
STATUTORY INSTRUMENTS

2019 No. 42

**The Merchant Shipping (Prevention
of Oil Pollution) Regulations 2019**

PART 2

Surveys, Certificates and Oil Record Book

Surveys

- 10.**—(1) This regulation applies to—
- (a) a United Kingdom oil tanker of 150 GT and above; and
 - (b) a United Kingdom ship of 400 GT and above which is not an oil tanker.
- (2) A ship to which this regulation applies which is engaged in international voyages must be subjected to the surveys described in paragraph (4).
- (3) A ship to which this regulation applies which is not engaged in international voyages must be subjected to the surveys described in paragraph (4)(a), (b) and (e).
- (4) The surveys are—
- (a) an initial survey, as prescribed in regulation 6.1.1 of Annex I, which must be completed before a ship is put in service or before an IOPP or UKOPP Certificate is first issued in respect of that ship;
 - (b) a renewal survey, which must be completed within five years of the issue of an IOPP or UKOPP certificate and at intervals not exceeding five years thereafter;
 - (c) an intermediate survey, which must be completed either—
 - (i) no more than three months before or after the second anniversary date of the issue of an IOPP certificate; or
 - (ii) no more than three months before or after the third anniversary date of the issue of an IOPP certificate, andany such survey takes the place in that year of an annual survey described in subparagraph (d);
 - (d) an annual survey, which must be completed no more than three months before or after the anniversary date of the issue of an IOPP certificate, except where an intermediate survey described in subparagraph (c) has been completed within that period; and
 - (e) an additional survey (either general or partial), which must be completed either—
 - (i) after a repair resulting from investigations prescribed in regulation 11(5); or
 - (ii) when an important repair or renewal is made to the ship.
- (5) For the purposes of paragraph (4)(e)(ii) an important repair or renewal is a repair or renewal which is required to be effected in order to—

- (a) address a defect which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship; or
- (b) ensure compliance with the requirements of Annex I.

(6) In the case of a dispute as to whether a repair or renewal effected or intended to be effected in respect of a ship is an important repair or renewal for the purposes of paragraph (4)(e)(ii), the owner or master of a ship may serve a written request upon the Secretary of State seeking advice.

(7) A repair or renewal is to be regarded as not being an important repair or renewal for those purposes unless the Secretary of State advises to the contrary within 21 days of receipt of a request under paragraph (6).

Responsibilities of owner and master

11.—(1) The owner and master of a ship must ensure the condition of the ship and its equipment is maintained to conform—

- (a) in the case of a United Kingdom ship, or any ship surveyed in accordance with these Regulations, with the provisions of these Regulations; or
- (b) in the case of any other ship, with the requirements of Annex I,

so as to ensure that the ship, in all respects, will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) After completion of any survey described in regulation 10 the owner and master of a ship must ensure that no change is made in the structure, equipment, systems, fittings, arrangements or material subject to that survey, except by direct replacement, without the approval of—

- (a) the Certifying Authority; or
- (b) the Administration of the Convention Country which carried out the survey in respect of that ship.

(3) Whenever—

- (a) an accident occurs to a ship; or
- (b) a defect is discovered in a ship,

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship as required under these Regulations, the owner and master of the ship must comply with the requirements in paragraph (4).

(4) The requirements are that—

- (a) the accident or defect is reported at the earliest opportunity to the Certifying Authority that issued the IOPP or UKOPP certificate in respect of that ship;
- (b) in the case of a United Kingdom ship which is in a port outside the United Kingdom the accident or defect is also reported at the earliest opportunity to the appropriate maritime authorities in the country in which the port is situated; and
- (c) if the ship is a non-United Kingdom ship in a port in the United Kingdom, the accident or defect is reported to the Secretary of State.

(5) Whenever an accident or defect is reported to a Certifying Authority in accordance with paragraph (4)(a), that Certifying Authority must—

- (a) cause an investigation to be initiated to determine whether or not an additional survey and any repair is necessary; and
- (b) if it considers that an additional survey or repair is necessary, cause that survey or repair to be carried out.

(6) Whenever an accident or defect is reported to a Certifying Authority in accordance with paragraph (4)(a) and the ship in question is in a port outside the United Kingdom, the Certifying Authority must take all appropriate steps to ascertain that the requirement in paragraph (4)(b) has been complied with.

(7) In paragraph (2) “direct replacement” means direct replacement of equipment and fittings with equipment and fittings that conform with the requirements under Annex I which apply to that ship.

