



Maritime &
Coastguard
Agency

Consultation Document:
Consultation on the draft Merchant Shipping
(Prevention of Oil Pollution) Regulations 2018

June 2018

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Section 1: Overview of this consultation

Aim

1. This consultation seeks your views on the draft Merchant Shipping (Prevention of Oil Pollution) Regulations 2018 (“the draft regulations”). This instrument would revoke and replace the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (“the 1996 regulations”). This will bring UK legislation up to date with the latest requirements of Annex I of the International Maritime Organization’s (IMO) International Convention for the Prevention of Pollution from Ships (MARPOL).
2. The draft regulations include an ambulatory reference provision. This enables future amendments to technical requirements in Annex I to be incorporated automatically into UK law without the need to amend domestic legislation. Associated benefits of this approach are detailed in this consultation package.
3. A number of other changes to the legislation and associated guidance are also proposed.

Views sought

4. Your views are sought in broadly the following areas:
 - whether the draft regulations would transpose the MARPOL Annex I requirements accurately and appropriately;
 - whether the use of an ambulatory reference provision to incorporate future technical amendments to MARPOL Annex I into UK legislation automatically as they come into force internationally is appropriate;
 - where the Administration’s discretion is permitted, whether the draft regulations would adequately transpose the MARPOL Annex I requirements;
 - whether the proposed change to offences and penalties is appropriate; and
 - whether the proposed guidance to accompany the Regulations is adequate and in the right format.
5. A full list of consultation questions is contained in **Section 5** of this consultation.

Deadline for responses

6. Views are welcomed from Monday 4th June until Sunday 29th July 2018.

Overview Timetable



Section 2: Areas for consideration

Introduction

7. The International Convention for the Prevention of Pollution from Ships 1973 (MARPOL) is one of a number of Conventions adopted by the International Maritime Organization (IMO) to which the UK is a signatory. As such, the UK has an obligation to implement any amendments to MARPOL in UK law.
8. Annex I of MARPOL focuses on the prevention of pollution by oil. It prescribes constructional and operational standards for ships as well as regulating discharges. At the present time, it is principally transposed into UK law through the 1996 regulations. These regulations have been amended over time to reflect changes to the international requirements.
9. MARPOL (including Annex I) is regularly amended and updated in line with technical and environmental advancements. Each time an amendment is made to MARPOL, UK legislation must be updated. The regulatory change process to update legislation generally takes a minimum of 12 months and requires appropriate resources.
10. Given the number of amendments to Annex I since the 1996 regulations were last amended, a new set of regulations is proposed to ensure domestic legislation reflects current international requirements.

Use of ambulatory reference

11. Against a backdrop of competing priorities for limited resources within Government, a new way of transposing international maritime requirements into UK legislation has been introduced.
12. On 26 March 2015, the Deregulation Act 2015 received Royal Assent. The Act introduced a new power to make ambulatory references to international maritime instruments under new section 306A of the Merchant Shipping Act 1995 (MSA 95). It is proposed that the draft regulations will use this ambulatory reference power to enable domestic legislation to keep pace with future international amendments to technical requirements. This power has been used in two sets of regulations made in 2018¹.
13. An ambulatory reference provision for the purposes of this consultation enables a reference in domestic legislation to a specific provision in an international instrument to be interpreted as a reference to that specific provision as modified from time to time (and not simply as in the version of the instrument that exists at the time the domestic legislation is made). This means the reference will always be to the current international requirement.

¹ See the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 (S.I. 2018/68) and the Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 (S.I. 2018/155).

