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## STATUTORY INSTRUMENTS

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### 2019 No. 42

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

### PART 1

#### General

#### Interpretation

3.—(1) In these Regulations—

“1995 Act” means the Merchant Shipping Act 1995;

“additional survey” means a survey as prescribed in regulation 6.1.5 of Annex I;

“Arctic waters” has the meaning given in regulation 46.2 of Annex I;

“Annex I” means Annex I to the Convention <sup>M1</sup>;

“annual survey” means a survey as prescribed in regulation 6.1.4 of Annex I;

“Certifying Authority” means the Secretary of State or any person authorised by the Secretary of State in accordance with regulation 9;

“controlled waters” means the areas of sea specified by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 2014 <sup>M2</sup> as waters within which the jurisdiction and rights of the United Kingdom are exercisable in accordance with Part XII of the United Nations Convention on the Law of the Sea <sup>M3</sup> for the protection and preservation of the marine environment;

“the Convention” means the International Convention for the Prevention of Pollution from Ships <sup>M4</sup>;

“Convention Country” means a country which is a Party to the Convention;

“flag State”, in relation to a ship, means the state whose flag a ship is entitled to fly;

“GT” means gross registered tonnage and, in the case of a ship which has alternative gross registered tonnages, the larger of those tonnages is to be taken to be the gross registered tonnage;

“harbour master” includes a dock master, pier master and any person specifically appointed by a harbour authority (within the meaning of section 151(1) of the 1995 Act) for the purpose of enforcing the provisions of these Regulations or of Chapter 2 of Part 6 of that Act;

“IMO” means the International Maritime Organization <sup>M5</sup>;

“intermediate survey” means a survey as prescribed in regulation 6.1.3 of Annex I;

“IOPP Certificate” means an International Oil Pollution Prevention Certificate issued in accordance with regulation 7 of Annex I;

“nautical mile” means an international nautical mile of 1,852 metres;

“offshore installation” means fixed or floating platforms including drilling rigs, floating production, storage and offloading facilities used for the offshore production and storage of oil, and floating storage units used for the offshore storage of produced oil;

“Polar Code” means the International Code for Ships Operating in Polar Waters, consisting of an introduction, parts I-A and II-A and parts I-B and II-B as adopted by IMO Resolutions MSC.385(94) and MEPC.264(68) <sup>M6</sup>;

“renewal survey” means a survey as prescribed in regulation 6.1.2 of Annex I;

“RO Code” means the Code for Recognised Organizations adopted by IMO Resolution MEPC.237(65) and incorporate by way of Resolution MEPC.238(65) <sup>M7</sup>;

“sea” includes any estuary or arm of the sea;

“surveyor of ships” means a surveyor appointed by a Certifying Authority, and “survey” means a survey carried out by a surveyor;

“UKOPP Certificate” means a United Kingdom Oil Pollution Prevention Certificate issued by a Certifying Authority in accordance with these Regulations; and

“United Kingdom ship” means a ship which—

- (a) is registered in the United Kingdom; or
- (b) is not registered under the law of any country but is wholly owned by persons each of whom is—
  - (i) a British citizen, a British overseas territories citizen or a British Overseas citizen; or
  - (ii) a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom.

(2) In these Regulations—

(a) the following terms have the meaning given in regulation 1 of Annex I—

- (i) anniversary date;
- (ii) Antarctic area;
- (iii) crude oil;
- (iv) deadweight;
- (v) oil;
- (vi) oil tanker;
- (vii) oily mixture;
- (viii) ppm;
- (ix) special area; and
- (x) tank; and

(b) the words “Administration”, “discharge” and “ship” have the meanings given in article 2 of the Convention.

(3) Any reference to a ship or oil tanker delivered on, before, or after a specified date takes the meaning which corresponds to a ship or oil tanker delivered on, before, or after that specified date in regulation 1.28 of Annex I.

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#### **Commencement Information**

**II** [Reg. 3](#) in force at 1.3.2019, see [reg. 1\(1\)](#)

### **Marginal Citations**

- M1** Regulations for the Prevention of Pollution by Oil. See footnote (f) for further information.
- M2** [S.I. 2014/3306](#). There are other amending instruments but none is relevant.
- M3** This Convention (the “UNCLOS” Convention) was published in Cmnd. 8941, and subsequently in Cmnd. 4524. Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London, SW1A 0PW. A copy of the Convention may be obtained from the United Nations.
- M4** This Convention was published in Cmnd. 5748, and amended by the Protocol of 1978 (Cmnd. 7347) and 1997 (Cmnd. 4427). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London, SW1A 0PW. IMO Resolution MEPC.21(22) introduced Protocol I to the Convention, which was amended by MEPC.68(38). Annex I was revised and replaced by IMO Resolution MEPC.117(52). It is further amended and supplemented by IMO Resolutions MEPC.139(53), 141(54), 154(55), 164(56), 186(59), 187(59), 189(60), 216(63), 237(65), 238(65), 246(66), 248(66), 256(67), 265(68), 266(68) and 276(70). The MEPC Resolutions may be obtained from the IMO Library at [www.imo.org/en/MediaCentre/Pages/Default.aspx](http://www.imo.org/en/MediaCentre/Pages/Default.aspx) or in hard copy from the Maritime and Coastguard Agency. The 2017 Consolidated Version of the Convention, which contains all amendments up to the date of publication of this instrument, may be obtained from IMO Publishing: ISBN: 978-92-801-16571.
- M5** The IMO is a special agency of the United Nations responsible for shipping safety and security, and the prevention of pollution.
- M6** The Polar Code took effect on 1st January 2017 upon entry into force of new Chapter XIV of the International Convention for the Safety of Life at Sea, 1974 (“SOLAS”). In so far as it is relevant to Annex I, it is implemented by regulation 47 of Annex I, inserted (along with other relevant amendments) by IMO Resolution MEPC.265(68). The Polar Code (ISBN: 978-92-801-16281) and SOLAS (ISBN: 978-92-801-15949) are available from IMO Publishing. Copies of the Resolutions are available from the IMO Library at [www.imo.org/en/MediaCentre/Pages/Default.aspx](http://www.imo.org/en/MediaCentre/Pages/Default.aspx) or in hard copy from the Maritime and Coastguard Agency.
- M7** Resolutions MEPC.237(65) and MEPC.238(65) were adopted on 17th May 2013. The Code is contained in MSC.349(92), adopted on 21st June 2013. The Resolutions and the RO Code are available from the IMO Library at [www.imo.org/en/MediaCentre/Pages/Default.aspx](http://www.imo.org/en/MediaCentre/Pages/Default.aspx) or in hard copy from the Maritime and Coastguard Agency.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019, Section 3.