
 STATUTORY INSTRUMENTS

1980 No. 1093

MERCHANT SHIPPING

POLLUTION

**The Merchant Shipping (Prevention of Pollution)
(Intervention) Order 1980**

<i>Made - - - -</i>	28th July 1980
<i>Laid before Parliament</i>	5th August 1980
<i>Coming into Operation</i>	26th August 1980

At the Court at Buckingham Palace, the 28th day of July 1980

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her—

- (a) by subsections (1) and (2) of section 16 of the Prevention of Oil Pollution Act 1971^(a) (hereinafter referred to as “the 1971 Act”); and
- (b) for the purposes only of—
- (i) giving effect to the agreement mentioned in paragraph (b) of section 20(1) of the Merchant Shipping Act 1979^(b) (hereinafter referred to as “the 1979 Act”); and
 - (ii) providing as authorised by section 20(2) of the 1979 Act in relation to such agreement; and
 - (iii) section 20(5) of the 1979 Act
- by subsections (1)(b), (2), (3)(a) and (d), (4)(a), (d) and (f), and (5) of section 20 of the 1979 Act;

and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Merchant Shipping (Prevention of Pollution) (Intervention) Order 1980 and shall come into operation on 26th August 1980.

(2) In this Order—

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

^(a) 1971 c. 60.

^(b) 1979 c. 39.

- (b) "substances other than oil" means—
- (i) those substances listed in the Schedule to this Order; and
 - (ii) those other substances which are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

Revocation

2. The Oil in Navigable Waters (Shipping Casualties) Order 1971(a) is hereby revoked.

PART I
SHIPS WITHIN UNITED KINGDOM TERRITORIAL WATERS

Application

3. This Part of this Order shall apply in relation to all ships (whether or not registered in the United Kingdom) which are for the time being within the seaward limits of the territorial waters of the United Kingdom.

Intervention powers and related matters

4. The provisions of sections 12, 13, 14, 15 and 16(4) of the 1971 Act (which relate to intervention powers of the Secretary of State and matters connected therewith in respect of oil pollution from shipping casualties) shall apply in relation to pollution by substances other than oil in like manner as they apply in relation to oil pollution, and accordingly—

- (a) sections 12 and 13 shall have effect as if references therein to "oil" and "oil pollution", wherever they occur, included references to "substances other than oil" and "pollution by substances other than oil" respectively; and
- (b) sections 13, 14, 15 and 16(4) shall have effect as if references therein to section 12, wherever they occur, included references to that section as applied and modified by this Article.

PART II
SHIPS OUTSIDE UNITED KINGDOM TERRITORIAL WATERS

Application

5. This Part of this Order shall, subject to Article 7 below, apply in relation to all ships which are for the time being outside the seaward limits of the territorial waters of the United Kingdom.

Intervention powers and related matters

(a) Ships registered in the United Kingdom

6. Article 4 of this Order shall apply in relation to all ships registered in the United Kingdom.

(b) Ships not registered in the United Kingdom

7.—(1) In relation to ships which are not registered in the United Kingdom, the provisions of sections 12, 13, 14, 15 and 16(4) of the 1971 Act shall, subject to paragraph (3) below, apply in any case where the Secretary of State is satisfied that there is a need to protect the coast of the United Kingdom, or waters within the seaward limits of the territorial waters of the United Kingdom, against grave and imminent danger of pollution by oil or by substances other than oil.

(2) Where the Secretary of State is so satisfied, the said provisions shall apply in relation to pollution by substances other than oil in like manner as they apply in relation to oil pollution; and accordingly those provisions shall have effect as modified by paragraphs (a) and (b) of Article 4.

(3) In the case of ships in relation to which the foregoing paragraphs of this Article apply, the powers conferred on the Secretary of State to give directions under section 12 of the 1971 Act (as applied and modified by those paragraphs) shall be exercisable only in relation to—

- (a) an individual who is a citizen of the United Kingdom and Colonies; or
- (b) a body corporate which is established under the laws of a part of the United Kingdom;

and section 14(2) of the 1971 Act (as so applied and modified) (which relates to the offence of obstruction) shall apply only to such an individual or body corporate.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

Article 1(2)(b)(i)

