

## SCHEDULE 1

Regulation 2(1) and (2)

### Amendments and Revocations

## PART 1

### Amendments

#### **The Waste Management Licensing Regulations (Northern Ireland) 2003**

1. In Table 1 in paragraph 1 of Schedule 6 (prescribed offences) to the Waste Management Licensing Regulations (Northern Ireland) 2003(1)—

(a) for entry 16 substitute—

“16. Regulation 30(1) of the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020”; and

(b) after entry 16 insert—

“16a. Regulation 21(1) of the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020(2)

#### **Commencement Information**

**I1** Sch. 1 para. 1 in force at 22.7.2020, see [reg. 1\(2\)](#)

#### **The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005**

2. In regulation 3(2)(a) (discharge permits) of the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005(3) for paragraph (ii) substitute—

“(ii) the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020; or

(iii) the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020; and”.

#### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 22.7.2020, see [reg. 1\(2\)](#)

#### **The Waste Management Licensing (Scotland) Regulations 2011**

3. In regulation 3 (relevant offences) of the Waste Management Licensing (Scotland) Regulations 2011(4)—

(a) for sub-paragraph (m) substitute—

“(m) regulation 30 of the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020;”; and

(1) [S.R. 2003/493](#), amended by [S.R. 2017/202](#); there are other amending instruments but none is relevant.

(2) [S.I. 2020/621](#).

(3) [S.I. 2005/2055](#), amended by [S.I. 2011/983](#), [2019/42](#); there are other amending instruments but none is relevant.

(4) [S.S.I. 2011/228](#), amended by [S.S.I. 2012/360](#); there are other amending instruments but none is relevant.

**Changes to legislation:** There are currently no known outstanding effects for the *The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020*. (See end of Document for details)

(b) after sub-paragraph (m) insert—

“(ma) regulation 21 of the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020;”.

**Commencement Information**

**I3** Sch. 1 para. 3 in force at 22.7.2020, see [reg. 1\(2\)](#)

**The Environmental Regulation (Significant Environmental Harm) (Scotland) Order 2014**

**4.** In the Schedule (specified enactments) to the Environmental Regulation (Significant Environmental Harm) (Scotland) Order 2014(**5**) for paragraph 12 substitute—

“**12.** The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020.

**12a.** The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020.”.

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 22.7.2020, see [reg. 1\(2\)](#)

**The Merchant Shipping (Fees) Regulations 2018**

**5.** In the Table in paragraph 5 of Part 1 of Schedule 1 (fees under the Merchant Shipping Act 1995) to the Merchant Shipping (Fees) Regulations 2018(**6**) for the entry under heading J (prevention and control of pollution) relating to the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008(**7**) substitute —

The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020/621	None
The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020/620	None

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 22.7.2020, see [reg. 1\(2\)](#)

(5) [S.S.I. 2014/324](#). New paragraph 19 is inserted by [S.S.I. 2018/219](#) and new paragraph 20 is inserted by [S.I. 2019/42](#). There are other amendments to this Schedule but none is relevant.  
 (6) [S.I. 2018/1104](#), to which there are amendments not relevant to these Regulations.  
 (7) [S.I. 2008/3257](#). 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.

## PART 2

### Revocations

#### Commencement Information

**I6** Sch. 1 Pt. 2 in force at 22.7.2020, see [reg. 1\(2\)](#)

#### Table

<i>Regulations revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008	<a href="#">S.I. 2008/3257</a>	The whole instrument
The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) (Amendment) Regulations 2010	<a href="#">S.I. 2010/897</a>	The whole instrument

#### SCHEDULE 2

Regulation 3(1)

#### Gross Tonnage

1. The “gross tonnage” of a United Kingdom ship is to be determined in accordance with paragraphs 3 to 7, and the “gross tonnage” of a ship other than a United Kingdom ship is to be determined in accordance with paragraphs 8 to 10.

#### Commencement Information

**I7** Sch. 2 para. 1 in force at 22.7.2020, see [reg. 1\(2\)](#)

2. In this Schedule—

“the 1997 Regulations” means the Merchant Shipping (Tonnage) Regulations 1997<sup>(8)</sup>;

“length overall” and “length” (except in the expression “length overall”) have the same meaning as in the 1997 Regulations; and

“the Tonnage Convention” means the International Convention on Tonnage Measurement of Ships, 1969<sup>(9)</sup>.

<sup>(8)</sup> [S.I. 1997/1510](#), amended by [S.I.1998/1916](#) and [1999/3206](#). There are other amendments but none is relevant.

<sup>(9)</sup> The Tonnage Convention was published in Cmnd. 4332 and subsequently in Cmnd. 8716. An electronic copy of the Tonnage Convention is available via the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68110>). A hard copy of Cmnd. 8716 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/10/11/2156/147).

*Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020. (See end of Document for details)*

**Commencement Information**

**I8** Sch. 2 para. 2 in force at 22.7.2020, see [reg. 1\(2\)](#)

**United Kingdom Ships**

**3.** In the case of a ship of 24 metres in length or over for which the Secretary of State permits the continuing use of a gross tonnage pursuant to regulation 12(1) (use of gross tonnage ascertained under previous Regulations) of the 1997 Regulations, the “gross tonnage” is the smaller of—

- (a) the largest gross tonnage permitted for that ship pursuant to regulation 12(1) of the 1997 Regulations; and
- (b) the gross tonnage of the ship determined in accordance with regulation 6 (gross tonnage) of the 1997 Regulations.

**Commencement Information**

**I9** Sch. 2 para. 3 in force at 22.7.2020, see [reg. 1\(2\)](#)

**4.** In the case of any other ship of 24 metres in length or over, the “gross tonnage” is the gross tonnage of the ship determined in accordance with regulation 6 (gross tonnage) of the 1997 Regulations.

**Commencement Information**

**I10** Sch. 2 para. 4 in force at 22.7.2020, see [reg. 1\(2\)](#)

**5.** In the case of a fishing vessel of 15 metres or more in length overall but less than 24 metres in length, the “gross tonnage” is the tonnage of the vessel determined in accordance with regulations 6 (gross tonnage) and 12C(10) (measurement of smaller fishing vessels) of the 1997 Regulations.

**Commencement Information**

**I11** Sch. 2 para. 5 in force at 22.7.2020, see [reg. 1\(2\)](#)

**6.** In the case of a fishing vessel of less than 15 metres in length overall and less than 24 metres in length, the “gross tonnage” is the Registered Tonnage of the vessel determined in accordance with regulation 7 of the Merchant Shipping (Fishing Vessels – Tonnage) Regulations 1988(11).

**Commencement Information**

**I12** Sch. 2 para. 6 in force at 22.7.2020, see [reg. 1\(2\)](#)

**7.** In the case of any other ship of less than 24 metres in length, the “gross tonnage” is the gross tonnage of the ship determined in accordance with regulation 14(2) (measurement and certification) of the 1997 Regulations.

(10) Regulation 12C was inserted by regulation 2(2) of S.I. 1998/1916.

(11) S.I. 1988/1909, amended by S.I. 1998/1916 and 1999/3206.

**Changes to legislation:** There are currently no known outstanding effects for the The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020. (See end of Document for details)

**Commencement Information**

**I13** Sch. 2 para. 7 in force at 22.7.2020, see [reg. 1\(2\)](#)

**Commencement Information**

**I9** Sch. 2 para. 3 in force at 22.7.2020, see [reg. 1\(2\)](#)

**I10** Sch. 2 para. 4 in force at 22.7.2020, see [reg. 1\(2\)](#)

**I11** Sch. 2 para. 5 in force at 22.7.2020, see [reg. 1\(2\)](#)

**I12** Sch. 2 para. 6 in force at 22.7.2020, see [reg. 1\(2\)](#)

**I13** Sch. 2 para. 7 in force at 22.7.2020, see [reg. 1\(2\)](#)

**Ships other than United Kingdom ships**

**8.** Subject to paragraph 9, in the case of a ship which has a gross tonnage determined in accordance with the Tonnage Convention, the “gross tonnage” is that gross tonnage.

**Commencement Information**

**I14** Sch. 2 para. 8 in force at 22.7.2020, see [reg. 1\(2\)](#)

**9.** Where a ship has a gross tonnage determined in accordance with the Tonnage Convention but the ship’s flag State permits the use of some other gross tonnage, the “gross tonnage” of the ship is the smaller of—

- (a) the largest gross tonnage permitted by the flag State to be used for that ship; and
- (b) the gross tonnage determined in accordance with the Tonnage Convention.

**Commencement Information**

**I15** Sch. 2 para. 9 in force at 22.7.2020, see [reg. 1\(2\)](#)

**10.** In the case of a ship which does not have a gross tonnage determined in accordance with the Tonnage Convention, the “gross tonnage” is the gross tonnage or equivalent measure determined in accordance with the law of the ship’s flag State (and where the ship has more than one such gross tonnage or equivalent measure, the “gross tonnage” is to be taken to be the largest of them).

**Commencement Information**

**I16** Sch. 2 para. 10 in force at 22.7.2020, see [reg. 1\(2\)](#)

**Commencement Information**

**I14** Sch. 2 para. 8 in force at 22.7.2020, see [reg. 1\(2\)](#)

**I15** Sch. 2 para. 9 in force at 22.7.2020, see [reg. 1\(2\)](#)

**I16** Sch. 2 para. 10 in force at 22.7.2020, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020.