
STATUTORY INSTRUMENTS

2020 No. 621

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

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

Interpretation

2.—(1) In these Regulations—

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

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

“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);

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

“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 the Schedule (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;

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

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

(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 V to MARPOL has been amended by a number of International Maritime Organization (“IMO”) Resolutions, most recently by MEPC.277(70). The amendments are available from the IMO of 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/>).

“the IMSBC Code” means the International Maritime Solid Bulk Cargoes (IMSBC) Code(4);
“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;

“Polar Code” has the meaning given to it in regulation 13 of Annex V (definitions)(5);

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

“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;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974(6); and

“UNCLOS” means the United Nations Convention on the Law of the Sea(7).

(2) In these Regulations the following terms have the meaning given in regulation 1 of Annex V (definitions)—

- (a) “Antarctic area”;
- (b) “fixed or floating platform”; and
- (c) “garbage”.

(3) For the purposes of these Regulations—

(a) subject to sub-paragraph (b), a “discharge” in relation to garbage, 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(8); or

(4) The IMSBC Code was adopted by IMO Resolution MSC.268(85) and entered into force on 1st January 2011. The provisions of the Code were made mandatory under the SOLAS Convention by virtue of IMO Resolution MSC.269(85). The IMSBC Code has been amended by a number of IMO Resolutions, most recently by MSC.426(98). The IMSBC Code (ISBN 978-92-801-1659-5) is available from IMO Publishing at 4 Albert Embankment, London SE1 7SR (email: sales@imo.org, tel: +44 (0)20 7735 7611) and IMO Resolutions are available from the IMO of 4 Albert Embankment, London SE1 7SR.

(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 978-92-801-1628-1) 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 of 4 Albert Embankment, London SE1 7SR.

(6) This Convention (“SOLAS”) (Cmnd 7874) may be obtained in copy from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). SOLAS was modified by its Protocol of 1978 (Cmnd 8277), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) with respect to the parties to the 1988 Protocol. 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 for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044). The amendments to SOLAS are available from the IMO of 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/>).

(7) 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.

(8) 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

- (ii) the release of garbage 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.

Ambulatory reference

- 3.—**(1) Any reference in these Regulations to the Convention, an Annex to the Convention, the Polar Code or the IMSBC Code is to be construed—
- (a) as a reference to the Convention, an Annex to the Convention, the Polar Code or the IMSBC Code as modified from time to time; and
 - (b) as, if the Convention, an Annex to the Convention, the Polar Code or the IMSBC Code is replaced, a reference to the replacement.
- (2) For the purposes of paragraph (1)—
- (a) the Convention, an Annex to the Convention or the Polar Code is modified or replaced if a modification or replacement takes effect in accordance with Article 16 (Amendments) of the Convention; and
 - (b) the IMSBC Code is modified or replaced if a modification or replacement takes effect in accordance with Article VIII (Amendments) of SOLAS.
- (3) A modification or replacement of—
- (a) 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; and
 - (b) the IMSBC Code has effect at the time such modification or replacement comes into force in accordance with Article VIII (Amendments) of SOLAS.

Application

- 4.—**(1) Subject to paragraph (2), these Regulations apply to—
- (a) United Kingdom ships, wherever they may be; and
 - (b) other ships while they are within United Kingdom waters or controlled waters.
- (2) These Regulations do not apply to any—
- (a) warship;
 - (b) naval auxiliary ship; or
 - (c) other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

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).

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