

1988 No. 2252

**MARINE POLLUTION**

**The Merchant Shipping (Prevention of Pollution by  
Garbage) Order 1988**

*Made - - - - - 21st December 1988*

*Laid before Parliament 22nd December 1988*

*Coming into force 23rd December 1988*

At the Court at Buckingham Palace, the 21st day of December 1988

Present,

The Queen's Most Excellent Majesty in Council

Whereas by virtue of section 20(1)(a) of the Merchant Shipping Act 1979(a) ("the Act of 1979") Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect to the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2nd November 1973 ("the Convention");

And whereas Annex V to the Convention comes into force internationally on 31st December 1988:

And whereas this Order is made only for the purpose of giving effect to the Convention:

Now therefore Her Majesty in exercise of the powers conferred by section 20(1)(a), (3) and (4) of the Act of 1979(b) 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. This Order may be cited as the Merchant Shipping (Prevention of Pollution by Garbage) Order 1988 and shall come into force on 23rd December 1988.

2.—(1) The Secretary of State may make regulations for the prevention of pollution by garbage from ships for the purpose of giving effect to Annex V to the Convention.

(2) Such regulations may in particular include provisions—

- (a) with respect to the application of the regulations to the Crown and the extraterritorial operation of the regulations;
- (b) that specified contraventions of the regulations shall be offences punishable on summary conviction by a maximum fine not exceeding the statutory maximum or on conviction on indictment by a fine;
- (c) that any such contravention shall be offences punishable only on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale, or such less amount as is prescribed by the regulations.

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(a) 1979 c.39.

(b) Section 20(3) was amended and paragraphs (f) and (fa) substituted by section 49(2) of the Criminal Justice Act 1982 (c.48).

- (3) Such regulations may—
- (a) make different provisions for different circumstances; and
  - (b) provide for exemptions from any provisions of the regulations.
- (4) The Statutory Instruments Act 1946(a) shall apply to regulations made under this Order, and shall so apply as if such regulations were a statutory instrument.

*G. I. de Denev*  
Clerk of the Privy Council

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### EXPLANATORY NOTE

*(This note is not part of this Order)*

This Order enables effect to be given to Annex V to the International Convention for the Prevention of Pollution from Ships 1973 as amended by the Protocol (Cmnd 7347) thereto of 1978.

The Order empowers the Secretary of State to make regulations for the purpose of giving effect to Annex V which relates to pollution by garbage. In particular the regulations may provide for the extraterritorial operation of the regulations and the imposition of penalties.

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(a) 1946 c.36.

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