



# Prevention of Oil Pollution Act 1971

## 1971 CHAPTER 60

### *General provisions for preventing oil pollution*

#### **1 Discharge of certain oils into sea outside territorial waters**

- (1) If any oil to which this section applies or any mixture containing such oil is discharged from a ship registered in the United Kingdom into any part of the sea outside the territorial waters of the United Kingdom, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence.
- (2) This section applies—
  - (a) to crude oil, fuel oil and lubricating oil; and
  - (b) to heavy diesel oil, as defined by regulations made under this section by the Secretary of State ;and shall also apply to any other description of oil which may be specified by regulations made by the Secretary of State, having regard to the provisions of any Convention accepted by Her Majesty's Government in the United Kingdom in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into any part of the sea outside the territorial waters of the United Kingdom.
- (3) Regulations made by the Secretary of State may make exceptions from the operation of subsection (1) of this section, either generally or with respect to particular classes of ships, particular descriptions of oil or mixtures containing oil or the discharge of oil or mixtures in particular circumstances or into particular areas of the sea, and may do so either absolutely or subject to any specified conditions.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine.

## **2 Discharge of oil into United Kingdom waters**

- (1) If any oil or mixture containing oil is discharged as mentioned in the following paragraphs into waters to which this section applies, then, subject to the provisions of this Act, the following shall be guilty of an offence, that is to say—
- (a) if the discharge is from a vessel, the owner or master of the vessel, unless he proves that the discharge took place and was caused as mentioned in paragraph (b) of this subsection ;
  - (b) if the discharge is from a vessel but takes place in the course of a transfer of oil to or from another vessel or a place on land and is caused by the act or omission of any person in charge of any apparatus in that other vessel or that place, the owner or master of that other vessel or, as the case may be, the occupier of that place;
  - (c) if the discharge is from a place on land, the occupier of that place, unless he proves that the discharge was caused as mentioned in paragraph (d) of this subsection ;
  - (d) if the discharge is from a place on land and is caused by the act of a person who is in that place without the permission (express or implied) of the occupier, that person;
  - (e) if the discharge takes place otherwise than as mentioned in the preceding paragraphs and is the result of any operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources, the person carrying on the operations.
- (2) This section applies to the following waters, that is to say.—
- (a) the whole of the sea within the seaward limits of the territorial waters of the United Kingdom ; and
  - (b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.
- (3) In this Act “place on land” includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters ; and " occupier in relation to any such thing as is mentioned in the preceding provisions of this subsection, if it has no occupier, means the owner thereof, and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine.

## **3 Discharge of certain oils from pipe-lines or as the result of exploration etc. in designated areas**

- (1) If any oil to which section 1 of this Act applies, or any mixture containing such oil, is discharged into any part of the sea—
- (a) from a pipe-line ; or
  - (b) (otherwise than from a ship) as the result of any operation for the exploration of the sea-bed and subsoil or the exploitation of their natural resources in a designated area,

then, subject to the following provisions of this Act, the owner of the pipe-line or, as the case may be, the person carrying on the operations' shall be guilty of an offence unless the discharge was from a place in his occupation and he proves that it was due to the act of a person who was there without his permission (express or implied).

- (2) In this section “designated area ” means an area for the time being designated by an Order made under section 1 of the Continental Shelf Act 1964.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine.

#### **4 Equipment in ships to prevent oil pollution**

- (1) For the purpose of preventing or reducing discharges of oil and mixtures containing oil into the sea, the Secretary of State may make regulations- requiring ships registered in the United Kingdom to be fitted with such equipment and to comply with such other requirements as may be specified in the regulations.
- (2) Without prejudice to the generality of subsection (1) of this section, where any regulations made thereunder require ships to be fitted with equipment of a specified description, the regulations may provide that equipment of that description—
  - (a) shall not be installed in a ship to which the regulations apply unless it is of a type tested and approved by a person appointed by the Secretary of State ;
  - (b) while installed in such a ship, shall not be treated as satisfying the requirements of the regulations unless, at such times as may be specified in the regulations, it is submitted for testing and approval by a person so appointed.
- (3) The Secretary of State may appoint persons to carry out tests for the purposes of any regulations made under this section, and, in respect of the carrying out of such tests, may charge such fees as, with the approval of the Treasury, may be prescribed by the regulations.
- (4) Every surveyor of ships shall be taken to be a person appointed by the Secretary of State to carry out tests for the purposes of any regulations made under this section, in so far as they relate to tests required in accordance with paragraph (b) of subsection (2) of this section.
- (5) If, in the case of any ship, the provisions of any regulations made under this section which apply to that ship are contravened, the owner or master of the ship shall be guilty of an offence.
- (6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine.