Issue and endorsement of IOPP Certificates

12.—(1) This regulation applies to—

- (a) an oil tanker of 150 GT and above; and
- (b) a ship of 400 GT and above which is not an oil tanker,

which is engaged in international voyages.

(2) Subject to the payment of any fee due under the Merchant Shipping (Fees) Regulations 2018⁽¹⁾, following completion of an initial or renewal survey a Certifying Authority must issue an IOPP Certificate in respect of any ship described in paragraph (1) if that Certifying Authority is satisfied that the requirements of Annex I are being complied with in respect of that ship.

(3) Where a Certifying Authority is satisfied, following completion of an intermediate or annual survey, that the requirements of Annex I are being complied with, that Certifying Authority must endorse the IOPP Certificate in respect of that ship to that effect.

(4) The Secretary of State may request a Contracting State—

- (a) to survey a ship to which this regulation applies; and
- (b) to—
 - (i) issue, or authorise the issue of; or
 - (ii) endorse, or authorise the endorsement of,

an IOPP Certificate in respect of that ship, in accordance with the requirements of Annex I, if the Contracting State is satisfied that the ship complies with the relevant requirements of Annex I.

(5) Where an IOPP Certificate is issued under paragraph (4)—

- (a) the Secretary of State is to be treated as the Certifying Authority in relation to it; and
- (b) any reference in these Regulations to the Certifying Authority that issued the certificate is to be treated as a reference to the Secretary of State.

(6) The Secretary of State may, at the request of the Administration of a Convention Country, carry out a survey of a ship registered in that Country and if satisfied that the requirements of Annex I are complied with—

- (a) issue an IOPP Certificate in respect of that ship; or
- (b) endorse such a certificate in accordance with the requirements of Annex I.

(7) The Secretary of State must, as soon as possible after issuing or endorsing a certificate under paragraph (6), send to the requesting Administration—

- (a) a copy of a certificate issued or endorsed in accordance with paragraph (6); and
- (b) a copy of the corresponding survey report.

(8) A certificate issued or endorsed in accordance with paragraph (6)—

- (a) must include a statement to the effect that it has been issued or endorsed at the request of the Administration of a Convention Country; and

(1) [S.I. 2018/1104](#). There are amending instruments but none is relevant.

(b) has the same force and must receive the same recognition as a certificate issued by the requesting Administration.

(9) An IOPP certificate issued or endorsed in accordance with this regulation must be in the form prescribed in Appendix II to Annex I, including the Supplements.

(10) An IOPP Certificate must not be issued in respect of a ship entitled to fly the flag of a State which is not a Convention Country.

(11) In this regulation “Contracting State” means a State which has consented to be bound by the Convention.

Issue of UKOPP certificates

13.—(1) This regulation applies to—

- (a) an oil tanker of 150 GT and above; and
- (b) a ship of 400 GT and above which is not an oil tanker,

which is not engaged in international voyages.

(2) Subject to the payment of any fee due under the Merchant Shipping (Fees) Regulations 2018, following completion of an initial or renewal survey a Certifying Authority must issue a UKOPP Certificate in respect of any ship described in paragraph (1) if that Certifying Authority is satisfied that the requirements of Annex I are complied with in respect of that ship.

(3) A UKOPP certificate issued in accordance with this regulation must be in the form prescribed in Appendix II to Annex I, including the Supplements, subject to the modifications in paragraph (4).

(4) The modifications are that—

- (a) references to an “IOPP Certificate” are substituted by a reference to a “UKOPP Certificate”;
- (b) provisions relating to the “endorsement for annual and intermediate surveys”, or an “annual/ intermediate survey in accordance with regulation 10.8.3” are omitted.

Duration and validity of certificates

14.—(1) Subject to paragraphs (2) to (6), an IOPP or UKOPP Certificate must be issued for a period specified by the Certifying Authority which must not exceed five years.

(2) Where a renewal survey is completed within a period of three months before the date of expiry of an IOPP or UKOPP Certificate, the new certificate is valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.

(3) Where a renewal survey is completed after the date on which an IOPP or UKOPP certificate expires, the new certificate is valid from the date of completion of the renewal survey for a period not exceeding five years from the date of expiry of the IOPP or UKOPP certificate.

(4) When a renewal survey is completed more than three months before the expiry date of an IOPP or UKOPP certificate, the new certificate is valid from the date of completion of the renewal survey for a period not exceeding five years from that date.

