
STATUTORY INSTRUMENTS

1987 No. 551

**The Merchant Shipping (Control of Pollution by
Noxious Liquid Substances in Bulk) Regulations 1987**

**PART I
GENERAL**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987 and shall come into force on 6th April 1987.

(2) In these Regulations—

“BCH Code” means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (1986 edition) published by IMO;

“BCH Code Certificate” means a certificate of compliance with the BCH Code issued in accordance with the BCH Code Regulations;

“BCH Code Regulations” means the Merchant Shipping (BCH Code) Regulations 1987⁽¹⁾;

“Category A substance”, “Category B substance”, “Category C substance” and

“Category D substance” mean respectively any substance listed in the column of Schedule 1 headed “Substance” and identified as falling into Category A, B, C or D as the case may be by an entry of “A”, “B”, “C” or “D” as the case may be in column II of that schedule; and any substance which is provisionally listed or class-approved as a Category A, B, C or D substance as the case may be; and a reference to any such substance shall include a reference to any mixture containing such substance, other than a residual mixture or a mixture which is itself a substance of another Category;

“chemical tanker” means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and an oil tanker when carrying a cargo or part cargo of noxious liquid substances in bulk;

“class-approved” means, in relation to a substance of a particular category or a non-polluting substance,

- (a)** having been assessed as a substance falling into one of the classes of not otherwise specified substances listed in Table 3 of Merchant Shipping Notice No. M1270 and therein identified as a class of substances falling into that category or as a class of non-polluting substances as the case may be, and
- (b)** having had the assessment referred to in sub-paragraph (a) approved by or on behalf of the Secretary of State or by or on behalf of the government of a state party to MARPOL 1973/78.

“clean ballast” means ballast carried in a tank which, since it was last used to carry a noxious liquid substance in bulk, has been thoroughly cleaned and the residues resulting therefrom have been discharged and the tank emptied in accordance with the appropriate requirements of these Regulations;

“constructed” means, in relation to a ship, having its keel laid or being at a similar stage of construction; and “similar stage of construction” means the stage at which

- (a) construction identifiable with a specific ship begins, and
- (b) assembly of that ship is commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is the less;

provided that a ship which has been converted into a chemical tanker shall, irrespective of its date of construction, be treated as a chemical tanker constructed on the date on which such conversion commenced;

“high residue substance” means, in relation to a Category B or Category C substance, a substance identified in the ship’s Procedures and Arrangements Manual as likely, due to its viscosity or melting point at its unloading temperature, to result in a residue quantity from any tank which exceeds, in the case of a Category B substance, 1 cubic metre or 1/3,000th of the capacity of that tank or, in the case of a Category C substance, 3 cubic metres or 1/1,000th of the capacity of that tank, whichever is the greater;

“IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (1986 edition) published by IMO;

“IBC Code Certificate” means a certificate of compliance with the IBC Code issued in accordance with the IBC Code Regulations;

“IBC Code Regulations” means the Merchant Shipping (IBC Code) Regulations 1987(2);

“IMO” means the International Maritime Organization;

“IMO Standards” means the Standards for Procedures and Arrangements for the Discharge of Noxious Liquid Substances adopted by the Marine Environment Protection Committee of IMO by Resolution MEPC 18(22) on 5th December 1985;

“INLS Certificate” means an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued under MARPOL 1973/78 and, in the case of a United Kingdom ship, in accordance with regulation 24, in the form set out in Appendix V to Annex II to MARPOL 1973/78;

“IOPP Certificate” means an International Oil Pollution Prevention Certificate issued in accordance with MARPOL 1973/78 and, in the case of a United Kingdom ship, pursuant to the Prevention of Oil Pollution Regulations;

“liquid substance” means a substance having a vapour pressure not exceeding 2.8 bar at a temperature of 37.8 degrees C;

“MARPOL 1973/78” means the International Convention for the Prevention of Pollution from Ships, 1973, as amended(3);

“Marpol surveyor” means a surveyor appointed by the Secretary of State or by or on behalf of the government of a state party to MARPOL 1973/78;

“nearest land”: in relation to all land other than the part of Australia specified below, “from the nearest land” means from the nearest baseline from which the territorial sea of any territory is established in accordance with the Geneva Convention on the Territorial Sea and the

(2) S.I. 1987/549.

