

Annex B: The Merchant Shipping (Prevention of Oil Pollution) Regulations 2018

Application of Existing Regulations		Application of new Regulations		Comments on Application
2(1)	These Regulations apply to—	5(1)	These Regulations apply to—	
2(1)(a)	United Kingdom ships	5(1)(a)	All United Kingdom ships, wherever they may be	Application is now aligned with MARPOL Annex I – 2.1. There is no distinction between domestic and international waters within the Application of Annex I. Therefore, the recast regulations now include UK ships “wherever they may be”
2(1)(b)	Other ships while they are within the United Kingdom or the territorial waters thereof	5(1)(b)	All non-United Kingdom ships within the territorial waters of the United Kingdom	Drafting change.
2(2)	These Regulations do not apply to—	5(2)	These Regulations do not apply to—	
2(2)	Warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.	5(2)(a)	Warship	Application is now aligned with MARPOL Article 3(3).
		5(2)(b)	Naval auxiliary	
		5(2)(c)	Other ships owned or operated by the State and used for the time being on Government, non-commercial service.	
		5(3)	Subject to paragraph (2), regulations 25 and 26 apply to the discharge into the sea from any ship or offshore installation which has caused, or is likely to cause, pollution within United Kingdom waters or controlled waters.	New drafting
2(4)	In ships, other than oil tankers, fitted with cargo spaces which are	5(4)	Subject to paragraph (4), regulations 16, 26.4, 29 to 32, 34 and 36 of Annex I	The requirements for these ships are now directly referenced to the International Convention for the

	<p>constructed and used to carry oil in bulk of an aggregate capacity of 200 cubic metres or more, the requirements of regulations 10, 12, 13, 15(1), (2) and (3), 16, 24, 26 and 28(4) for oil tankers shall also apply to the construction and operation of these spaces, except that where such aggregate capacity is less than 1,000 cubic metres it shall be sufficient to comply with the requirements of regulation 15(4) as if they applied to the ship in lieu of those of regulation 15(1), (2) and (3).</p>	<p>apply to the construction and operation of cargo spaces within ships other than oil tankers where such spaces are constructed for and used to carry oil in bulk of an aggregate capacity of 200 cubic metres or more.</p> <p>5(5) Where the aggregate capacity of a cargo space referred to in paragraph (3) is less than 1,000 cubic metres, regulation 34.6 of Annex I applies instead of regulations 29, 31 and 32 of that Annex.</p>	<p>Prevention of Pollution in ships (MARPOL), Annex I</p>
<p>2(3) The Secretary of State may exempt a ship of a new type whose constructional features are such as to render the application of any of the provisions of regulations 10 to 32 relating to construction and equipment unreasonable or impracticable from those 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. Particulars of any such exemption granted by the Secretary of State shall be indicated in the IOPP or UKOPP Certificate referred to in regulation 7.</p>	<p>7(1) The Secretary of State may exempt 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 or equipment unreasonable or impractical, provided the Secretary of State is satisfied that the construction and equipment of any such ship provides equivalent protection from pollution by oil, having regard to the service for which that ship is intended.</p> <p>7(2) (2) The particulars of any exemption granted under paragraph (1) must be indicated in the IOPP or UKOPP certificate issued under regulation 12 or 13.</p>	<p>The requirements for these ships are now directly referenced to the International Convention for the Prevention of Pollution in ships (MARPOL), Annex I</p>	

<p>2(5) The Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of ships or individual ships on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.</p>	<p>7(3) Subject to paragraph (5) The Secretary of State may exempt any ship or any description of ship from any of the provisions of these Regulations.</p> <p>7(4) An exemption by the Secretary of State is valid only if given in writing, and may be—</p> <p>(a) given subject to such conditions and limitations as the Secretary of State may specify; and</p> <p>(b) altered or cancelled by a notice given in writing by the Secretary of State</p> <p>7(5) An exemption under paragraph (3) may be granted only if the exemption is compatible with requirements under Annex I.</p>	<p>There is no general power of exemption in regulation 3 of Annex I. But section 85(6) of the Merchant Shipping Act 1995 enables the Secretary of State to grant exemptions. The Secretary of State cannot override MARPOL I in granting an exemption.</p>
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