

1987 No. 402

PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND

The Control of Pollution (Landed Ships' Waste)
Regulations 1987

<i>Made</i>	- - - -	<i>10th March 1987</i>
<i>Laid before Parliament</i>		<i>16th March 1987</i>
<i>Coming into force</i>	-	<i>6th April 1987</i>

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred upon them by sections 3(1), 17 and 30(4) and (5) of the Control of Pollution Act 1974(a) and of all other powers enabling them in that behalf, considering that certain waste may be so difficult to dispose of that special provision is required for its disposal, hereby make the following Regulations:-

1. These Regulations may be cited as the Control of Pollution (Landed Ships' Waste) Regulations 1987 and shall come into force on 6th April 1987.

2. In these Regulations-

"the 1974 Act" means the Control of Pollution Act 1974;

"the 1980 Regulations" means the Control of Pollution (Special Waste) Regulations 1980(b);

"conveyance" includes a vehicle designed to carry goods by road or rail and a vessel designed to carry goods by water;

"harbour area" means any area of land or water that is within the statutory jurisdiction of a harbour authority as defined in section 57 of the Harbours Act 1964(c);

"ship" includes a barge, lighter or other vessel designed to carry goods by water; and

"tank washings" means waste residues from the tanks (other than the fuel tanks) or holds of a ship or waste arising from the cleaning of such tanks or holds.

3. Tank washings landed in Great Britain shall be treated as being industrial waste for the purposes of all the provisions of Part I of the 1974 Act for which it is material to determine, or to have determined, whether or not waste is controlled waste and whether or not it constitutes industrial waste.

4. The deposit of tank washings at reception facilities provided in accordance with the Prevention of Pollution (Reception Facilities) Order 1984(d) and which are within a harbour area is hereby prescribed as a case for the purposes of section 3(1) of the 1974 Act.

(a) 1974 c.40.
(b) S.I. 1980/1709.
(c) 1964 c.40.
(d) S.I. 1984/862.

5. The 1980 Regulations shall have effect in relation to tank washings save to the extent, and subject to the modifications, set out in the Schedule hereto.

SCHEDULE

Regulation 5

APPLICATION OF THE 1980 REGULATIONS TO TANK WASHINGS

1. The provisions of the 1980 Regulations relating to consignment notes shall not apply as respects the removal of tank washings—

- (a) from a ship to reception facilities, or between reception facilities, provided within a harbour area in accordance with the Prevention of Pollution (Reception Facilities) Order 1984; or
- (b) by pipeline to any such facilities provided outside a harbour area in accordance with that Order.

2. Where—

- (a) tank washings removed to or between reception facilities as mentioned in paragraph 1(a), are removed from a harbour area; or
- (b) tank washings removed by pipeline as mentioned in paragraph 1(b), are further removed, the provisions of the 1980 Regulations relating to consignment notes shall apply as if the person operating the facilities were the producer of the waste.

3. Where tank washings are removed in a harbour area from a ship to a conveyance for transportation directly to reception facilities outside a harbour area or directly for disposal outside such an area, the 1980 Regulations shall apply as follows:—

- (a) the operator of the conveyance shall be treated as a carrier for the purposes of those provisions of the Regulations which refer to a carrier;
- (b) for regulations 4 and 5(1) there shall be substituted:—

“4.—(1) The operator of a conveyance being used to receive tank washings from a ship for the purpose of transporting them directly to a place outside a harbour area (“a carrier”) shall before the waste is removed from the ship—

- (a) complete Parts A and B of five copies of a document in the form set out in Schedule 2 hereto (in these Regulations referred to as “the consignment note”); and
- (b) furnish one of the copies thus completed to the disposal authority for the area in which the harbour area is situated and, if the waste is to be transported to reception facilities, or for disposal, in the area of another disposal authority, furnish a copy thus completed also to that authority.

(2) A carrier shall, before delivering the tank washings to the operator of reception facilities or to the disposer of the waste—

- (a) ensure that Part C of the consignment note is completed by the master of the ship from which the waste was removed;
- (b) complete Part D of the consignment note; and
- (c) transmit three copies of the consignment note thus completed to the operator or disposer.

(3) The carrier shall retain the copy of the consignment note returned to him by the disposer in accordance with regulation 6(1)(d).

