



# Prevention of Oil Pollution Act 1971

## 1971 CHAPTER 60

An Act to consolidate the Oil in Navigable Waters Acts 1955 to 1971 and section 5 of the Continental Shelf Act 1964. [27th July 1971]

### Modifications etc. (not altering text)

- C1** Act: definitions of "navigation authority" and "harbour authority" applied (E.W.) (01.12.1991) by [Land Drainage Act 1991](#) (c. 59, SIF 73:1), **ss. 12(7)**, 72(1), 76(2).  
Act applied (1.5.1994) by [1993 c. 22](#), s. 8(3), **Sch. 4 para.17**; S.I. 1993/3137, art. 3(2), **Sch.2**
- C2** Act: definition of "harbour authority" applied (E.W.) (01.12.1991) by [Water Resources Act 1991](#) (c. 57, SIF 130), **ss.221(1)**, 225(2).
- C3** Act: definition of "harbour authority" applied (E.W.) (01.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), **ss. 219(1)**, 223(2).
- C4** Power to amend Act conferred by [Merchant Shipping Act 1979](#) (c. 39, SIF 111), **s. 41**

### *General provisions for preventing oil pollution*

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

(1) ..... <sup>F1</sup>

(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) ..... <sup>F1</sup>

*Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971. (See end of Document for details)*

### Textual Amendments

**F1** S. 1(1)(3)(4) repealed by S.I. 1983/1106, art. 2, **Sch.**

### Modifications etc. (not altering text)

**C5** S. 1 excluded (20.8.2005) by Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (S.I. 2005/2055), regs. 1, **18(1)**

## 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) ..... <sup>F2</sup>
- (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.

<sup>F3F4</sup>(2A) .....

<sup>F4</sup>(2B) .....

(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 [<sup>F5</sup>on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine][<sup>F5</sup>on summary conviction, or on conviction on indictment, to a fine].

### Textual Amendments

**F2** S. 2(1)(a)(b) repealed by S.I. 1983/1106, art. 2, **Sch.**

**F3** S. 2(2A)(2B) inserted by Prevention of Oil Pollution Act 1986 (c. 6, SIF 111), s. **1(1)**

*Changes to legislation:* There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971. (See end of Document for details)

- F4** S. 2(2A)(2B) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F5** Words in s. 2(4) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 6(2)** (with reg. 5(1))

**Modifications etc. (not altering text)**

- C6** S. 2 excluded (20.8.2005) by [Offshore Petroleum Activities \(Oil Pollution Prevention and Control\) Regulations 2005 \(S.I. 2005/2055\)](#), regs. 1, **18(1)**
- C7** S. 2(2A)(2B) extended with modifications by S.I. 1989/1350, art. 3, **Sch. 2**
- C8** S. 2(4) extended by S.I. 1983/1106, **art. 4** and S.I. 1983/1398, **regs. 2(1)(2)**, 34(2)
- C9** S. 2(4) extended with modifications by S.I. 1989/1350, art. 3, **Sch. 2**

**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 <sup>M1</sup>Continental Shelf Act 1964.
- (3) A person guilty of an offence under this section shall be liable [<sup>F6</sup>on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine][<sup>F6</sup>on summary conviction, or on conviction on indictment, to a fine].

**Textual Amendments**

- F6** Words in s. 3(3) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 6(3)** (with reg. 5(1))

**Modifications etc. (not altering text)**

- C10** S. 3 excluded (20.8.2005) by [Offshore Petroleum Activities \(Oil Pollution Prevention and Control\) Regulations 2005 \(S.I. 2005/2055\)](#), regs. 1, **18(1)**

**Marginal Citations**

- M1** 1964 c. 29.

*Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971. (See end of Document for details)*

#### Textual Amendments

**F7** S. 4 repealed by S.I. 1983/1106, art. 2, Sch.

### [<sup>F8</sup> 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.]

#### Textual Amendments

**F8** S. 5 repealed for certain purposes (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 Note (with s. 312(1), Sch. 14 para. 1)

#### Modifications etc. (not altering text)

**C11** Ss. 5, 7 extended with modifications by S.I. 1989/1350, art. 3, Sch. 2

### 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—
  - [<sup>F9</sup>(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;

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- (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.

