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STATUTORY INSTRUMENTS

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**1994 No. 2083**

**MARINE POLLUTION**

**The Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>4th August 1994</i>
<i>Laid Before Parliament</i>		<i>11th August 1994</i>
<i>Coming into force</i>	- -	<i>1st September 1994</i>

The Secretary of State for Transport, in exercise of the powers conferred to him by article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulations 1994 and shall come into force on 1st September 1994.

2. The Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987(2) are hereby amended as follows.

3. In regulation 1(2)—

(a) in the definitions commencing “Category A substance”—

(i) for “the column of Schedule 1 headed ‘Substance’ ” there shall be substituted “Column A of chapters 17 and 18 of the IBC Code”;

(ii) for “as the case may be by an entry of ‘A’, ‘B’, ‘C’ or ‘D’ as the case may be in column II of that Schedule” shall be omitted; and

(iii) “or class-approved” there shall be substituted “in Column C”;

(b) the definition of “class-approved” shall be omitted;

(c) in the definition of “IBC Code” for “(1990 Edition)” there shall be substituted “(1994 edition)”;

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(1) S.I. 1987/470 amended by S.I. 1990/2595; the effect of the Order was extended by the Merchant Shipping Act 1979 (c. 39), section 20(4A) (inserted by the Merchant Shipping (Salvage and Pollution) Act 1994 (c. 28), section 3(4)), so as to authorise the making of regulations for the purpose of giving effect to an agreement which provides for the modification of certain descriptions of agreement. The agreement relevant to these Regulations which modifies an agreement of the description mentioned is Resolution MEPC 57(33) adopting amendments to Annex II to the International Convention for the Prevention of Pollution from Ships 1973 and its Protocol of 1978.

(2) S.I. 1987/551, amended by S.I. 1990/2604.

- (d) in the definition of “MARPOL 1973/78” after “17th March 1989” there shall be added “and 6th March 1992”;
  - (e) for the definition of “non-polluting substance” there shall be substituted “means a substance identified as ‘III’ in the pollution category column of chapters 17 or 18 of the IBC Code”;
  - (f) for the definition of “noxious liquid substances” there shall be substituted “means the substances listed in either MEPC Circular 281 or chapters 17 and 18 of the IBC Code with a pollution category of ‘A’, ‘B’, ‘C’ or ‘D’ ”;
  - (g) in the definition of “oil-like substance” for “Schedule 3” shall be substituted “MARPOL 1973/78 Annex II regulation 14”;
  - (h) in the definition of “provisionally listed” for “Merchant Shipping Notice No. M.1270” there shall be substituted “MEPC Circular 281”;
  - (i) in the definition of “Special Area”—
    - (i) “either the Baltic Sea area or the Black Sea area” shall be replaced by “the Baltic Sea area, the Black Sea area or the Antarctic area”;
    - (ii) there shall be inserted at the beginning of the definitions of areas the following—  
 ““the Antarctic Sea area” means the sea area south of latitude 60 degrees South;”.
4. Paragraph (3) of regulation 1 shall be replaced by the following paragraph—
- “(3) Any reference in these Regulations to any of the following—
- (a) Code for the Construction and Equipment of Ships Carrying Dangerous Goods in Bulk;
  - (b) International Code for the Construction and Equipment of Ships Carrying Dangerous Goods in Bulk;
  - (c) International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
  - (d) MARPOL 1973/78;
  - (e) MEPC Circular 281;
- shall include a reference to any document amending or replacing it which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.”.
5. At the beginning of Part II, there shall be inserted the following regulation—
- “Antarctic Area**
- 2A.** In respect of the Antarctic area any discharge into the sea of noxious liquid substances is prohibited.”.
6. In regulation 4(2), paragraphs (a) and (b) shall be replaced by the following paragraphs:
- “(a) outside Special Areas, 0.1 per cent by weight and until the tank is empty, with the exception of phosphorus, yellow or white, for which the residual concentration shall be at 0.01 per cent by weight;
  - (b) inside Special Areas, 0.05 per cent by weight and until the tank is empty, with the exception of phosphorus, yellow or white, for which the residual concentration shall be at 0.005 per cent by weight.”.
7. The text in regulation 26 shall become paragraph (1), and the following paragraph shall be added:

“(2) For the purposes of these Regulations, the results of a verification or test shall be accepted if the verification or test is carried out by a body or laboratory in a member State other than the United Kingdom offering suitable and satisfactory guarantees of technical and professional competence and independence.”.

8. In regulation 29(1), for “£1,000” there shall be substituted “the statutory maximum”.
9. Schedules 1, 2, 3 and 4 shall be omitted.

Signed by authority of the Secretary of State for Transport

4th August 1994

*Goschen*  
Parliamentary Under Secretary of State,  
Department of Transport

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

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

These Regulations further amend the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987.

They bring into effect amendments to MARPOL Annex II which were adopted on 30th October 1992 by Resolution MEPC 57(33) by the Marine Environment Protection Committee of the International Maritime Organization (“IMO”).

The adopted amendments mainly—

- (a) mean that the substances to which the requirements of MARPOL Annex II apply are now identified solely by reference to the IBC Code, Chapters 17 and 18.
- (b) include the Antarctic as a special area for Annex II.

Copies of MARPOL 1973/78 as amended, and of the MEPC Resolution are obtainable from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.