14. The draft regulations implement many of the technical requirements in MARPOL Annex I by means of cross reference to the international instrument (see in particular regulations 29 and 30). The inclusion of an ambulatory reference provision means that any future amendments to these international provisions will be automatically transposed into UK law. It is further proposed to use the ambulatory reference provision in respect of international Codes, such as the Code for Recognised Organisation² and the Polar Code³, to ensure references are to those Codes as amended from time to time. Procedural requirements, such as the survey and certification requirements, and enforcement continue to be prescribed in the domestic legislation.
15. From a legal perspective, this means that any amendments to cross-referred requirements in Annex I of MARPOL, and the associated Codes, will automatically become UK law when they enter into force internationally. No new or amending regulations will be required to bring such amendments into force in the UK as is currently the case.
16. From a practical perspective, this means that ship-owners, shipbuilders, and other interested parties can refer directly to the text of MARPOL Annex I to determine technical requirements. Where the text of MARPOL is unclear or needs amplification - for instance, where MARPOL states that something is done “to the satisfaction of the administration”, guidance will provide the additional clarity required. At present the above-mentioned parties need to refer both to UK legislation (which may be out of step with international requirements and phrased differently to MARPOL) and the text of MARPOL to be sure they are in compliance with international technical requirements.
17. The main benefits of using the ambulatory reference power are:
 - simplification of the regulatory framework for both industry and regulatory users;
 - legal clarity for ship-owners, shipbuilders and other industry professionals/interested parties – they will only have to refer to one legal text in relation to the technical requirements of MARPOL Annex I, the international text, instead of having to refer also to a UK version of those provisions. Therefore, there will no-longer be a risk of disparity between national and international technical requirements;
 - provision of a level playing field between UK and foreign operators calling at UK ports – the automatic incorporation of technical amendments to the legislation means that the UK will be able to take enforcement action as against current international requirements. Therefore, foreign ships visiting the UK that are not compliant with the latest international requirements will be subject to appropriate regulatory measures; and
 - maintaining the UK reputation as a leading maritime nation.
18. Further information on the application and benefits of using ambulatory references is contained in sections: 3.4, 3.5, 3.6, 3.7, 3.9, 4.7, 4.8, 5.1, 5.2, 5.3 and Annex 1 of the Impact Assessment at Annex E.

² Adopted by IMO Resolution MEPC.237(65) on 17th May 2013.

³ The International Code for Ships Operating in Polar Waters adopted by IMO Resolution MSC.385(94) and MEPC.264(68).

19. A number of questions relating to the impact of using ambulatory references are posed to consultees in **Section 5** of this consultation.

Updates to bring UK requirements up to date with international ones

20. Three sets of amending regulations have been made in respect of the 1996 regulations, and there have been a number of other consequential amendments.
21. Since the last update to the 1996 regulations, a number of amendments to MARPOL Annex I have been adopted and these will be incorporated into UK law through the new regulations. The amendments are:
- MEPC.117(52) – existing text of Annex I reviewed and amended accordingly for all regulations
 - MEPC.139(53) – which takes account of the Guidelines for the Application of the Revised MARPOL Annex 1 Requirements to Floating Production, Storage and Offloading (FPSO) Facilities and Floating Storage Units (FSU)
 - MEPC.141(54) – which introduces provisions for oil fuel tank protection as well as other text amendments
 - MEPC.154(55) – which introduces Southern African waters as a Special Area
 - MEPC.164(56) – minor text amendments in respect of port reception facilities
 - MEPC.186(59) – providing rules for prevention of pollution during transfer of cargo between oil tankers at sea
 - MEPC.187(59) – text amendments plus rules on tanks for oil residue (sludge)
 - MEPC.189(60) – which introduces special requirements for use or carriage of oils in the Antarctic area
 - MEPC.216(63) – rules regarding small island development states
 - MEPC.235(65) – amendments to form A and B of supplements to the IOPP certificate • MEPC.238(65) - rules regarding the Recognised Organisation Code
 - MEPC.246(66) – which introduces verification of compliance with the provisions of this Convention (Audit Scheme)
 - MEPC.248(66) – amendments to text regarding retention of oil on-board and subdivision and damage stability
 - MEPC.256(67) – amendments to text regarding carriage of oils in Antarctic area
 - MEPC.265(68) – which introduces the Polar Code
 - MEPC.266(68) - amendments to the rules regarding oil residue (sludge)
22. Further information and detail on what these amendments entail, and their impact is contained within sections 4.6 and 6.6 of the Impact Assessment at Annex E.
23. In calculating the impacts of these amendments, a number of assumptions have been made in the Impact Assessment. To challenge the assumptions, a number of questions are posed to consultees within the Impact Assessment and replicated in **Section 5** of this consultation.

