
STATUTORY INSTRUMENTS

2020 No. 620

**The Merchant Shipping (Prevention of Pollution
by Sewage from Ships) Regulations 2020**

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020.

(2) These Regulations come into force on 22nd July 2020.

Amendments and revocations

2.—(1) The amendments listed in Part 1 of Schedule 1 (amendments) have effect.

(2) The instruments listed in the first column of the Table in Part 2 of Schedule 1 (revocations) are revoked to the extent specified in the third column of that Table.

Interpretation

3.—(1) In these Regulations—

“the 1995 Act” means the Merchant Shipping Act 1995;

“Annex IV” means Annex IV to the Convention⁽¹⁾;

“the Appendix” means the Appendix to Annex IV;

“appropriate documentation” means the documentation referred to in regulation 12(3) (prohibition on non-United Kingdom ships proceeding to sea without a Sewage Certificate or appropriate documentation);

“Certifying Authority” has the meaning given in regulation 5 (Certifying Authorities);

“Contracting State” means a State which has consented to be bound by the Convention, and for which Annex IV to the Convention is in force;

“Contracting State ship” means a ship, other than a United Kingdom ship, which is registered in, or is not registered but is entitled to fly the flag of, a Contracting State;

“controlled waters” means the areas of sea specified by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 2014⁽²⁾ as waters within which the jurisdiction and rights of the United Kingdom are exercisable in accordance with Part XII of UNCLOS (Protection and Preservation of the Marine Environment);

(1) Regulations for the Prevention of Pollution by Sewage from Ships. See footnote (f) to “the Convention” for further information.

(2) [S.I. 2014/3306](#).

“the Convention” means the International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocols of 1978 and 1997(3);

“date of expiry”, in relation to a Sewage Certificate held in respect of a ship, means the last day of the period specified in that Sewage Certificate as the period for which that Certificate is valid;

“direct replacement” means the direct replacement of equipment and fittings with equipment and fittings that conform with the relevant requirements which apply to that ship;

“flag State”, in relation to a ship, means the State whose flag the ship is entitled to fly;

“GT” means gross tonnage and the gross tonnage of a ship is to be determined, for the purposes of these Regulations, in accordance with Schedule 2 (gross tonnage);

“harbour master” includes a dock master, pier master and any person specifically appointed by a harbour authority within the meaning of section 151(1) (interpretation) of the 1995 Act for the purpose of enforcing the provisions of these Regulations;

“IMO” means the International Maritime Organization;

“international voyage” means a voyage between—

- (a) a port in the United Kingdom and a port outside the United Kingdom; or
- (b) a port in a Contracting State other than the United Kingdom and a port in any other State or territory, whether a Contracting State or not, which is outside the United Kingdom;

“nautical mile” means an international nautical mile of 1,852 metres;

“offshore terminal” means an installation situated away from the shore, where bulk, fluid or gas cargo, or more than one of these, is—

- (a) transferred between ships;
- (b) loaded onto a ship after having been transported from the shoreline; or
- (c) unloaded from a ship for transporting to the shoreline;

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

“sewage” has the meaning given in regulation 1 of Annex IV (definitions);

“Sewage Certificate” means an International Sewage Pollution Prevention Certificate in the form shown in the Appendix;

“ship” means a vessel of any type whatsoever which is operating in the marine environment, including a hydrofoil boat, an air-cushion vehicle, a submersible, a floating craft and a fixed or floating platform;

“surveyor” means a surveyor of ships, or any other person appointed by a Certifying Authority other than the Secretary of State, to be a surveyor; and

“UNCLOS” means the United Nations Convention on the Law of the Sea(4).

(2) In these Regulations the following terms have the meaning given in regulation 17 of Annex IV (definitions)—

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- (3) The Convention (“MARPOL”), was published in Cmnd. 5748, and amended by the Protocols of 1978 (Cmnd. 7347) and 1997 (Cm. 4427). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers are as follows: HL/PO/JO/10/11/1853/505 (Cmnd. 5748), HL/PO/JO/10/11/1959/2033 (Cmnd. 7347) and HL/PO/JO/10/11/3156/2285 (Cm. 4427). Annex IV to MARPOL has been amended by a number of IMO Resolutions, most recently by MEPC.284(70). The amendments are available from the IMO at 4 Albert Embankment, London SE1 7SR or can be found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>).
 - (4) This Convention (“UNCLOS”) was originally published in Cmnd. 8941, and subsequently in Cm. 4524. A hard copy of Cm. 4524 is available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW (catalogue number: HL/PO/JO/10/11/3186/287). An electronic copy of Cm. 4524 can be found at <https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69421>. A copy of UNCLOS may be obtained from the United Nations (email doalos@un.org), and at www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

