
STATUTORY INSTRUMENTS

1998 No. 1153

**MARINE POLLUTION
MERCHANT SHIPPING**

SAFETY

**The Merchant Shipping (Dangerous or Noxious Liquid
Substances in Bulk) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>27th April 1998</i>
<i>Laid before Parliament</i>		<i>14th May 1998</i>
<i>Coming into force</i>	- -	<i>1st July 1998</i>

The Secretary of State for the Environment, Transport and the Regions in exercise of the powers conferred by article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987⁽¹⁾ and article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996⁽²⁾, 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 Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) (Amendment) Regulations 1998 and shall come into force on 1st July 1998.

Amendment of Regulations

2.—(1) The Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations 1996⁽³⁾ shall be amended as follows.

(2) In regulation 14—

- (a) in paragraph (1), after the word “Regulations” there shall be inserted the words “(other than a contravention of regulation 5)”; and
- (b) after paragraph (1), there shall be inserted the following paragraphs:

(1) S.I.1987/470, amended by S.I. 1987/664, S.I. 1990/2595, S.I. 1992/2668, S.I. 1997/2569 and S.I. 1998/254.
(2) S.I. 1996/282.
(3) S.I. 1996/3010.

“(1A) If there is any contravention of regulation 5 in respect of a ship the owner and master of the ship shall each be guilty of an offence and section 131(3) of the Merchant Shipping Act 1995(4) shall apply as it applies to an offence under that section, so that each of the owner and master shall be liable—

- (a) on summary conviction, to a fine not exceeding £25,000; or
- (b) on conviction on indictment, to a fine.

(1B) Sections 143(6) (which provides for the service of documents on foreign companies required or authorised by any statutory provision in connection with proceedings for an offence under section 131) and 146 (which provides for the enforcement and application of fines imposed for offences under Chapter II of Part VI) of the Merchant Shipping Act 1995 shall apply to an offence for a contravention of regulation 5 as they apply to an offence under section 131 of that Act.”.

(3) In regulation 15, after paragraph (4), there shall be added the following paragraph:

“(5) Section 144(4)—(6) of the Merchant Shipping Act 1995(5) (which provides for the detention of ships for offences under section 131) shall apply to a detention of a ship under paragraph (3)(a) above in respect of an alleged contravention of regulation 5 as if—

- (a) for the words “harbour master” wherever they appear there were substituted the words “any person”;
- (b) for the words “harbour authority” wherever they appear there were substituted the words “Secretary of State”; and
- (c) in paragraph 4(c)(i) and (ii), for “£255,000” in both places where it occurs there were substituted “£30,000”.

Signed by authority of the Secretary of State for the Environment, Transport and Regions

Glenda Jackson
Parliamentary Under-Secretary of State
Department of the Environment, Transport and
the Regions

27th April 1998

(4) 1995 c. 21; section 131(3) was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 7(1); as amended by S.I. 1997/2569 and 1998/254.

(5) Section 144(4)(c)(i) and (ii) was applied by the Merchant Shipping and Maritime Security Act 1997, section 7(3).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations 1996 (the Principal Regulations).

The Regulations provide that section 131(3) of the Merchant Shipping Act 1995 shall apply to an offence for a contravention of regulation 5 of the Principal Regulations so that the owner and master shall be liable on summary conviction to a fine not exceeding £25,000 for illegal discharges of noxious liquid substances (regulation 2(2)(b)). Previously the maximum fine was £5,000.

In addition, the Regulations provide that sections 143(6), 144 and 146 of the Merchant Shipping Act 1995 (as amended by these Regulations) shall apply to an offence for a contravention of regulation 5 as they do to an offence under section 131 of that Act (regulation 2(2)(b) and (3)). These provisions provide enhanced enforcement powers in relation to illegal discharges of noxious liquid substances.