(5) If an intermediate or annual survey is completed before the period prescribed in regulation 10(4)(c) or (d)—

- (a) the anniversary date shown on the IOPP certificate must be amended by endorsement to a date not more than three months later than the date on which the survey was completed;
- (b) the subsequent intermediate or annual survey must be completed at the intervals prescribed in regulation 10(4)(c) or (d) using the anniversary date as amended in accordance with sub-paragraph (a); and

- (c) the expiry date of the IOPP certificate may remain unchanged provided one or more intermediate or annual surveys, as the case may be, are completed so that the maximum intervals between surveys as prescribed in regulation 10(4) are not exceeded.
- (6) An IOPP or UKOPP certificate ceases to be valid—
 - (a) if relevant surveys are not completed within the periods prescribed in regulation 10(4);
 - (b) if the IOPP certificate is not endorsed following an intermediate or annual survey; or
 - (c) upon transfer of the ship to the flag of another State.

Extension of validity of certificates

15.—(1) If an IOPP certificate is issued for a period of validity of less than five years, the Certifying Authority which issued the certificate may extend the period of validity of that certificate to a maximum of five years provided annual and intermediate surveys have been completed as appropriate.

(2) Where—

- (a) a renewal survey has been completed, but
- (b) the IOPP or UKOPP certificate in respect of that survey cannot be issued or placed on board the ship before the date on which the existing certificate is due to expire,

the Certifying Authority may endorse the existing certificate as being valid for a period not exceeding five months from the date on which that existing certificate is due to expire.

(3) Where—

- (a) a renewal survey has not been completed before the date on which an IOPP or UKOPP certificate expires; and
- (b) on the date of expiry the ship is not in the port in which the survey is due to be carried out,

the Certifying Authority that issued the existing IOPP or UKOPP certificate may extend the period of validity of that certificate for a period not exceeding three months if it appears to the Certifying Authority that it is proper and reasonable to do so solely for the purpose of enabling the ship to complete the voyage to its port of survey.

(4) A ship in respect of which a certificate has been extended under paragraph (3) must not, following its arrival in the port in which it is to be surveyed, be enabled by virtue of that extension to leave that port before a new certificate is issued.

(5) A certificate issued following completion of the renewal survey in the circumstances described in paragraph (3) may be issued for a period not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

(6) Where no other extension has been granted under this regulation, the Certifying Authority which issued an IOPP or UKOPP certificate in respect of a ship used solely on short voyages may extend the validity of that certificate for a period not exceeding one month from the date of expiry.

(7) A certificate issued following completion of the renewal survey in the circumstances described in paragraph (6) may be issued for a period not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

(8) An extension of validity under paragraph (3) or (6) must be disregarded for the purposes of determining the date of expiry of an existing IOPP or UKOPP Certificate under regulation 14(2) or (3).

(9) In the circumstances described in paragraph (10) a Certificate issued following a renewal survey which is completed—

- (a) after the expiry of an IOPP or UKOPP certificate; or

(b) during the period of an extension granted under paragraph (3) or (6), may be issued as being valid to a date not exceeding five years from the date of completion of that renewal survey.

(10) The circumstances are where the owner of the ship—

- (a) submits a request to the Certifying Authority for the new period of certification to begin on the date of the completion of the relevant renewal survey;
- (b) satisfies the Certifying Authority that the owner is justified in making such a request; and
- (c) complies with any reasonable additional survey requirements which the Certifying Authority may impose.

(11) In this regulation “short voyage” means a voyage which—

- (a) does not exceed 1,000 nautical miles between the last port of call in the country in which the voyage begins and the last port of call in the voyage before beginning any return voyage; and
- (b) on any return voyage does not exceed 1,000 nautical miles between the port of call in which the ship begins its return voyage and the first port of call in the country in which the voyage began,

and for the purposes of this definition, no account is to be taken of any deviation by a ship from its intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

Miscellaneous provisions relating to certificates

16.—(1) The Secretary of State may cancel an IOPP or UKOPP certificate issued in respect of a United Kingdom ship where the Secretary of State has reason to believe that—

- (a) the certificate was issued on false or erroneous information; or
- (b) since the completion of any survey required by these Regulations, the equipment or machinery of the ship has sustained damage or is otherwise deficient.

(2) The Secretary of State may require that an IOPP or UKOPP certificate issued in respect of a United Kingdom ship, and which has expired or which has been cancelled, is to be surrendered to the Secretary of State.

(3) In relation to a United Kingdom ship, a person must not—

- (a) intentionally alter an IOPP or UKOPP certificate;
- (b) intentionally make a false IOPP or UKOPP certificate;
- (c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;
- (d) with intent to deceive, use, lend, or allow to be used by another, an IOPP or UKOPP certificate;
- (e) fail to surrender an IOPP or UKOPP certificate where required to do so under paragraph (2); or
- (f) in Scotland, forge an IOPP or UKOPP certificate.

