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STATUTORY INSTRUMENTS

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**1996 No. 2154**

**The Merchant Shipping (Prevention  
of Oil Pollution) Regulations 1996**

**PART II**

**SURVEYS, CERTIFICATES AND OIL RECORD BOOK**

**Surveys before issue of a Certificate**

**4.—(1)** The owner of every United Kingdom oil tanker of 150 GT and above and every other United Kingdom ship of 400 GT and above, shall cause the same to be subjected—

- (a) to a survey before the ship is put into service or before an IOPP Certificate or UKOPP Certificate in respect of the ship is issued for the first time by a surveyor appointed by the Marine Safety Agency;
- (b) to a renewal survey within 5 years of the first issue of an IOPP Certificate or a UKOPP Certificate, and at intervals not exceeding 5 years thereafter by a surveyor appointed by a Certifying Authority.

(2) The surveyor shall survey the ship and satisfy himself that its structure, equipment, systems, fittings, arrangements and material are in accordance with the requirements of these Regulations and that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily water separating equipment and oil filtering systems are in good working order.

(3) The initial and any renewal survey to be carried out under this regulation shall be in accordance with the procedures specified in Merchant Shipping Notice M 1076.

**Annual Survey**

**5.—(1)** The owner of every United Kingdom ship in respect of which an IOPP Certificate has been issued shall, so long as the certificate remains in force, cause the ship to be subject to an annual survey, which shall be carried out within three months before or after the anniversary date of the IOPP Certificate, provided that no annual survey shall be required when the intermediate survey pursuant to regulation 6 is carried out within three months before or after the anniversary date of the IOPP Certificate.

(2) The surveyor shall survey the ship in accordance with the procedures specified in Merchant Shipping Notice M 1076 and satisfy himself—

- (a) that those parts of the ship and its equipment specified in that Merchant Shipping Notice which are the subject of the survey remain efficient; and
- (b) that no material alterations have been made in the structure, equipment, systems, fittings, arrangements and materials to which the IOPP Certificate relates without the approval of the Secretary of State.

(3) On completion of the survey the surveyor shall, if it is in order to do so, endorse the IOPP Certificate to that effect.

### **Intermediate Survey**

6.—(1) The owner of every United Kingdom ship in respect of which an IOPP Certificate has been issued shall, so long as the Certificate remains in force, cause the ship to be subject to an intermediate survey during the period of validity of the Certificate. This intermediate survey shall be held not earlier than six months before and not later than six months after the half-way date of the period of validity of the Certificate.

(2) The surveyor shall survey the ship in accordance with the procedures specified in Merchant Shipping Notice M. 1076 and satisfy himself—

- (a) that those parts of the ship and its equipment specified in that Merchant Shipping Notice which are the subject of the survey are in good working order and fully comply with these regulations;
- (b) that no material alterations have been made in the structure, equipment, systems, fittings, arrangements and material to which the IOPP Certificate relates without the approval of the Secretary of State.

(3) On completion of the survey, the surveyor shall, if it is in order to do so, endorse the IOPP Certificate to that effect.

### **Issue and duration of Certificate**

7.—(1) When it is in order to do so the Secretary of State, or as the case may be a Certifying Authority, shall issue to the ship an appropriate Certificate which—

- (a) in the case of an oil tanker of 150 GT and above and any other ship of 400 GT and above which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention, is an IOPP Certificate; and
- (b) in the case of any other oil tanker of 150 GT and above and any other ship of 400 GT and above, is a UKOPP Certificate.

(2) The Secretary of State may request through a proper officer or otherwise, the Government of a Convention country to survey a United Kingdom ship and, if satisfied that the provisions of the Convention are complied with, to issue or authorise the issue of an IOPP Certificate to the ship.

(3) A Certificate so issued shall contain a statement that it has been issued in accordance with such a request, and it shall have the same effect as a Certificate issued under paragraph (1).

(4) The Secretary of State may at the request of a Government of a Convention country survey a ship registered in that State and if satisfied that the provisions of the Convention are complied with, issue an IOPP Certificate to that ship; a Certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it was issued by that Government and not by the Secretary of State.

- (a) (5) (a) The IOPP Certificate for ships other than oil tankers and the IOPP Certificate for oil tankers shall be in the form prescribed by the Convention. The UKOPP Certificate for Ships other than oil tankers and the UKOPP Certificate for oil tankers shall be in a form prescribed by the Secretary of State. These Certificates shall be valid for a period not exceeding five years from the date of issue.
- (b) The Certificates referred to in the subparagraph (a) above shall be supplemented by a Record of Construction and Equipment in the case of an international certificate in the form prescribed by the Convention, and in the case of a United Kingdom certificate in the form prescribed by the Secretary of State.

- (6) A Certificate shall cease to be valid—
- (a) if without the approval of the Secretary of State or, as the case may be, a Certifying Authority significant alteration has been made to the construction, equipment, systems, fitting arrangements or material required by the Regulations, other than the direct replacement of such equipment or fittings;
  - (b) in the case of an IOPP Certificate, if the intermediate survey is not carried out within the period specified in regulation 6; or
  - (c) when the ship transfers to the flag of another State.

(7) The appropriate Certificate shall be kept on board every United Kingdom ship which is either an oil tanker of 150 GT or above or any other ship of 400 GT or above, and shall be available for inspection at all reasonable times.

