
STATUTORY INSTRUMENTS

1997 No. 2567

MARINE POLLUTION

**The Merchant Shipping (Oil Pollution Preparedness,
Response and Cooperation Convention) Order 1997**

Made - - - - - *30th October 1997*
Laid before Parliament *11th November 1997*
Coming into force - - - *2nd December 1997*

At the Court at Buckingham Palace, the 30th day of October 1997

Present,

The Queen's Most Excellent Majesty in Council

Whereas by virtue of section 128(1)(d) of the Merchant Shipping Act 1995(1) Her Majesty may by Order in Council make such provision as she considers appropriate for the purpose of giving effect to the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (including the Final Act of the Conference and the attached resolutions) signed in London on 30th November 1990 (hereinafter referred to as "the Convention");

And whereas the United Kingdom has ratified the Convention;

And whereas this Order is made only for the purpose of giving effect to the Convention:

Now therefore Her Majesty in exercise of the powers conferred upon Her by section 128(1)(d), (3) and (4) of the Merchant Shipping Act 1995 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 (Oil Pollution Preparedness, Response and Cooperation Convention) Order 1997 and shall come into force on 2nd December 1997.

2. The Secretary of State may make regulations (hereinafter referred to as "the Regulations") for the purpose of giving effect to the Convention and the Regulations may in particular include provision—

- (a) with respect to the carrying out of inspections for that purpose;
- (b) with respect to the extra-territorial operation of the Regulations;

(1) 1995 c. 21; section 128 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 6, paragraph 3, and (with respect to the penalties that might be imposed by an Order under the section) by section 7.

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- (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 imprisonment for a term not exceeding two years and a fine;
- (d) that any such 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;

and the Regulations may—

- (i) make different provisions for different circumstances;
- (ii) make provision in terms of any document which the Secretary of State or any person considers relevant from time to time;
- (iii) provide for exemptions from any provisions of the Regulations;
- (iv) provide for the delegation of functions exercisable by virtue of the Regulations; and
- (v) include such incidental, supplemental and transitional provisions as appear to the Secretary of State to be expedient for the purposes of the Regulations.

N. H. Nicholls
Clerk of the Privy Council

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order enables effect to be given to the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990, by the making of regulations.

Copies of the Convention can be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.