

**1987 No. 470**

**MERCHANT SHIPPING**

**POLLUTION**

**The Merchant Shipping (Prevention and Control of  
Pollution) Order 1987**

*Made* - - - - - *1st March 1987*

*Coming into force* *6th April 1987*

At the Court at Buckingham Palace, the 18th day of March 1987

Present,

The Queen's Most Excellent Majesty in Council

Whereas by virtue of section 20(1)(a) and (d) of the Merchant Shipping Act 1979(a) ("the Act of 1979") Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect to—

- (a) the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2nd November 1973 ("the Convention")(b), and
- (b) any international agreement, not mentioned in paragraphs (a) to (c) of the said section 20(1), which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships;

And whereas the said section 20(1) further provides that the reference to an agreement in paragraph (d) of the said section 20(1) (being the provision recited in paragraph (b) above) includes an agreement which provides for modification of another agreement, including *inter alia* the Convention;

And whereas the Marine Environment Protection Committee of the International Maritime Organisation by Resolution MEPC 16(22) dated 5th December 1985 adopted, in accordance with Article 16(2)(d) of the Convention, amendments relating to Annex II to the Convention;

And whereas the said Marine Environment Protection Committee by Resolution MEPC 21(22) dated 5th December 1985 adopted, in accordance with the said Article 16(2)(d) of the Convention, amendments relating to Protocol I to the Convention;

And whereas the said Annex II to the Convention and the said amendments thereto and the said amendments to Protocol I to the Convention come into force internationally on 6th April 1987;

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 20(1)(a) and (d), (3), (4) and (5) of the Act of 1979 and of all other powers enabling Her in that

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(a) 1979 c.39.

(b) Cmnd. 5748.

behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Merchant Shipping (Prevention and Control of Pollution) Order 1987 and shall come into force on 6th April 1987.

2. Regulation 31 of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983(a) is hereby revoked.

3.—(1) The Secretary of State may make regulations—

- (a) for the prevention of pollution by noxious liquid substances for the purpose of giving effect to the said Annex II to the Convention as amended; and
- (b) for requiring the reporting of incidents involving pollution or the threat of pollution for the purpose of giving effect to the said Protocol I to the Convention as amended; and
- (c) for applying the requirements of the said Annex II to areas of the sea and other waters within the seaward limits of the territorial waters of the United Kingdom notwithstanding that the said Annex II does not apply to them.

(2) Such regulations may in particular include provisions—

- (a) with respect to the approval of documents and the carrying out of surveys and inspections, and for the issue, duration and recognition of certificates and the payment in connection with such a survey, inspection or certificate of fees of amounts determined with the approval of the Treasury;
- (b) with respect to the application of the regulations to the Crown and the extra-territorial operation of the regulations;
- (c) for the extension of any provision of this Order or of the regulations, with or without modification, to any of the Channel Islands, the Isle of Man, any colony and any country or place outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of the government of the United Kingdom;
- (d) that specified contraventions of the regulations shall be offences punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years and a fine;
- (e) that specified contraventions shall be offences punishable only on summary conviction by a maximum fine not exceeding level 5 on the standard scale or such less amount as is prescribed by the regulations;
- (f) for detaining any ship in respect of which such a contravention is suspected to have occurred and, in relation to such a ship for applying section 692 of the Merchant Shipping Act 1894(b) (which relates to the detention of a ship) with such modifications, if any, as are prescribed by the regulations.

(3) Such regulations may—

- (a) make different provisions for different circumstances;
- (b) provide for exemptions from any provisions of the regulations;
- (c) provide for the delegation of functions exercisable by virtue of the regulations; and
- (d) include such incidental, supplemental and transitional provisions as appear to the Secretary of State to be expedient for the purposes of the regulations.

(4) The Statutory Instruments Act 1946(c) shall apply to regulations made under this Order, and shall so apply as if such regulations were a statutory instrument.

4. Sections 55 to 58 of the Merchant Shipping Act 1970(d) (which relate to investigations of shipping casualties) shall apply in respect of any discharge from a ship which may have been made in contravention of any regulations made under this Order as they apply in relation to any damage caused by a ship.

*G. I. de Denev*  
Clerk of the Privy Council

(a) S.I. 1983/1398, to which there is an amendment not relevant to this Order.

(b) 1894 c.60.

(c) 1946 c.36.

(d) 1970 c.36, amended by sections 28 and 32 of the Merchant Shipping Act 1979 (c.39) and by paragraph 90 of Schedule 7 to the Magistrates' Courts Act 1980 (c.43).

## EXPLANATORY NOTE

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

This Order enables effect to be given to Annex II and Protocol I to the International Convention for the Prevention of Pollution from Ships 1973 as amended by the Protocol thereto of 1978 and by the amendments thereto adopted by the Marine Environment Protection Committee of the International Maritime Organization on 5th December 1985.

The Order empowers the Secretary of State to make regulations for the purpose of giving effect to Annex II (which relates to pollution by noxious liquid substances) and the revised Protocol I (which relates to reporting of pollution incidents). In particular, the regulations may include provisions with respect to the carrying out of surveys, the issue of certificates, the application of the regulations to the Crown, the extension of the Order or regulations to dependent territories, the imposition of penalties and the detention of ships.

Regulation 31 of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983 will no longer be required once the regulations under this Order are in force and is accordingly revoked.