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STATUTORY INSTRUMENTS

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**2019 No. 42**

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

**PART 9**

Enforcement

**Inspection of ships**

**36.**—(1) In so far as sections 258 (powers to inspect ships and their equipment, etc.) and 259 (powers of inspectors in relation to premises and ships) of the 1995 Act<sup>M1</sup> apply in relation to a ship to which these Regulations apply, for the purpose of checking compliance with these Regulations those sections have effect subject to the following modifications.

(2) The powers referred to in paragraph (1) to inspect a ship and its equipment, any part of the ship, any articles on board and any documentation carried in the ship is limited to—

- (a) verifying that there is on board a valid—
  - (i) IOPP certificate in the form prescribed in Appendix II to Annex I; or
  - (ii) UKOPP certificate in the form prescribed in regulation 13(3);
- (b) verifying whether documentation referred to in regulation 19, where applicable, has been issued in respect of the ship and is still valid;
- (c) investigating any operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures for preventing pollution by oil;
- (d) verifying whether oil, oily mixture or oil residue (sludge) has been discharged from the ship in violation of these Regulations;
- (e) inspecting the Oil Record Book; and
- (f) inspecting the Shipboard Oil Pollution Emergency Plan,

except where there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the appropriate certificate or other documentation referred to in sub-paragraphs (a), (b), (e) and (f).

(3) The powers referred to in paragraph (1) to go on board a ship may only be exercised if the ship in question is—

- (a) in a port in the United Kingdom; or
- (b) at an offshore installation in United Kingdom waters or controlled waters.

(4) Where a ship which is not a United Kingdom ship is inspected for the purpose of paragraph (2) (d), the person exercising the powers of inspection must ensure that the report of that inspection is sent to—

- (a) the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State; and

- (b) any other Party to the Convention that requested the inspection.
- (5) Where Oil Record Book entries are inspected under paragraph (2)(e) the person exercising the power of inspection may—
  - (a) make a copy of any entry in that book; and
  - (b) require the master of the ship to certify that the copy is a true copy of the original.
- (6) Any copy certified in accordance with paragraph (5) is admissible in any judicial proceeding as evidence of the facts stated in it.
- (7) In this regulation “oil residue (sludge)” has the meaning given in regulation 1 of Annex I.

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**Commencement Information**

**II** Reg. 36 in force at 1.3.2019, see **reg. 1(1)**

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**Marginal Citations**

**M1** Section 258 is amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), **Schedule 1**, paragraph 4, and Schedule 7, Part 1, and the Protection of Freedoms Act 2012 (2012 c. 9), **Schedule 2**, Part 1 paragraph 2 and Schedule 10, Part 2.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019, Section 36.