(4) The owner and the master of a United Kingdom ship in respect of which an IOPP or UKOPP certificate has been issued must ensure that the certificate is readily available on board the ship for inspection at all times.

Procedure to be adopted when a ship is deficient

17.—(1) Where the Certifying Authority determines that the condition of a United Kingdom ship or its equipment—

- (a) does not correspond with the particulars of the IOPP or UKOPP certificate issued in respect of that ship; or
- (b) is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment,

the Certifying Authority must inform the owner or master of the corrective action which must be taken and give notice to the Secretary of State.

(2) If the corrective action required under paragraph (1) is not taken within the period specified by the Certifying Authority (which must be a reasonable period) the Certifying Authority must withdraw the IOPP or UKOPP Certificate in respect of that ship and immediately notify—

- (a) the owner or master of the ship; and
- (b) the Secretary of State.

(3) Where paragraph (2) applies in respect of a ship which is in a port of a Convention Country other than the United Kingdom, the Certifying Authority must also notify the appropriate authorities of the country in which the port is situated.

(4) Where a ship of a Convention Country other than the United Kingdom is in a United Kingdom port, and the Certifying Authority determines that it is necessary to withdraw the IOPP Certificate in respect of that ship, the Certifying Authority must notify the Secretary of State.

(5) Where notification has been received under paragraph (4), the Secretary of State must take such steps as are necessary to ensure that the ship will not sail until it can proceed to sea, or leave the port for the purposes of proceeding to the nearest appropriate repair yard, without presenting an unreasonable threat of harm to the marine environment.

Arbitration

18.—(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a United Kingdom ship by virtue of these Regulations, the applicant may serve a written notice on the responsible person within 21 days of receiving notification of that outcome—

- (a) stating that there is a dispute between them; and
- (b) requesting that the dispute be referred to a single arbitrator.

(2) Except where paragraph (3) applies, an arbitrator referred to in paragraph (1) must be appointed by agreement between the applicant and the responsible person.

(3) In default of agreement between the applicant and the responsible person, the arbitrator is such person as may be appointed by the President or Vice President of the Chartered Institute of Arbitrators following a request made by—

- (a) a party, after giving notice to the other party; or
- (b) the parties jointly,

but this paragraph does not apply in Scotland.

(4) No person is to be an arbitrator under this regulation unless that person is—

- (a) a person who holds a certificate to act as—
 - (i) a master or chief mate on a seagoing ship of 3,000 GT or more, in accordance with Regulation II/2 of Chapter 2 of the Annex to the STCW Convention; or

- (ii) a chief engineer officer or second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000kW propulsion power or more, in accordance with Regulation III/2 of Chapter 3 of the Annex to the STCW Convention;
 - (b) a person who holds a certificate of competency equivalent to a certificate referred to in sub-paragraph (a);
 - (c) a naval architect;
 - (d) a qualified person;
 - (e) a person with special experience of shipping matters or of activities carried on in ports; or
 - (f) a member of the Chartered Institute of Arbitrators.
- (5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 259 of the 1995 Act.
- (6) In the application of this regulation to Scotland—
- (a) any reference to an arbitrator is to be construed as a reference to an arbiter; and
 - (b) the reference in paragraph (2) to a single arbitrator appointed by agreement between the applicant and the responsible person is to be construed as a reference to a single arbiter so appointed or, in default of such an agreement, appointed by a sheriff.
- (7) The rules for arbitration set out in Merchant Shipping Notice M1613(2) apply unless alternative procedures are agreed between the applicant and the responsible person before the commencement of arbitration proceedings.
- (8) In this regulation—
- (a) “applicant” means a person who makes an application for a survey required by these Regulations;
 - (b) “qualified person” means—
 - (i) a person who satisfies the judicial-appointment eligibility condition defined in section 50 of the Tribunals, Courts and Enforcement Act 2007(3) on a seven-year basis;
 - (ii) a person who is an advocate or solicitor in Scotland of at least seven years’ standing;
 - (iii) a person who is a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland of at least seven years’ standing;
 - (c) “responsible person” means—
 - (i) the Certifying Authority responsible under regulation 12 or 13 for the issue of the certificate in connection with which a survey required by these Regulations is carried out; or
 - (ii) in the case of a dispute relating to a relevant additional survey required by regulation 10(4)(e), the Certifying Authority which issued the appropriate certificate in respect of the ship;
 - (d) “the STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended(4), and any subsequent amendment to that Convention.

