

1972 No. 1928

## MERCHANT SHIPPING

**The Oil in Navigable Waters (Exceptions)  
Regulations 1972**

*Made* - - - 8th December 1972

*Laid before Parliament* 15th December 1972

*Coming into Operation* 5th January 1973

The Secretary of State in exercise of powers conferred by section 1(3) of the Oil in Navigable Waters Act 1955<sup>(a)</sup> (hereinafter called "the principal Act") and now vested in him<sup>(b)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Oil in Navigable Waters (Exceptions) Regulations 1972 and shall come into operation on 5th January 1973.

*Revocation*

2. The Oil in Navigable Waters (Exceptions) Regulations 1967<sup>(c)</sup> are hereby revoked.

*Interpretation*

3.—(1) In these Regulations,

In relation to all land other than the part of the coast of Australia specified below, "from the nearest land" means from the nearest base-line from which the territorial sea of any territory is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958.

In relation to the part of the North-eastern coast of Australia which lies between points 11° 00'S, 142° 08'E and 24° 42'S 153° 15'E, "from the nearest land" means from the nearest of the straight lines joining consecutively the following points: 11° 00'S, 142° 08'E; 10° 35'S, 141° 55'E; 10° 00'S, 142° 00'E; 9° 10'S, 143° 52'E; 9° 00'S, 144° 30'E; 13° 00'S, 144° 00'E; 15° 00'S, 146° 00'E; 18° 00'S, 147° 00'E; 21° 00'S, 153° 00'E; 24° 42'S, 153° 15'E;

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(a) 1955 c. 25.

(b) See S.I. 1965/145, 1970/1537 (1965 I, p. 438; 1970 III, p. 5293).

(c) S.I. 1967/711 (1967 II, p. 2148).

“Instantaneous rate of discharge of oil content” when expressed in litres per mile means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant;

“Mile” means an international nautical mile that is to say a distance of 1,852 metres;

“Proceeding” means in relation to any voyage making way through the water in the normal course of that voyage;

“Tanker” means a vessel the greater part of the cargo space of which is constructed or adapted for the carriage of liquid cargoes in bulk and which is either carrying a cargo of oil in bulk in that part of its cargo space or has on board oil residues from a cargo of oil in bulk previously carried;

“ballast voyage” means any voyage of a tanker on which that tanker is not carrying oil in bulk as cargo but has on board oil residues from a cargo of oil in bulk carried on the voyage immediately preceding that voyage.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

*Exceptions for ships other than tankers and for tankers in relation to their machinery space bilges*

4.—(1) This Regulation applies to ships other than tankers, and to tankers in relation only to discharge of oil or mixtures containing oil from their machinery space bilges.

(2) Every ship to which this Regulation applies is hereby excepted from the operation of section 1(1) of the principal Act as amended by the Oil in Navigable Waters Act 1971(b) (hereinafter called “the 1971 Act”) if all the following conditions are satisfied:—

- (i) the ship is proceeding on a voyage;
- (ii) the instantaneous rate of discharge of oil content does not exceed 60 litres per mile;
- (iii) the oil content of the discharge is less than 100 parts per 1,000,000 parts of the mixture; and
- (iv) the discharge is made as far as practicable from the nearest land.

*Exception for tankers*

5.—(1) Every tanker is hereby excepted from the operation of section 1(1) of the Principal Act as amended by the 1971 Act provided that either

(a) all the following conditions are satisfied:—

- (i) the tanker is proceeding on a ballast voyage;
- (ii) the instantaneous rate of discharge of oil content does not exceed 60 litres per mile;

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(a) 1889 c. 63.

(b) 1971 c. 21.

- (iii) the total quantity of oil discharged during the voyage does not exceed 1/15,000 of the total oil cargo carrying capacity of the tanker; and
  - (iv) the tanker is more than 50 miles from the nearest land; or
- (b) all the following conditions are satisfied:—
- (i) the tanker is proceeding on a voyage immediately following a ballast voyage and still has on board oil residues from a cargo of oil in bulk previously carried; and
  - (ii) the only oil discharged is oil from those oil residues; and
  - (iii) conditions (ii) and (iv) of subparagraph (1)(a) of this Regulation are satisfied; and
  - (iv) the total quantity of oil discharged during that voyage and the immediately preceding ballast voyage does not exceed 1/15,000 of the total oil cargo carrying capacity of the tanker; or
- (c) The discharge consists only of ballast from a cargo tank which since the cargo was last carried therein, has been so cleaned that any effluent therefrom, if it were discharged from a stationary tanker into clean calm water on a clear day, would produce no visible traces of oil on the surface of the water.

(2) This Regulation does not apply to discharge of oil or mixtures containing oil from the machinery space bilges of tankers.

8th December 1972.

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Department of Trade and Industry.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations contain certain exceptions from the operation of section 1(1) of the Oil in Navigable Waters Act 1955 as amended by the Oil in Navigable Waters Act 1971.

They replace the Oil in Navigable Waters (Exceptions) Regulations 1967 and prescribe exceptions which take into account amendments to the International Convention for the Prevention of Pollution of the Sea by Oil 1954 which were adopted by the Assembly of the Inter-Governmental Maritime Consultative Organisation on 21st October 1969.

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