



OIL POLLUTION ACT 1986

MERCHANT SHIPPING (PREVENTION OF POLLUTION BY SEWAGE) ORDER 2000

Approved by Tynwald : 16th February, 2000

Coming into operation : 1st March, 2000

In exercise of the powers conferred on the Department of Trade and Industry by section 14 of the Oil Pollution Act 1986 ^(a) after consultation with the Secretary of State, and of all other powers enabling it in that behalf, the following Order is hereby made:-

Citation and commencement

1. This Order may be cited as the Merchant Shipping (Prevention of Pollution by Sewage) Order 1999 and, subject to section 17 of the Oil Pollution Act 1986, shall come into operation on 1st March, 2000.

Interpretation

2. In this Order -

“Annex IV” means Annex IV to the Convention;

“the Convention” means the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2nd November, 1973;

“the Department” means the Department of Trade and Industry.

Regulations for prevention of pollution by sewage from ships

3. (1) The Department may make Regulations for the prevention of pollution by sewage from ships for the purpose of giving effect to Annex IV to the Convention.

(a) 1986 c.12 Functions now transferred to the Department of Trade and Industry by the Transfer of Functions (Marine Administration) Order 1997 (SD 51/97)

- (2) Such Regulations may in particular include provisions -
- (a) with respect to the application of the Regulations to the Crown and the extra-territorial operation of the Regulations;
 - (b) that specified contraventions of the Regulations shall be offences punishable on summary conviction by a fine not exceeding £5,000 or on conviction on information by a fine;
 - (c) that specified contraventions shall be offences punishable only on summary conviction by a maximum fine not exceeding £5,000, or such less amount as is prescribed by the Regulations.
 - (d) for the inspection of ships to ensure compliance with the Regulations and the appointment by the Department of persons as inspectors to undertake such inspections.
 - (e) for detaining any ship in respect of which a contravention is suspected to have occurred and, in relation to such ship, for applying section 74 of the Merchant Shipping Registration Act 1991 ^(b) with such modifications, if any, as are specified in the Regulations.
- (3) Such Regulations may-
- (a) make different provisions for different circumstances; and
 - (b) provide for exemptions from any provisions of the Regulations.

(4) Sections 1 to 3 of the Shipping Casualties (Inquiries, Investigations and Reports) Act 1979 ^(c) (which relate to investigations of shipping casualties) shall apply in respect of any discharge from a ship which may have been made in contravention of any Regulations made under this Order as they apply in relation to any damage caused by a ship.

4. Section 1(4) of the Oil Pollution Act 1986 (which provides that a person guilty of an offence under that section shall be liable on summary conviction to a fine not exceeding £50,000 or on conviction on information to a fine) shall apply in respect of such contravention of the Regulations made under this Order as may be specified in those Regulations as it applies in respect of an offence under the said section 1.

DATED 14th January, 2000

David North,

Minister for Trade and Industry

(b) 1991 c.15

(c) 1979 c.18.

EXPLANATORY NOTE

(This note is not part of this Order)

This Order enables effect to be given to Annex IV to the International Convention for the Prevention of Pollution from Ships 1973 as amended by the Protocol thereto of 1978.

The Order empowers the Department of Trade and Industry to make Regulations for the purposes of giving effect to Annex IV which relates to pollution by sewage. In particular the Regulations may provide for the extraterritorial operation of the Regulations, the appointment of inspectors and the imposition of penalties.