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STATUTORY INSTRUMENTS

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**1996 No. 282**

**MARINE POLLUTION**

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

*Made* - - - - *14th February 1996*  
*Coming into force* - - *28th February 1996*

At the Court at Buckingham Palace, the 14th day of February 1996

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and has been approved by a resolution of each House of Parliament in accordance with section 129(3) of the Merchant Shipping Act 1995(1) :

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 129(1) and (2) of the said Act and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**1.** This Order may be cited as the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996 and shall come into force on the fourteenth day after the day on which it is made.

**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”)(2), 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;

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(1) 1995 c. 21.  
(2) Cmnd. 8941.

- (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<sup>(3)</sup> 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;
  - (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<sup>(4)</sup> 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. Subsection (3) of section 131 of the Merchant Shipping Act 1995 (which provides that a person guilty of an offence under that section shall be liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine) shall apply in respect of such contravention of the regulations made under this Order as may be specified in those regulations as it applies in respect of an offence under the said section 131.

*N. H. Nicholls*  
Clerk of the Privy Council

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(3) 1964 c. 29.  
(4) 1946 c. 36.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order enables regulations to be made implementing provisions in the United Nations Convention on the Law of the Sea 1982 (Cmnd. 8941) relating to pollution of the sea by ships. It enables regulations to be made relating to the protection and preservation of the marine environment from pollution from ships caused beyond the territorial sea of the United Kingdom. Such regulations could, for example, extend the effect of regulations which apply to ships in the territorial sea of the United Kingdom to ships in other waters within which the United Kingdom may exercise jurisdiction over pollution from ships. Regulations may also be made to specify the extent of the United Kingdom's jurisdiction in this regard.