

1989 No. 65

**PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND**

**The Control of Pollution (Landed Ships' Waste)
(Amendment) Regulations 1989**

<i>Made</i> - - - -	<i>16th January 1989</i>
<i>Laid before Parliament</i>	<i>25th January 1989</i>
<i>Coming into force</i>	<i>20th February 1989</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 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:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Control of Pollution (Landed Ships' Waste) (Amendment) Regulations 1989 and shall come into force on 20th February 1989.

(2) In these Regulations, "the 1987 Regulations" means the Control of Pollution (Landed Ships' Waste) Regulations 1987(b).

Amendments to the 1987 Regulations

2. The following amendments shall be made to regulation 2 of the 1987 Regulations —

(a) after the definition of "conveyance" there shall be inserted the following definition:

" "garbage" has the same meaning as in the Merchant Shipping (Reception Facilities for Garbage) Regulations 1988;"(c);

(b) for the definition of "harbour area" there shall be substituted the following:

" "harbour area" has the same meaning as in the Dangerous Substances in Harbour Areas Regulations 1987;"(d); and

(c) for the definition of "ship" there shall be substituted the following:

" "ship" means a vessel of any type whatsoever operating in the marine environment including submersible craft, floating craft and any structure which is a fixed or floating platform;".

3. In regulations 3, 4 and 5 of the 1987 Regulations and in the Schedule thereto, for the term "tank washings" each time it occurs there shall be substituted "tank washings or garbage".

4. In regulation 4 of the 1987 Regulations and in the Schedule thereto after each reference to "the Prevention of Pollution (Reception Facilities) Order 1984" there shall be inserted the words "or the Merchant Shipping (Reception Facilities for Garbage) Regulations 1988 respectively"; and at the end of paragraph 1 of the Schedule to the 1987 Regulations there shall be added the words "or those Regulations".

5. At the end of regulation 4 of the 1987 Regulations there shall be added:

"except where the deposit is liable to give rise to an environmental hazard within the meaning of section 4(5) of the 1974 Act."

6. In paragraph 3(e) of the Schedule to the 1987 Regulations for "regulation 7(1)" there shall be substituted "regulation 7(1)(a)".

11th January 1989

Nicholas Ridley
Secretary of State for the Environment

13th January 1989

Peter Walker
Secretary of State for Wales

16th January 1989

Malcolm Rifkind
Secretary of State for Scotland

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Control of Pollution (Landed Ships' Waste) Regulations 1987 ("the 1987 Regulations") to apply to ships garbage landed in Great Britain the same requirements that apply to tank washings landed there. They complement the Merchant Shipping (Reception Facilities for Garbage) Regulations 1988, which give effect to the provisions of Annex V of the International Convention for the Prevention of Pollution from Ships 1973 (Cmnd. 5748) by empowering harbour authorities to provide reception facilities for garbage disposed of by ships.

Under the present Regulations such garbage is to be treated as industrial waste for the purposes of Part I of the Control of Pollution Act 1974; an exemption is granted from the licensing requirements of section 3(1) of that Act for persons providing facilities in harbour areas for receiving any such garbage that is not liable to give rise to an environmental hazard; and an exemption is granted from the requirements of the Control of Pollution (Special Waste) Regulations 1980 (S.I. 1980/1709) as to consignment notes in respect of the movement of any such garbage that is special waste from ships to reception facilities within harbour areas or between such facilities or by pipeline to facilities provided outside harbour areas.

These Regulations also slightly amend the definitions of "harbour area" and "ship" in the 1987 Regulations, and restrict the exemption from licensing contained in regulation 4 of those Regulations to deposits that are not liable to give rise to an environmental hazard. Regulation 6 makes an amendment to the 1987 Regulations consequent on the Control of Pollution (Special Waste) (Amendment) Regulations 1988 (S.I. 1988/1790).

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