
STATUTORY INSTRUMENTS

1996 No. 282

**The Merchant Shipping (Prevention of Pollution)
(Law of the Sea Convention) Order 1996**

2.—(1) The Secretary of State may make regulations for the purpose of giving effect to the United Nations Convention on the Law of the Sea 1982 (“the Convention”)(¹), so far as it relates to the protection and preservation of the marine environment from pollution by matter from ships, and in particular to the following articles in Part XII of the Convention, namely articles 211, 218, 220 and 223 to 233.

(2) Such regulations may in particular include provision—

- (a) with respect to the approval of documents and the carrying out of surveys and inspections, and for the issue, duration and recognition of certificates;
- (b) with respect to the application of the regulations to the Crown and the extra-territorial operation of the regulations;
- (c) that specified contraventions of the regulations shall be offences punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by a fine;
- (d) that specified contraventions of the regulations shall be offences punishable only on summary conviction by a maximum fine not exceeding level 5 on the standard scale or such less amount as is prescribed by the regulations;
- (e) for detaining any ship in respect of which such a contravention is suspected to have occurred and, in relation to such a ship, for applying section 284 of the Merchant Shipping Act 1995 (which relates to the detention of a ship) with such modifications, if any, as are prescribed by the regulations;
- (f) in connection with offences created by the regulations, corresponding to any provision made in connection with offences under section 131 of the Merchant Shipping Act 1995 by—
 - (i) section 143 (6) of that Act, and
 - (ii) sections 144 and 146 of that Act;

and the regulations may do so whether by applying (or making provision for the application of) any of those provisions, subject to such modifications as may be specified, or otherwise;

- (g) specifying areas of sea above any of the areas for the time being designated under section 1(7) of the Continental Shelf Act 1964(²) as waters within which the jurisdiction and rights of the United Kingdom are exercisable in accordance with Part XII of the Convention for the protection and preservation of the marine environment.

(3) Such regulations may—

- (a) make different provision for different circumstances;

(1) Cmnd. 8941.

(2) 1964 c. 29.

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- (b) make provision in terms of any document which the Secretary of State or any person considers relevant from time to time;
 - (c) provide for exemptions from any provisions of the regulations;
 - (d) provide for the delegation of functions exercisable by virtue of the regulations;
 - (e) include such incidental, supplemental and transitional provisions as appear to the Secretary of State to be expedient for the purposes of the regulations.
- (4) The Statutory Instruments Act 1946⁽³⁾ shall apply to regulations made under this Order, and shall so apply as if such regulations were a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(3) 1946 c. 36.