report as necessary; and
 - (ii) providing information concerning further developments; and
- (b) comply as fully as possible with any request for additional information made by or on behalf of the government of a state whose interests may be affected by the incident.

Reporting procedures

6. Reports shall be made by the fastest telecommunications channels available with the highest possible priority to the nearest coastal state.

Penalties

7.—(1) Any breach of regulation 3 or 5 shall be an offence punishable on summary conviction by a fine not exceeding £1,000 or on conviction on indictment by a fine.

(2) It shall be a defence for a person charged under this regulation to show that he took all reasonable precautions and exercised due diligence to avoid the commission of the offence.

Signed by authority of the Secretary of State
26th March 1987

Michael Spicer
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to protocol 1 to the International Convention for the Prevention of Pollution from Ships 1973 as amended by amendments adopted on 5th December 1985 by the Marine Environment Protection Committee of the International Maritime Organization at its 22nd Session. The principal amendment effected by the 1985 amendments was to specify in detail the incidents required to be reported.

These Regulations replace regulation 31 of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983 (requirement to report discharges of oil). That regulation is repealed by the Merchant Shipping (Prevention and Control of Pollution) Order 1987.

Copies of the IMDG Code are obtainable from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.

Merchant Shipping Notices are obtainable from the Department of Transport Marine Directorate, Sunley House, 90 High Holborn, London WC1V 6LP and from any Department of Transport Marine Office.

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