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STATUTORY INSTRUMENTS

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**2018 No. 68**

**The Merchant Shipping (Prevention of Pollution from  
Noxious Liquid Substances in Bulk) Regulations 2018**

**PART 3**

Operational Requirements

**Control of discharges of Noxious Liquid Substances from ships**

**24.**—(1) Subject to the provisions of this regulation, the discharge into the sea from any ship of—

- (a) any noxious liquid substance; or
- (b) any ballast water, tank washings or other mixture containing a noxious liquid substance,

is prohibited.

(2) Subject to paragraph (3), it is permitted for a noxious liquid substance to be discharged into the sea from a certificated NLS ship [<sup>F1</sup>, except from a certificated NLS ship which is an offshore support vessel,] where—

- (a) the ship is proceeding en route at a speed of at least—
  - (i) 7 knots in the case of a ship which is self-propelled; or
  - (ii) 4 knots in the case of a ship which is not self-propelled;
- (b) the discharge is made below the waterline through one or more underwater discharge outlets at a rate not exceeding the maximum for which the outlet is designed;
- (c) the discharge is made—
  - (i) at a distance of not less than 12 nautical miles from the nearest land; and
  - (ii) in a depth of water of not less than 25 metres; and
- (d) the discharge complies with the conditions and limitations prescribed in regulation 13, paragraphs 1.2 and 4 to 7, of Annex II.

(3) Notwithstanding paragraph (2), any discharge of a noxious liquid substance, or mixture containing such substances, into the sea in polar waters is prohibited.

(4) In the case of a certificated NLS ship constructed before 1st January 2007 the discharge into the sea of a Category Z substance is not required to comply with paragraph (2)(b).

(5) Any ventilation procedures used to remove cargo residues from a tank must be carried out in accordance with Appendix 7 of Annex II.

(6) Following the use of ventilation procedures in accordance with paragraph (5) any water subsequently introduced into the tank is not to be treated as a noxious liquid substance.

(7) Paragraphs (1) and (3) do not apply to the discharge of noxious liquid substances, or ballast water, tank washings or other mixtures containing noxious liquid substances, from a certificated NLS ship into the sea where the discharge—

- (a) is necessary to secure the safety of the ship or for saving life;

- (b) results from damage to the ship or its equipment and—
- (i) all reasonable precautions have been taken by the master and owner after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimising the discharge; and
  - (ii) the owner or master did not act either with intent to cause damage or act recklessly and with knowledge that damage would probably result; or
- (c) has been approved by the Secretary of State for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.
- (8) In this Regulation—
- “category Z substance” means—
- (a) any substance which has been categorised in accordance with the provisions of regulation 6 of Annex II and which is indicated in the Pollution Category column of chapter 17 or 18 of the IBC Code as falling within category Z;
  - (b) any mixture containing a substance referred to in sub-paragraph (a);
  - (c) any substance which has been provisionally assessed as falling within category Z in accordance with the provisions of regulation 6.3 of Annex II and which is either—
    - (i) listed in MEPC.2/Circ. on the Provisional Categorisation of Liquid Substances in Accordance with Annex II and the IBC Code, issued on 1st December each year <sup>M1</sup>; or
    - (ii) in the case of any substance provisionally assessed after the publication of MEPC.2/Circ. in any given year but in advance of the publication of the next MEPC.2/Circ., published by the IMO <sup>M2</sup> as such; and
  - (d) any mixture containing a substance referred to in sub-paragraph (c); and
- “certificated NLS ship” means—
- (a) a United Kingdom NLS ship which has a valid relevant NLS certificate; or
  - (b) an NLS ship, other than a United Kingdom NLS ship, which has a certificate that—
    - (i) was issued, and where appropriate endorsed, in accordance with the requirements of Annex II; and
    - (ii) (along with any endorsement) is still valid in accordance with those requirements.

#### Textual Amendments

- F1** Words in [reg. 24\(2\)](#) inserted (3.8.2021) by [The Merchant Shipping \(Prevention of Pollution from Noxious Liquid Substances in Bulk and Prevention of Oil Pollution\) \(Amendment\) Regulations 2021 \(S.I. 2021/818\)](#), [regs. 1\(1\), 2\(5\)](#)

#### Marginal Citations

- M1** The MEPC.2/Circ. lists noxious liquid substances with associated categories and minimum carriage requirements which have been established through Tripartite Agreements and registered with the IMO Secretariat in accordance with regulation 6.3 of Annex II. The current circular is MEPC.2/Circ.23 dated December 2017 and is available from the IMO Library or <http://www.imo.org/en/OurWork/Environment/PollutionPrevention/ChemicalPollution/Documents/MEPC.2-CIRC.23.pdf>.
- M2** Products assessed between the dates of publication of MEPC.2/Circ. are published by the IMO at <http://www.imo.org/en/OurWork/Environment/PollutionPrevention/ChemicalPollution/Pages/TripartiteAgreements.aspx> and available from the IMO Library.

### **Unloading arrangements**

25. Where noxious liquid substances are unloaded from an NLS ship to a cargo unloading terminal, the master must ensure that any noxious liquid substance in cargo hoses and piping systems of that terminal is not drained back to the ship.

### **Prohibition on the carriage and discharge of unassessed liquid substances**

26.—(1) The master of a ship must not enable that ship to—

- (a) proceed to sea; or
- (b) (if it is already at sea) remain at sea,

if it is carrying in bulk any liquid substance which has not been categorised, provisionally assessed or evaluated in accordance with regulation 6 of Annex II.

