



Maritime &
Coastguard
Agency

Consultation Document:

Consultation on the draft Merchant Shipping
(Prevention of Pollution by Sewage from
Ships) Regulations 2020

February 2020

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Section 1: Overview of this consultation

Aim

1. This consultation seeks your views on the draft Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020 (“the draft Regulations”). This instrument would revoke and replace the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 (“the 2008 Regulations”)¹. The draft Regulations will bring UK legislation up to date with the latest requirements of Annex IV (Regulations for the Prevention of Pollution by Sewage from Ships) 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 will enable future amendments to technical requirements in Annex IV to be incorporated automatically into UK law without the need to amend UK legislation. Associated benefits of this approach are detailed in this consultation package.

Views sought

3. Your views are sought in broadly the following areas:
 - whether the draft Regulations would transpose the MARPOL Annex IV requirements accurately and appropriately;
 - whether the use of an ambulatory reference provision to incorporate future technical amendments to MARPOL Annex IV into UK law 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 IV requirements;
 - whether the proposed offences and penalties (which are consistent with those contained in the 2008 Regulations) are appropriate; and
 - whether the proposed guidance to accompany the Regulations is adequate and in the right format

Deadline for responses

4. Views are welcomed from **3 February 2020 until 30 March 2020**. For an overview of the timetable please refer to section 4 of this document.

¹ The provisions which relate to the prevention of pollution by garbage from ships would be covered in a separate instrument and this instrument is the subject of a simultaneous consultation.

Section 2: Areas for consideration

Introduction

5. MARPOL is one of a number of Conventions adopted by the IMO to which the UK is a signatory. As a signatory, the UK has an obligation to implement any amendment to MARPOL in UK law.
6. Annex IV of MARPOL prohibits the discharge of sewage from ships into the sea, providing exceptions regulating the circumstances under which sewage may be discharged, and the treatment of sewage onboard ships. Consequently, it has great significance for the protection of the environment.
7. Annex IV is regularly amended to protect the environment by improving the measures with which ships must comply. Given the number of amendments to Annex IV since the 2008 Regulations came into force, and the entry into force of requirements related to the discharge of sewage in polar waters (via the Polar Code) and in the Baltic sea special area, a new set of UK regulations is proposed to ensure that domestic legislation reflects current international requirements.
8. There is a placeholder in Schedule 1 of the draft Regulations (**Annex A**) because consequential amendments will be required in other legislation as a result of the revocation and replacement of the 2008 Regulations. These amendments will primarily involve replacing references to the 2008 Regulations with references to the draft Regulations and (in some instances) references to the proposed Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations, which are the subject of a separate consultation. For example, there is a reference to the 2008 Regulations in the Merchant Shipping (Fees) Regulations 2018 which will need to be updated.

Use of ambulatory reference

9. At the moment, each time an amendment is made to Annex IV, UK legislation must be updated. The process to update legislation takes a minimum of 12 months – but can be 2 years plus - and requires significant administrative and parliamentary time and resources. Against a backdrop of competing priorities for limited resources within Government, a new approach to transposing international requirements into UK legislation was vital.
10. On 26 March 2015, the Deregulation Act 2015 received Royal Assent. The Act introduced a new power to make ambulatory references to international instruments under a new section 306A of the Merchant Shipping Act 1995 (“MSA 95”).
11. It is proposed that the draft Regulations (**Annex A**) will make use of this ambulatory reference power. The power has already been used e.g. in a number of Merchant Shipping regulations.²
12. An ambulatory reference for the purposes of this consultation is a reference in domestic legislation to specific provision(s) of an international instrument which is interpreted as a reference to the international instrument as modified from time to time

² See the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 (S.I. 2018/68), the Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 (S.I. 2018/155), and the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019 (S.I. 2019/42).

(and not simply the version of the instrument that exists at the time the domestic legislation is made). This means that the reference will always be to the current international requirement.

