

This draft Statutory Instrument supersedes the earlier draft of the instrument published on 16th October 1991 and is being issued free of charge to all known recipients of that instrument.

STATUTORY INSTRUMENTS

1991 No. 2885

MARINE POLLUTION

**The Merchant Shipping (Prevention of
Oil Pollution) (Amendment) Order 1991**

Made - - - - 19th December 1991

Coming into force - - 2nd January 1992

At the Court at Buckingham Palace, the 19th day of December 1991

Present,

The Queen's Most Excellent Majesty in Council

Whereas by virtue of section 20(1)(a) and (c) and (2) of the Merchant Shipping Act 1979⁽¹⁾ (“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—

- (a) 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”)⁽²⁾ and
- (b) the Protocol relating to the said Convention which constitutes attachment 2 to the final act of the International Conference on Tanker Safety and Pollution Prevention signed in London on 17th February 1978 “the Protocol”⁽³⁾:

And whereas section 148(2) of the Environmental Protection Act 1990⁽⁴⁾ enables an Order under section 20(1) of the Act of 1979 to make, in connection with offences created by or under that Order, provisions corresponding to sections 19(4A), 19A and 20 of the Prevention of Oil Pollution Act 1971⁽⁵⁾ (being sections amended or inserted by Schedule 14 to the Environmental Protection Act 1990):

(1) 1979 c. 39.

(2) Cmnd. 5748.

(3) Cmnd. 7347.

(4) 1990 c. 43.

(5) 1971 c. 60; section 2(2A) was inserted by the Prevention of Oil Pollution Act 1986 (c. 6); and sections 19(4A), 19A and 20 were inserted or amended by the Environmental Protection Act 1990.

And whereas the Merchant Shipping (Prevention of Oil Pollution) Order 1983⁽⁶⁾ enables regulations to be made for the purpose of giving effect to the Convention and the Protocol, including the creation of offences:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 20(1)(a) and (c), (3) and (4) of the Act of 1979 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 Oil Pollution) (Amendment) Order 1991 and shall come into force on the 14th day after the day on which it is made.

2. The Merchant Shipping (Prevention of Oil Pollution) Order 1983 is hereby amended by adding the following to article 3(1), after sub-paragraph (f)—

“(g) in connection with offences created by the regulations, corresponding to provision made in connection with offences under section 2(2A) of the Prevention of Oil Pollution Act 1971 by any provision of—

(a) section 19(4A) of that Act, and

(b) sections 19A and 20 of that Act,

and the Regulations may do so whether by applying (or making provision for the application of) any of those provisions, subject to such modifications as may be specified, or otherwise.”

3. This Order shall not apply in relation to any offence committed before it comes into force.

Clerk of the Privy Council

⁽⁶⁾ S.I. 1983/1106, amended by S.I. 1985/2002.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Merchant Shipping (Prevention of Oil Pollution) Order 1983, which enabled regulations to be made giving effect to the International Convention for the Prevention of Pollution from Ships 1973 and its Protocol of 1978.

The amendment enables such regulations to include provisions corresponding to sections 19(4A), 19A and 20 of the Prevention of Oil Pollution Act 1971. These sections were amended or inserted by the Environmental Protection Act 1990, and contain provisions enabling the service of documents in connection with proceedings against owners of foreign owned ships, and the detention of such ships unless (inter alia) security to meet possible fines for certain oil pollution offences is put up.