(3) Cmnd. 5748; the Convention was amended in 1978 (Cmnd. 7347) and by amendments adopted by the Marine Environment Protection Committee of the International Maritime Organization on 5th December 1985.

Contiguous Zone 1958(4); and in relation to the part of the north-eastern coast of Australia which lies between the 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 and 24° 42'S, 153° 15'E;

“non-polluting substance” means a substance listed in Schedule 2 or provisionally listed or class-approved as a non-polluting substance;

“noxious liquid substances” means the substances listed in Schedule 1 (being substances falling into Categories A, B, C and D) and any other liquid substances which are provisionally listed or class-approved as Category A, B, C or D substances;

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier when it is carrying a cargo or part cargo of oil in bulk;

“oil-like substance” means a substance listed in Schedule 3 or provisionally listed as an oil-like substance;

“Prevention of Oil Pollution Regulations” means the Merchant Shipping (Prevention of Oil Pollution) Regulations 1983(5);

“pre-washed” means washed in accordance with the relevant pre-wash procedures specified in the ship’s Procedures and Arrangements Manual;

“Procedures and Arrangements Manual” means a manual complying with the requirements of regulation 19(1);

“provisionally listed” means, in relation to a substance of a particular category or a non-polluting substance or an oil-like substance, listed in Merchant Shipping Notice No. M.1270 and therein identified as a substance falling into that category or as a non-polluting substance or as an oil-like substance as the case may be;

“reception facility” means a tank or similar facility provided at a port or place for the reception of residual mixtures or other liquid wastes containing noxious liquid substances;

“residual mixture” means, in relation to any category of noxious liquid substances, ballast water, tank washings or other mixtures containing residues of a noxious liquid substance of such category, but excludes clean ballast;

“sea” includes all waters navigable by sea-going ships;

“segregated ballast” means ballast water introduced into a tank which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances and which is completely separated from the cargo pumping and piping system and from the fuel oil pumping and piping system;

“ship” means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, hovercraft, submersibles and floating craft and also fixed or floating platforms except when they are actually engaged in exploration or exploitation of the sea-bed or associated off-shore processing of sea-bed mineral resources;

“Special Area” means either the Baltic Sea area or the Black Sea area, defined as follows:

“the Baltic Sea area” means the Baltic Sea with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44.8'N;

“the Black Sea area” means the Black Sea with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N;

(4) Cmnd. 2511.

(5) S.I. 1983/1398, amended by S.I. 1985/2040.

“UKOPP Certificate” means a United Kingdom Oil Pollution Prevention Certificate issued pursuant to the Prevention of Oil Pollution Regulations;

“unassessed liquid substance” means a liquid substance which is neither a noxious liquid substance nor a non-polluting substance and is not oil as defined in the Prevention of Oil Pollution Regulations;

“United Kingdom ship” means a ship which—

- (a) is registered in the United Kingdom, or
- (b) is not registered under the law of any country but is wholly owned by persons each of whom is a British citizen or a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom.

(3) Any reference to a particular Merchant Shipping Notice includes a reference to any subsequent Merchant Shipping Notice amending or replacing it and specifying the date on which such subsequent Notice is to take effect.

Application

2.—(1) These Regulations apply to ships carrying in bulk noxious liquid substances or unassessed liquid substances; provided that ships constructed before 1st July 1986 shall not be required to comply with regulations 5(c) or 11(d) before 1st January 1988.

(2) These Regulations apply to United Kingdom ships wherever they may be and to other ships while they are in the United Kingdom or the territorial waters thereof.