13. The draft Regulations implement many of the technical requirements of Annex IV by means of an ambulatory reference to the international instrument.
14. From a legal perspective, this will mean that future amendments requirements in Annex IV, and the Polar Code, which are subject to an ambulatory reference 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. A Ministerial Statement will be provided to Parliament in advance of any future amendment being incorporated into UK law by ambulatory reference.
15. From a practical perspective, this means that shipowners, shipbuilders, and other interested parties can refer directly to the text of Annex IV to determine both the UK and international requirements. Where the text of Annex IV is unclear or needs amplification - for instance, where it is stated that something is done “as determined by the administration”, - a Marine Guidance Note (“MGN”) will provide the additional clarity required. The MGN will be kept under review and amended if necessary. A draft of the proposed MGN is included at **Annex C** of this consultation package. 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 from the Annex) and the text of Annex IV to be sure they are in compliance with international requirements.
16. The main benefits of using ambulatory reference are:
 - a) simplification - it will make things easier for shipowners, shipbuilders, other industry professionals and other interested parties, as they will only have to refer to one set of legal text in relation to the technical requirements of Annex IV - the international text – instead of having to refer also to the UK version of those provisions;
 - b) legal clarity - industry professionals and others mentioned above will have the final legal text of any amendments to Annex IV requirements at an earlier stage; i.e. they will not have to await transposition into UK secondary legislation, which can several to complete;
 - c) a level playing field – the automatic incorporation of technical amendments to Annex IV means that the UK will be able to take enforcement action against the most up-to-date international requirements. Therefore, foreign ships visiting the UK that are not compliant with the latest international requirements will be subject to the appropriate regulatory measures;
 - d) cost saving - it will result in a saving to the public purse, because resources which would be required in the time of government lawyers, economists, policy officials, Ministers and Members of Parliament to create a new Statutory Instrument every time the Annex is amended will be significantly reduced;
 - e) better regulation – by reducing the number of amending Statutory Instruments it will further the government’s aim to reduce the amount of secondary legislation, thus furthering the Government’s Better Regulation Agenda;
 - f) compliance with international obligations - it will assist the UK in complying with its international obligation to transpose amendments to MARPOL promptly.
17. Further information on the application and benefits of using ambulatory references is contained in section 3 and 5 of the De Minimis Assessment (**Annex B**).

18. Several questions relating to the impact of using ambulatory references are posed to consultees in Section 5 of this consultation.
19. The Secretary of State will still have the power to make regulations to prevent an unwanted amendment to the Annex from becoming UK law. Such an event is thought to be extremely unlikely as the measures in Annex IV concern the protection of the environment, are agreed internationally (with the involvement of the UK government and industry) and will invariably be international obligations which the UK has to fulfil, as well as internationally applicable standards with which UK ships will have to comply regardless of whether they pass into domestic law or not.
20. A De Minimis Assessment (“DMA”) is completed for all but the simplest forms of new legislation. This is an iterative process of analysis (i.e. it is developed over time, revisited regularly and updated when new information becomes available). For future amendments to Annex IV, a consideration of impacts will be developed during the process of negotiating the new Resolutions at the IMO, but it will be possible for it to be consulted upon with industry, interested parties and the public at an earlier stage than if domestic legislative instruments had to be developed. This is advantageous because it will better inform any negotiating process and will involve industry bodies and other stakeholders at an earlier stage. Public consultation will be made simpler as a consultee will have only the international text and UK guidance to consider, rather than also having to examine UK regulations, which by their nature are not always easy for a person who is not legally qualified to understand.

Updates to bring UK requirements up to date with international ones

21. Below is a summary of all the Resolutions which have been passed since the 2008 Regulations and relate to Annex IV. Those which need to be implemented into UK law are identified in the 4th column.

Amendment	Adopted	In Force	To be implemented
MEPC. 200(62)	15/7/2011	01/01/2013	Yes
MEPC. 216(63)	2/03/2012	01/08/2013	Yes
MEPC. 218(63)	2/03/2012	01/01/2013	Yes
MEPC. 221(63)	2/03/2012	02/03/2012	Current Guidelines
MEPC. 227(64)	5/10/2012	01/01/2016	Yes
MEPC. 246(66)	4/04/2014	01/01/2016	Yes
MEPC. 264(68)	15/05/2015	01/01/2017	Yes
MEPC. 265(68)	15/05/2015	01/01/2017	Yes
MEPC.274(69)	22/04/2016	01/09/2017* <i>1/6/19 and 1/6/21</i>	Yes
MEPC. 275(69)	22/04/2016	01/16/19 01/06/21 01/06/23	Yes
MEPC 284(70)	28/10/2016	1/01/2013	Yes

**MEPC 274(69) imposes the amendment with regards to the prohibition of discharge of sewage from a passenger ship within a special area. The amendment being a change of dates for prohibition for new passenger ships is now 01/06/2019 and for existing passenger ships, 01/06/2021 (see paragraph 4.6.3)*

22. In assessing the impacts of these amendments to Annex IV, several assumptions have been made in the DMA. To challenge the assumptions, questions are posed to consultees within the DMA and replicated in Section 5 of this consultation.
23. There is currently no EU legislation covering the subject matter of Annex IV, and EU legislation is in any case outside the scope of the ambulatory reference power in s. 306A of the MSA 95.

