



OIL POLLUTION ACT 1986

MERCHANT SHIPPING (PREVENTION OF AIR POLLUTION FROM SHIPS) ORDER 2005

Approved by Tynwald : 19th April 2005

Coming into operation : 1st May 2005

In exercise of the powers conferred on the Department of Trade and Industry by section 14 of the Oil Pollution Act 1986¹ 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 Air Pollution from Ships) Order 2005 and, subject to section 17 of the Oil Pollution Act 1986, shall come into operation on 1st May 2005.

Interpretation

2. In this Order -

“Annex VI” means the Regulations for the Prevention of Air Pollution from Ships appended to the Protocol of 1997 (which amends the Convention) and adopted by the International Conference of Parties to the Convention in September 1997;

“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.

¹ 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)

Regulations for prevention of air pollution from ships

3. (1) The Department may make regulations for the prevention of air pollution from ships for the purpose of giving effect to Annex VI to the Convention.

(2) Without prejudice to the generality of paragraph (1) such regulations may in particular include provision –

- (a) with respect to the carrying out of surveys and inspections, the appointment by the Department of persons as inspectors and the issue, duration and recognition of certificates for that purpose;
- (b) with respect to the application of the regulations to the Crown and the extra-territorial operation of the regulations;
- (c) 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;
- (d) 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; and
- (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 1991² 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 1979³ (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.

Made: 22nd March 2005

Alex F. Downie

Minister for Trade and Industry

² 1991 c.15

³ 1979 c.18

EXPLANATORY NOTE

(This note is not part of this Order)

This Order enables effect to be given to Annex VI 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 VI which relates to air pollution from ships.