#### Textual Amendments

**F9** S. 6(1)(a) repealed for certain purposes (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 Note (with s. 312(1), Sch. 14 para. 1)

#### Modifications etc. (not altering text)

**C12** S. 6 excluded (20.8.2005) by Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (S.I. 2005/2055), regs. 1, 18(1)

### [<sup>F107</sup> 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 <sup>M2</sup>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 <sup>M3</sup>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.]

#### Textual Amendments

**F10** S. 7 repealed for certain purposes (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 Note (with s. 312(1), Sch. 14 para. 1)

#### Modifications etc. (not altering text)

**C13** Ss. 5, 7 extended with modifications by S.I. 1989/1350, art. 3, Sch. 2

*Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971. (See end of Document for details)*

### Marginal Citations

**M2** 1894 c. 60.

**M3** 1865 c. 125.

## 8 Discharge of certain ballast water into harbours.

(1) ..... <sup>F11</sup>

<sup>F12</sup>(2) .....

### Textual Amendments

**F11** S. 8(1) repealed by S.I. 1983/1106, art. 2, Sch.

**F12** S. 8(2) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1), Sch. 14 para. 1)

## 9 ..... <sup>F13</sup>

### Textual Amendments

**F13** S. 9 repealed by S.I. 1984/862, arts. 1(4), 2 (by art. 2(1) it is provided that S.I. 1984/862 applies to any harbour authority or terminal operator whose harbour or terminal in the United Kingdom is used by oil tankers, chemical tankers or other vessels any of which are carrying residues or mixtures, which residues or mixtures contain oil or noxious liquid substances, including such vessels when undergoing repair or being broken up)

## <sup>F14</sup>10 Restrictions on transfer of oil at night.

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### Textual Amendments

**F14** S. 10 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1), Sch. 14 para. 1)

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

(1) If any oil or mixture containing oil—

<sup>F15</sup>(a) .....

<sup>F15</sup>(b) .....

(c) is found to be escaping or to have escaped into any such waters from a place on land;

<sup>F16</sup> . . . the occupier of the place on land <sup>F16</sup> . . . shall forthwith report the occurrence to the harbour master, or, if the harbour has no harbour master, to the harbour authority.

<sup>F17</sup>(2) .....

(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 [<sup>F18</sup>level 5 on the standard scale].

*Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971. (See end of Document for details)*

#### Textual Amendments

- F15** S. 11(1)(a)(b) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F16** Words in s. 11(1) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F17** S. 11(2) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F18** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**; (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and (N.I.) S.I. 1984/703 (N.I. 3), **art. 5**

#### Modifications etc. (not altering text)

- C14** S. 11 extended with modifications by S.I. 1989/1350, **art. 3**, **Sch. 2**

### [<sup>F19</sup>11A Certain provisions not to apply where a discharge or escape is authorised under Part I of the Environmental Protection Act 1990.

- (1) The provisions of sections 2(1) and [<sup>F20</sup> 3(1)] of this Act shall not apply to any discharge which is made under, and the provisions of section 11(1) of this Act shall not apply to any escape which is authorised by, <sup>F21</sup>...[<sup>F22</sup> a permit granted under regulations under section 2 of the Pollution Prevention and Control Act 1999]<sup>F23</sup> or section 18 of the Regulatory Reform (Scotland) Act 2014 ]].
- (2) This section does not extend to Northern Ireland.]