Application

24. The application of the draft Regulations is specified in regulation 5 of the draft Regulations.
25. They apply to:
 - United Kingdom ships (wherever they may be) engaged on international voyages;
 - United Kingdom ships operating in polar waters; and
 - Other ships whilst they are within United Kingdom waters or controlled waters and engaged on international voyages.
26. They do not apply to:
 - Warships, naval auxiliaries or government ships; or
 - Ships of less than 400gt, unless they carry more than 15 persons.
27. Certain fixed and floating platforms will be classified as ships for the purposes of these Regulations and they will therefore need to comply with the applicable requirements if they are engaged on an international voyage.
28. Consultees are invited to review the application of the draft Regulations to assess whether the Maritime and Coastguard Agency (“the MCA”) has successfully determined the extent of application for the Annex IV requirements.

Penalties and offences

29. The MCA has undertaken a thorough review of the existing offences and penalties to assess whether they should be replicated in the new regulations.
30. Arrangements for enforcement remain substantially the same as under the 2008 Regulations, the existing offences are re-made with some adjustments (please see regulation 30 “Offences” in the draft Regulations.) Where the option of conviction on indictment exists currently for an offence this has been retained. One of the key reasons for retaining this option, rather than opting for summary conviction only, is that the time limit for bringing a prosecution on summary conviction is 6 months. The increased time period for prosecution facilitates international co-operation by allowing more time for evidence gathering, which is particularly important given the international nature of shipping.

31. Offences in the draft regulations are as shown in the Table below.

Summary	Offence	New Reference	New or amended?	Ref. 2008 Regulations	Offence by		
					Owner	Master	Other
Prohibition on the discharge of sewage	Subject to certain exceptions, the discharge of sewage from a ship into the sea is prohibited. There are particular requirements which relate to the discharge of sewage whilst operating in (i) a special area; or (ii) polar waters. These are incorporated via ambulatory reference.	Reg. 6(1)	Amended	Reg. 23(1)	In the case of a relevant platform - the owner and manager of the platform. In the case of a ship other than a relevant platform - the owner, manager, demise charterer and master of the ship		
Equipment requirements - sewage systems	A ship must be equipped in accordance with regulation 9 of Annex IV (sewage systems). Annex IV has different requirements for passenger ships operating in a special area and these requirements are incorporated via ambulatory reference.	Reg. 7(1)	Amended	Reg. 21(1)	✓	x	x
Equipment requirements - Ships constructed before 2nd October 1983	The owner of a ship constructed before 2nd October 1983 must ensure that the ship is equipped, so far as is practicable, to discharge sewage in accordance with regulation 6 (general prohibition on the discharge of sewage).	Reg. 7(2)	No	Reg. 21(2)	✓	x	x
Discharge connections	The sewage discharge pipeline of a ship must be fitted with a standard discharge connection in accordance with regulation 10 of Annex IV (standard discharge connections).	Reg. 8	No	Reg. 22(1) and (2)	✓	x	x
Requirement for a Sewage Certificate: initial survey	A United Kingdom ship to which this regulation applies must not - (a) proceed to sea, or (b) (if it is already at sea) remain at sea, unless - (i) a survey has been carried out in respect of the ship, and (ii) at the date of the survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of Part 3, and (iii) a Sewage Certificate has been issued in respect of that ship and is still valid.	Reg. 9(1)	No	Reg. 7(1)	✓	✓	x
Requirement for a Sewage Certificate: renewal survey	A United Kingdom ship to which this regulation applies must not - (a) proceed to sea, or (b) (if it is already at sea) remain at sea, unless - (i) a survey has been carried out in respect of the ship, (ii) at the date of the survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with	Reg. 10(1)	No	Reg. 8(1)	✓	✓	x