#### **5 Defences of owner or master charged with offence under s. 1 or s. 2**

- (1) Where a person is charged with an offence under section 1 of this Act, or is charged with an offence under section 2 of this Act as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture was discharged for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life, unless the court is satisfied that the discharge of the oil or mixture was not necessary for that purpose or was not a reasonable step to take in the circumstances.
- (2) Where a person is charged as mentioned in subsection (1) of this section, it shall also be a defence to prove—

- (a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture, or
- (b) that the oil or mixture escaped by reason of leakage, that neither the leakage nor any delay in discovering it was due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

## **6 Defences of other persons charged with offences under s. 2 or s. 3**

- (1) Where a person is charged, in respect of the escape of any oil or mixture containing oil, with an offence under section 2 or 3 of this Act—
- (a) as the occupier of a place on land; or
  - (b) as a person carrying on operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources; or
  - (c) as the owner of a pipe-line,
- it shall be a defence to prove that neither the escape nor any delay in discovering it was due to any want of reasonable care and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.
- (2) Where a person is charged with an offence under section 2 of this Act in respect of the discharge of a mixture containing oil from a place on land, it shall also, subject to subsection (3) of this section, be a defence to prove—
- (a) that the oil was contained in an effluent produced by operations for the refining of oil;
  - (b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which that section applies; and
  - (c) that all reasonably practicable steps had been taken for eliminating oil from the effluent.
- (3) If it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place on land, or land adjacent to those waters, was fouled by oil, subsection (2) of this section shall not apply unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharged at or before that time from that place.

## **7 Protection of acts done in exercise of certain powers of harbour authorities etc.**

- (1) Where any oil, or mixture containing oil, is discharged in consequence of—
- (a) the exercise of any power conferred by sections 530 to 532 of the Merchant Shipping Act 1894 (which relate to the removal of wrecks by harbour, conservancy and lighthouse authorities); or
  - (b) the exercise, for the purpose of preventing an obstruction or danger to navigation, of any power to dispose of sunk, stranded or abandoned vessels which is exercisable by a harbour authority under any local enactment ;
- and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section 1 or section 2 of this Act in respect of that discharge, the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take

such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

- (2) Subsection (1) of this section shall apply to the exercise of any power conferred by section 13 of the Dockyard Ports Regulation Act 1865 (which relates to the removal of obstructions to dockyard ports) as it applies to the exercise of any such power as is mentioned in paragraph (a) of that subsection, and shall, as so applying, have effect as if references to the authority exercising the power were references to the Queen's harbour master for the port in question.

## **8 Discharge of certain ballast water into harbours**

- (1) A harbour authority may appoint a place within their jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the harbour, at such times, and subject to such conditions, as the authority may determine; and, where a place is so appointed, the discharge of ballast water from such a vessel shall not constitute an offence under section 2 of this Act, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

- (2) In this Act—

“harbour authority ” means a person or body of persons empowered by an enactment to make charges in respect of vessels entering a harbour in the United Kingdom or using facilities therein;

“harbour in the United Kingdom ” means a port, estuary, haven, dock, or other place which fulfils the following conditions, that is to say.—

- (a) that it contains waters to which section 2 of this Act applies, and
- (b) that a person or body of persons is empowered by an enactment to make charges in respect of vessels entering that place or using facilities therein.

In this subsection “enactment” includes a local enactment, and “charges” means any charges with the exception of light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons, and of charges in respect of pilotage.

## **9 Facilities in harbour for disposal of oil residues**

- (1) The powers exercisable by a harbour authority in respect of any harbour in the United Kingdom shall include power to provide facilities for enabling vessels using the harbour to discharge or deposit oil residues (in this Act referred to as “oil reception facilities”).
- (2) Any power of a harbour authority to provide oil reception facilities shall include power to join with any other person in providing them, and references in this section to the provision of oil reception facilities by a harbour authority shall be construed accordingly; and any such power shall also include power to arrange for the provision of such facilities by any other person.
- (3) A harbour authority providing oil reception facilities, or a person providing such facilities by arrangement with a harbour authority, may make reasonable charges for the use of the facilities, and may impose reasonable conditions in respect of the use thereof.

