

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement amendments to Annex VI of the International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocols of 1978 and 1997 (known as MARPOL). Annex VI of MARPOL contains rules on air pollution from ships, and the amendments implemented by this instrument concern measures relating to energy efficiency and carbon intensity of ships. The amendments are set out in resolution MEPC.328(76) of the Marine Environment Protection Committee (“MEPC”) of the International Maritime Organisation (“IMO”). Copies of MARPOL and its Protocols and Annexes, any MEPC resolutions and IMO Guidelines, may be obtained from the IMO at 4 Albert Embankment, London SE1 7SR. Copies of MARPOL and its Protocols and Annexes and are also available on the Foreign and Commonwealth and Development Office treaties database at <https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>.

Regulation 2 amends various provisions of the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 (S.I. 2008/2924 – the “2008 Regulations”) which implements Annex VI of MARPOL. This includes amendments to regulation 2A to include an ambulatory reference to the Polar Code and relevant IMO Guidelines. The amendments to regulation 28 of the 2008 Regulations create new powers of detention in relation to ships. The amendments to regulation 32 of the 2008 Regulations create new criminal offences relating to contravention of the requirements for ships to obtain (or develop) and carry the relevant documentation confirming compliance with the requirements of Chapter 4 of Annex VI of MARPOL.

Regulation 3 makes consequential amendments to the Merchant Shipping (Fees) Regulations 2018 (S.I. 2018/1104) to ensure the reference in those Regulations to the 2008 Regulations is up to date.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).