(2) Issued by, and available from, the Maritime and Coastguard Agency.

(3) 2007 c. 15.

(4) Cmnd. 9266. The Command Paper is available electronically at <http://treaties.fco.gov.uk/docs/pdf/1984/TS0050.pdf>. Hard copies of the Command Paper are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London, SW1A 0PW. Following a review of the Convention amendments were adopted by a Conference of Parties to the STCW Convention in Manila from 21st to 25th June 2010 and a consolidated text produced. The 2017 Consolidated version of the Convention, including the Final Act of the 2010 Manila Conference of Parties to the STCW Convention, is available from IMO Publishing, ISBN 978-92-801-16359.

Prohibition on non-United Kingdom ships proceeding to sea

19. A ship which is not a United Kingdom ship and which, by virtue of regulation 7 of Annex I, is required to be issued with an IOPP certificate must not be enabled to proceed to sea from a port in the United Kingdom unless—

- (a) a Contracting State has issued, and where appropriate endorsed, an IOPP certificate in respect of that ship and that certificate (and, where appropriate, that endorsement) is still valid;
- (b) the Government of a State which is not a Contracting State has issued, and where appropriate endorsed, an IOPP certificate in respect of that ship which is deemed by the Certifying Authority to have the same force as a certificate issued in accordance with the requirements of Annex I and that certificate (and, where appropriate, that endorsement) is still valid;
- (c) a surveyor of ships—
 - (i) has carried out a survey of the ship as if regulation 10(4)(a) applied to that ship; and
 - (ii) is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
- (d) a person having power to detain the ship—
 - (i) is satisfied that the ship can proceed to sea for the purpose of proceeding to the nearest appropriate repair yard without presenting an unreasonable threat of harm to the marine environment; and
 - (ii) has permitted the ship to proceed.

Oil Record Book

20.—(1) Every oil tanker of 150 GT and above, and every ship of 400 GT and above other than an oil tanker, must be provided with an Oil Record Book Part I (Machinery Space Operations).

(2) Every oil tanker of 150 GT and above must be provided with an Oil Record Book Part II (Cargo/ Ballast Operations).

(3) The Oil Record Books referred to in paragraphs (1) and (2) must be in the form specified in Appendix III to Annex I.

(4) The relevant Part of the Oil Record Book must be completed in accordance with the requirements in paragraph (5).

(5) The requirements are that—

- (a) Part I must be completed, on a tank-to-tank basis if appropriate, whenever any of the machinery space operations listed in regulation 17.2 of Annex I take place in the ship; and
- (b) Part II must be completed, on a tank-to-tank basis if appropriate, whenever any of the cargo/ ballast operations listed in regulation 36.2 or 3 of Annex I take place in the ship.

(6) In the event of a discharge of oil or oily mixture as referred to in regulation 17.3 or 36.4 of Annex I, or in the event of accidental or other exceptional discharge of oil not excepted by those regulations, a record must be made in that part of the Oil Record Book which is relevant to the source of the discharge about the circumstances of, and the reasons for, the discharge.

(7) Each operation referred to in paragraph (5) must be fully recorded without delay in the Oil Record Book and all entries in the book appropriate to that operation must be completed.

(8) Once an operation recorded under paragraph (7) is complete, the entry in the Oil Record Book for that operation must be signed-off by the officer or officers in charge of that operation, and each completed page must be signed by the master.

(9) Any failure of the—

- (a) oil filtering equipment must be recorded in the Oil Record Book Part I; and
- (b) oil discharge monitoring and control system must be recorded in the Oil Record Book Part II.

(10) The Oil Record Book must be kept in such a place as to be readily available for inspection at all reasonable times and, other than in the case of unmanned ships under tow, must be kept on board the ship.

(11) The Oil Record Book must be preserved for a period of three years after the last entry has been made.

(12) The Secretary of State, or a person authorised by the Certifying Authority, may—

- (a) inspect the Oil Record Book on board a ship which is in a port or offshore terminal;
- (b) make a copy of any entry in the Oil Record Book; and
- (c) require the master of the ship to certify that the copy is a true copy of any such entry.

(13) A copy of an entry described in paragraph (12)(c) is admissible in any judicial proceedings as evidence of the facts stated in that entry.

(14) The inspection of an Oil Record Book and the taking of a certified copy of any entry as described in paragraph (12) must be performed as expeditiously as possible without causing the ship to be unduly delayed.

(15) In this Regulation “filtering equipment” means filters or any combination of separators and filters which are designed to produce effluent containing not more than 15 ppm of oil.