#### Textual Amendments

- F19** S. 11A inserted (12.10.1995) by 1995 c. 25, s. 120(1), **Sch. 22 para. 15(2)** (with ss. 7(6), 115, 117); S.I. 1995/2649, **art. 2**
- F20** Words in s. 11A(1) substituted (21.3.2000 (E.W) and 29.9.2000 (S.)) by 1999 c. 24, s. 6(1), **Sch. 2 para. 1(a)**; S.I. 2000/800, **art. 2**; S.S.I. 2000/322, **art. 2**
- F21** Words in s. 11A(1) repealed (1.4.2015 for S.) by Pollution Prevention and Control Act 1999 (c. 24), s. 7(3), **Sch. 3**; S.S.I. 2015/74, **art. 2(2)(a)**
- F22** Words in s. 11A(1) inserted (21.3.2000 (E.W.) and 29.9.2000 (S.)) by 1999 c. 24, s. 6(1), **Sch. 2 para. 1(b)**; S.I. 2000/800, **art. 2**; S.S.I. 2000/322, **art. 2**
- F23** Words in s. 11A(1) inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **Sch. 3 para. 2**; S.S.I. 2014/160, **art. 2(1)(2)**, Sch.

### *Shipping casualties*

### <sup>F24</sup>12 Shipping casualties.

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#### Textual Amendments

- F24** S. 12 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

#### Modifications etc. (not altering text)

- C15** Ss. 12–15 amended by S.I. 1980/1093, **arts. 4, 7**

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*Changes to legislation: There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971. (See end of Document for details)*

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<sup>F25</sup>**13 Right to recover in respect of unreasonable loss or damage.**

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**Textual Amendments**

**F25** [S. 13](#) repealed (1.1.1996) by [1995 c. 21, ss. 314\(1\), 316\(2\)](#), [Sch. 12](#) (with [s. 312\(1\)](#), [Sch. 14 para. 1](#))

**Modifications etc. (not altering text)**

**C16** [Ss. 12–15](#) amended by [S.I. 1980/1093](#), [arts. 4, 7](#)

<sup>F26</sup>**14 Offences in relation to s. 12.**

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**Textual Amendments**

**F26** [S. 14](#) repealed (1.1.1996) by [1995 c. 21, ss. 314\(1\), 316\(2\)](#), [Sch. 12](#) (with [s. 312\(1\)](#), [Sch. 14 para. 1](#))

**Modifications etc. (not altering text)**

**C17** [Ss. 12–15](#) amended by [S.I. 1980/1093](#), [arts. 4, 7](#)

<sup>F27</sup>**15 Service of directions under s. 12.**

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**Textual Amendments**

**F27** [S. 15](#) repealed (1.1.1996) by [1995 c. 21, ss. 314\(1\), 316\(2\)](#), [Sch. 12](#) (with [s. 312\(1\)](#), [Sch. 14 para. 1](#))

**Modifications etc. (not altering text)**

**C18** [Ss. 12–15](#) amended by [S.I. 1980/1093](#), [arts. 4, 7](#)

<sup>F28</sup>**16 Application of ss. 12 to 15 to certain foreign and other ships.**

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**Textual Amendments**

**F28** [S. 16](#) repealed (1.1.1996) by [1995 c. 21, ss. 314\(1\), 316\(2\)](#), [Sch. 12](#) (with [s. 312\(1\)](#), [Sch. 14 para. 1](#))

*Enforcement*

<sup>F29</sup>**17 Oil records.**

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## Textual Amendments

**F29** S. 17 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

## [<sup>F30</sup>18 Powers of inspection.

- (1) The Secretary of State may appoint any person as an inspector to report to him—
- (a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act (including prohibitions so imposed by the creation of offences under any provision of this Act other than section 3) have been complied with;
  - (b) what measures (other than measures made obligatory by regulations made under section 4 of this Act) have been taken to prevent the escape of oil and mixtures containing oil;
  - (c) whether the oil reception facilities provided in harbours are adequate;
- and any such inspector may be so appointed to report either in a particular case or in a class of cases specified in his appointment.

- (2) Every surveyor of ships shall be taken to be a person appointed generally under the preceding subsection to report to the Secretary of State in every kind of case falling within that subsection.

