
STATUTORY INSTRUMENTS

1994 No. 2085

MARINE POLLUTION

The Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations 1994

Made - - - - 4th August 1994
Laid before Parliament 11th August 1994
Coming into force - - 1st September 1994

The Secretary of State for Transport, in exercise of the powers conferred on him by article 3 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983(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 (Prevention of Oil Pollution) (Amendment) Regulations 1994 and shall come into force on 1st September 1994.
2. The Merchant Shipping (Prevention of Oil Pollution) Regulations 1983(2) shall be amended as follows.
3. In regulation 1(2):
 - (a) in the definition of “IOPP Certificate” there shall be added at the end “prescribed by the Convention”;
 - (b) for the definition of “UKOPP Certificate” there shall be substituted:

““UKOPP Certificate” means a certificate entitled the United Kingdom Oil Pollution Prevention Certificate, issued by a Certifying Authority and evidencing compliance with the requirements of these Regulations;”.
4. In regulation 4:
 - (a) in paragraph (1) the words “, and thereafter at intervals not exceeding five years” shall be omitted;
 - (b) in paragraph (4) the words “initial and any renewal” shall be omitted.
5. There shall be inserted after regulation 4 the following regulation:

(1) S.I. 1983/1106, amended by S.I. 1985/2002, 1991/2885 and 1993/1580; the parliamentary procedure for regulations made under article 3 (being regulations made by virtue of section 20(4)(e) of the Merchant Shipping Act 1979 (c. 39)) was amended by section 20(4B) of that Act inserted by the Merchant Shipping (Salvage and Pollution) Act 1994 (c. 28), section 3(4).

(2) S.I. 1983/1398; relevant amendment is S.I. 1993/1680.

“Renewal surveys

4A.—(1) The owner of every United Kingdom oil tanker of 150 GRT and above, and every other United Kingdom ship of 400 GRT and above, shall cause the ship to be subject to a renewal survey within five years of the first issue of an IOPP Certificate or a UKOPP Certificate, and at intervals not exceeding five years thereafter, by a surveyor appointed by a Certifying Authority. Any application for a survey shall be accompanied by such information relating to the ship as the Certifying Authority may require for the purposes of the survey.

(2) The Certifying Authority shall upon receipt of an application for survey and any fee payable on such application cause the ship to be surveyed by a surveyor.

(3) The surveyor shall survey the ship and satisfy himself that its structure, equipment, systems, fittings, arrangements and material are in accordance with the requirements of these Regulations and that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily water separating equipment and oil filtering systems are in good working order.

(4) Any renewal survey to be carried out under this regulation shall be in accordance with the procedures specified by the Secretary of State in Merchant Shipping Notice M 1076.

(5) The surveyor, if satisfied on the survey that he may properly do so, shall forward to the Certifying Authority a declaration of survey containing such particulars of the ship as are required by the Certifying Authority to enable it to issue the appropriate Certificate in respect of the ship.”.

6. In regulation 7:

- (a) in paragraph (1) the words from the beginning to “United Kingdom ship,” shall be replaced by “The Secretary of State on receipt of a declaration of survey under regulation 4(5) or, as the case may be, a Certifying Authority on receipt of a declaration of survey under regulation 4A(5), shall”;
- (b) in paragraph (5) “shall be in one of the forms set out in Schedule 1 hereto” shall be omitted;
- (c) in paragraph (6):
 - (i) after “the Secretary of State” where those words first appear there shall be inserted “or, as the case may be, a Certifying Authority”;
 - (ii) in sub-paragraph (a) after “the Secretary of State” there shall be inserted “or, as the case may be, the Certifying Authority”.

7. In regulation 16(3)(b) for “Sub-paragraph (2)(a)” there shall be substituted “Sub-paragraph (2)(b)(i)”.

8. Schedule 1 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

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations further amend the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983.

The principal purpose of the Regulations is to enable Certifying Authorities (authorised Classification Societies, as well as the Secretary of State) to conduct the renewal survey and certification procedures for oil pollution prevention certificates.

The forms of International Oil Pollution Prevention Certificates and United Kingdom Oil Pollution Prevention Certificates are no longer set out in the Regulations. The Regulations also make a minor amendment to the 1983 Regulations which is consequential on an amendment made by the Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations 1993.