
STATUTORY INSTRUMENTS

2021 No. 818

**MERCHANT SHIPPING
MARINE POLLUTION**

**The Merchant Shipping (Prevention of Pollution from
Noxious Liquid Substances in Bulk and Prevention
of Oil Pollution) (Amendment) Regulations 2021**

<i>Made</i>	- - - -	<i>5th July 2021</i>
<i>Laid before Parliament</i>		<i>12th July 2021</i>
<i>Coming into force</i>	- -	<i>3rd August 2021</i>

The Secretary of State in exercise of the powers conferred by article 3 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983(1), articles 3 and 5 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987(2), article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(3) and sections 85(1), (3), (5) to (7), 86(1), 128(5) and (6), 129(2) and section 306A of the Merchant Shipping Act 1995(4) makes the following Regulations.

The Secretary of State has consulted such persons in the United Kingdom as the Secretary of State considers will be affected by the exercise of powers in this instrument in accordance with section 86(4) of the Merchant Shipping Act 1995.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk and Prevention of Oil Pollution) (Amendment) Regulations 2021 and come into force on 3rd August 2021.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

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- (1) [S.I. 1983/1106](#), amended by [S.I. 1985/2002](#) and [1993/1580](#). There are other amendments to this instrument but none is relevant. Following the consolidation of section 20 of the Merchant Shipping Act 1979 (c. 39), the Order has effect as if made under section 128 of the Merchant Shipping Act 1995 (c. 21).
- (2) [S.I. 1987/470](#), amended by [S.I. 1990/2595](#), [1997/2569](#), [1998/254](#) and [2015/664](#). Following the consolidation of section 20 of the Merchant Shipping Act 1979 (c. 39), the Order has effect as if made under section 128 of the Merchant Shipping Act 1995 (c. 21).
- (3) [S.I. 1996/282](#), amended by the Marine and Coastal Access Act 2009 (c. 23), Schedule 4, Part 1, paragraph 3.
- (4) [1995 c. 21](#). Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 128 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 29, Schedule 6, paragraph 3(3) and Schedule 7, Part I and the Merchant Shipping (Pollution) Act 2006 (c. 8), section 2. Section 306A was inserted by the Deregulation Act 2015 (c. 20), section 106.

Amendment of the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018

2.—(1) The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018⁽⁵⁾ are amended as follows.

(2) In regulation 3 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “BCH Code”, substitute—

““BCH Code” has the same meaning as that given to “Bulk Chemical Code” in regulation 1 of Annex II⁽⁶⁾”;

(ii) after the definition of “discharge”, insert—

““flag State”, in relation to a ship, means the State whose flag the ship is entitled to fly”;

(iii) after the definition of “offshore support vessel”, insert—

““OSV Chemical Code” means the Code for the Transport and Handling of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels⁽⁷⁾”;

(iv) for the definition of “IBC Code”, substitute—

““IBC Code” has the same meaning as that given to “International Bulk Chemical Code” in regulation 1 of Annex II⁽⁸⁾”;

(v) for the definition of “IGC Code”, substitute—

““IGC Code” has the same meaning as that given to “International Gas Carrier Code” in regulation 11.1 of Chapter VII in the Annex to the International Convention for the Safety of Life at Sea, 1974⁽⁹⁾”;

⁽⁵⁾ S.I. 2018/68, amended by S.I. 2020/496. There are other amendments but none is relevant.

