



Merchant Shipping Act 1995

1995 CHAPTER 21

PART VI **U.K.**

PREVENTION OF POLLUTION

CHAPTER II **U.K.**

OIL POLLUTION

Enforcement

142 Oil records. **U.K.**

- (1) The Secretary of State may make regulations requiring oil record books to be carried in United Kingdom ships and requiring the master of any such ship to record in the oil record book carried by it—
- (a) the carrying out, on board or in connection with the ship, of such of the following operations as may be prescribed relating to—
 - (i) the loading of oil cargo,
 - (ii) the transfer of oil cargo during a voyage,
 - (iii) the discharge of oil cargo,
 - (iv) the ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks,
 - (v) the separation of oil from water, or from other substances, in any mixture containing oil,
 - (vi) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in (i) to (v) above, or
 - (vii) the disposal of any other oil residues;
 - (b) any occasion on which oil or a mixture containing oil is discharged from the ship for the purpose of securing the safety of any ship, or of preventing damage to any ship or cargo, or of saving life;

Status: Point in time view as at 01/07/2009.

Changes to legislation: Merchant Shipping Act 1995, Section 142 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from the ship in consequence of damage to the ship, or by reason of leakage.
- (2) The Secretary of State may make regulations requiring the keeping of records relating to the transfer of oil to and from ships while they are within United Kingdom waters; and the requirements of any regulations made under this subsection shall be in addition to the requirements of any regulations made under subsection (1) above.
 - (3) Any records required to be kept by regulations made under subsection (2) above shall, unless the ship is a barge, be kept by the master of the ship, and shall, if the ship is a barge, be kept, in so far as they relate to the transfer of oil to the barge, by the person supplying the oil and, in so far as they relate to the transfer of oil from the barge, by the person to whom the oil is delivered.
 - (4) Regulations under this section requiring the carrying of oil record books or the keeping of records may—
 - (a) prescribe the form of the oil record books or records and the nature of the entries to be made in them;
 - (b) require the person providing or keeping the books or records to retain them for a prescribed period;
 - (c) require that person, at the end of the prescribed period, to transmit the books or records to a place or person determined by or under the regulations;
 - (d) provide for the custody or disposal of the books or records after their transmission to such a place or person.
 - (5) Regulations under this section may—
 - (a) be made with respect to all or with respect to any one or more of the classes of ship or other matters to which this section relates;
 - (b) make different provision for different classes of ship or otherwise for different classes of case or different circumstances.
 - (6) If any ship fails to carry such an oil record book as it is required to carry under this section the owner or master shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
 - (7) If any person fails to comply with any requirements imposed on him by or under this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
 - (8) If any person makes an entry in any oil record book carried or record kept under this section which is to his knowledge false or misleading in any material particular, he shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, or imprisonment for a term not exceeding six months, or both;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.
 - (9) In any proceedings under this Chapter—
 - (a) any oil record book carried or record kept in pursuance of regulations made under this section shall be admissible as evidence, and in Scotland shall be sufficient evidence, of the facts stated in it;
 - (b) any copy of an entry in such an oil record book or record which is certified by the master of the ship in which the book is carried or by the person by

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whom the record is required to be kept to be a true copy of the entry shall be admissible as evidence, and in Scotland shall be sufficient evidence, of the facts stated in the entry;

- (c) any document purporting to be an oil record book carried or record kept in pursuance of regulations made under this section, or purporting to be such a certified copy as is mentioned in paragraph (b) above, shall, unless the contrary is proved, be presumed to be such a book, record or copy, as the case may be.

(10) In this section “barge” includes a lighter and any similar vessel.

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