
STATUTORY INSTRUMENTS

2019 No. 42

**The Merchant Shipping (Prevention
of Oil Pollution) Regulations 2019**

PART 3

Requirements for Control of Operational Pollution—Control of Discharge of Oil

General exceptions

21.—(1) Regulations 25, 26, and paragraph 1.1.1 of part II-A of the Polar Code do not apply to—

- (a) the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea;
- (b) the discharge, other than a discharge from an excepted ship, into the sea of oil or oily mixture resulting from damage to a ship or its equipment provided that—
 - (i) all reasonable precautions were taken after the occurrence of the damage, or the discovery of the discharge, to prevent or minimise that discharge; and
 - (ii) the owner or the master did not act either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or
- (c) any approved discharge into the sea of substances containing oil which is being used for the purpose of combating specific pollution incidents in order to minimise the damage from pollution.

(2) For the purposes of paragraph (1)(c) “approved” means approved by the Government in whose jurisdiction the discharge is expected to be made.

Exceptions for damage to a ship or its equipment in internal or controlled waters

22. The provisions of regulations 25 and 26 do not apply to any discharge of oil or oily mixture from an excepted ship into a part of the sea which is within the United Kingdom or its controlled waters which results from damage to a ship or its equipment if—

- (a) the damage was caused by a person who was not connected with the excepted ship’s business and who was acting—
 - (i) with intent;
 - (ii) recklessly; or
 - (iii) with serious negligence;
- (b) all reasonable precautions were taken after the damage, or discovery of the discharge, to prevent or minimise the discharge; and
- (c) neither the owner nor the master of the excepted ship acted—
 - (i) with intent to cause damage; or
 - (ii) recklessly and with knowledge that damage would probably result.

Exceptions for damage to a ship or its equipment in other waters

23.—(1) The provisions of regulations 25 and 26 do not apply to any discharge of oil or oily mixture from a United Kingdom excepted ship into a part of the sea outside the United Kingdom or its controlled waters which results from damage to a ship or its equipment if—

- (a) the damage was caused by a person who was not connected with the UK excepted ship's business and who was acting—
 - (i) with intent;
 - (ii) recklessly; or
 - (iii) with serious negligence;
- (b) all reasonable precautions were taken after the damage, or discovery of the discharge, to prevent or minimise the discharge; and
- (c) neither the owner nor the master of the UK excepted ship acted—
 - (i) with intent to cause damage; or
 - (ii) recklessly and with knowledge that damage would probably result.

(2) The provisions of regulations 25 and 26 do not apply to any discharge of oil or oily mixture from a non-UK excepted ship into a part of the sea outside the United Kingdom or its controlled waters which results from damage to a ship or its equipment if—

- (a) all reasonable precautions were taken after the damage, or discovery of the discharge, to prevent or minimise the discharge; or
- (b) neither the owner nor the master of the excepted ship acted—
 - (i) with intent to cause damage; or
 - (ii) recklessly and with knowledge that damage would probably result.

Definitions for the purposes of regulations 21 to 23

24. In regulations 21 to 23—

- (a) “excepted ship” means a seagoing vessel of any type operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles and floating craft but excludes a structure which is a fixed or floating platform;
- (b) “UK excepted ship” means an excepted ship which is a United Kingdom ship;
- (c) “non-UK excepted ship” means an excepted ship which is not a UK excepted ship; and
- (d) a reference to a person connected with a ship's business includes—
 - (i) a seafarer on the ship;
 - (ii) the master;
 - (iii) the owner;
 - (iv) an owner of cargo carried on the ship; and
 - (v) a classification society which has issued a class certificate showing that the ship conforms to the class standards stipulated by that society.

Control of discharge of oil from ships

25.—(1) Subject to regulations 21 to 23, and paragraph (2), the discharge into the sea of oil or oily mixture from the machinery space of any ship is prohibited.