### **Responsibilities of owner and master**

- 8.—(1) The owner and master of every ship shall each ensure that—
- (a) the condition of the ship and its equipment is maintained so as to comply with the relevant provisions of these Regulations; and
  - (b) after any survey of a United Kingdom ship required by these Regulations has been completed, no material change is made in the structure, equipment, systems, fittings, arrangements or material subject to such survey without the approval of the Secretary of State.

(2) Whenever an accident occurs to a United Kingdom ship or a defect is discovered, either of which affects the integrity of a ship or the efficiency or completeness of its equipment—

- (i) the master or (if the master fails to do so) the owner shall report it at the earliest opportunity to the Secretary of State or a Proper Officer, either of whom may cause investigations to be initiated to determine whether a survey by a surveyor is necessary and who may in that event require such a survey to be carried out; and
- (ii) if the ship is in a port of a Convention country (other than the United Kingdom) the master or (if the master fails to do so) the owner shall in addition make such a report immediately to the appropriate authorities of the country in which the port is situated.

- (a) (3) (a) If an accident has occurred to or a defect has been discovered in or on any ship of a country (other than the United Kingdom) and which is for the time being in a United Kingdom port, and the accident or defect is such as to affect the integrity of the ship or the efficiency or completeness of its equipment, the owner or (if he fails to do so) the master shall make a report immediately to the Secretary of State and to the authority responsible for issuing the IOPP Certificate to the ship;
- (b) The owner or (if he fails to do so) the master shall report the results of any investigation or survey initiated by the authority responsible for issuing the IOPP Certificate to the ship to the Secretary of State, who may cause the ship to be detained until such a report has been made.
- (c) If within a reasonable period the Secretary of State is not satisfied that a full and proper report has been made to the authority responsible for issuing an IOPP Certificate to the ship, or that the action taken is not sufficient to restore the integrity of the ship or the efficiency or completeness of its equipment, he may take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. Without prejudice to any other action he may take, the Secretary of State may request the authority responsible for issuing the IOPP Certificate to the ship to carry out such surveys and inspections as it may consider to be necessary to

establish that the condition of the ship is such that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

### **Procedure to be adopted when corrective action is necessary**

9.—(1) In any case where the Certifying Authority determines that the condition of a United Kingdom ship or its equipment does not correspond with the particulars of the IOPP or UKOPP Certificate or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, the Certifying Authority shall advise the owner or master of the corrective action which in its opinion is required, and shall give notice thereof to the Secretary of State.

(2) If such corrective action is not taken within such period (being a reasonable period) as the Certifying Authority may specify, the Certifying Authority shall, at the end of that time, immediately notify the Secretary of State who may, on receipt of such notification, suspend the validity of the IOPP or UKOPP certificate issued to the ship and shall give notice of any such suspension to the owner and to the Certifying Authority.

(3) The master shall thereupon deliver up the Certificate issued to the Certifying Authority on demand.

(4) Where the ship is in a port of a Convention country (other than the United Kingdom) and corrective action in accordance with paragraph (1) has not been taken, the Certifying Authority shall in addition immediately notify the appropriate authorities of the country in which the port is situated.

(5) Where, in the case of a ship of a Convention country (other than the United Kingdom) which is for the time being in a United Kingdom port, the nominated surveyor or the recognised organisation responsible for issuing the IOPP Certificate to the ship determines that it is necessary to withdraw the certificate, a report shall, unless made by the nominated surveyor or recognised organisation, be made by the master of the ship to the Secretary of State. The Secretary of State may then take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purposes of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

### **Oil Record Book**

10.—(1) Every ship of 400 GT and above, other than an oil tanker, and every oil tanker of 150 GT and above shall be provided with an Oil Record Book, Part I (Machinery Space Operations). Every oil tanker of 150 GT and above shall also be provided with an Oil Record Book, Part II (Cargo/Ballast Operations). The Oil Record Book shall be in the form prescribed in the Convention.

(2) The Oil Record Book shall be completed on each occasion, on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship—

- (a) for machinery space operations (all ships)—
  - (i) ballasting or cleaning of oil fuel tanks;
  - (ii) discharging ballast or cleaning water from oil fuel tanks;
  - (iii) disposing oily residues (sludge);
  - (iv) discharging overboard bilge water which has accumulated in machinery spaces;
- (b) for cargo/ballast operation (oil tankers)—
  - (i) loading oil cargo;
  - (ii) internal transfer of oil cargo during voyage;
  - (iii) unloading oil cargo;
  - (iv) ballasting cargo tanks and dedicated clean ballast tanks;

- (v) cleaning cargo tanks including crude oil washing;
  - (vi) discharging ballast except from segregated ballast tanks;
  - (vii) discharging water from slop tanks;
  - (viii) closing, after the discharge of the contents of the slop tanks, all valves or similar devices opened to permit such operations;
  - (ix) closing those valves necessary for the isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations; and
- (x) disposing residues.

(3) In the event of a discharge of oil or oily mixture as is referred to in regulation 11 or in the event of an accidental or other exceptional discharge of oil not excepted by that regulation, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge.

(4) Each operation described in paragraph (2) shall be fully recorded without delay in the Oil Record Book so that all entries in the book appropriate to that operation are completed. Each completed operation shall be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master.

(5) The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board. It shall be preserved for a period of three years after the last entry has been made.

(6) The Secretary of State or a person authorised by the Certifying Authority may inspect the Oil Record Book on board whilst the ship is in a port or offshore terminal and may make a copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such an entry. Any such copy shall be admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of an Oil Record Book and the taking of a certified copy by the Secretary of State, or a person so authorised, under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.