⁽⁶⁾ The BCH Code is the Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk, adopted by Resolution MEPC.20(22), and may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk). Annex II is defined in regulation 3(1) of the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 as meaning Annex II to the International Convention for the Prevention of Pollution from Ships, 1973 (“MARPOL”). MARPOL was published in Cmnd. 5748, and amended by the Protocols of 1978 (Cmnd. 7347) and 1997 (Cm. 4427). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers are as follows: HL/PO/JO/10/11/1853/505 (Cmnd. 5748), HL/PO/JO/10/11/1959/2033 (Cmnd. 7347) and HL/PO/JO/10/11/3156/2285 (Cm. 4427). The BCH Code has been amended by IMO Resolutions MSC.212(81), MEPC.144(54), MEPC.249(66), MSC.376(93), MEPC.303(72), MSC.446(99), MEPC.319(74) and MSC.463(101). The amendments to the BCH Code are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

⁽⁷⁾ The Code was adopted by IMO Resolution A.1122(30) on 6th December 2017. The Code may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

⁽⁸⁾ The IBC Code is the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.19(22), and may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk). The IBC Code has been amended by IMO Resolutions MEPC.32(72), MEPC.40(29), MEPC.55(33), MEPC.69(38), MEPC.73(43), MEPC.79(43), MEPC.90(45), MEPC.119(52), MEPC.166(56), MEPC.225(64), MEPC.250(66), MEPC.302(72) and MEPC.318(74). The amendments to the IBC Code are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

⁽⁹⁾ Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd.

- (vi) in the definition of “OSV Guidelines(10)”, omit “published by the IMO”;
- (b) in paragraph (2)(a), for paragraph (iv) substitute—
 - “(iv) in the case of an NLS ship which is an offshore support vessel constructed or adapted before 1st July 2018, in accordance with regulation 8.1 of Annex II and section 1.5 of the OSV Guidelines;
 - (iva) in the case of an NLS ship which is an offshore support vessel constructed or adapted on or after 1st July 2018, in accordance with regulation 8.1 of Annex II and section 1.4 of the OSV Chemical Code;”;
- (c) in paragraph (3)(a), for paragraph (iv) substitute—
 - “(iv) as respects an NLS ship which is an offshore support vessel constructed or adapted before 1st July 2018, a Certificate of Fitness as set out in Appendix 2 to the OSV Guidelines issued and endorsed for a specified period in accordance with the requirements of the OSV Guidelines, together with a certificate as described in paragraph (iii);
 - (iva) as respects an NLS ship which is an offshore support vessel constructed or adapted on or after 1st July 2018, a Certificate of Fitness as set out in Appendix 1 to the OSV Chemical Code issued and endorsed for a specified period in accordance with the requirements of the OSV Chemical Code, together with a certificate as described in paragraph (iii);”;
- (d) in paragraph (7)—
 - (i) in the words before sub-paragraph (a), after “RO Code(11)” insert “, the OSV Chemical Code”;
 - (ii) omit “and” after sub-paragraph (b);
 - (iii) omit sub-paragraph (c).
- (3) In regulation 4 (ambulatory reference)—
 - (a) in paragraphs (1) and (7), after “RO Code” insert “, the OSV Chemical Code”;
 - (b) in paragraph (6), after “IGC Code” insert “, the OSV Chemical Code”.
- (4) In regulation 8(2) (relevant requirements), for sub-paragraphs (e) and (f) substitute—
 - “(e) as respects an NLS ship which is an offshore support vessel constructed or adapted before 1st July 2018, as set out in Chapters 2, 3, 4, 5 and 7 of the OSV Guidelines;

8277) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044). The IGC Code is the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, adopted by IMO Resolution MSC.5(48). The entire text of the IGC Code was replaced by IMO Resolution MSC.370(93) and has been amended by IMO Resolutions MSC.411(97) and MSC.441(99). The IGC Code and the amendments to it are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(10) The OSV Guidelines were adopted by IMO Assembly Resolution A.673(16) in October 1989 and amended by IMO Resolution MSC.184(79), MEPC.158(55) and MSC.236(82). The Code may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(11) The RO Code means the Code for Recognized Organizations and was adopted on 17th May 2013 by IMO Resolution MEPC.237(65). The Code may be obtained in copy from the IMO of 4 Albert Embankment, London SE1 7SR or the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

