
STATUTORY INSTRUMENTS

1998 No. 1056

**The Merchant Shipping (Oil Pollution Preparedness,
Response and Co-operation Convention) Regulations 1998**

Oil pollution emergency plans

4.—(1) Every—

- (a) harbour authority of a harbour to which these Regulations apply;
- (b) operator of an oil handling facility to which these Regulations apply; and
- (c) operator of an offshore installation to which these Regulations apply,

shall have an oil pollution emergency plan in accordance with this regulation.

(2) There shall be a separate plan for each harbour, oil handling facility and offshore installation except that:

- (a) there may be joint plans between harbour authorities and operators of oil handling facilities, within an area;
- (b) there may be joint plans in respect of offshore installations and oil handling facilities which are pipelines associated with that installation.

(a) (3) (a) Subject to paragraphs (4) and (7) below, within 15 months of the coming into force of these Regulations every harbour authority and every operator shall submit an oil pollution emergency plan relating to its harbour or oil handling facility or offshore installation, as the case may be, to the MCA for approval.

(b) In preparing an oil pollution emergency plan a harbour authority or operator shall take into account any guidance issued by the MCA.

(a) (4) (a) Where, after the coming into force of these Regulations:

- (i) a harbour comes into being;
- (ii) an oil handling facility comes into being; or
- (iii) in respect of an offshore installation activities are commenced on the site of drilling for, or production of oil,

paragraph (3) above shall apply so as to require the submission of a plan at least two months before:

- (aa) such harbour or oil handling facility comes into being, or as the case may be
- (bb) activities are commenced in respect of an offshore installation.

(b) In relation to a harbour referred to in sub-paragraph (a)(aa) above, where there is no harbour authority at that time, paragraph (3) above shall apply so as to require submission of a plan by the promoter of the proposed harbour.

(a) (5) (a) Every harbour authority and every operator shall fully review its oil pollution emergency plan no later than 5 years after submission of the plan in accordance with paragraph (3) or (4) above, as the case may be, and re-submit a plan within that period.

(b) Where any major change occurs which affects or could affect the validity or effectiveness of a plan to a material extent then the harbour authority or operator in question shall submit

a new plan, or amendments to the existing plan, within 3 months of such change becoming known, to that authority or operator.

(6) Where the MCA consider that any plan or amendment submitted under paragraph (3), (4) or (5) above is:

- (i) not compatible with the National Contingency Plan for the time being in force; or
- (ii) not appropriate for dealing with oil pollution incidents which may occur in the area in which the harbour authority or operator has jurisdiction or exercises responsibility,

the MCA may, after consultation with the harbour authority or operator, direct that the plan shall be altered accordingly. It shall be the duty of the harbour authority or operator to alter the plan in accordance with any such direction.

(7) In relation to offshore installations and oil handling facilities which are pipelines this regulation shall apply with the substitution, for any reference to the MCA, of a reference to the Secretary of State for Trade and Industry.

(8) It shall be the duty of every operator and every harbour authority to implement its oil pollution emergency plan approved or altered under this regulation in the event of an oil pollution incident.