
STATUTORY INSTRUMENTS

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 [^{F1}, 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 ^{M1}; 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 ^{M2} 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.

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, Section 24.