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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement the current version of Annex IV to the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 (“the Convention”). Annex IV contains regulations for the Prevention of Pollution by Sewage from Ships. The current version of Annex IV came into force internationally on 27th September 2003 and amendments have been made to it since that time. These Regulations implement all amendments to Annex IV as at the date of this statutory instrument. Future amendments to the Convention and other instruments referred to in these Regulations will be automatically incorporated into the Regulations by way of ambulatory reference (regulation 4).

As a consequence of these Regulations, the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 (S.I. 2008/3257) and amending instruments and provisions are revoked and other instruments are updated to refer to these Regulations (Schedule 1). The provisions in relation to the prevention of pollution by garbage from ships are now to be found in the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020 (S.I. 2020/621), which come into force simultaneously with these Regulations.

The Regulations apply to United Kingdom ships engaged on international voyages, wherever they may be, United Kingdom ships operating in polar waters and to other ships while they are within United Kingdom waters and engaged on international voyages. They do not apply to warships, naval auxiliary ships, other ships owned or operated by a State and used, for the time being, only on government non-commercial service or to any ship of less than 400 GT unless that ship carries more than 15 persons (regulation 6).

Part 2 of the Regulations imposes a prohibition on the discharge of sewage into the sea (regulation 7) which applies unless particular requirements are met. There are different requirements for passenger ships operating in a special area from the relevant date determined by the IMO onwards and for United Kingdom ships operating in polar waters.

Part 3 of the Regulations imposes requirements in relation to the equipment which must be utilised by ships and it covers sewage systems (regulation 8) and discharge connections (regulation 9).

Part 4 of the Regulations provides that a ship must not proceed to sea or (if it is already at sea) remain at sea unless a survey has been carried out and a Sewage Certificate has been issued (regulations 11 and 12). It also provides that an additional survey will be required following an important repair or renewal (regulation 21) and that the ship must be maintained to conform with the provisions of Part 3 (regulation 20).

Part 5 of the Regulations makes provision in relation to the powers of inspection and detention of ships, and in relation to offences and penalties.

The Secretary of State must review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years thereafter (regulation 36). Following such a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or amended. A further instrument would be needed to revoke the Regulations or to amend them.

Merchant Shipping Notices are published by the Maritime and Coastguard Agency (“MCA”) and a copy of MSN No. M 1613 may be obtained free of charge at [www.gov.uk](http://www.gov.uk) or in hard copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

**Status:** This is the original version (as it was originally made).

Guidance supporting these Regulations has been published in a Marine Guidance Note (MGN 631 (M+F)). Copies of MGN 631 (M+F) may be obtained free of charge at [www.gov.uk](http://www.gov.uk) or in hard copy from the MCA at the address given above.

The Convention (including its Protocols, Annexes and amendments), the Polar Code, the London Convention, STCW and the Tonnage Convention can be obtained from the International Maritime Organization (“the IMO”) at IMO Publishing, 4 Albert Embankment, London SE1 7SR, [www.imo.org/publications](http://www.imo.org/publications); email: [sales@imo.org](mailto:sales@imo.org); telephone: 0207 735 7611. The text of IMO Resolutions may be obtained in hard copy from the IMO Library at the same address as IMO Publishing. The amendments to the Convention can be found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch>). Except where otherwise stated, copies of the Command Papers referred to in this instrument are not available electronically but are available for inspection free of charge but by appointment at the Parliamentary Archives Houses of Parliament, London, SW1A 0PW; email: [archives@parliament.uk](mailto:archives@parliament.uk); telephone: 0207 219 3074.

A hard copy of UNCLOS is available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW (catalogue number: HL/PO/JO/10/11/3186/287). An electronic copy of Cm. 4524 can be found at <https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69421>.

Future amendments to the Convention and other documents to which the ambulatory reference provision (regulation 4) applies may be obtained from the IMO and, after coming into force in the United Kingdom, found on <https://treaties.fco.gov.uk/responsive/app/consolidatedSearch>. Until such publication is made, an amendment will be available from the MCA and on [www.gov.uk](http://www.gov.uk). An amendment will be published in advance of its in force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in hard copy from the MCA and on [www.gov.uk](http://www.gov.uk).

A full Impact Assessment has not been produced for this instrument as it is not expected to have significant impact on the public or voluntary sectors and only minimal impact on the private sector is foreseen.

An Explanatory Memorandum is published alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).