- (3) [<sup>F31</sup>Sections 27 and 28(1), (3) and (4) of the <sup>M4</sup>Merchant Shipping Act 1979] (powers of inspectors) shall apply to persons appointed or taken to be appointed under subsection (1) of this section as it applies to the inspectors referred to in that section and shall, as so applying, have effect as if—

- [<sup>F32</sup>(a) any reference to a ship included any vessel, any reference to the Merchant Shipping Acts (except the second reference in sub-paragraph (iii) of section 27(1)(h), were a reference to this Act and the reference in that sub-paragraph to regulations were omitted;] and
- (b) any power under that section to inspect premises included power to inspect any apparatus used for transferring oil.

<sup>F33</sup>(4) . . . . .

- (5) Any power of an inspector, [<sup>F34</sup>under section 27] as so applied, to require the production of any oil record book required to be carried or records required to be kept in pursuance of regulations made under section 17 of this Act shall include power to copy any entry therein and require the master to certify the copy as a true copy of the entry; . . . <sup>F35</sup>

- (6) Without prejudice to any powers exercisable by virtue of the preceding provisions of this section, in the case of a vessel which is for the time being in a harbour in the United Kingdom the harbour master, and any other person appointed by the Secretary of State under this subsection (either generally or in relation to a particular vessel), shall have power—

- (a) to go on board and inspect the vessel or any part thereof, or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the vessel into the waters of the harbour;
- (b) to require the production of any oil record book required to be carried or records required to be kept in pursuance of regulations made under section 17 of this Act; and

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- (c) to copy any entry in any such book or record and require the master to certify the copy as a true copy of the entry.
- (7) A person exercising any powers conferred by subsection (6) of this section shall not unnecessarily detain or delay the vessel from proceeding on any voyage.
- (8) If any person fails to comply with any requirement duly made in pursuance of paragraph (b) or paragraph (c) of subsection (6) of this section, he shall be liable on summary conviction to a fine not exceeding [<sup>F36</sup>level 3 on the standard scale]; and if any person wilfully obstructs a person acting in the exercise of any power conferred by virtue of this section [<sup>F37</sup>and the obstruction is not punishable by virtue of the said section 28(1)], he shall be liable on summary conviction to a fine not exceeding [<sup>F38</sup>level 4 on the standard scale].]

#### Textual Amendments

- F30** S. 18 repealed (except in its application to ss. 2(1) and 3) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- F31** Words substituted by **Merchant Shipping Act 1979 (c. 39), s. 28(7)(c)(i)**
- F32** S. 18(3)(a) substituted by **Merchant Shipping Act 1979 (c. 39), s. 28(7)(c)(i)**
- F33** S. 18(4) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F34** Words substituted by **Merchant Shipping Act 1979 (c. 39), s. 28(7)(c)(ii)**
- F35** Words repealed by **Merchant Shipping Act 1979 (c. 39), Sch. 7 Pt. II**
- F36** Words substituted by virtue of (E.W.) **Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46**; (S.) **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G** and (N.I.) S.I. 1984/703 (N.I. 3), **art. 5**
- F37** Words inserted by **Merchant Shipping Act 1979 (c. 39), s. 28(7)(c)(iii)**
- F38** Words substituted by virtue of (E.W.) **Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46**; (S.) **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G**, s. 54 and (N.I.) S.I. 1984/703 (N.I. 3), **art. 5**

#### Modifications etc. (not altering text)

- C19** S. 18 restricted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 17(a)**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- C20** S. 18(1)(a) amended (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 17**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- C21** S. 18(2) amended (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 17(a)**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- C22** S. 18(6) restricted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 17(b)**; S.I. 1993/3137, art. 3(2), **Sch. 2**

#### Marginal Citations

- M4** 1979 c. 39.