(2) The discharge into the sea from a ship of any liquid substance which has not been categorised, provisionally assessed or evaluated in accordance with regulation 6 of Annex II is prohibited.

### **Loading and carriage in bulk of noxious liquid substances**

27.—(1) The master of a ship must not permit that ship to be loaded with, or to carry, any noxious liquid substance in bulk which is subject to a tripartite agreement unless—

- (a) there is in force in respect of that ship, and any substance which is to be loaded or carried, a relevant NLS certificate issued and endorsed in accordance with these Regulations; and
- (b) the loading and carriage of that substance is in accordance with the terms of that certificate.

(2) In this Regulation “tripartite agreement” means an agreement between—

- (a) the country which produced and provisionally assessed the substance in accordance with regulation 6.3 of Annex II;
- (b) the Administration of the Flag State of the country which is to receive the substance; and
- (c) the Administration of the Flag State of the vessel which is to load and carry the substance.

### **Procedures and Arrangements Manual**

28.—(1) Every NLS ship must carry on board an approved Procedures and Arrangements Manual.

(2) The Procedures and Arrangements Manual must be in the standard format specified in Appendix 4 to Annex II.

(3) The Procedures and Arrangements Manual must—

- (a) in the case of a United Kingdom NLS ship, be written in English; and
- (b) in the case of any other NLS ship be written in, or translated into, English, French or Spanish.

### **Cargo Record Book**

29.—<sup>F2</sup>(1) Every NLS ship must be provided with a Cargo Record Book in—

- (a) the format specified in regulation 15.1 of Annex II (cargo record book); or
- (b) the form specified in Appendix 2 to Annex II (form of cargo record book).]

(2) Following completion of any operation specified in Appendix 2 to Annex II, that operation must be recorded promptly in the Cargo Record Book.

(3) In the event of—

- (a) an accidental discharge of a noxious liquid substance, or of a mixture containing such a substance, from the ship; or
- (b) a discharge made under the provisions of regulation 3 of Annex II,

an entry must be made in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

(4) Each entry in the Cargo Record Book must be signed by the officer or officers in charge of the relevant operation.

(5) Each page of [F3, or group of electronic entries in,] the Cargo Record Book must be signed by the master of the ship.

(6) In the case of a United Kingdom NLS ship, the Cargo Record Book must be written in English and, in the case of any other NLS ship, it must be written in or translated into English, French or Spanish.

(7) Where an entry has been written in the national language of the State whose flag the ship is entitled to fly as well as in English, French or Spanish, in the case of any dispute or discrepancy the entry made in that national language prevails.

(8) The Cargo Record Book must be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, must be kept on board the ship to which it relates.

(9) A Cargo Record Book must be retained for a period of three years after the last entry has been made.

#### Textual Amendments

- F2** Reg. 29(1) substituted (3.8.2021) by [The Merchant Shipping \(Prevention of Pollution from Noxious Liquid Substances in Bulk and Prevention of Oil Pollution\) \(Amendment\) Regulations 2021 \(S.I. 2021/818\)](#), regs. 1(1), **2(6)(a)**
- F3** Words in reg. 29(5) inserted (3.8.2021) by [The Merchant Shipping \(Prevention of Pollution from Noxious Liquid Substances in Bulk and Prevention of Oil Pollution\) \(Amendment\) Regulations 2021 \(S.I. 2021/818\)](#), regs. 1(1), **2(6)(b)**

### Marine Pollution Emergency Plan

**30.**—(1) An NLS ship of 150 gross tonnage or more must carry on board a Marine Pollution Emergency Plan which is in a form approved by the administration of the Contracting State in which the ship is registered.

- (2) The Marine Pollution Emergency Plan must—
- (a) be developed in accordance with the relevant Guidelines;
  - (b) be written in a working language or languages understood by the master and officers on board the ship; and
  - (c) contain, as a minimum, the information specified in regulation 17.2.1 to 17.2.4 of Annex II.

(3) In the case of an NLS ship to which regulation 37 of Annex I of the Convention<sup>M3</sup> also applies, an approved Marine Pollution Emergency Plan may be combined with the approved Shipboard Oil Pollution Emergency Plan required by [F4]regulation 34 of the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019].

(4) Where paragraph (3) applies the title of the combined plan must be “Shipboard Marine Pollution Emergency Plan”.

(5) In this regulation “the relevant Guidelines” means the Guidelines for the Development of Shipboard Marine Pollution Emergency Plans For Oil and/or Noxious Liquid Substances [<sup>F5</sup>in IMO] Resolution MEPC.85(44) <sup>M4</sup>, as adopted on 13th March 2000, and includes any amendment or replacement of those Guidelines which is considered by the Secretary of State to be relevant from time to time and which is specified in a Merchant Shipping Notice.

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**Textual Amendments**

- F4** Words in reg. 30(3) substituted (1.3.2019) by [The Merchant Shipping \(Prevention of Oil Pollution\) Regulations 2019 \(S.I. 2019/42\)](#), reg. 1(1), **Sch. para. 7** (with regs. 2, 5)
- F5** Words in reg. 30(5) substituted (3.8.2021) by [The Merchant Shipping \(Prevention of Pollution from Noxious Liquid Substances in Bulk and Prevention of Oil Pollution\) \(Amendment\) Regulations 2021 \(S.I. 2021/818\)](#), regs. 1(1), **2(7)**
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**Marginal Citations**

- M3** Regulations for the Prevention of Pollution by Oil.
- M4** A copy of the Guidelines may be obtained from the IMO Library.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018, PART 3.