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STATUTORY INSTRUMENTS

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**1990 No. 2595**

**The Merchant Shipping (Prevention  
and Control of Pollution) Order 1990**

**3.—(1)** The Secretary of State may make regulations for the prevention of pollution by harmful substances carried by sea in packaged form for the purpose of giving effect to the provisions of Annex III to the Convention.

(2) Such regulations may in particular include provisions—

- (a) with respect to the approval of documents and 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<sup>(1)</sup> (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<sup>(2)</sup> shall apply to regulations made under this Order, and shall so apply as if such regulations were a statutory instrument.

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(1) 1894 c. 60.

(2) 1946 c. 36.