## 19 Prosecutions.

- (1) Proceedings for an offence under this Act may, in England or Wales, be brought only—
- by or with the consent of the Attorney General, or
  - if the offence is one to which subsection (2) of this section applies, by the harbour authority, or
  - unless the offence is one mentioned in paragraph (b), (c) or (d) of subsection (2) of this section, by the Secretary of State or a person authorised by any general or special direction of the Secretary of State.
- (2) This subsection applies to the following offences—

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- (a) any offence under section 2 of this Act which is alleged to have been committed by the discharge of oil, or a mixture containing oil, into the waters of a harbour in the United Kingdom;
  - <sup>F39</sup>(b) .....
  - <sup>F39</sup>(c) .....
  - (d) any offence under section 18 of this Act in respect of a failure to comply with a requirement of a harbour master, or in respect of obstruction of a harbour master acting in the exercise of any power conferred by virtue of that section.
- (3) The preceding provisions of this section shall apply in relation to any part of a dockyard port within the meaning of the <sup>M5</sup>Dockyard Ports Regulation Act 1865 as follows, that is to say—
  - (a) if that part is comprised in a harbour in the United Kingdom, the reference to the harbour authority shall be construed as including a reference to the Queen's harbour master for the port;
  - (b) if that part is not comprised in a harbour in the United Kingdom, the references to such a harbour shall be construed as references to such a dockyard port and the reference to the harbour authority as a reference to the Queen's harbour master for the port.
- (4) Where, immediately before the date on which (apart from this subsection) the time for bringing summary proceedings for an offence under this Act would expire, the person to be charged is outside the United Kingdom, the time for bringing the proceedings shall be extended until the end of the period of two months beginning with the date on which he next enters the United Kingdom.
- <sup>F40</sup>(4A) Any document required or authorised, by virtue of any statutory provision, to be served on a foreign company for the purposes of the institution of, or otherwise in connection with, proceedings for an offence under section 2(2A) of this Act alleged to have been committed by the company as the owner of a vessel shall be treated as duly served on that company if the document is served on the master of the vessel; and any person authorised to serve any document for the purposes of the institution of, or otherwise in connection with, proceedings for an offence under this Act (whether or not in pursuance of the foregoing provisions of this subsection) shall, for that purpose, have the right to go on board the vessel in question.
- (4B) In subsection (4A) of this section a “ foreign company ” means a company or body which is not one <sup>F41</sup>to which section 1139 of the Companies Act 2006 applies so as to authorise service of the document in question.]]
- (5) Proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a person at any place at which he is for the time being.
- <sup>F42</sup>(5A) If an inshore fisheries and conservation authority for a district established under section 149 of the Marine and Coastal Access Act 2009, or any inshore fisheries and conservation officer appointed by the authority under section 165 of that Act, is authorised in that behalf under subsection (1) of this section, the authority may institute proceedings for any offence under this Act committed within the district.]
- <sup>F43</sup>(6) .....
- (7) The preceding provisions of this section do not apply in relation to an offence under section 3 of this Act, but proceedings for such an offence may—

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- (a) in England and Wales, be brought only by or with the consent of the Director of Public Prosecutions; and
- (b) in Northern Ireland, be brought only by or with the consent of the Attorney General for Northern Ireland;

and any such proceedings may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

- (8) Where a body corporate is guilty of an offence under section 3 of this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

In this subsection, “director” in relation to a body corporate established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

#### Textual Amendments

- F39** S. 19(2)(b)(c) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F40** S. 19 (4A)(4B) inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 148(1), **Sch. 14 para. 2**
- F41** Words in s. 19(4B) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 22** (with art. 10)
- F42** S. 19(5A) inserted (1.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 14 para. 8**; S.I. 2011/556, art. 2(2)(k)
- F43** S. 19(6) repealed (1.4.2010 for W. and 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 812); S.I. 2011/556, art. 2(1)(2)(o) (3)

#### Modifications etc. (not altering text)

- C23** S. 19(4) excluded (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 59**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- C24** Power to apply conferred by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 148(2)
- C25** S. 19(5) excluded (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 60**; S.I. 1993/3137, art. 3(2), **Sch. 2**

#### Marginal Citations

- M5** 1865 c. 125.

[<sup>F44F45</sup>**19**Power to detain vessels.

.....]

