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STATUTORY INSTRUMENTS

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**2020 No. 94**

**The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2020**

**Cargo transfers in United Kingdom waters or controlled waters**

4.—(1) Subject to regulations 6 (exceptions) and 11 (exemptions), a cargo transfer must not be carried out in United Kingdom waters unless the ships carrying out the cargo transfer are—

- (a) within harbour authority waters; or
- (b) within the permit area, and a permit has been obtained from the Secretary of State in accordance with the procedure set out in Merchant Shipping Notice 1829(1).

(2) A cargo transfer to or from a ship of 150 GT or more must not be carried out in the permit area unless the requirements of paragraph (4) have been met.

(3) A cargo transfer to or from a ship of 150 GT or more must not be carried out in controlled waters unless—

- (a) the Secretary of State has been notified in accordance with the procedure specified in Merchant Shipping Notice 1829; and
- (b) the requirements of paragraph (4) have been met.

(4) The requirements are that—

- (a) a ship-to-ship transfer operations plan has been approved by the ship's flag State;
- (b) a copy of that ship-to-ship transfer operations plan is on board the ship; and
- (c) the cargo transfer is carried out in compliance with that ship-to-ship transfer operations plan.

(5) In this regulation—

“controlled waters” means the areas of sea specified by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 2014(2) 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 (protection and preservation of the marine environment)(3);

“GT” means gross tonnage and the gross tonnage of a ship is to be determined, for the purposes of these Regulations, in accordance with Schedule 3 (gross tonnage);

“permit area” means the area of sea off Southwold in Suffolk defined by a circle of radius 1.5 nautical miles centred on position 52° 16'N. 01° 57.3'E; and

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(1) Merchant Shipping Notices are published by the Maritime and Coastguard Agency (“MCA”). Copies of MSN 1829 may be obtained free of charge at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns#contents> or in hard copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG. MSN 1829 has been revised and updated as a result of the introduction of these Regulations.

(2) [S.I. 2014/3306](https://www.gov.uk/government/statutory-instruments/2014/3306).

(3) This Convention (“UNCLOS”) was originally published in Cmnd. 8941, and subsequently in Cm. 4524. A hard copy of Cm. 4524 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>. A copy of UNCLOS may be obtained from the United Nations (email [doalos@un.org](mailto:doalos@un.org)), and at [http://www.un.org/Depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“ship-to-ship transfer operations plan” means a document which—

- (a) is in the working language of the ship to which it relates; and
- (b) sets out how cargo transfer operations should be conducted, based on best practice guidelines identified by the International Maritime Organization<sup>(4)</sup>.

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(4) The current best practice guidelines identified by the IMO are contained in the Manual on Oil Pollution, Section I – Prevention, 2011 edition (ISBN: 978-92-801-4244-0) which can be obtained from or viewed at 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.