
STATUTORY INSTRUMENTS

1997 No. 2568

**MERCHANT SHIPPING
POLLUTION**

**The Merchant Shipping (Prevention of Pollution)
(Intervention) (Foreign Ships) 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

Her Majesty, in exercise of the power conferred upon Her by subsections (1) and (2) of section 141 of the Merchant Shipping Act 1995⁽¹⁾ 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.—(1) This Order may be cited as the Merchant Shipping (Prevention of Pollution) (Intervention) (Foreign Ships) Order 1997 and shall come into force on 2nd December 1997.

(2) In this Order “the 1995 Act” means the Merchant Shipping Act 1995.

2. The Merchant Shipping (Prevention of Pollution) (Intervention) Order 1980⁽²⁾ is hereby revoked.

3. This Order applies to ships which are not United Kingdom ships and which are for the time being neither within United Kingdom waters nor within a part of the sea specified by virtue of section 129(2)(b) of the 1995 Act.

4.—(1) In relation to such ships the provisions of sections 137, 138, 138A, 139 and 140 of the 1995 Act⁽³⁾ shall, subject to paragraph (2) below, apply in any case where the Secretary of State is satisfied that there is a need to protect the coast of the United Kingdom, United Kingdom waters or

(1) 1995 c. 21; section 141 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 2(5).

(2) S.I. 1980/1093, amended by the Merchant Shipping and Maritime Security Act 1997, Schedule 7.

(3) Section 138A was inserted by the Merchant Shipping and Maritime Security Act 1997, section 3.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

a part of the sea specified by virtue of section 129(2)(b) of the 1995 Act against grave and imminent danger of pollution by oil, or by substances other than oil falling within section 138A(1)(a) or (b).

(2) In the case of such ships the powers conferred on the Secretary of State to give directions under section 137 of the 1995 Act shall be exercisable only in relation to—

(a) an individual who is a citizen of the United Kingdom and Colonies; or

(b) a body corporate which is established under the laws of a part of the United Kingdom;

and section 139(2) of the 1995 Act (which relates to the offence of obstruction) shall apply only to such an individual or body corporate.

N.H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the scope of the intervention powers conferred on the Secretary of State by sections 137 and 138A of the Merchant Shipping Act 1995. It gives effect to the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969 and its 1973 Protocol.

Sections 137 and 138A of the 1995 Act enable the Secretary of State to give directions and to take other action as may be necessary to prevent or minimise pollution, or the threat of pollution, following a maritime casualty. However, section 141(3) of the 1995 Act has the effect that these powers may not be exercised in respect of a ship which is not a United Kingdom ship if it is outside the United Kingdom's pollution control zone designated by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996 (S.I. [1996/2128](#)), except as provided by an Order in Council.

This Order provides for the intervention powers to be exercised in respect of such ships, subject to certain restrictions. The powers may be exercised only if there is a grave and imminent threat of pollution. Directions may only be given, and the offence of obstruction applied, to persons and companies which owe allegiance to the UK.