#### Textual Amendments

- F44** S. 19A inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 148(1), **Sch. 14 para. 3**
- F45** S. 19A repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

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**Modifications etc. (not altering text)**

**C26** Power to apply conferred by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), **s. 148(2)**

**<sup>F46</sup>20 Enforcement and application of fines.**

.....

**Textual Amendments**

**F46** [S. 20](#) repealed (1.1.1996) by [1995 c. 21](#), ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

**Modifications etc. (not altering text)**

**C27** [S. 20](#) extended with modifications by [S.I. 1989/1350](#), art. 3, **Sch. 2**

**C28** Power to apply conferred by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), **s. 148(2)**

**<sup>F47</sup>21 Enforcement of Conventions relating to oil pollution.**

.....

**Textual Amendments**

**F47** [S. 21](#) repealed (1.1.1996) by [1995 c. 21](#), ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

*Miscellaneous and supplementary*

**<sup>F48</sup>22 Power to apply certain provisions to ships registered outside United Kingdom.**

.....

**Textual Amendments**

**F48** [S. 22](#) repealed (1.5.1994) by [1993 c. 22](#), s. 8(4), **Sch. 5 Pt.II**; [S.I. 1993/3137](#), art. 3(2), **Sch.2**

**[<sup>F49</sup>23 Power of Secretary of State to grant exemptions.**

The Secretary of State may exempt any discharge of, or of a mixture containing, oil from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as he thinks fit.]

**Textual Amendments**

**F49** [S. 23](#) substituted (15.2.1999) by [1998 c. 17](#), s. 50, **Sch. 4**, para. 4: [S.I. 1999/161](#), **art. 2(1)**

**Modifications etc. (not altering text)**

**C29** [S. 23](#) excluded (20.8.2005) by [Offshore Petroleum Activities \(Oil Pollution Prevention and Control\) Regulations 2005](#) (S.I. 2005/2055), regs. 1, **18(1)**

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<sup>F50</sup>24 .....

#### Textual Amendments

**F50** S. 24 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

### 25 Provisions as to Isle of Man, Channel Islands, colonies and dependencies.

<sup>F51</sup>(1) .....

<sup>F52</sup>(2) .....

<sup>F52</sup>(3) .....

#### Textual Amendments

**F51** S. 25(1) repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2), **Sch. 2**

**F52** S. 25(2)(3) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

### 26 Annual report.

The Secretary of State shall, as soon as possible after the end of each calendar year, make a report on the exercise and performance of his functions under this Act during that year, which shall include such observations as he may think fit to make on the operation during that year of this Act and 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, and the Secretary of State shall lay a copy of every such report before each House of Parliament.

### 27 General provisions as to Orders in Council, regulations and orders.

- (1) Any power to make regulations or an order under this Act shall be exercisable by statutory instrument.
- (2) Any statutory instrument made by virtue of this Act, other than an Order in Council under section 25 or an order under section 34 of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any Order in Council, or other order, made under any provision of this Act may be varied or revoked by a subsequent Order in Council or order made thereunder.

<sup>F53</sup>(4) .....

#### Textual Amendments

**F53** S. 27(4) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)

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*Changes to legislation:* There are currently no known outstanding effects for the Prevention of Oil Pollution Act 1971. (See end of Document for details)

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## 28 Financial provisions.

- (1) There shall be defrayed out of moneys provided by Parliament any administrative expenses of the Secretary of State under this Act.
- (2) Any fees received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

## 29 Interpretation.

- (1) In this Act—

<sup>F54</sup>  
...

“harbour authority” and “harbour in the United Kingdom” have the meanings assigned to them by section 8(2) of this Act;

“harbour master” includes a dock master or pier master, and any person specially appointed by a harbour authority for the purpose of enforcing the provisions of this Act in relation to the harbour;

“local enactment” means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure;

“oil” means oil of any description and includes spirit produced from oil of any description, and also includes coal tar;

“oil reception facilities” has the meaning assigned to it by section 9(1) of this Act;

“oil residues” means any waste consisting of, or arising from, oil or a mixture containing oil;

<sup>F54</sup>  
...

