
STATUTORY INSTRUMENTS

2003 No. 1809

**The Merchant Shipping and Fishing Vessels (Port
Waste Reception Facilities) Regulations 2003**

Interpretation, etc.

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“cargo residues” means the remnants of any cargo material on board in cargo holds or tanks which remain after unloading procedures and cleaning operations are completed and includes excesses and spillage from loading or unloading;

“Category A, B, C or D substance” means any substance listed and identified as falling into Category A, B, C or D in column “c” in Chapter 17 and Chapter 18 of the IBC Code; and any substance which is provisionally assessed as a Category A, B, C or D substance; and a reference to any such substance shall include a reference to any mixture containing such substance;

“the Convention” means the International Convention for the Prevention of Pollution from Ships 1973(1) as revised from time to time;

“crude oil” means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes—

- (a) crude oil from which certain distillate fractions may have been removed; and
- (b) crude oil to which certain distillate fractions may have been added;

“the Directive” means Directive [2000/59/EC](#) of the European Parliament and Council on port reception facilities for ship-generated waste and cargo residues, as amended(2);

“fishing vessel” means any ship equipped or used commercially for catching fish or other living resources of the sea;

“fuel oil” means any oil used as fuel in connection with the propulsion and auxiliary machinery of the ship in which such oil is carried;

“IBC Code” means the 1998 Edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the International Maritime Organization;

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport;

“master”, in the application of these Regulations to hovercraft, includes the captain of a hovercraft;

“Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency; and any reference to a particular Merchant Shipping Notice includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;

(1) Cmnd. 5748; amended by the Protocol of 1978 (Cmnd. 7347).

(2) O.J. L332, 28.12.2000, p.81, amended by Directive [2002/84/EC](#) of the European Parliament and of the Council amending the Directives on maritime safety and the prevention of pollution from ships (O.J. L324, 29.11.2002, p.53).

“noxious liquid substance” means either a substance listed as such in MEPC Circular 2/CIRC.1 or a Category A, B, C or D substance, but does not include cargo residues; and for this purpose “MEPC Circular” means a circular of that description issued by the Marine Environment Protection Committee of the International Maritime Organization;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than oil-like substances which are subject to the Merchant Shipping (Dangerous or Noxious Substances in Bulk) Regulations 1996(3);

“oily mixture” means a mixture with any oil content;

“operational waste” means all cargo-associated waste and maintenance waste; and for this purpose “cargo-associated waste” means all materials which have become wastes as a result of use on board a ship for cargo stowage and handling and includes dunnage, shoring, pallets, lining and packing materials, plywood, paper, cardboard, wire and steel strapping;

“owner” means the owner, charterer, manager or operator of a ship;

“passenger” means any person carried in a ship except—

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship,
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master nor the company could have prevented, and
- (c) a child under one year of age;

“prescribed wastes” means any waste of the following descriptions—

- (a) cargo residues;
- (b) noxious liquid substances; and
- (c) ship-generated waste;

“recreational craft” means a ship of any type, regardless of the means of propulsion, which is intended for sports or leisure purposes;

“relevant inspector” means a person mentioned in paragraphs (a), (b) or (c) of section 258(1) of the Act;

“ship” means a sea-going vessel of any type whatsoever (including hydrofoils, hovercraft, submersibles and floating craft) operating in the marine environment beyond the limits of waters of categories A and B as categorised in Merchant Shipping Notice No.MSN 1776(M); and

“ship-generated waste” means all waste and residues which are generated during the service of a ship and which fall within the definitions of garbage, oil and oily mixtures, but does not include cargo residues; and for this purpose “garbage” means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically, except sewage originating from ships.

(2) For the purposes of these Regulations the “competent authority” shall be—

- (a) in relation to the United Kingdom, the Maritime and Coastguard Agency;
- (b) in relation to any other member State, the national maritime administration maintained by that State for the inspection of ships; and
- (c) in relation to a state other than a member State, any authority designated as such by that State.

(3) Words and expressions used in these Regulations which are defined in the Act shall bear those meanings throughout these Regulations.

(4) Any direction given under these Regulations shall be in writing.