	the requirements of Part 3, and (iii) a Sewage Certificate has been issued in respect of that ship and is still valid.						
Responsibilities of the owner and master of a United Kingdom ship - maintaining conformity	The owner and the master of a United Kingdom ship must ensure that the condition of the ship and its equipment are maintained to conform with the provisions of Part 3, so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.	Reg. 11(1)	No	Reg. 9(1)	✓	✓	x
Responsibilities of the owner and master of a United Kingdom ship - no change except by way of direct replacement	The owner and the master of a United Kingdom ship must ensure that after any survey of the ship required by this Part has been completed, no change, except by way of direct replacement, is made to the structure, equipment, systems, fittings, arrangements or material of that ship without the approval of the Certifying Authority or the Secretary of State.	Reg. 11(2)	No	Reg. 9(2)	✓	✓	x
Responsibilities of the owner and master of a United Kingdom ship - Reporting requirements when an accident occurs / a defect is discovered	Whenever (a) an accident occurs to a United Kingdom ship, or (b) a defect is discovered in a UK ship, which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under Part 3, the owner and the master of the ship must ensure that (i) the accident or defect is reported at the earliest opportunity to the Certifying Authority; (ii) in the case of a ship in a port outside of the UK, the accident or defect is also immediately reported to the appropriate maritime authorities in the country in which the port is situated.	Reg. 11(3)	No	Reg. 9(3)	✓	✓	x
Additional surveys	If an important repair or renewal has been made or an investigation has been carried out a UK ship must not - (a) proceed to sea, or (b) (if it is already at sea) remain at sea, unless an additional survey has been carried out and the surveyor has issued the required report.	Reg. 12(2)	No	Reg. 10(2)	✓	✓	x
Altering / falsifying Sewage Certificates	No person may (a) intentionally alter a Sewage Certificate; (b) intentionally make a false Sewage Certificate; (c) knowingly or recklessly provide false information in connection with a survey required under these Regulations; (d) with intent to deceive, use or lend a Sewage Certificate	Reg. 16(7)	No	Reg. 18(3)	✓	✓	Any Other Person

	or permit a Sewage Certificate to be used by another person; (e) fail to surrender a Sewage Certificate when required to do so pursuant to paragraph (2); or (f) in Scotland, forge a Sewage Certificate.						
Sewage Certificate readily available on board the ship.	The owner and master of a ship, in respect of which a Sewage Certificate has been issued and in relation to which this paragraph applies, must ensure that the Certificate is readily available on board the ship for examination at all times.	Reg. 16(8)	No	Reg. 18(4)	✓	✓	x
Leaving port without a new Sewage Certificate (when the period of validity has been extended)	Where the period of validity of a Sewage Certificate has been extended, the ship in question must not leave its port of survey until a new Sewage Certificate has been issued in respect of that ship.	Reg. 17(6)	No	Reg. 15(5)	✓	✓	x
Owner to notify master when a ship is deficient	Where the owner of a United Kingdom ship is given notice of suspension, that owner must notify the master of the ship in question of the suspension	Reg. 18(5)	No	Reg. 16(5)	✓	x	x
Prohibition on Contracting Government ships proceeding to sea without a Sewage Certificate	A Contracting Government ship must not proceed to sea from a port in the UK unless (a) a Sewage Certificate has been issued (and is still valid); (b) a surveyor is satisfied that the ship can proceed to sea; or (c) a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.	Reg. 19(1)	No	Reg. 19(1)	✓	✓	x
Prohibition on other ships proceeding to sea without a Sewage Certificate	A ship (which is not a UK ship or a Contracting Government ship) must not proceed to sea from a port in the United Kingdom unless (a) a survey has been carried out in respect of the ship, and (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment, or (c) a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.	Reg. 19(2)	No	Reg. 19(1)	✓	✓	x
Prohibition on proceeding to sea unless appropriate documentation has been issued.	A ship to which subparagraph (1)(b) or (c) or paragraph (2) of this regulation applies must not proceed to sea unless documentation has been issued in respect of that ship which is still valid and shows	Reg. 19(3)	No	Reg. 19(2)	✓	✓	x

	<p>that (a) survey has been carried out; and (b) either (i) a surveyor is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or (ii) a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard.</p>						
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Penalties: On summary conviction in England and Wales, by a fine; On summary conviction in Scotland and Northern Ireland by a fine not exceeding the statutory maximum; On conviction on indictment, by a fine

Guidance for the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020

32. “MGN” drafted to supplement the Regulations is included in this consultation package. The purpose of the MGN is to:
 - a) explain the function of the Regulations, including the ambulatory reference approach;
 - b) provide clarification/amplification to the international text of Annex IV, where this is considered necessary, e.g., where the text states that something is to be done “to the satisfaction of the administration”, or that an item should meet “an approved standard”;
33. The MGN can be updated much more quickly than a statutory instrument. Use of an MGN allows for the UK government to be more responsive in issuing guidance to industry, and this approach will also not preclude flexibility required to accommodate innovative solutions where appropriate.