(2) Paragraph (1) is subject to the following exceptions—

- (a) in the case of ships of 400 GT and above on a voyage outside special areas except in Arctic waters, when the conditions specified in regulation 15, paragraph 2 of Annex I are satisfied;
 - (b) in the case of ships of 400 GT and above on a voyage only part of which is in a special area, when—
 - (i) the discharge is made outside of a special area except in Arctic waters; and
 - (ii) the conditions specified in regulation 15.2 of Annex I are satisfied;
 - (c) in the case of ships of 400 GT and above on a voyage in special areas, when the conditions specified in regulation 15.3 of Annex I are satisfied; and
 - (d) in the case of ships of less than 400 GT on a voyage in any area except the Antarctic area and Arctic waters, when the conditions specified in regulation 15.6 of Annex I are satisfied.
- (3) Subject to regulation 21, the discharge into the sea in the Antarctic area of oil or oily mixtures from any ship is prohibited and the exceptions referred to in paragraph (2)(c) do not apply.
- (4) So far as is reasonably practicable the Secretary of State must, on receipt of a report of visible traces of oil observed on or below the surface of the water in the immediate vicinity of a ship or its wake, launch an investigation to determine whether provisions in this regulation have been contravened.
- (5) An investigation launched under paragraph (4) must in particular include an examination of—
- (a) the wind and sea conditions;
 - (b) the track and speed of the ship;
 - (c) other possible sources of the visible traces of oil in the relevant vicinity; and
 - (d) any relevant oil discharge records.
- (6) The discharge into the sea of—
- (a) chemicals or other substances in quantities or concentrations which are hazardous to the marine environment; or
 - (b) chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in regulation 15 of Annex I,
- is prohibited.
- (7) Oil residues which cannot be discharged into the sea in compliance with regulation 15 of Annex I must be retained on board for subsequent discharge to reception facilities.

Control of discharge of oil from oil tankers

- 26.**—(1) Subject to regulations 21 to 23, and paragraphs (2) and (4), the discharge into the sea of oil or oily mixtures from the cargo area of an oil tanker is prohibited.
- (2) Paragraph (1) is subject to the following exceptions—
- (a) in the case of an oil tanker on a voyage outside of a special area except in Arctic waters, when all of the conditions specified in regulation 34.1 of Annex I are satisfied; or
 - (b) in the case of a ship on a voyage only part of which is in a special area, when—
 - (i) the discharge is made outside of a special area except in Arctic waters; and
 - (ii) all of the conditions specified in regulation 34.1 of Annex I are satisfied.
- (3) Subject to regulations 21 and 27, and paragraph (4), any discharge into the sea of oil or oily mixture from the cargo area of an oil tanker is prohibited in a special area.
- (4) Paragraphs (1) and (3) do not apply to the discharge of clean ballast or segregated ballast.

(5) So far as is reasonably practicable the Secretary of State must, on receipt of a report of visible traces of oil observed on or below the surface of the water in the immediate vicinity of a ship or its wake, launch an investigation to determine whether provisions in this regulation have been contravened.

(6) An investigation launched under paragraph (5) must in particular include an examination of—

- (a) the wind and sea conditions;
- (b) the track and speed of the ship;
- (c) other possible sources of the visible traces of oil in the relevant vicinity; and
- (d) any relevant oil discharge records.

(7) The discharge into the sea of—

- (a) chemicals or other substances in quantities or concentrations which are hazardous to the marine environment; or
- (b) chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation,

is prohibited.

(8) Oil residues which cannot be discharged into the sea in compliance with regulation 34 of Annex I must be retained on board the ship for subsequent discharge into reception facilities.

(9) In this regulation “clean ballast” and “segregated ballast” have the meaning given in regulation 1 of Annex I.

Control of discharge of oil in certain special areas

27.—(1) An area referred to in paragraph (2) is not a special area for the purposes of regulations 25 and 26 until such date as the IMO—

- (a) establishes, in accordance with regulation 38.6.1. of Annex I, the date from which the requirements of regulations 15 and 34 of that Annex will take effect in respect of the area in question; and
- (b) publishes a notice to that effect on the website of the IMO⁽¹⁾.

(2) The areas are—

- (a) the Red Sea area;
- (b) the Gulf of Aden area; and
- (c) the Oman area of the Arabian Sea,

as defined in regulation 1.11.4, 1.11.6 and 1.11.9 of Annex I.

(3) Until such time as notification is given under paragraph (1), ships navigating in the areas described in paragraph (2) must comply with the discharge requirements in regulations 25 and 26 as if those areas were not special areas.

Special requirements for the use or carriage of oils in the Antarctic Area

28.—(1) With the exception of vessels engaged in ensuring the safety of ships, or in a search and rescue operation, the—

- (a) carriage in bulk as cargo;
- (b) use as ballast; or

(1) <http://www.imo.org/en/OurWork/Environment/SpecialAreasUnderMARPOL/Pages/Default.aspx>. Information may also be obtained from the IMO Library and the Maritime and Coastguard Agency.

(c) carriage and use as fuel,
of any of the substances listed in regulation 43.1 of Annex I is prohibited in the Antarctic Area.

(2) When prior operations have included the carriage or use of substances referred to in paragraph (1), the cleaning or flushing of tanks or pipelines is not required.