Areas within MARPOL Annex I where the MCA has discretion in application

24. MARPOL Annex I stipulate its requirements apply to all ships, except:
- Warships;
 - Naval auxiliaries; or

- Other ships owned or operated by the State and used, for the time being, only on government non-commercial service.
25. However, a ship which has constructional features which render the application of any of the provisions of chapters 3 and 4 of Annex I or section 1.2 of part II-A of the Polar Code relating to construction and equipment unreasonable or impracticable may be exempted by the Administration from such provisions, provided that the construction and equipment of that ship provides equivalent protection against pollution by oil, having regard to the service for which it is intended (see draft regulation 7(1)).
26. The application of the draft regulations is specified in regulation 5 (see Annex A) and applies, other than where specific provision is made to the contrary, to:
- all UK ships, wherever they may be; and
 - all other ships within the territorial waters of the UK.
- Certain ships are exempted from the application of these Regulations to take account of the above MARPOL Annex I provisions so as not to replicate requirements contained in other regulations.
27. The table at Annex B expands on the application of the draft regulations, which is also supported in further detail through the 'Table of Offences and Penalties' at Annex C.
28. Consultees are invited to review the application of the draft regulations to assess whether the MCA has successfully determined the extent of application for the MARPOL Annex I requirements.
29. A number of questions in relation to the extent of application for MARPOL Annex I requirements are posed to consultees in **Section 5** of this consultation.

Offshore Installations

30. Since the introduction of the 1996 Regulations the MCA has issued annual waiver letters to operators of production platforms waiving the requirement for these offshore installations to hold a UK Oil Pollution Prevention (UKOPP) Certificate as is currently required by the 1996 Regulations.
31. The basis for the issue of waiver letters in respect of production platforms is that they are fixed to the sea bed and do not discharge oil or oily mixtures from machinery space drainage covered by the 1996 Regulations and MARPOL Annex I. They are therefore instead subject to regulation under the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005.
32. Draft regulation 33 provides a mechanism by which the requirements of the Regulations and MARPOL Annex I in respect of the discharge of oil or oily mixtures from machinery space drainage will not apply to fixed or floating production platforms engaged in the exploration, exploitation and associated offshore processing of oil and gas which are located in waters in the Continental Shelf and which are not, at the time at which they are so engaged, capable of being propelled through water under their own power.

33. For these purposes reference to fixed or floating production platforms does not include floating production, storage and offloading (FPSO) facilities or floating storage units (FSU). Such platforms would be subject to the draft regulations at all times.
34. The Secretary of State must take account of the Guidelines for the Application of the Revised MARPOL Annex 1 Requirements to Floating Production, Storage and Offloading Facilities and Floating Storage Units, adopted by the Marine Environment Protection Committee of the Organization on 22nd July 2005 by Resolution MEPC.139(53), as amended by Resolution MEPC.142(54) of 24th March 2006, in assessing the compliance of offshore installations.

Penalties and offences

35. The MCA has undertaken a thorough review of the existing offences and penalties to assess whether they should be replicated in the new regulations. In order to streamline enforcement of MARPOL requirements it has been decided broadly to replicate the enforcement provisions in instruments which implement other Annexes of MARPOL (see for example the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 (S.I. 2008/2924), which transposes Annex VI). The result is that the arrangements for enforcement remain substantially the same as under the 1996 regulations, although most of the existing offences are re-made. (See Part 9 of the draft regulations.)
36. The proposed offences are as follows:
 - *Failure to meet the survey requirements of the regulations and to hold a valid IOPP or, in the case of a ship not engaged in international waters, a valid UKOPP certificate and to enable such a ship to proceed, or attempt to proceed, or (if already at sea) remain at sea is an offence.* The responsibility lies with the Master and Owner of the ship (regulation 6).
 - *Failure of the owner and master of a ship to ensure that the condition of the ship and its equipment is maintained as fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.* The responsibility lies with the Master and Owner of the ship (regulation 11(1)).
 - *Failure to ensure (after completion of a survey) that any changes made in the structure, equipment, systems, fittings, arrangements or material subject to that survey, except by direct replacement, are approved by the Certifying Authority or Administration of the State.* The responsibility lies with the Master and Owner of the ship (regulation 11(2)).
 - *Failure to report an accident or defect at the earliest opportunity to the Certifying Authority that issued the certificate whenever an accident occurs to a ship or a defect is discovered. The same applies to a UK ship in port outside of the UK and for a nonUK ship in a UK port.* The responsibility lies with the Master and Owner of the ship (regulation 11(3) and 11(4)).