- (4) Subject to the following provisions of this section, any oil reception facilities provided by, or by arrangement with, a harbour authority shall be open to all vessels using the harbour on payment of any charges, and subject to compliance with any conditions, imposed in accordance with subsection (3) of this section.
- (5) Where in the case of any harbour in the United Kingdom it appears to the Secretary of State, after consultation with the harbour authority and with any organisation appearing to the Secretary of State to be representative of owners of ships registered in the United Kingdom.—
- (a) if the harbour has oil reception facilities, that those facilities are inadequate, or
  - (b) if the harbour has no such facilities, that the harbour has need of such facilities,
- the Secretary of State may direct the harbour authority to provide, or arrange for the provision of, such oil reception facilities as may be specified in the direction.
- (6) Notwithstanding the provisions of subsection (4) of this section, a harbour authority providing oil reception facilities, or a person providing such facilities by arrangement with a harbour authority, shall not be obliged to make those facilities available for use by tankers, or for the reception of oil residues discharged for the purpose of enabling a vessel to undergo repairs ; and the requirements of tankers, and the reception of oil residues so discharged, shall be disregarded by the Secretary of State in exercising his powers under subsection (5) of this section.
- (7) Nothing in this section shall be construed as requiring a harbour authority to allow untreated ballast water (that is to say, ballast water which contains oil and has not been subjected to an effective process for separating the oil from the water) to be discharged into any oil reception facilities provided by, or by arrangement with, the authority; and the Secretary of State shall exercise his powers under subsection (5) of this section accordingly.
- (8) Any harbour authority failing to comply with any direction given under subsection (5) of this section within the period specified in the direction, or within any extended period allowed by the Secretary of State (whether before or after the end of the period so specified), shall be guilty of an offence, and liable on summary conviction to a fine not exceeding £10 for each day during which the default continues, from the day after the end of the period specified in the direction, or any extended period allowed by the Secretary of State, as the case may be, until the last day before that on which the facilities are provided in accordance with the direction.
- (9) Subsections (1), (2), (5) and (8) of this section shall have effect in relation to arrangements for disposing of oil residues discharged or deposited by vessels using a harbour's oil reception facilities, and to the making of such arrangements, as those subsections have effect in relation to oil reception facilities and the provision of such facilities.

## **10 Restrictions on transfer of oil at night**

- (1) No oil shall be transferred between sunset and sunrise to or from a vessel in any harbour in the United Kingdom unless the requisite notice has been given in accordance with this section or the transfer is for the purposes of a fire brigade.
- (2) A general notice may be given to the harbour master of a harbour that transfers of oil between sunset and sunrise will be frequently carried out at a place in the harbour within such period, not ending later than twelve months after the date on which the

notice is given, as is specified in the notice; and if such a notice is given it shall be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice.

- (3) Subject to subsection (2) of this section, the requisite notice for the purposes of this section shall be a notice given to the harbour master not less than three hours nor more than ninety-six hours before the transfer of oil begins.
- (4) In the case of a harbour which has no harbour master, references in this section to the harbour master shall be construed as references to the harbour authority.
- (5) If any oil is transferred to or from a vessel in contravention of this section, the master of the vessel, and, if the oil is transferred from or to a place on land, the occupier of that place, shall be liable on summary conviction to a fine not exceeding £100.

## **11 Duty to report discharge of oil into waters of harbours**

- (1) If any oil or mixture containing oil—
  - (a) is discharged from a vessel into the waters of a harbour in the United Kingdom; or
  - (b) is found to be escaping or to have escaped from a vessel into any such waters; or
  - (c) is found to be escaping or to have escaped into any such waters from a place on land ;the owner or master of the vessel, or the occupier of the place on land, as the case may be, shall forthwith report the occurrence to the harbour master, or, if the harbour has no harbour master, to the harbour authority.
- (2) A report made under subsection (1) of this section by the owner or master of a vessel shall state whether the occurrence falls within paragraph (a) or paragraph (b) of that subsection.
- (3) If a person fails to make a report as required by this-section he shall be liable on summary conviction to a fine not exceeding £200.