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STATUTORY INSTRUMENTS

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**2021 No. 818**

**The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk and Prevention of Oil Pollution) (Amendment) Regulations 2021**

**Amendment of the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018**

2.—(1) The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018(1) are amended as follows.

(2) In regulation 3 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “BCH Code”, substitute—

““BCH Code” has the same meaning as that given to “Bulk Chemical Code” in regulation 1 of Annex II(2);”;

(ii) after the definition of “discharge”, insert—

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

(iii) after the definition of “offshore support vessel”, insert—

““OSV Chemical Code” means the Code for the Transport and Handling of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels(3);”;

(iv) for the definition of “IBC Code”, substitute—

““IBC Code” has the same meaning as that given to “International Bulk Chemical Code” in regulation 1 of Annex II(4);”;

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- (1) [S.I. 2018/68](#), amended by [S.I. 2020/496](#). There are other amendments but none is relevant.
- (2) The BCH Code is the Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk, adopted by Resolution MEPC.20(22), and may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)). Annex II is defined in regulation 3(1) of the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 as meaning Annex II to the International Convention for the Prevention of Pollution from Ships, 1973 (“MARPOL”). MARPOL was published in Cmnd. 5748, and amended by the Protocols of 1978 (Cmnd. 7347) and 1997 (Cm. 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. The Parliamentary Archives catalogue numbers are as follows: HL/PO/JO/10/11/1853/505 (Cmnd. 5748), HL/PO/JO/10/11/1959/2033 (Cmnd. 7347) and HL/PO/JO/10/11/3156/2285 (Cm. 4427). The BCH Code has been amended by IMO Resolutions MSC.212(81), MEPC.144(54), MEPC.249(66), MSC.376(93), MEPC.303(72), MSC.446(99), MEPC.319(74) and MSC.463(101). The amendments to the BCH Code are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)).
- (3) The Code was adopted by IMO Resolution A.1122(30) on 6th December 2017. The Code may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)).
- (4) The IBC Code is the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.19(22), and

- (v) for the definition of “IGC Code”, substitute—
- ““IGC Code” has the same meaning as that given to “International Gas Carrier Code” in regulation 11.1 of Chapter VII in the Annex to the International Convention for the Safety of Life at Sea, 1974(5);”;
- (vi) in the definition of “OSV Guidelines(6)”, omit “published by the IMO”;
- (b) in paragraph (2)(a), for paragraph (iv) substitute—
- “(iv) in the case of an NLS ship which is an offshore support vessel constructed or adapted before 1st July 2018, in accordance with regulation 8.1 of Annex II and section 1.5 of the OSV Guidelines;
- (iva) in the case of an NLS ship which is an offshore support vessel constructed or adapted on or after 1st July 2018, in accordance with regulation 8.1 of Annex II and section 1.4 of the OSV Chemical Code;”;
- (c) in paragraph (3)(a), for paragraph (iv) substitute—
- “(iv) as respects an NLS ship which is an offshore support vessel constructed or adapted before 1st July 2018, a Certificate of Fitness as set out in Appendix 2 to the OSV Guidelines issued and endorsed for a specified period in accordance with the requirements of the OSV Guidelines, together with a certificate as described in paragraph (iii);
- (iva) as respects an NLS ship which is an offshore support vessel constructed or adapted on or after 1st July 2018, a Certificate of Fitness as set out in Appendix 1 to the OSV Chemical Code issued and endorsed for a specified period in accordance with the requirements of the OSV Chemical Code, together with a certificate as described in paragraph (iii);”;
- (d) in paragraph (7)—

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may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)). The IBC Code has been amended by IMO Resolutions MEPC.32(72), MEPC.40(29), MEPC.55(33), MEPC.69(38), MEPC.73(43), MEPC.79(43), MEPC.90(45), MEPC.119(52), MEPC.166(56), MEPC.225(64), MEPC.250(66), MEPC.302(72) and MEPC.318(74). The amendments to the IBC Code are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)).

- (5) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). 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. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044). The IGC Code is the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, adopted by IMO Resolution MSC.5(48). The entire text of the IGC Code was replaced by IMO Resolution MSC.370(93) and has been amended by IMO Resolutions MSC.411(97) and MSC.441(99). The IGC Code and the amendments to it are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)).
- (6) The OSV Guidelines were adopted by IMO Assembly Resolution A.673(16) in October 1989 and amended by IMO Resolution MSC.184(79), MEPC.158(55) and MSC.236(82). The Code may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)).

- (i) in the words before sub-paragraph (a), after “RO Code(7)” insert “, the OSV Chemical Code”;
  - (ii) omit “and” after sub-paragraph (b);
  - (iii) omit sub-paragraph (c).
- (3) In regulation 4 (ambulatory reference)—
  - (a) in paragraphs (1) and (7), after “RO Code” insert “, the OSV Chemical Code”;
  - (b) in paragraph (6), after “IGC Code” insert “, the OSV Chemical Code”.
- (4) In regulation 8(2) (relevant requirements), for sub-paragraphs (e) and (f) substitute—
  - “(e) as respects an NLS ship which is an offshore support vessel constructed or adapted before 1st July 2018, as set out in Chapters 2, 3, 4, 5 and 7 of the OSV Guidelines;
  - (f) as respects an NLS ship which is an offshore support vessel constructed or adapted on or after 1st July 2018, as set out in Chapters 2 to 14 and 18 of the OSV Chemical Code; and
  - (g) as respects any other NLS ship, as set out in—
    - (i) regulation 12.1, 12.2 or 12.3 of Annex II; and
    - (ii) Appendix 5 to Annex II.”.
- (5) In regulation 24(2) (control of discharges of noxious liquid substances from ships), in the words before sub-paragraph (a), after “certificated NLS ship” insert “, except from a certificated NLS ship which is an offshore support vessel,”.
- (6) In regulation 29 (cargo record book)—
  - (a) for paragraph (1), substitute—
    - “(1) Every NLS ship must be provided with a Cargo Record Book in—
      - (a) the format specified in regulation 15.1 of Annex II (cargo record book); or
      - (b) the form specified in Appendix 2 to Annex II (form of cargo record book).”;
    - (b) in paragraph (5), after “page of” insert “, or group of electronic entries in,”.
- (7) In regulation 30(5) (marine pollution emergency plan), for “published by the IMO as” substitute “in IMO”.

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(7) The RO Code means the Code for Recognized Organizations and was adopted on 17th May 2013 by IMO Resolution MEPC.237(65). The Code may be obtained in copy from the IMO of 4 Albert Embankment, London SE1 7SR or the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)).