Section 3: Responding to this consultation

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

Audience

35. Anyone may respond to this consultation and we will consider all responses. We will be particularly interested to hear from: ship owners, shipping companies, protection and indemnity clubs and other parties with an interest in shipping and marine environment.

Duration

36. This consultation is open for **8 weeks** from **3 February 2020**. The deadline for responses is **30 March 2020**.

Submitting your response

37. The response form is available at Section 5 of this document. Completed response forms should be emailed to environment@mcga.gov.uk. Any questions should be sent to this email address prior to the end date of the Consultation in 36 above, or you can telephone Lorraine Weller at the Maritime and Coastguard Agency on 0203 817 2448 respectively. It may not be possible to consider comments received after the closing date.
38. 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

39. Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004).
40. 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. 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.

Data Protection

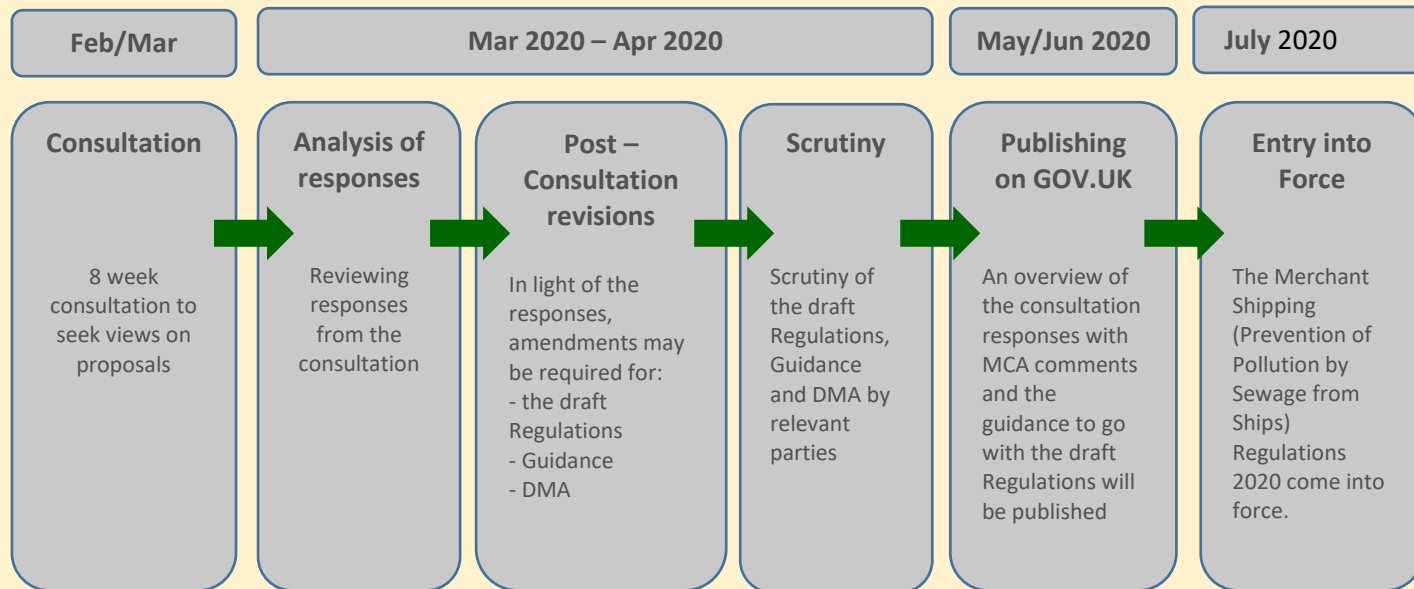
41. The MCA is carrying out this consultation to gather evidence to inform the development and implementation of policy and legislation under the enabling provisions of the Merchant Shipping Act 1995 Part IV Section 128. This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain information that allows you to be identified, under data protection law, the MCA, as an Executive Agency of the Department for Transport, will be the Controller for this information.
42. The MCA will use your contact details to send you information about the consultation, for example if we need to ask follow-up questions. You do not have to give us this personal information but if you do choose to provide it, it will not be used for any other purpose without your permission.
43. Details about how the MCA looks after personal data, your rights, how to complain, and how to contact our Data Protection Manager can be found on [gov.uk](https://www.gov.uk)^[1].
44. Your information will be kept securely on the MCA's IT system and any written responses will be held in a secure cabinet and destroyed with 1 month after the consultation has been completed.
45. If you do not wish to remain on this list, please reply and let us know environment@mcga.gov.uk