- *In respect of a ship for which a certificate has been extended and following its arrival in the port in which it is to be surveyed, permitting the ship to leave that port before a new certificate is issued.* The responsibility lies with the Master, Owner, Manager and Demise Charterer of the ship (regulation 15(4)).
- *Failure to surrender an IOPP or UKOPP certificate which has expired, or which has been cancelled.* The responsibility lies with the Master and Owner of the ship (regulation 18(2)).
- *In respect of a UK ship, to provide false or erroneous information to obtain an IOPP certificate and to intentionally alter or make a false IOPP/UKOPP certificate.* The responsibility lies with the person in question (regulation 18(3)).
- *Failure to make readily available on board the ship for inspection an issued IOPP or UKOPP certificate.* The responsibility lies with the Master and Owner of the ship (regulation 18(4)).
- *Enabling a non-UK ship to proceed from a UK unless certain requirements relating to surveys and certification have been satisfied.* The responsibility lies with the Owner and Master (regulation 19).
- *In respect of an oil tanker of 150GT and above or a ship of 400GT and above other than an oil tanker, failure to hold a fully recorded oil record book and to comply with the prescribed requirements.* The responsibility lies with the Master, Owner, Manager and Demise Charterer of the ship (regulation 20).
- *Barring exceptions, a discharge of oil or oily mixture from the machinery space of any ship into the sea. In the case of a discharge into the Antarctic area, fewer exceptions apply. Also, a discharge of chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge is an offence.* The responsibility lies with the Master, Owner, Manager and Demise Charterer of the ship (regulation 25).
- *Subject to exceptions, the discharge of oil or oily mixtures from the cargo area of an oil tanker.* The responsibilities lie with the Master, Owner, Manager and Demise Charterer of the ship (regulation 26).
- *Apart from vessels engaged in ensuring the safety of ships, or in a search and rescue operation, to carry any of the substances listed in regulation 43.1. of Annex I MARPOL in the Antarctic area either in bulk as cargo, to be used as ballast or carried and used as fuel.* The responsibility lies with the Master, Owner, Manager and Demise Charterer of the ship (regulation 28).
- *Failure to comply with the regulations in Annex I MARPOL relating to:*
 - *Tanks for oil residue (sludge)*
 - *Oil fuel tank protection*
 - *Standard discharge connection*

- *Oil filtering equipment*
- *Segregation of oil and water ballast and the carriage of oil in forepeak tanks*

The responsibility lies with the Master, Owner, Manager and Demise Charterer of the ship (regulation 29).

- *Failure to comply with the regulations in Annex I MARPOL relating to:*
 - *Segregated ballast tanks*
 - *Double hull and double bottom requirements*
 - *Prevention of oil pollution from oil tankers carrying heavy grade oil as cargo*
 - *Pump room bottom protection*
 - *Accidental oil outflow performance*
 - *Damage assumptions*
 - *Hypothetical outflow of oil*
 - *Limitations of size and arrangement of cargo tanks*
 - *Intact stability*
 - *Subdivision and damage stability*
 - *Pumping, piping and discharge arrangements*
 - *Crude oil washing requirements*

The responsibility lies with the Master, Owner, Manager and Demise Charterer of the ship (regulation 30).

- *Barring exceptions, failure to ensure an oil tanker of 150GT and above complies with the regulations in Annex I MARPOL relating to:*
 - *Slop tanks*
 - *Oil discharge monitoring and control systems*
 - *Oil/water interface detector*

The responsibility lies with the Master, Owner, Manager and Demise Charterer of the ship (regulation 31).