(4) A carrier may prepare fewer than five copies of the consignment note if he has reasonable grounds to suppose that a lesser number will be needed.

(5) A copy of the consignment note shall be treated as furnished in accordance with paragraph (1)(b) of this regulation if it is posted before the waste in question is removed from the ship.”;

- (c) where tank washings removed from a ship are transported directly to reception facilities outside a harbour area, the provisions of regulation 6 relating to the duties of disposers shall apply as if the person operating those facilities were the disposer of the waste;
- (d) in regulation 6(1)(c) for “in whose area the waste was produced” there shall be substituted “in whose area the harbour area was situated”;
- (e) regulation 7(1) shall not apply; and
- (f) for the form of consignment note in Schedule 2 there shall be substituted the following form:

Department of the Environment/Welsh Office/ Scottish Development Department		Serial No.
CONSIGNMENT NOTE FOR THE CARRIAGE AND DISPOSAL OF HAZARDOUS TANK WASHINGS FROM SHIPS		
Collection particulars A	<p>(1) The material described in B is to be collected from (name of harbour)</p> <p>at hours on</p> <p>(2) is to be taken to</p> <p>(3) (if the material is to be carried by road) by vehicle registration No.</p> <p>Name (in capitals) Occupation</p> <p>On behalf of</p> <p>Address</p> <p>..... Telephone No.</p> <p>Signed Date</p>	
Description of the waste B	<p>(1) General description and physical nature of the waste</p> <p>(2) Relevant chemical and biological components and maximum concentrations</p> <p>(3) Quantity of waste and size, type and number of containers (if any)</p> <p>(4) Ship from which waste is to be collected</p>	
Certificate of Master of ship C	<p>I certify that the material described at B was today collected from (name of ship) by vehicle registration No. /train/boat.</p> <p>Name (in capitals) Occupation</p> <p>Signed Date</p>	
Collection certificate D	<p>I certify that I collected the consignment of waste and that the information given in A(1), (2) and (3), and B(1), (3) and (4) is correct.</p> <p>Name (in capitals) Occupation</p> <p>On behalf of</p> <p>Address</p> <p>..... Telephone No.</p> <p>Signed Date</p>	
Certificate of operator of reception facilities/disposer E	<p>I certify that Waste Disposal Licence No. issued by Council, authorises the storage/treatment/disposal at these facilities of the waste described in B.</p> <p>Name and address of facilities</p> <p>.....</p> <p>This waste was delivered in vehicle (Reg. No.) /by train/by boat at hours on (date)</p> <p>Proper instructions were given that the waste should be taken to</p> <p>.....</p> <p>Name (in capitals) Occupation</p> <p>On behalf of</p> <p>Signed Date</p>	
For use by carrier/operator of reception facilities/disposer		

9th March 1987

Nicholas Ridley
Secretary of State for the Environment

10th March 1987

Malcolm Rifkind
Secretary of State for Scotland

9th March 1987

Nicholas Edwards
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to waste from the tanks (other than the fuel tanks) or the holds of ships and to waste generated by cleaning such tanks or holds.

The Prevention of Pollution (Reception Facilities) Order 1984 ("the 1984 Order") gives effect to certain provisions of the International Convention on Prevention of Pollution from Ships 1973 (Cmnd. 5748) and the Protocol to that Convention of 1978 (Cmnd. 7347). It empowers harbour authorities to provide reception facilities to enable ships to discharge or deposit residues and mixtures containing oil or noxious liquid substances.

The present Regulations make provision under the Control of Pollution Act 1974 ("the 1974 Act") in relation to tank washings landed within Great Britain. Such tank washings are to be industrial waste (and, therefore, controlled waste) for the purposes of Part I of the 1974 Act.

Persons providing facilities for the receipt of such waste in harbour areas are exempted from the licensing requirements of section 3(1) of the 1974 Act.

The movement of any such waste which is special waste within the meaning of the Control of Pollution (Special Waste) Regulations 1980 ("the 1980 Regulations") from ships to reception facilities within harbour areas or between such facilities or by pipeline to facilities provided under the 1984 Order outside harbour areas is exempted from the requirements of the 1980 Regulations as to consignment notes. Where such waste is moved elsewhere by road, rail or water, the application of the 1980 Regulations is modified so as to impose requirements on carriers as to the preparation of consignment notes.

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