



# Merchant Shipping Act 1979

## 1979 CHAPTER 39

### *Prevention of pollution from ships etc.*

#### **20 Prevention of pollution from ships etc.**

(1) Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect to any provision of any of the following which have been ratified by the United Kingdom, namely—

- (a) the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2nd November 1973 ;
- (b) the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil which constitutes attachment 2 to the final act aforesaid;
- (c) the Protocol relating to the said Convention which constitutes attachment 2 to the final act of the International Conference on Tanker Safety and Pollution Prevention signed in London on 17th February 1978 ;
- (d) any international agreement not mentioned in the preceding paragraphs which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships ;

and in paragraph (d) of this subsection the reference to an agreement includes an agreement which provides for the modification of another agreement, including the modification of an agreement mentioned in paragraphs (a) to (c) of this subsection.

(2) The powers conferred by the preceding subsection to make provision for the purpose of giving effect to an agreement include power to provide for the provision to come into force although the agreement has not come into force.

(3) Without prejudice to the generality of subsection (1) of this section, an Order under that subsection may in particular include provision—

- (a) for applying for the purpose mentioned in that subsection any enactment or instrument relating to the pollution of the sea or other waters and any of the following enactments, namely—

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*Status: This is the original version (as it was originally enacted).*

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sections 446 to 450 of the Merchant Shipping Act 1894 (which relate to dangerous goods),

sections 55 to 58 of the Merchant Shipping Act 1970 (which relate to investigations of shipping casualties),

sections 10 to 13 of and Schedules 2 and 3 to the Merchant Shipping Act 1974 (which relate to oil tankers);

- (b) with respect to the carrying out of surveys and inspections for the purpose aforesaid, the issue, duration and recognition of certificates for that purpose and the payment in connection with such a survey, inspection or certificate of fees of amounts determined with the approval of the Treasury ;
- (c) for repealing the provisions of any enactment or instrument so far as it appears to Her Majesty that those provisions are not required having regard to any provision made or proposed to be made by virtue of this section ;
- (d) with respect to the application of the Order to the Crown and the extra-territorial operation of any provision made by or under the Order;
- (e) for the extension of any provisions of the Order, with or without modifications, to any of the Channel Islands, the Isle of Man, any colony and any country or place outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of the government of the United Kingdom;
- (f) for imposing penalties in respect of any contravention of a provision made by or under the Order, not exceeding, in respect of any one contravention, a fine of £1,000 on summary conviction and imprisonment for two years and a fine on conviction on indictment; and
- (g) 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 692 of the Merchant Shipping Act 1894 (which relates to the detention of a ship) with such modifications, if any, as are prescribed by the Order;

and nothing in any of the preceding provisions of this subsection shall be construed as prejudicing the generality of any other of those provisions and in particular paragraph (f) shall not prejudice paragraph (a).

- (4) An Order under subsection (1) of this section may—
  - (a) make different provision for different circumstances;
  - (b) provide for exemptions from any provisions of the Order;
  - (c) provide for the delegation of functions exercisable by virtue of the Order ;
  - (d) include such incidental, supplemental and transitional provisions as appear to Her Majesty to be expedient for the purposes of the Order;
  - (e) authorise the making of regulations and other instruments for any of the purposes of this section (except the purposes of paragraphs (a) and (c) of the preceding subsection) and apply the Statutory Instruments Act 1946 to instruments made under the Order ; and
  - (f) provide that any enactment or instrument applied by the Order shall have effect as so applied subject to such modifications as may be specified in the Order.
- (5) An Order in Council in pursuance of paragraph (b) or (d) of subsection (1) of this section may apply to areas of land or sea or other waters within the seaward limits of the territorial waters of the United Kingdom notwithstanding that the agreement in question does not relate to those areas.

- (6) A draft of an Order in Council proposed to be made by virtue of subsection (1) of this section shall not be submitted to Her Majesty in Council unless the draft has been approved by a resolution of each House of Parliament or the Order is to contain a statement that it is made only for any of the following purposes, namely, the purpose of giving effect to an agreement mentioned in paragraphs (a) to (c) of that subsection, the purpose of providing as authorised by subsection (2) of this section in relation to such an agreement and the purposes of the preceding subsection, or the Order extends only to a territory mentioned in subsection (3)(e) of this section; and a statutory instrument containing an Order which contains such a statement shall be subject to annulment in pursuance of a resolution of either House of Parliament.