



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART VI

#### PREVENTION OF POLLUTION

#### CHAPTER II

##### OIL POLLUTION

###### *General provisions for preventing pollution*

###### *Restrictions on transfer of oil at night.*

- 135** (1) No oil shall be transferred between sunset and sunrise to or from a ship in any harbour in the United Kingdom unless the requisite notice has been given in accordance with this section or the transfer is for the purposes of a [<sup>F1</sup>fire brigade][<sup>F2</sup>relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) or any other employer of fire-fighters][<sup>F1</sup>fire and rescue authority or other employer of fire-fighters] .
- (2) A general notice may be given to the harbour master of a harbour that transfers of oil between sunset and sunrise will be frequently carried out at a place in the harbour within such period, not ending later than twelve months after the date on which the notice is given, as is specified in the notice; and if such a notice is given it shall be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice.
- (3) Subject to subsection (2) above, the requisite notice for the purposes of this section shall be a notice given to the harbour master not less than three hours nor more than 96 hours before the transfer of oil begins.
- (4) In the case of a harbour which has no harbour master, references in this section to the harbour master shall be construed as references to the harbour authority.

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**Status:** Point in time view as at 02/08/2005.

**Changes to legislation:** Merchant Shipping Act 1995, Section 135 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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- (5) If any oil is transferred to or from a ship in contravention of this section, the master of the ship, and, if the oil is transferred from or to a place on land, the occupier of that place, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Textual Amendments

- F1** Words in s. 135(1) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 87](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F2** Words in s. 135(1) substituted (S.) (2.8.2005) by [Fire \(Scotland\) Act 2005 \(asp 5\), s. 90, sch. 3 para. 18 \(with s. 77\)](#); S.S.I. 2005/392, art. 2(k)

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