^[1] <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter>

Section 4: Outline plans beyond this consultation

46. 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.
47. We will be analysing the responses during **March/April 2020**. Our aim is to publish an overview of the responses and the MCA's comments during **May/June 2020**, which will be available from: www.gov.uk/government/publications
48. Where appropriate the draft Regulations, accompanying guidance and DMA will be revised to take into consideration the consultation responses.
49. Our aim is for the draft Regulations to come into force in **July 2020**. The Regulations will be published on www.legislation.gov.uk
50. Accompanying guidance will be published on GOV.UK at the same time as the draft Regulations coming into force.
51. The DMA on the effect that the draft Regulations will have on the costs of business will be published with the Explanatory Memorandum on www.legislation.gov.uk
52. An overview timetable is below for reference:

Overview Timetable



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:

Respondent Type

- Classification Society
 - Government Agency/Department
 - Individual
 - Legal representative
 - Protection & Indemnity
 - Seafarer
 - Ship Operator
 - Ship Owner
 - Trade Union
 - Other
- (please describe) _____

Size of Organisation

- Large business (over 250 staff)
- Medium business (50 to 250 staff)
- Micro business (up to 9 staff)
- Small business (10 to 49 staff)

Section 5.1 Questionnaire

- a) Do you agree that the approach of using ambulatory references to implement Annex IV will make familiarisation easier?

- 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 approach mean for you?

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

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

Section 5.2

- a) Do you agree with the government's interpretation of the latest amendments to Annex IV?

- Yes
 No

If no, please provide reasoning.

-
- b) Do you feel that the costs and benefits assessment outlined in the DMA is a reasonable reflection of the costs and benefits?

- Yes
 No

If no, please provide reasoning.

c) Consultees are requested to provide estimates of cost savings resulting from having to refer only to the technical standards in the international text rather than also referring to UK text transposing the standards, and to comment generally on this approach (the “Familiarisations Costs” paragraph of section 5 of the DMA refers)?

d) Do you agree with the costs identified in section 5 of the DMA? If not, please provide alternative evaluations (section 5 of the DMA refers)?

- Yes
- No

If no, please provide reasoning.

e) Do you agree with the above assumptions (which are contained in section 5 of the DMA and relate to the monetary analysis)?

- Yes
- No

If not, please provide full reasoning and any applicable evidence.

f) Do you agree with the statement in the “Rationale for DMA rating” section on page 1 of the DMA that *“Most of the revisions have no economic impact on UK businesses”* ?

- Yes
- No

If no, please provide reasoning.

Section 5.3

a) Do you feel that the MCA has successfully determined the extent of application for the Annex IV requirements?

- Yes
- No

If no, please provide reasoning.

Section 5.4

a) Do you feel that the re-made offences and penalties are necessary, fair and proportionate?

- Yes
- No

If no, please provide reasoning.

b) Is there a way that the penalties can be further streamlined?

- Yes
- No

If so, please provide amplification:

c) Is there a way through which the offences can be 'future proofed' to allow enforcement action to be taken without changing the legislation?

- Yes
- No

If yes, please amplify:

d) Do you feel that the proposed penalties will act as an effective deterrent for non-compliance with the requirements of the Annex IV?

- Yes
- No

If no, please provide reasoning:

Section 5.5

a) Does the proposed guidance meet your needs in terms of (i) format; and (ii) content?

- Yes
- No

If no, please provide reasoning:

b) Do you feel there is a better way of providing guidance for the Annex IV requirements?
Please provide reasoning for your answer.

- Yes
- No

If yes, please amplify:

Please return completed response forms to environment@mcga.gov.uk

Alternatively, responses may be posted to:

Clean Ship Operations Team (Annex IV Sewage)
Maritime & Coastguard Agency
Bay 2/213 Spring Place
105 Commercial Road
Southampton
SO15 1EG

Section 6: Conduct of this consultation

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

Consultation criteria

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf

Feedback on conduct of consultation

55. If you have any comments regarding the conduct of this consultation, please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk.
56. 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:

The Merchant Shipping (Prevention of Pollution by Sewage from Ships) 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.