“petroleum-spirit” has the same meaning as in the <sup>M6</sup>Petroleum (Consolidation) Act 1928;

“place on land” has the meaning assigned to it by section 2(3) of this Act;

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

“transfer”, in relation to oil, means transfer in bulk.

- <sup>F55</sup>(2) Any reference in any provision of this Act to a mixture containing oil shall be construed as a reference to any mixture of oil (or, as the case may be, of oil of a description referred to in that provision) with water or with any other substance.]

- (3) Any reference in the provisions of this Act other than section 11 to the discharge of oil or a mixture containing oil, or to its being discharged, from a vessel, place or thing, except where the reference is to its being discharged for a specified purpose, includes a reference to the escape of the oil or mixture, or (as the case may be) to its escaping, from that vessel, place or thing.

<sup>F56</sup>(4) .....

<sup>F56</sup>(5) .....

<sup>F56</sup>(6) .....

- (7) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

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#### Textual Amendments

- F54** In s. 29(1) definitions of “barge” and “outside the territorial waters of the United Kingdom” repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), **Sch. 14** para. 1)
- F55** **S. 29(2)** repealed for certain purposes (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** Note (with s. 312(1), **Sch. 14** para. 1)
- F56** **S. 29(4)(5)(6)** repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), **Sch. 14** para. 1)

#### Modifications etc. (not altering text)

- C30** **S. 29(5)** amended (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4** para. 17(c); S.I. 1993/3137, art. 3(2), **Sch. 2**

#### Marginal Citations

- M6** 1928 c. 32.

### 30 Provisions as to Northern Ireland.

[<sup>F57</sup>(1) This Act extends to Northern Ireland and the following provisions of this section shall have effect with respect to the application of this Act to Northern Ireland.]

(2) . . . . .

(3) In relation to places on land in Northern Ireland, and to apparatus located in Northern Ireland otherwise than on board a vessel,—

- (a) persons appointed by the Secretary of State as inspectors under section 18 of this Act, and surveyors of ships in their capacity as persons so appointed, shall have no powers of entry or inspection; but
- (b) persons appointed by the Ministry of Commerce shall have the like powers as (but for the preceding paragraph) persons appointed by the Secretary of State would have by virtue of that section, and the provisions of that section shall have effect in relation to persons appointed by the Ministry of Commerce as, in England and Wales, they have effect in relation to persons appointed by the Secretary of State.

(4) Subsection (1) of section 19 of this Act shall apply to proceedings in Northern Ireland as it applies to proceedings in England and Wales, but with the substitution, for references to the Attorney General, of references to the Attorney General for Northern Ireland; except that, in relation to proceedings for an offence under section 2 of this Act—

- (a) if the alleged offence relates to the discharge of oil or a mixture containing oil from a vessel in a harbour or inland waterway in Northern Ireland, the references in that subsection to the Secretary of State shall be construed as references to the Secretary of State or the Ministry of Commerce;
- (b) if the alleged offence relates to the discharge of oil or a mixture containing oil from a place on land in Northern Ireland, or from apparatus located in Northern Ireland otherwise than on board a vessel, the references in that subsection to the Secretary of State shall be construed as references to the Ministry of Commerce.

[<sup>F58</sup>(4A) In its application to proceedings in Northern Ireland, subsection (8)(a) of section 19A of this Act shall have effect as if—



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- (a) in sub-paragraph (i), for the references to section 1 of the Magistrates' Courts Act 1980 there were substituted a reference to Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981; and
  - (b) for sub-paragraph (iii) there were substituted—
    - “(iii) when an indictment is presented under section 2(2) (c), (e) or (f) of the Grand Jury (Abolition) Act (Northern Ireland) 1969;”.]
- (5) In the definition of “local enactment” in subsection (1) of section 29 of this Act the reference to a local or private Act includes a reference to a local or private Act of the Parliament of Northern Ireland, and the reference to an order confirmed by Parliament includes a reference to an order confirmed by that Parliament; and the reference in that subsection to the <sup>M7</sup>Petroleum (Consolidation) Act 1928 shall be construed as a reference to the <sup>M8</sup>Petroleum (Consolidation) Act (Northern Ireland) 1929.
- (6) ..... <sup>F59</sup>

