

2005 No. 1916

MERCHANT SHIPPING

**The Merchant Shipping (Prevention of Oil Pollution)
(Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>7th July 2005</i>
<i>Laid before Parliament</i>	<i>14th July 2005</i>
<i>Coming into force</i> - -	<i>4th August 2005</i>

The Secretary of State for Transport, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), in exercise of the powers conferred upon him by sections 85(1)(a) and (b), (3), (5) to (7) and 86(1) of that Act, and in exercise of the powers conferred by article 3 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983(b) and article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(c) and, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to measures relating to maritime transport(e), in exercise of the powers conferred on him by the said section 2(2), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations 2005 and shall come into force on 4th August 2005.

(2) In these Regulations “the principal Regulations” means the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996(f).

Amendment of principal Regulations: regulation 1

2. In regulation 1(2) of the principal Regulations, in the definition of “the Convention”, for the words “11th October 2002” there shall be substituted the words “4th December 2003”.

Amendment of principal Regulations: regulation 31

3.—(1) Regulation 31 of the principal Regulations shall be amended as follows.

(2) After paragraph (1) there shall be inserted:

“(1A) Subject to paragraph (2), paragraph (7) of this regulation applies to an oil tanker of 600 tons deadweight and above.”.

(a) 1995 c.21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 8.
(b) S.I. 1983/1106, amended by S.I. 1985/2002, 1991/2885 and 1993/1580. The provisions that can be made under the Order were extended by section 128 of the Merchant Shipping Act 1995 (c.21) and varied by section 7(6) and (7) of the Merchant Shipping and Maritime Security Act 1997 (c.28).
(c) S.I. 1996/282.
(d) 1972 c.68.
(e) S.I. 1994/757.
(f) S.I. 1996/2154, amended by S.I. 1997/1910, S.I. 2000/483 and S.I. 2004/303.

(3) In paragraph (4), for paragraph (b) there shall be substituted:

“(b) if it is any other oil tanker, shall not enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of the United Kingdom:

- (i) if the ship was delivered in 1981 or earlier, or was delivered in 1982 on or before 4th August, on or after the day these Regulations came into force,
- (ii) if the ship was delivered in 1982 after 4th August, on or after the anniversary in 2005 of the day and month of that ship’s delivery. ”.

(4) In paragraph (5), for paragraph (b) there shall be substituted:

“(b) if it is any other oil tanker, shall not enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of the United Kingdom:

- (i) if the ship was delivered in 1976 or earlier, or was delivered in 1977 on or before 4th August, on or after the day these Regulations came into force,
- (ii) if the ship was delivered in 1977 after 4th August, on or after the anniversary in 2005 of the day and month of that ship’s delivery,
- (iii) if the ship was delivered in 1978 or 1979, on or after the anniversary in 2006 of the day and month of that ship’s delivery,
- (iv) if the ship was delivered in 1980 or 1981, on or after the anniversary in 2007 of the day and month of that ship’s delivery,
- (v) if the ship was delivered in 1982, on or after the anniversary in 2008 of the day and month of that ship’s delivery,
- (vi) if the ship was delivered in 1983, on or after the anniversary in 2009 of the day and month of that ship’s delivery,
- (vii) if the ship was delivered in 1984 or later, on or after the anniversary in 2010 of the day and month of that ship’s delivery.”.

(5) For paragraphs (6) to (8) there shall be substituted:

“(6) A category 2 or 3 oil tanker which is equipped only with double bottoms or double sides not used for the transport of oil and extending for the whole length of the cargo tank, or with double-hulled spaces not used for the transport of oil and extending for the whole length of the cargo tank, but which do not meet the conditions for exemption from the provisions of paragraph 1(c) of Regulation 13G of Annex I, may continue to operate after the date set out in relation to such a ship in paragraph (5), but not beyond the anniversary of the date of delivery of the ship in the year 2015 or the date on which the ship reaches the age of 25 years from its date of delivery, whichever is the sooner.

(7) No oil tanker carrying heavy grades of oil shall be allowed to enter or leave a port or offshore terminal or to anchor in an area under the jurisdiction of the United Kingdom unless:

- (a) it is a double hull oil tanker, or
- (b) it is an oil tanker of less than 5,000 tons deadweight operating on or before the anniversary in 2008 of the day and month of that ship’s delivery, or
- (c) it is an oil tanker operating exclusively in ports and inland navigation and duly certified under the inland waterway legislation applicable to the ship, or
- (d) it is an ice-strengthened single-hull oil tanker operating before 21st October 2005 in ice conditions which require the use of such a vessel, equipped with a double bottom not used for the transport of oil and extending over the entire length of the cargo tank, carrying heavy grades of oil only in its central tanks.