- *In respect of an oil tanker operating with crude oil washing systems, failure to hold an approved Operations and Equipment Manual and for it not to be operated in accordance with it. In addition, failure not to revise the Manual if an alteration is made to the crude oil washing system.* The responsibility lies with the Master, Owner, Manager and Demise Charterer of the ship (regulation 32).
- *Failure for the prescribed requirements to be met in respect of an offshore installation.* The responsibility lies with the Master, Owner, Manager and Demise Charterer of the ship (regulation 33).
- *Failure to carry an approved shipboard oil pollution emergency plan on an oil tanker of 150GT and above or a ship (other than an oil tanker) of 400GT and above.* The responsibility lies with the Master, Owner, Manager and Demise Charterer of the ship (regulation 34(1) to (3)).

- *Failure to ensure that an oil tanker of 5,000 tonnes deadweight or more has prompt access to computerised shore-based damage stability and residual structural strength calculation programmes.* Responsibility lies with the owner or master of the ship (regulation 34(6)).
 - *Failure to comply with the stipulated requirements of the Polar Code.* Responsibility lies with the owner or master of the ship (regulation 35).
 - *Where a copy is taken of an entry in the Oil Record Book, failure to certify that it is a true copy of the original.* Responsibility lies with the master of the ship (regulation 36(5)(b)).
37. The table at Annex C compares the existing and proposed offences and penalties and provides commentary where a change is proposed.
38. A number of questions in relation to the proposed changes to offences and penalties are posed to consultees in **Section 5** of this consultation.

Guidance for the Merchant Shipping (Prevention of Oil Pollution) Regulations

39. Where the text of MARPOL requires further amplification - for instance, where MARPOL states that something is done “to the satisfaction of the administration”, guidance will provide the additional clarity required.
40. At present guidance referring to offshore installations is provided through a microsite hosted by the MCA and within various Marine (M) Notices.
41. The majority of guidance for areas regulated by the MCA has moved to GOV.UK for ease of accessibility by the public, and to facilitate the review and upkeep of documentation.
42. It is proposed that the guidance for MARPOL Annex I is:
- a) moved to GOV.UK; and
 - b) revised in a format to allow for easier upkeep (given resource constraints within the MCA for maintaining a microsite).
43. It is proposed that the guidance for MARPOL Annex I is provided as a pdf document for certain regulations, which is uploaded to GOV.UK.
44. Annex D to this consultation provides draft guidance on the text of the MARPOL Annex I for offshore installations.
45. A number of questions in relation to the proposed format of guidance are posed to consultees in Section 5 of this consultation.

Section 3: Responding to this consultation

46. There are specific questions highlighted in section 5 of this document, which provides a structured way to respond to this consultation document.

Audience

47. Anyone may respond to this consultation and consideration will be given to all responses. We will be particularly interested to hear from: ship owners, shipping companies, protection and indemnity clubs, groups involved in offshore installations and other parties with an interest in shipping.

Duration

48. This consultation is open for 8 weeks from 4th June 2018. The deadline for responses is 29th July 2018.

Submitting your response

49. The response form is available at www.gov.uk/government/publications. Completed response forms should be emailed to arteam@mcga.gov.uk. Any questions should be sent to this email address.

50. When responding, representative groups are asked to give a summary of the people and organisations they represent and, where relevant, who else they have consulted in reaching their conclusions.

Freedom of information and data protection

51. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

52. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

53. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department/MCA.

54. The MCA will process your personal data in accordance with the data protection framework and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Data Protection

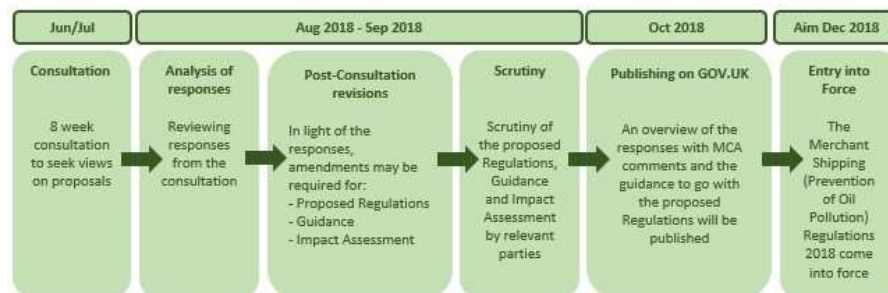
55. The MCA is carrying out this consultation to gather evidence. The consultation is being carried out in the public interest to inform the development of policy.
56. The MCA will use your contact details to send you information about the consultation, for example if we need to ask follow-up questions, as part of its functions as a government department. Your information will be kept secure and will not be used for any other purpose without your permission.
57. To find out more about how the MCA looks after personal data, your rights, and how to contact our data protection officer, please go to:

<https://www.gov.uk/government/organisations/maritime-and-coastguardagency/about/personal-information-charter>

If you do not wish to remain on this list, please reply and let us know.

Section 4: Outline plans beyond this consultation

58. Once this consultation closes we will review all responses. In considering the responses we will apply appropriate weight to those from organisations and individuals with specialist knowledge of the subject area.
59. We will be analysing the responses during 2018. Our aim is to publish an overview of the responses and the MCA's comments within 3 months of the closure of the consultation, which will be available from: www.gov.uk/government/publications
60. Where appropriate the draft Regulations, accompanying guidance and impact assessment will be revised to take into consideration the consultation responses.
61. Our aim is for the Merchant Shipping (Prevention of Oil Pollution) Regulations to come into force by the end of 2018. The Regulations and accompanying documentation will be published on www.legislation.gov.uk
62. The revised accompanying guidance will be published on GOV.UK in advance of the coming into force date.
63. A full impact assessment of the effect that the draft Merchant Shipping (Prevention of Oil Pollution) Regulations will have on the costs of business will be published with the Explanatory Memorandum on www.legislation.gov.uk 64. An overview timetable is below for reference:



Section 5: Response form

What is your name?

What is your email address?

What is your job title?

When responding please state whether you are responding as an individual or representing the views of an organisation:

- I am responding as an individual
- I am responding on behalf of an organisation

(name of organisation)

Please check the box that best describes you as a respondent and the size of your organisation:

- | | |
|---|--|
| <input type="checkbox"/> Classification Society | <input type="checkbox"/> Large business (over 250 staff) |
| <input type="checkbox"/> Government Agency/Department | <input type="checkbox"/> Medium business (50 to 250 staff) |
| <input type="checkbox"/> Individual | <input type="checkbox"/> Micro business (up to 9 staff) |
| <input type="checkbox"/> Legal representative | <input type="checkbox"/> Small business (10 to 49 staff) |
| <input type="checkbox"/> Protection & Indemnity | |
| <input type="checkbox"/> Seafarer | |
| <input type="checkbox"/> Ship Operator | |
| <input type="checkbox"/> Ship Owner | |
| <input type="checkbox"/> Trade Union | |
| <input type="checkbox"/> Other | |
| (please describe) | |

Respondent Type

Size of Organisation

Section 5.1

a) Do you agree with the approach of using ambulatory references to implement MARPOL Annex I?

- Yes, I agree
- No, I don't agree

- b) Can you see any other benefits or drawbacks of using ambulatory referencing in UK legislation, for implementing international conventions?

We particularly welcome the views of ship owners in relation to ambulatory referencing – what benefits/drawbacks would this new approach mean for you?

- c) On average, how many hours each year does your company spend reading and understanding the requirements of MARPOL Annex I?

Reading international text: _____ hours
Reading related UK legislation: _____ hours
Reading related UK guidance: _____ hours

Section 5.2

- a) Are the estimates of the cost of Regulation 12A (oil fuel tank protection), which range from 1% of build costs to \$3m per ship, an accurate representation of the costs to business? If not, can you provide a better estimate of the cost?

Yes, I agree

No, I don't agree £ _____ ; or see comments below

Comments:

- b) Does Regulation 12A (oil fuel tank protection) represent an additional cost to a new build? If so, what is the scale of this cost?

Comments:

- c) On average how many hours does it take for a member of your organisation to familiarise themselves with UK legislation on MARPOL I?

Comments:

- d) At what level of seniority would a member of staff be expected to be (on behalf of the organisation) familiar with UK legislation on MARPOL I?