#### Textual Amendments

- F57** S. 30(1) repealed for certain purposes (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** Note (with s. 312(1), Sch. 14 para. 1)
- F58** S. 30(4A) inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 148(1), **Sch. 14 para. 7**
- F59** S. 30(6) repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

#### Modifications etc. (not altering text)

- C31** S. 30 extended with modifications by S.I. 1989/1350, art 3, **Sch. 2**
- C32** Functions in relation to fishery harbours transferred (N.I.) to Department of Agriculture for Northern Ireland: S.R. & O. (N.I.) 1973 No. 129 and Northern Ireland Constitution Act 1973 (c. 36), **Sch. 5 para. 8**
- C33** S. 30 amended (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 17(d)**; S.I. 1993/3137, art. 3(2), **Sch. 2**
- C34** S. 30(3) amended (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 17(a)**; S.I. 1993/3137, art. 3(2), Sch. 2

#### Marginal Citations

- M7** 1928 c. 22.
- M8** 1929 c. 13 (N.I.)

### 31 Application to hovercraft.

The enactments and instruments with respect to which provision may be made by an Order in Council under section 1(1)(h) of the <sup>M9</sup>Hovercraft Act 1968 shall include this Act and any instrument made under it.

#### Marginal Citations

- M9** 1968 c. 59.

### 32 Saving for other restrictions, rights of action etc.

Subject to [<sup>F60</sup>section 18 of the <sup>M10</sup>Interpretation Act 1978] (offence under two or more laws) nothing in this Act shall affect any restriction imposed by or under any other enactment, whether contained in a public general Act or in a local or private Act, or

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shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

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**Textual Amendments**

**F60** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 25(2)

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**Marginal Citations**

**M10** [1978 c. 30](#).

### 33 Repeals and savings.

- (1) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.
- (2) In so far as any instrument made or other thing done under any enactment repealed by this Act could have been made or done under any provision of this Act it shall have effect as if made or done under that provision; and references in any such instrument to any such enactment shall be construed as referring to the corresponding provision of this Act or, as the case may be, to this Act.
- (3) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of [<sup>F61</sup>sections 16(1) and 17(2)(a) of the <sup>M11</sup>Interpretation Act 1978] (which relates to the effect of repeals).

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**Textual Amendments**

**F61** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 25(2)

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**Modifications etc. (not altering text)**

**C35** The text of s. 33(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

**M11** [1978 c. 30](#).

### 34 Short title and commencement.

- (1) This Act may be cited as the Prevention of Oil Pollution Act 1971.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint; but the day so appointed shall not be earlier than the day or, if more than one, the latest day, appointed under section 12(3) of the <sup>M12</sup>Oil in Navigable Waters Act 1971 for the coming into force of the provisions of that Act.

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**Modifications etc. (not altering text)**

**C36** 1.3.1973 appointed under s. 34(2) by [S.I. 1973/203](#)

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**Marginal Citations**

**M12** [1971 c. 21](#).

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## SCHEDULE

## ENACTMENTS REPEALED

**Modifications etc. (not altering text)**

**C37** The text of the Schedule is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
3 & 4 Eliz. 2. c. 25.	The Oil in Navigable Waters Act 1955.	The whole Act.
1963 c. 28.	Th Oil in Navigable waters Act 1963.	The whole Act.
1964 c. 29.	The Continental Shelf Act 1964.	Section 5.
1966 c. 38.	The Sea Fisheries Regulation Act 1966.	Section 21(7).
1971 c. 21.	The Oil in Navigable Waters Act 1971.	The whole Act.
1971 c.61.	The Mineral Workings (Offshore Installations) Act 1971.	Section 10(1)(c).

**Changes to legislation:**

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