
STATUTORY INSTRUMENTS

2008 No. 2924

**The Merchant Shipping (Prevention of Air
Pollution from Ships) Regulations 2008**

PART 1

General

Application and exemptions

3.—(1) Subject to paragraphs (2) to (12) these Regulations apply to—

- (a) a United Kingdom ship wherever it may be,
- (b) any other ship while it is within United Kingdom waters.

(2) Regulations 5 to 11 apply to—

- (a) a platform, other than one that is registered in, or is not registered in but is entitled to fly the flag of, a country whose Government is a Contracting Government other than the United Kingdom,
- (b) any other United Kingdom ship of 400 GT or above,

wherever it may be.

(3) Regulation 12 applies to—

- (a) a platform engaged in voyages to waters under the sovereignty or jurisdiction of a Contracting Government other than the United Kingdom,
- (b) any United Kingdom ship of 400 GT or above engaged in voyages to ports or offshore terminals under the jurisdiction of a Contracting Government other than the United Kingdom.

(4) Regulations 13 and 19(1) apply to a ship which is—

- (a) not a United Kingdom ship,
- (b) registered in, or is not registered in but is entitled to fly the flag of, a country whose Government is a Contracting Government,
- (c) engaged in voyages to ports or offshore terminals under the jurisdiction of a Contracting Government,
- (d) of 400 GT or above, unless it is a drilling rig, and
- (e) in United Kingdom waters or controlled waters.

(5) Regulations 14, 15, 16(1) to (5), 17 and 18(1) and (2) apply to—

- (a) a platform other than one that is registered in, or is not registered in but is entitled to fly the flag of, a country whose Government is a Contracting Government other than the United Kingdom,
- (b) any other United Kingdom ship of 400 GT or above,

wherever it may be.

- (6) Regulation 16(6) applies to a ship which is—
 - (a) not a United Kingdom ship,
 - (b) engaged in voyages to ports or offshore terminals under the jurisdiction of a Contracting Government other than the United Kingdom,
 - (c) of 400 GT or above, unless it is a drilling rig, and
 - (d) in a port or offshore terminal in the United Kingdom.
- (7) Regulation 18(3) and (4) applies in relation to a ship which is—
 - (a) a platform engaged in voyages to waters under the sovereignty or jurisdiction of a Contracting Government other than the United Kingdom,
 - (b) a United Kingdom ship, of 400 GT or above, wherever it may be, which is engaged in voyages to ports or offshore terminals under the jurisdiction of a Contracting Government other than the United Kingdom,
 - (c) any other ship of 400 GT or above while it is within United Kingdom waters which is not a United Kingdom ship.
- (8) Regulation 19(2) applies to a ship which satisfies all the criteria set out in paragraph (4) except for the criterion in paragraph (4)(b).
- (9) Regulation 21(4) applies to any engine on a ship wherever that ship may be.
- (10) Regulation 22(1) applies to—
 - (a) a United Kingdom ship wherever it may be, unless it is within a sulphur oxide emission control area, and
 - (b) any other ship wherever it may be unless it is within a sulphur oxide emission control area outside United Kingdom waters.
- (11) Regulation 22(2) applies to—
 - (a) a United Kingdom ship wherever it may be while it is within a sulphur oxide emission control area, and
 - (b) any other ship while it is within a sulphur oxide emission control area.
- (12) These Regulations do not apply to any warship, naval auxiliary or other ship owned or operated by a State and used for the time being on government, non-commercial service.
- (13) These Regulations do not apply to any emission—
 - (a) necessary for the purpose of securing the safety of a ship or saving life at sea,
 - (b) resulting from damage to a ship or its equipment, except to the extent that the emission is due to—
 - (i) a failure to take all reasonable precautions after the occurrence of the damage or discovery of the emission for the purpose of preventing or minimising the emission, or
 - (ii) damage caused in consequence of the owner or master acting either intending to cause damage, or recklessly and with knowledge that damage would probably result,
 - (c) from any platform resulting from the incineration of substances that are solely and directly the result of exploration, exploitation and associated offshore processing of sea-bed mineral resources, including but not limited to—
 - (i) the flaring of hydrocarbons and the burning of cuttings, muds and stimulation fluids during well completion and testing operations,
 - (ii) flaring arising from upset conditions, and

- (iii) the release of gases and volatile compounds entrained in drilling fluids and cuttings,
- (d) associated solely and directly with the treatment, handling or storage of a sea-bed mineral,
- (e) from a diesel engine that is solely dedicated to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.