

## Annex C: Proposed Offences and Penalties for the Merchant Shipping (Prevention of Oil Pollution) Regulations

In the new regulations, for an offence committed in England and Wales which is punishable on summary conviction, the fine is unlimited. For an offence committed in Scotland and Northern Ireland which is punishable on summary conviction, the fine imposed must not exceed the statutory maximum.

Offence (figures in brackets are references to 1996 Regulations)	Existing Regulations		New Regulations		Comment on proposed changes (figures in brackets are references to draft regulations)
	Party/ies Committing Offence	Penalty (Summary conviction/ conviction on indictment)	Party/ies Committing Offence	Penalty (Summary conviction/ conviction on indictment)	
Proceeding/attempting to proceed to sea or (if already at sea) remain at sea without meeting the survey requirements and holding a valid IOPP or UKOPP certificate, 36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	No change 6, 42(1)(a)
The condition of the ship and its equipment is not maintained as fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.5(1),36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	No change 11(1), 42(1)(a)
After completion of a survey failure to ensure no changes are made to the structure, equipment, systems, fittings, arrangements or materials subject to that survey without the approval of the Certifying Authority or Administration of the State 5(2), 36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	No change 11(2), 42(1)(a)
An accident or a defect with a ship is not reported at the earliest opportunity to the Certifying Authority that issued the certificate. 5(3), 36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	No change 11(3) and (4), 42(1)(a)

An accident or defect with a UK ship in port outside of the UK is not reported to the appropriate maritime authorities 5(3), 36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	No change <i>11(3) and (4), 42(1)(a)</i>
An accident or defect with a non- UK ship in a UK port is not reported to the Secretary of State 5(3), 36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	No change <i>11(4), 42(1)(a)</i>
Failure to surrender an IOPP or UKOPP certificate, in respect of a UK ship, which has expired, or which has been cancelled. 36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	No change <i>18(2), 42(1)(a)</i>
The owner and the master of a UK ship does not make readily available on board the ship for inspection an issued IOPP or UKOPP certificate. 36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	No change <i>18(4), 42(1)(a)</i>
A ship which is not a United Kingdom ship and which, by virtue of regulation 7 of Annex I is required to be issued with an IOPP certificate proceeds to sea from a port in the United Kingdom (barring exceptions) 36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	19
The owner and master of an oil tanker of 5,000 tonnes deadweight or more does not ensure the ship has prompt access to computerised shore-based damage stability and residual structural strength calculation programmes.	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	<i>New requirement 34(6), 42(1)(a)</i>

A ship, in respect of which a certificate has been extended, following its arrival in the port in which it is to be surveyed and by virtue of the extension, leaves that port before a new certificate is issued 8,36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional people responsible. Now includes Demise Charterer and Manager of the ship <i>15(4), 42(1)(b)</i>
Failure, in respect of an oil tanker of 150GT and above and a ship of 400GT and above (other than an oil tanker), to hold an oil record book and comply with the prescribed requirements. 10,36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional people responsibilities. Now includes Demise Charterer and Manager of the ship <i>20, 42(1)(b)</i>
Barring exceptions, discharge from a ship of oil or oily mixture from the machinery space into the sea. 12,36A	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional people responsible. Now includes Demise Charterer and Manager of the ship <i>25, 42(1)(b)</i>
Barring exceptions, discharge from a ship of oil or oily mixture from the machinery space into the sea in the Antarctic area	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	New requirement <i>25, 42(1)(b)</i>
Discharge from a ship 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 specified in regulation 15 of Annex I 12,36A	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional responsibilities. Now includes Demise Charterer and Manager of the ship <i>25, 42(1)(b)</i>
Barring exceptions, discharge from an oil tanker of oil or oily mixture from the	Owner and Master of the ship	On summary conviction by a fine; or on conviction on	Owner, Manager, Demise Charterer	On summary conviction by a fine; or on conviction on	Additional people responsible. Now includes Demise

cargo area into the sea. 13,36A		indictment by a fine	and Master of the ship	indictment by a fine	Charterer and Manager of the ship  26, 42(1)(b)
Barring exceptions, discharge from an oil tanker of oil or oily mixture from the cargo area into the sea in the Antarctic area	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	New requirement  26, 42(1)(b)
Discharge from an oil tanker 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 13.36A	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional people responsible. Now includes Demise Charterer and Manager of the ship  26, 42(1)(b)
Subject to exceptions oil or oily mixtures are discharged from the cargo area of an oil tanker 13,36A	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional people responsible. Now includes Demise Charterer and Manager of the ship  26, 42(1)(b)
With the exception of vessels engaged in ensuring the safety of ships, or in a search and rescue operation, to carry any of the substances listed in regulation 43.1.1 to 43.1.3 of Annex I MARPOL in the Antarctic area either in bulk as cargo, used as ballast or carried and used as fuel.  36A	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional people responsibilities. Now includes Demise Charterer and Manager of the ship  28, 42(1)(b)
Failure to comply with the regulations in Annex I MARPOL relating to: <ul style="list-style-type: none"> <li>Tanks for oil residue (sludge)</li> <li>Oil fuel tank protection</li> </ul>	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional people responsible. Now includes Demise Charterer and Manager of the ship  29, 42(1)(b)