Comments:

- e) Do you feel that the costs and benefits assessment outlined in the Impact Assessment is a reasonable reflection of the costs and benefits?

- Yes, I agree
 No, please provide comments below

Comments:

Section 5.3

- a) Do you agree with the way the MCA has applied MARPOL Annex I requirements?

- Yes
 No

If you do not agree, we welcome further explanation:

- b) Within the parameters set by Regulation 2 of MARPOL Annex I, are there any further areas where the MCA should apply or dis-apply the requirements?

- Yes
 No

If you feel there are, we welcome further explanation:

Section 5.4

a) Do you agree that the possible penalty of, on summary conviction, a fine; or, on conviction on indictment, a fine is reasonable and acceptable for all offences highlighted in the new proposed regulations for MARPOL Annex I?

- Yes
- No

We welcome further explanation for your answer.

b) Is there any other way in which the penalties should be streamlined?

- Yes
- No

We welcome further explanation for your answer.

c) Do you feel that the proposed penalties are fair?

- Yes
- No

We welcome further explanation for your answer.

d) Do you feel that the proposed penalties will act as an effective deterrent for noncompliance with the requirements of MARPOL Annex I?

Yes

No

We welcome further explanation for your answer.

Section 5.5

a) Does the proposed guidance meet your needs in terms of (i) format (i.e. pdf document for each Regulation); and (ii) content?

Yes

No

We welcome further explanation for your answer.

b) Do you feel there is a better way of providing guidance for the MARPOL Annex I requirements?

Yes

No

We welcome further explanation for your answer.

Please return completed response forms to arteam@mcga.gov.uk Alternatively, responses may be posted to:

AR Team (MARPOL Annex I)
Maritime & Coastguard Agency

Bay 2/29, Spring Place
105 Commercial Road
Southampton
SO15 1EG

Section 6: Conduct of this consultation

65. This consultation has been conducted in accordance with the Cabinet Office Consultation Principles.

Consultation criteria

66. The Cabinet Office Consultation Principles can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49213/2/20160111_Consultation_principles_final.pdf

Feedback on conduct of consultation

67. If you have any comments regarding the conduct of this consultation, please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk.

68. We are continually trying to improve the way in which we conduct consultations and appreciate your views. We would be grateful if you could complete and return the attached feedback form. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

MCA CONSULTATION FEEDBACK FORM

1. Please indicate on which Consultation you are providing feedback:

Recasting the Merchant Shipping (Prevention of Oil Pollution) Regulations to reflect up to date requirements as contained in the International Convention for the Prevention of Pollution from Ships (MARPOL)

2a. Please indicate whether you are responding on behalf of:

- Yourself as an Individual
- A Trade Association
- A Company
- A Government Organisation
- A Trade Union
- Other

(please specify) _____

2a. Please indicate whether you accessed this consultation package through:

- Post
- Email
- Website

3. Please rate the quality of this consultation regarding accuracy, good English and spelling:

- Very good
- Good
- Average
- Poor
- Very Poor

4. Please rate the format of the consultation presentation (layout, Annexes etc.):

- Very good
- Good
- Average
- Poor
- Very Poor

5. Please rate the consultation in terms of how clear and concise you felt it was:

- Very good
- Good
- Average
- Poor
- Very Poor

6. Did you feel that the consultation was conducted over a sufficient period of time?
- Yes
- No

7. Were any representative groups, organisations or companies not consulted who you felt should have been?
- Yes
- No
- If yes, who? _____

8. Please let us have any suggestions for improvement or other comments you wish to make about this consultation below:

Thank you for your time. Please return this form to:

Consultation Co-ordinator,
Maritime and Coastguard Agency,
Spring Place, Bay 3/26, 105 Commercial Road
Southampton SO15 1EG
Or e-mail it to: consultation.coordinator@mcga.gov.uk

If you are happy to supply your name in case we need to contact you to discuss your views further, please enter it below (this is optional, and your feedback will still be taken into account if you wish to remain anonymous):

Name _____

Tel. No. _____

Please note that the deadline for responses to the Consultation itself does not apply to the return of this form.