LIST OF SUBSTANCES OTHER THAN OIL

Part I. Noxious substances

Acetic anhydride	DDT
Acetone	Dichloroanilines
Acetone cyanohydrin	Dichlorobenzenes
Acrolein	Dieldrin
Acrylonitrile	Dimethoate (Cygon)
Aldrin	Dimethyl amine (40% aqueous)
Allyl isothiocyanate	Dinitroanilines
Aluminium Phosphide	4, 6-Dinitroorthocresol
Ammonia (28% aqueous)	Dinitrophenols
Ammonium phosphate	Endosulphan (Thiodan)
Amyl mercaptan	Endrin
Aniline	Epichlorohydrin
Aniline hydrochloride	Ethyl bromoacetate
Antimony compounds	Ethylene chlorohydrin (2-Chloro-
Arsenic compounds	Ethanol)
Atrazine	Ethylene dichloride
Azinphos methyl (Guthion)	Ethyl parathion
Barium azide	Fentin acetate (dry)
Barium cyanide	Fluorosilicic acid
Barium oxide	Heptachlor
Benzene	Hexachlorobenzene
Benzene hexachloride isomers (Lindane)	Hexaethyl tetraphosphate
Benzidine	Hydrocyanic acid
Beryllium powder	Hydrofluoric acid (40% aqueous)
Bromine	Isoprene
Bromobenzyl cyanide	Lead compounds
n-Butyl acrylate	Lindane (gammexane, BHC)
Butyric acid	Malathion
Cacodylic acid	Mercuric compounds
Cadmium compounds	Methyl alcohol
Carbaryl (Sevin)	Methylene chloride
Carbon disulphide	Molasses
Carbontetrachloride	Naphthalene (molten)
Chlordane	Naphthylthiourea
Chloroacetone	Nitric acid (90%)
Chloroacetophenone	Oleum
Chlorodinitrobenzene	Parathion
Chloroform	Paraquat
Chlorohydrins (crude)	Phenol
Chloropicrin	Phosphoric acid
Chromic acid (Chromium trioxide)	Phosphorus (elemental)
Cooculus (solid)	Polyhalogenated biphenyls
Copper compounds	Sodium pentachlorophenate (solution)
Cresols	Styrene monomer
Cupriethylene diamine	Toluene
Cyanide compounds	Toluene diisocyanate
Cyanogen bromide	Toxaphene
Cyanogen chloride	Tritolyl phosphite (Tricresyl phosphate)
	2, 4, 5-T

Part II. Liquefied gases (when carried in bulk)

Acetaldehyde	Ethylene Oxide
Anhydrous Ammonia	Methane (LNG)
Butadiene	Methyl Acetylene Propadiene mixture
Butane	Methyl Bromide
Butane/Propane Mixtures	Methyl Chloride
Butylenes	Propane
Chlorine	Propylene
Dimethylamine	Vinyl Chloride Monomer
Ethyl Chloride	Anhydrous Hydrogen Chloride
Ethane	Anhydrous Hydrogen Fluoride
Ethylene	Sulphur Dioxide

Part III. Radioactive substances

1. Radioactive substances, including consignments of such substances which are required to be notified to competent authorities under paragraph 835 in Section VIII of the IAEA Regulations.

2. In paragraph 1 above, "the IAEA Regulations" means the Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition, published by the International Atomic Energy Agency in Vienna.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives effect to the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil 1973 (Cmnd. 6038) ("the 1973 Protocol"). Under the powers contained in section 20(2) of the Merchant Shipping Act 1979, the Order comes into force in the United Kingdom before the 1973 Protocol (which has been ratified by the United Kingdom) comes into force internationally.

The 1973 Protocol is an extension of the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969 (Cmnd. 6053), to which effect was given by sections 12–16 of the Prevention of Oil Pollution Act 1971 ("the 1971 Act"), as modified by the Oil in Navigable Waters (Shipping Casualties) Order 1971 ("the 1971 Order"). This Order therefore applies those sections of the 1971 Act with the necessary modifications to make them applicable in relation to pollution by substances other than oil in like manner as they apply to oil pollution. The expression "oil" has the same meaning as in section 29(1) of the 1971 Act and the expression "substances other than oil" is defined in Article 1(2)(b) of this Order.

Section 12 of the 1971 Act (as so applied) enables the Secretary of State to give directions, or take other action, to prevent or reduce oil pollution or pollution by substances other than oil, or the risk of such pollution, which threatens the United Kingdom or its territorial waters on a large scale as a result of a shipping casualty. Section 13 enables persons incurring expense or suffering damage as a result of unreasonable or disproportionate action to recover compensation from the Secretary of State. Sections 14 and 15 relate respectively to offences and service of directions. Section 16(4) excludes naval vessels and Government ships from certain provisions of section 12.

Part I of this Order, like those sections of the 1971 Act applied thereby, applies in relation to ships within United Kingdom territorial waters. Part II applies in relation to ships outside United Kingdom territorial waters, with restrictions in the case of ships not registered in the United Kingdom similar to those imposed by virtue of section 16 of the 1971 Act; it also incorporates (in Article 7) provisions equivalent to those in the 1971 Order, which is therefore revoked.

The IAEA Regulations for the Safe Transport of Radioactive Materials (mentioned in Part III of the Schedule to this Order) may be purchased from Her Majesty's Stationery Office.