
STATUTORY INSTRUMENTS

2009 No. 1176

The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2009

Amendments

2.—(1) The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003⁽¹⁾ are amended in accordance with the following paragraphs.

(2) In regulation 2(1)—

(a) after the definition of “relevant inspector”, insert—

““sewage” means—

- (a) drainage and other wastes from any form of toilets and urinals,
- (b) drainage from medical premises (including, for example, a dispensary or sick bay) via wash basins, wash tubs and scuppers located in such premises,
- (c) drainage from spaces containing living animals, or
- (d) other waste waters when mixed with any drainage referred to in paragraph (a), (b) or (c);” and

(b) in the definition of “ship-generated waste”—

- (i) before “oil” insert “sewage,”, and
- (ii) omit “originating from ships”.

(3) In regulation 2(2)—

(a) in sub-paragraph (b), for “member State” substitute “EEA State”; and

(b) in sub-paragraph (c), for “a member State”, substitute “an EEA State”.

(4) At the end of regulation 2(4), add—

“(5) Any power under these Regulations to give a direction includes power to vary or revoke the direction by a subsequent direction.”.

(5) In regulation 11—

(a) in paragraph (5)(a), for “a member State” substitute “an EEA State”; and

(b) for paragraph (6), substitute—

“(6) Where the previous port of call of a United Kingdom ship was a port in an EEA State, the master of that ship calling at a port of another EEA State shall, immediately on request by the competent authority of the latter State, produce to that authority a copy of the notice retained in accordance with paragraph (4).”.

(6) In regulation 12, for paragraph (2) substitute—

“(2) A ship may proceed to the next port of call without delivering ship-generated waste if—

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- (a) the ship-generated waste in question is sewage, and the master of the ship is not required under regulation 11 to notify information about that waste, or
- (b) subject to paragraph (3), it follows from the information notified under regulation 11(2) or (3) that there is sufficient dedicated storage capacity on board the ship to hold all the ship-generated waste that has been accumulated and all the ship-generated waste that will be accumulated during the intended voyage of the ship to the port of delivery.”.

(7) In regulation 17(2), for “member State”, substitute “EEA State”.

(8) In Schedule 2—

- (a) in the table, for the entries relating to “3. Cargo-associated waste” and “4. Cargo residues”, and for footnote “⁽¹⁾ May be estimates”, substitute—

3. Sewage ⁽¹⁾					
4. Cargo-associated waste ⁽²⁾ (specify)					
5. Cargo residues ⁽²⁾ (specify)”.					

“(1) Sewage may be discharged at sea in accordance with Regulation 11 of Annex IV of MARPOL 73/78. The corresponding boxes do not need to be completed if it is the intention to make an authorised discharge at sea.

(2) May be estimates.

- (b) in Note 2., for “Member States”, substitute “EEA States”.