- (f) as respects an NLS ship which is an offshore support vessel constructed or adapted on or after 1st July 2018, as set out in Chapters 2 to 14 and 18 of the OSV Chemical Code; and
- (g) as respects any other NLS ship, as set out in—
 - (i) regulation 12.1, 12.2 or 12.3 of Annex II; and
 - (ii) Appendix 5 to Annex II.”
- (5) In regulation 24(2) (control of discharges of noxious liquid substances from ships), in the words before sub-paragraph (a), after “certificated NLS ship” insert “, except from a certificated NLS ship which is an offshore support vessel,”.
- (6) In regulation 29 (cargo record book)—
 - (a) for paragraph (1), substitute—
 - “(1) Every NLS ship must be provided with a Cargo Record Book in—
 - (a) the format specified in regulation 15.1 of Annex II (cargo record book); or
 - (b) the form specified in Appendix 2 to Annex II (form of cargo record book).”;
 - (b) in paragraph (5), after “page of” insert “, or group of electronic entries in,”.
- (7) In regulation 30(5) (marine pollution emergency plan), for “published by the IMO as” substitute “in IMO”.

Amendment of the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019

3.—(1) The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019(12) are amended as follows.

- (2) In regulation 20 (oil record book)—
 - (a) for paragraph (3), substitute—
 - “(3) The Oil Record Books referred to in paragraphs (1) and (2) must be in—
 - (a) the format specified in—
 - (i) regulation 17.1 of Annex I (oil record book, part I (machinery space operations)); or
 - (ii) regulation 36.1 of Annex I (oil record book, part II (cargo/ballast operations)); or
 - (b) the form specified in Appendix III to Annex I (form of oil record book).”;
 - (b) in paragraph (8), after “page” insert “or group of electronic entries”.

Signed by authority of the Secretary of State for Transport

5th July 2021

Robert Courts
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 (S.I. 2018/68) (“the 2018 Regulations”) and the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019 (S.I. 2019/42) (“the 2019 Regulations”).

These Regulations amend the requirements in regulation 8 of the 2018 Regulations (relevant requirements) in relation to offshore support vessels carrying noxious liquid substances in bulk.

Such vessels built or adapted before 1st July 2018 must comply with the Offshore Support Vessel Guidelines (as adopted by International Maritime Organization (IMO) Resolution A.673(16)). Such vessels built or adapted on or after 1st July 2018 must comply with the Code for the Transport and Handling of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels (as adopted by IMO Resolution A.1122(30) (“the OSV Chemical Code”) (regulation 2(4)). These requirements give effect to the obligation in regulation 11.2 of Annex II to the International Convention for the Prevention of Pollution from Ships 1973 (MARPOL) (prevention of pollution by noxious liquid substances in bulk) to establish appropriate measures based on the guidelines developed by the IMO in respect of ships other than chemical tankers and liquefied gas carriers certified to carry noxious liquid substances in bulk identified in chapter 17 of the International Bulk Chemical Code.

These Regulations also amend regulation 24 of the 2018 Regulations (which, subject to limited exceptions, prohibits the discharge of noxious liquid substances from ships into the sea) to the effect that this prohibition applies to offshore support vessels in all circumstances except where there are reasons of particular necessity for the discharge, such as to save life (regulation 2(5)).

These Regulations also give effect to IMO Resolution MEPC.314(74), which came into force on 1st October 2020. MEPC.314(74) amends regulation 15 in Annex II of MARPOL to allow for a cargo record book to be in an electronic format as an alternative to a paper version. This amendment is given effect in regulation 2(6), which amends regulation 29 of the 2018 Regulations. MEPC.314(74) also amends regulations 17 and 36 in Annex I of MARPOL (prevention of pollution by oil) to allow oil record books to be in an electronic format as an alternative to a paper version. This amendment is given effect in regulation 3(2), which amends regulation 20 of the 2019 Regulations.

The Regulations also update the ambulatory reference provision in regulation 4 of the 2018 Regulations (regulation 2(3)) in order to include a reference to the OSV Chemical Code.

The Regulations also make a number of incidental amendments to the 2018 Regulations (regulation 2(2) and (7)).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.