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STATUTORY INSTRUMENTS

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**2019 No. 42**

**The Merchant Shipping (Prevention  
of Oil Pollution) Regulations 2019**

**PART 2**

**Surveys, Certificates and Oil Record Book**

**Responsibilities of owner and master**

**11.**—(1) The owner and master of a ship must ensure the condition of the ship and its equipment is maintained to conform—

- (a) in the case of a United Kingdom ship, or any ship surveyed in accordance with these Regulations, with the provisions of these Regulations; or
- (b) in the case of any other ship, with the requirements of Annex I,

so as to ensure that the ship, in all respects, will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) After completion of any survey described in regulation 10 the owner and master of a ship must ensure that no change is made in the structure, equipment, systems, fittings, arrangements or material subject to that survey, except by direct replacement, without the approval of—

- (a) the Certifying Authority; or
- (b) the Administration of the Convention Country which carried out the survey in respect of that ship.

(3) Whenever—

- (a) an accident occurs to a ship; or
- (b) a defect is discovered in a ship,

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship as required under these Regulations, the owner and master of the ship must comply with the requirements in paragraph (4).

(4) The requirements are that—

- (a) the accident or defect is reported at the earliest opportunity to the Certifying Authority that issued the IOPP or UKOPP certificate in respect of that ship;
- (b) in the case of a United Kingdom ship which is in a port outside the United Kingdom the accident or defect is also reported at the earliest opportunity to the appropriate maritime authorities in the country in which the port is situated; and
- (c) if the ship is a non-United Kingdom ship in a port in the United Kingdom, the accident or defect is reported to the Secretary of State.

(5) Whenever an accident or defect is reported to a Certifying Authority in accordance with paragraph (4)(a), that Certifying Authority must—

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**Changes to legislation:** There are currently no known outstanding effects for the The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019, Section 11. (See end of Document for details)

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- (a) cause an investigation to be initiated to determine whether or not an additional survey and any repair is necessary; and
- (b) if it considers that an additional survey or repair is necessary, cause that survey or repair to be carried out.

(6) Whenever an accident or defect is reported to a Certifying Authority in accordance with paragraph (4)(a) and the ship in question is in a port outside the United Kingdom, the Certifying Authority must take all appropriate steps to ascertain that the requirement in paragraph (4)(b) has been complied with.

(7) In paragraph (2) “direct replacement” means direct replacement of equipment and fittings with equipment and fittings that conform with the requirements under Annex I which apply to that ship.

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**Commencement Information**

**II** [Reg. 11](#) in force at 1.3.2019, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019, Section 11.