

This Statutory Instrument has been made in part to correct an error in S.I. 2019/42 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2024 No. 1296

MERCHANT SHIPPING

MARINE POLLUTION

**The Merchant Shipping (Prevention of Oil Pollution)
(Amendment) Regulations 2024**

<i>Made</i>	- - - -	<i>9th December 2024</i>
<i>Laid before Parliament</i>		<i>12th December 2024</i>
<i>Coming into force</i>		<i>3rd January 2025</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by article 3 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983(a), article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(b), sections 85(1), (3), (5) to (7), 86(1)(a), (b), (c) and (d), 128(5) and (6), 302(1) and 306A of the Merchant Shipping Act 1995(c), and with the consent of the Treasury.

The Secretary of State has consulted such persons in the United Kingdom as the Secretary of State considers will be affected by the exercise of powers in this instrument in accordance with section 86(4) of the Merchant Shipping Act 1995.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations 2024 and come into force on 3rd January 2025.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

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- (a) S.I. 1983/1106, amended by S.I. 1985/2002, S.I. 1991/2885 and S.I. 1993/1580. There are other amendments but none is relevant. Following the consolidation of section 20 of the Merchant Shipping Act 1979 (c. 39), the Order has effect as if made under section 128 of the Merchant Shipping Act 1995 (c. 21).
- (b) S.I. 1996/282, amended by the Marine and Coastal Access Act 2009 (c. 23), Schedule 4, Part 1, paragraph 3 and S.I. 2022/844. There is another amendment which is not relevant.
- (c) 1995 c. 21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 128 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 12, section 29, Schedule 6, paragraph 3, and Schedule 7, Part I, and the Merchant Shipping (Pollution) Act 2006 (c. 8), section 2. Section 306A was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amendments to the Act but none is relevant.

Amendment of the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019

2.—(1) The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019(a) are amended as follows.

(2) In regulation 27(1) (control of discharge of oil in certain special areas), in sub-paragraph (a), for “38.6.1” substitute “38.8.1”.

(3) After regulation 28 (special requirements for the use or carriage of oils in the Antarctic Area), insert—

“Special requirements for the use and carriage of oils as fuel in Arctic waters

28A.—(1) This regulation does not apply to ships—

- (a) engaged in securing the safety of other ships;
- (b) engaged in a search and rescue operation; or
- (c) dedicated to oil spill preparedness and response.

(2) Subject to paragraph (3), the use and carriage of the oils referred to in regulation 43.1.2 of Annex I (oils other than crude oils etc.) as fuel by ships is prohibited in Arctic waters.

(3) The prohibition in paragraph (2) only applies to ships specified in paragraph (4) on or after 1st July 2029.

(4) The ships referred to in paragraph (3) are those to which—

- (a) regulation 12A of Annex I (ships with an aggregate oil fuel capacity of 600m³ or above delivered on or after 1st August 2010); and
- (b) regulation 1.2.1 of Chapter 1 of part II-A of the Polar Code (category A and B ships constructed on or after 1st January 2017 with an aggregate oil fuel capacity of less than 600m³),

apply.

(5) Where, prior to entering Arctic waters, the operations of a ship to which this regulation applies included the use and carriage of oils referred to in regulation 43.1.2 of Annex I as fuel, the cleaning or flushing of tanks or pipelines is not required.”.

(4) In regulation 38 (general provisions on detention)—

- (a) in paragraph (3), for “27, 28,” substitute “27(3), 28(1), 28A(2) or (3),”;
- (b) in paragraph (8)(a), for “27, 28,” substitute “27(3), 28(1), 28A(2) or (3),”;
- (c) in paragraph (9)(a), for “27, 28,” substitute “27(3), 28(1), 28A(2) or (3),”;
- (d) in paragraph (10), for “27, 28,” substitute “27(3), 28(1), 28A(2) or (3),”;
- (e) in paragraph (11)(b), for “27 or 28” substitute “27(3), 28(1) or 28A(2) or (3)”.

(5) In regulation 39 (power for harbour master to detain)—

- (a) in paragraph (1), for “27, 28,” substitute “27(3), 28(1), 28A(2) or (3),”;
- (b) in paragraph (4)(a), for “27, 28,” substitute “27(3), 28(1), 28A(2) or (3),”;
- (c) in paragraph (6), for “27, 28,” substitute “27(3), 28(1), 28A(2) or (3),”;
- (d) in paragraph (7)(b), for “27 or 28” substitute “27(3), 28(1) or 28A(2) or (3)”.

(6) In regulation 42(1) (offences), in sub-paragraph (b), for “28,” substitute “28(1), 28A(2) or (3),”.

(7) In regulation 44(b) (enforcement and application of fines), for “28” substitute “28A”.

(8) In regulation 45 (restriction on jurisdiction over offences outside United Kingdom limits), in paragraph (1), for “28” substitute “28A”.

