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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace with amendments the Merchant Shipping (Port Waste Reception Facilities) Regulations 1997, and give effect to Directive 2000/59/EC of the European Parliament and of the Council (O.J. L 332, 28.12.2000, p.81), as amended by Directive 2002/84/EC of the European Parliament and of the Council (O.J. L 324, 29.11.2002, p.53). In addition to minor amendments, the significant differences are in the inclusion of (i) a duty to deliver waste to reception facilities in the harbour or terminal, (ii) a requirement to notify the harbour or terminal in advance of a ship's arrival, and (iii) a duty for harbour authorities and terminal operators to impose charges to cover the costs of waste reception facilities for ship-generated waste.

The Regulations are made under sections 130A to 130D of the Merchant Shipping Act 1995, except in so far as they relate to the requirement to provide information to a harbour or terminal in advance of a ship's arrival, the requirement on harbour authorities and terminal operators to charge for reception facilities and the application of the Regulations to hovercraft, where the power is provided by section 2(2) of the European Communities Act 1972.

Regulation 4 requires all harbour authorities and terminal operators to provide waste reception facilities which are adequate to deal with waste of types covered by the Regulations from ships normally using the harbour or terminal.

Regulations 5 to 8 are concerned with waste management plans for harbours and terminals; such plans are to be prepared and submitted to the Secretary of State for his approval. A harbour authority (or terminal operator, where the operator has prepared the plan) is required to implement an approved plan.

There are direction-making and default powers for the Secretary of State in regulations 5, 9 and 10.

Regulation 11 contains a requirement for the master of a ship bound for a harbour (or terminal, where the waste management plan so provides) to provide the harbour authority or terminal operator (as the case may be) with information concerning waste, including the quantities of waste to be delivered and the waste-storage capacity of the ship.

Regulations 12 and 16 require ship-generated waste and cargo residues, respectively, to be delivered to a waste reception facility; regulations 13 and 14 are concerned with charges to be imposed for the delivery of waste.

Regulation 15 contains powers for the Secretary of State to grant exemptions from some provisions of the Regulations.

There are provisions for inspection and detention, and the penalties to apply in cases of non-compliance.

A Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from Shipping Policy 2 Division, Department for Transport, 76 Marsham Street, London SW1P 4DR (telephone number 020 7944 3436).

A transposition note has been prepared and copies may be obtained from the Department for Transport at the address above.

Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies may be obtained from Mail Marketing (Scotland), Blooms Grove Industrial Estate, Norton Street, Nottingham NG7 3JG (telephone number 0115 9013336; fax 0115 9013334; e-mail [mca@promo-](mailto:mca@promo-)

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[solution.com](#)). The Code and Circulars referred to in the Regulations can be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.