- (a) “Polar Code”(5); and
 - (b) “polar waters”.
- (3) For the purposes of these Regulations—
- (a) subject to sub-paragraph (b), a “discharge” in relation to sewage, means any release howsoever caused from a ship, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;
 - (b) a “discharge” does not include—
 - (i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, signed at London on 13th November 1972, as amended by the 1996 Protocol(6); or
 - (ii) the release of sewage for the purposes of legitimate scientific research into pollution abatement or control; and
 - (c) a “United Kingdom ship” means a ship which—
 - (i) is registered in the United Kingdom; or
 - (ii) is not registered under the law of any country but is wholly owned by persons each of whom is—
 - (aa) a British citizen, a British overseas territories citizen or a British overseas citizen; or
 - (bb) a body corporate which is established under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom.
- (4) Any reference in these Regulations to the date that a ship was constructed is a reference to the date on which the keel of the ship was laid or on which the ship was at a stage of construction at which—
- (a) construction identifiable with a specific ship began; and
 - (b) assembly of that ship incorporated at least 50 tonnes of structural material or one percent of the estimated mass of all structural material, whichever is less,
- and “constructed” is to be construed accordingly.

Ambulatory reference

- 4.—(1) Any reference in these Regulations to the Convention, an Annex to the Convention or to the Polar Code is to be construed—
- (a) as a reference to the Convention, an Annex to the Convention or the Polar Code as modified from time to time; and
 - (b) as, if the Convention, an Annex to the Convention or the Polar Code are replaced, a reference to that replacement.

(5) The International Code for Ships Operating in Polar Waters, known as “the Polar Code”, was adopted by IMO Resolution MEPC.264(68). IMO Resolution MEPC.265(68) amended MARPOL by incorporating into it the provisions of the Polar Code relating to the prevention of pollution. The amendment came into force on 1st January 2017. The Polar Code (ISBN 978-92-801-16281) is available from IMO Publishing, 4 Albert Embankment, London SE1 7SR, www.imo.org/publications; email: sales@imo.org; telephone: 0207 735 7611. IMO Resolutions are available from the IMO at 4 Albert Embankment, London SE1 7SR.

(6) This Convention (“the London Convention”) was originally published in Cmnd. 5169 and subsequently in Cmnd. 6486. An electronic copy of Cmnd. 6486 can be found at <http://foto.archivalware.co.uk/data/Library2/pdf/1976-TS0043.pdf>. It was amended by the Protocol of 1996 (Cmnd. 4078 and Cm. 9234). An electronic copy of Cm. 9234 can be found at <http://foto.archivalware.co.uk/data/Library2/pdf/2016-TS0021.pdf>. Hard copies of the London Convention and Cmnd. 4078 are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers are as follows: HL/PO/JO/10/11/1891/1448 (the London Convention) and HL/PO/JO/10/11/3094BT/3684 (Cmnd. 4078).

(2) For the purposes of paragraph (1), the Convention, an Annex to the Convention or the Polar Code are modified or replaced if a modification or replacement takes effect in accordance with Article 16 (Amendments) of the Convention.

(3) A modification or amendment of the Convention, an Annex to the Convention or the Polar Code has effect at the time such modification or replacement comes into force in accordance with Article 16 (Amendments) of the Convention.

Certifying Authorities

5.—(1) In these Regulations, “Certifying Authority” means the Secretary of State, or any person authorised by the Secretary of State.

(2) Authorisation under paragraph (1) may be given conditionally or unconditionally and is subject to paragraph (4).

(3) Without prejudice to the generality of paragraph (2), conditions may impose limitations on any person’s authorisation relating to—

- (a) an individual ship;
- (b) classes of ship; and
- (c) the extent of any survey to be carried out by that person.

(4) The Secretary of State may specify in relation to an individual case or to a class of case, that for the purpose of these Regulations, a survey, or part of survey, may only be carried out by the Secretary of State and not by another Certifying Authority.

(5) A Certifying Authority, other than the Secretary of State, is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

Application

6.—(1) Subject to paragraphs (2) and (3), these Regulations apply to—

- (a) United Kingdom ships, wherever they may be, engaged on international voyages;
- (b) United Kingdom ships operating in polar waters; and
- (c) other ships while they are within United Kingdom waters or controlled waters and engaged on international voyages.

(2) These Regulations do not apply to any—

- (a) warship;
- (b) naval auxiliary ship;
- (c) other ship owned or operated by a State and used, for the time being, only on government non-commercial service; or
- (d) ship of less than 400 GT unless that ship carries more than 15 persons.

(3) Regulation 22 (procedure to be adopted when a ship is deficient) applies to—

- (a) United Kingdom ships, wherever they may be, engaged on international voyages; and
- (b) any other ship which is—
 - (i) in a port in the United Kingdom;
 - (ii) at an offshore terminal in United Kingdom waters or controlled waters; or
 - (iii) a floating platform in United Kingdom waters or controlled waters, other than a floating platform which is in transit.