(a) S.I. 2019/42, amended by S.I. 2021/818, S.I. 2022/1219, S.I. 2022/1234 and S.I. 2024/636.

- (9) In regulation 46 (suspension of proceedings at flag State request)—
- (a) in paragraph (1), for “28” substitute “28A”; and
 - (b) in paragraph (3)(a), for “28” substitute “28A”.
- (10) In regulation 47 (defences), in paragraph (2), for “28” substitute “28A”.

Amendment of the Merchant Shipping (Fees) Regulations 2018

3.—(1) The Merchant Shipping (Fees) Regulations 2018(a) are amended as follows.

(2) In Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections etc.) of Part 1 (surveys, inspections and applications for exemption), in Section J (prevention and control of pollution), in the entry for “the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019”, in the third column, after “2024/636” insert “2024/1296”.

Signed by authority of the Secretary of State for Transport

Michael Kane
Parliamentary Under Secretary of State
Department for Transport

9th December 2024

We consent to the making of these Regulations

Vicky Foxcroft
Anna Turley

9th December 2024

Two of the Lords Commissioners of His Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019 (S.I. 2019/42) (“the 2019 Regulations”) to implement amendments to Annex I (prevention of pollution by oil) to the International Convention for the Prevention of Pollution from Ships, 1973 (“MARPOL”). The amendments were adopted by International Maritime Organization (IMO) Resolution MEPC.329(76) on 17th June 2021 and came into force internationally on 1st November 2022. The Regulations also make consequential amendments to the 2019 Regulations and to the Merchant Shipping (Fees) Regulations 2018 (S.I. 2018/1104) (“the Fees Regulations”).

Regulation 2(2) amends regulation 27 of the 2019 Regulations (control of discharge of oil in special areas) to substitute the reference to “regulation 38.6.1 of Annex I” with a reference to “regulation 38.8.1 of Annex I”, in order to reflect the updated numbering of the provision in Annex I; this update was not reflected in the 2019 Regulations.

The amendments to Annex I, which insert new regulation 43A into Annex I, are given effect by regulation 2(3). Regulation 2(3) inserts new regulation 28A into the 2019 Regulations in order to implement the requirements of regulation 43A of Annex I. The effect of the amendments is to prohibit the use and carriage of specified oils as fuel on ships operating in Arctic waters. The prohibition applies to the majority of ships from the date these Regulations come into force. Ships with an aggregate oil fuel capacity of 600m³ or above delivered on or after 1st August 2010, and category A and B ships (as defined in regulation 1.2.1 and 1.2.2 of chapter 1 of part II-A of the International Code for Ships Operating in Polar Waters, known as “the Polar Code”) with an aggregate oil fuel capacity of less than 600m³ constructed on or after 1st January 2017, are not subject to the prohibition until 1st July 2029.

(a) S.I. 2018/1104, amended by S.I. 2019/42 and S.I. 2022/1234. There are other amending instruments but none is relevant.

Regulation 2(4) inserts provision for enforcement of the prohibition in new regulation 28A of the 2019 Regulations by way of detention of the ship under regulation 38 of the 2019 Regulations (which is carried out by a port State control officer on behalf of the Secretary of State). This amendment also ensures that the reference to the offence under regulation 27 of the 2019 Regulations (control of discharge of oil in certain special areas) applies solely to paragraph (3) of that regulation, in accordance with the offence prescribed in regulation 42 (offences). The amendment also ensures that the reference to the offence under regulation 28 of the 2019 Regulations (special requirements for the use or carriage of oils in the Antarctic Area), is solely to paragraph (1) of that regulation. Regulation 2(5) extends the power of a harbour master under regulation 39 of the 2019 Regulations to detain a ship for a contravention of the new prohibition and makes the same clarifications in relation to the offences that apply to regulations 27 and 28.

Regulation 2(6) makes provision for any contravention of the prohibition in new regulation 28A of the 2019 Regulations to be an offence, by way of amendment to regulation 42 of the 2019 Regulations (offences). It makes further provision to clarify that the offence which applies to regulation 28 of the 2019 Regulations applies solely to paragraph (1) of that regulation.

Regulation 2(7) to (10) makes consequential amendments to regulations 44 to 47 of the 2019 Regulations (enforcement provisions) so that these provisions apply to the new regulation 28A.

Regulation 3 makes consequential amendments to the Fees Regulations.

MARPOL, the Protocol of 1978 modifying MARPOL and the amendments to it including Resolution MEPC.329(76), may be obtained in hard copy from the IMO, 4 Albert Embankment, London SE1 7SR, and can be found on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). Until such publication of Resolution MEPC.329(76) is made on the treaties database, the amendment will be available from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG. Resolution MEPC.329(76) is also available at [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.329\(76\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.329(76).pdf).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

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