(8) Paragraph (8A) applies to a category 2 or 3 oil tanker:

- (a) on and after 4th August 2005 if on or before that date the ship has been subject to a renewal or intermediate survey following the fifteenth anniversary of the day and month of the ship’s delivery, and

- (b) in any other case, from the date on which the ship first has a renewal or intermediate survey following the fifteenth anniversary of the day and month of the ship's delivery.

(8A) A ship to which this paragraph applies:

- (a) if it is a United Kingdom tanker shall not operate, and
- (b) if it is any other tanker, shall not enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of the United Kingdom

unless it complies with the Condition Assessment Scheme adopted by Resolution 94(46) of 27th April 2001 of the Marine Environment Protection Committee of the International Maritime Organisation and amended by Resolution 99(48) of 11th October 2002 and Resolution 112(50) of 4th December 2003 of that Committee.”

(6) In paragraph (11):

- (a) the definition of “age” shall be deleted,
- (b) for the definition of “category 2 oil tanker” there shall be substituted:

““category 2 oil tanker” means an oil tanker of:

- (a) 20,000 tonnes deadweight and above which carries as cargo crude oil, fuel oil, heavy diesel oil or lubricating oil, or
- (b) 30,000 tonnes deadweight and above which carries as cargo oil other than oil mentioned in paragraph (a),

and which complies with the requirements for new oil tankers as defined in Regulation 1(26) of Annex I of the Convention and is provided with segregated ballast tanks protectively located (“SBT/PL”),”

- (c) for the definition of “double hull tanker” there shall be substituted:

““double hull oil tanker” means:

- (a) in relation to an oil tanker of 5,000 tonnes deadweight and above, an oil tanker which complies with:
 - (i) the double hull or equivalent design requirements of Regulation 13F of Annex I of the Convention, or
 - (ii) the provisions of paragraph 1(c) of regulation 13G of Annex I of the Convention, and
- (b) in relation to an oil tanker of 600 tonnes deadweight and above but less than 5,000 tonnes deadweight, an oil tanker which:
 - (i) is fitted with double bottom tanks or spaces complying with the provisions of regulation 13F(7)(a) of Annex I of the Convention,
 - (ii) is fitted with wing tanks or spaces arranged in accordance with regulation 13F(3)(a) of Annex I of the Convention, and
 - (iii) complies with the requirement for distance w as referred to in regulation 13F(7)(b) of Annex I of the Convention,”

- (d) after the definition of “heavy diesel oil” there shall be inserted:

““heavy grades of oil” means:

- (a) crude oils having a density at 15°C which is higher than 900kg/m³(5) (which corresponds to an API grade of less than 25.7),
- (b) fuel oils having a density at 15°C which is higher than 900 kg/m³ or a kinematic viscosity at 50°C which is higher than 180mm²/s(6) (which corresponds to a kinematic viscosity of over 189cSt),
- (c) bitumen and tar and their emulsions,”

Amendment of principal Regulations: regulation 35

4. In regulation 35 of the principal Regulations:

- (a) in paragraph (1), after “proposes to enter” there shall be inserted “or leave”, and after “deny the entry” there shall be inserted “or exit”,
- (b) in paragraph (2), for sub-paragraph (a) there shall be substituted:
 - “(a) a ship:
 - (i) is suspected of a contravention of the requirements of regulation 12, 13 or 16,
or
 - (ii) does not comply with any other requirement of these Regulations”.

7th July 2005

S J Ladyman
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (S.I. 1996/2154) as amended.

The Regulations implement Regulation (EC) No.1726/2003 of the European Parliament and of the Council of 22nd July 2003 amending Regulation (EC) No. 417/2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers (O.J. L 249, 01.10.2003, p.1.) and Commission Regulation (EC) No. 2172/2004 of 17th December 2004 amending Regulation (EC) No. 417/2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers.

The provisions made by these Regulations and by the EC Regulations are also contained in IMO Resolution MEPC.111(50) of 4th December 2003, which amends regulation 13G and inserts regulation 13H of Annex I to the International Convention for the Prevention of Pollution from Ships 1973 as amended by its Protocol of 1978 (“MARPOL 73/78”).

The Regulations also amend regulation 35(2) of the 1996 Regulations in order to provide that a ship may be detained where it is suspected contravening the requirements of regulations 12, 13 or 16, which relate to pollution.

A Regulatory Impact Assessment has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG. A copy has been placed in the library of each House of Parliament.

Resolutions and other publications of the International Maritime Organisation can be obtained from IMO, 4 Albert Embankment, London SE1 7SR.

STATUTORY INSTRUMENTS

2005 No. 1916

MERCHANT SHIPPING

**The Merchant Shipping (Prevention of Oil Pollution)
(Amendment) Regulations 2005**

£3.00

© Crown copyright 2005

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1070 07/2005 151070T 19585

ISBN 0-11-073090-9



9 780110 730905