<ul style="list-style-type: none"> <li>• Standard discharge connection</li> <li>• Oil filtering equipment</li> <li>• Segregation of oil and water ballast and the carriage of oil in forepeak tanks 14, 24, 25, 36A</li> </ul>			
<p>Failure to comply with the regulations in Annex I MARPOL relating to:</p> <ul style="list-style-type: none"> <li>• Segregated ballast tanks</li> <li>• Double hull and double bottom requirements</li> <li>• Prevention of oil pollution from oil tankers carrying heavy grade oil as cargo</li> <li>• Pump room bottom protection</li> <li>• Accidental oil outflow performance</li> <li>• Damage assumptions</li> <li>• Hypothetical outflow of oil</li> <li>• Limitations of size and arrangement of cargo tanks</li> <li>• Intact stability</li> <li>• Subdivision and damage stability</li> <li>• Pumping, piping and discharge arrangements</li> <li>• Crude oil washing requirements 15, 19, 21, 26, 28, 29, 31(7), 36A</li> </ul>	<p>Owner and Master of the ship</p> <p>On summary conviction by a fine; or on conviction on indictment by a fine</p>	<p>Owner, Manager, Demise Charterer and Master of the ship</p> <p>On summary conviction by a fine; or on conviction on indictment by a fine</p>	<p>Additional people responsible. Now includes Demise Charterer and Manager of the ship</p> <p>30, 42(1)(b)</p>
<p>Failure to comply with the regulations in Annex I MARPOL relating to:</p> <ul style="list-style-type: none"> <li>• Slop tanks</li> <li>• Oil discharge monitoring and control systems</li> </ul>	<p>Owner and Master of the ship</p> <p>On summary conviction by a fine; or on conviction on indictment by a fine</p>	<p>Owner, Manager, Demise Charterer and Master of the ship</p> <p>On summary conviction by a fine; or on conviction on indictment by a fine</p>	<p>Additional people responsible. Now includes Demise Charterer and Manager of the ship</p> <p>31, 42(1)(b)</p>

<ul style="list-style-type: none"> <li>Oil/water interface detector 15,36</li> </ul>					
In respect of an oil tanker operating with crude oil washing systems, failure to hold an approved Operations and Equipment Manual 21,36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional responsibilities. Now includes Demise Charterer and Manager of the ship 32, 42(1)(b)
In respect of an oil tanker operating with crude oil washing systems, failure to operate it in accordance with the Operations and Equipment Manual 21,36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional people responsibilities. Now includes Demise Charterer and Manager of the ship 32, 42(1)(b)
An alteration is made to the crude oil washing system and the Operations and Equipment Manual is not revised accordingly. 21,36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional people responsibilities. Now includes Demise Charterer and Manager of the ship 32, 42(1)(b)
Failure for the prescribed requirements of Annex I to be met in respect of an offshore installation 32,36	Owner and master of the ship (i.e. owner and those in charge of the offshore installation e.g. the operator or OIM)	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, manager, demise charterer, and master of the ship (i.e. owner, manager and those in charge of the offshore installation e.g. the operator or OIM)	On summary conviction by a fine; or on conviction on indictment by a fine	Changes made in how these regulations apply to certain offshore installations. Installations not subject to these regulations must comply with the Offshore Petroleum Activities (Oil Pollution Prevent and Control) Regulations 2005.  Additional people responsible. Now includes Demise Charterer and Manager of the ship 33, 42(1)(b)

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 33,36	Owner and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Owner, Manager, Demise Charterer and Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	Additional responsibilities. Now includes Demise Charterer and Manager of the ship <i>34(1 to(3), 42(1)(b),</i>
Failure to comply with the stipulated requirements of the Polar Code	N/A	N/A	Owner or Master of the ship	On summary conviction by a fine; or on conviction on indictment by a fine	The Polar Code came into force in January 2017, so this is a new requirement <i>35, 42(1)(a)</i>
Where a copy of take of an entry in the Oil Record Book, failure to certify that it is a true copy of the original <i>10(6),36</i>			Master of the ship		Responsibility lies with the master alone <i>36(5)(b) 42(2),</i>
In respect of a UK ship, it is an offence to provide false or erroneous information to obtain an IOPP/UKOPP certificate			Person in question	On summary conviction by a fine; or on conviction on indictment by a fine	New requirement Responsibility lies with the person in question <i>18(3), 42(1)(c)</i>
In respect of a UK ship, it is an offence to intentionally alter the IOPP/UKOPP certificate			Person in question	On summary conviction by a fine; or on conviction on indictment by a fine	New requirement Responsibility lies with the person in question <i>18(3), 42(1)(c)</i>
In respect of a UK ship, it is an offence to knowingly or recklessly provide false information in connection with a survey required under these Regulations			Person in question	On summary conviction by a fine; or on conviction on indictment by a fine	Responsibility lies with the person in question <i>18(3), 42(1)(c)</i>
In respect of a UK ship it is an offence to with intent to deceive, use, lend, or allow to be used by another, an [IOPP/UKOPP] certificate			Person in question	On summary conviction by a fine; or on conviction on indictment by a fine	Responsibility lies with the person in question <i>18(3), 42(1)(c),</i>

<p>In respect of a UK ship it is an offence to fail to surrender an [IOPP/UKOPP] certificate where required to do so under paragraph 2 of regulation 17</p>		<p>Person in question</p>	<p>On summary conviction by a fine; or on conviction on indictment by a fine</p>	<p>Responsibility lies with the person in question <i>18(3), 42(1)(c)</i></p>
<p>In respect of a Scottish ship it is an offence to forge an [IOPP/UKOPP] certificate</p>		<p>Person in question</p>	<p>On summary conviction by a fine; or on conviction on indictment by a fine</p>	<p>Responsibility lies with the person in question <i>18(3), 42(1)(c),</i></p>