

2024 No. XXXX

MERCHANT SHIPPING

MARINE POLLUTION

**The Merchant Shipping (Prevention of Pollution by Sewage
from Ships and Prevention of Pollution by Garbage from Ships)
(Amendment) Regulations 2024**

<i>Made</i>	- - - -	<i>xxx 2024</i>
<i>Laid before Parliament</i>		<i>xxx 2024</i>
<i>Coming into force</i>		<i>1st May 2024</i>

The Secretary of State, in exercise of the powers conferred by articles 3 to 6 of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage) Order 2006(a), articles 2(1), (2)(a) to (g), (3) and 3 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(b) and sections 128(5) and (6) and 302(1) of the Merchant Shipping Act 1995(c), and with the consent of the Treasury, makes the following Regulations.

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Merchant Shipping (Prevention of Pollution by Sewage from Ships and Prevention of Pollution by Garbage from Ships) (Amendment) Regulations 2024.

(2) These Regulations come into force on 1st May 2024.

Consequential amendments

2. The amendments in the Schedule have effect.

(a) S.I. 2006/2950, to which there is an amendment not relevant to these Regulations.
(b) S.I. 1996/282, amended by the Marine and Coastal Access Act 2009 (c. 23), Schedule 4, Part 1, paragraphs 3(1)-(3) and S.I. 2022/844. There is another amendment not relevant to these Regulations.
(c) 1995 c. 21, amended by the Merchant Shipping (Pollution) Act 2006 (c. 8), section 2. There are amendments to section 128 which are not relevant to these Regulations.

PART 2

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

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

3.—(1) The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020^(a) are amended as follows.

(2) For regulation 6 (application) substitute—

“Application

6.—(1) Subject to paragraphs (2) to (4), these Regulations apply to—

- (a) United Kingdom ships, wherever they may be, engaged on international voyages;
- (b) non-United Kingdom ships while they are within United Kingdom waters or controlled waters and engaged on international voyages.

(2) Subject to paragraphs (3) and (4), for the purposes of section 4.2 (operational requirements) of chapter 4 of part II-A of the Polar Code (prevention of pollution by sewage from ships), these Regulations apply to—

- (a) United Kingdom ships which are operating, or which intend to operate, in polar waters; and
- (b) non-United Kingdom ships which—
 - (i) commence a voyage from a port in the United Kingdom or end a voyage in a port in the United Kingdom; and
 - (ii) as part of that voyage operate, or intend to operate, in polar waters.

(3) These Regulations do not apply to—

- (a) ships of war or naval auxiliary ships;
- (b) ships owned or operated by a State and used, for the time being, only on government non-commercial service; or
- (c) ships of less than 400 GT unless that ship carries more than 15 persons.

(4) Regulation 22 (procedure to be adopted when a ship is deficient) applies to—

- (a) United Kingdom ships, wherever they may be, engaged on international voyages; and
- (b) any other ship which is—
 - (i) in a port in the United Kingdom;
 - (ii) at an offshore terminal in United Kingdom waters or controlled waters; or
 - (iii) a floating platform in United Kingdom waters or controlled waters, other than a floating platform which is in transit.”.

(3) In regulation 7(1) (prohibition on the discharge of sewage), in sub-paragraph (c), omit “United Kingdom”.

^(a) S.I. 2020/620, amended by S.I. 2022/1234.

PART 3

Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020

Amendment of the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020

4.—(1) The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020(a) are amended as follows.

(2) For regulation 4 (application), substitute—

“Application

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to—

- (a) United Kingdom ships, wherever they may be; and
- (b) non-United Kingdom ships while they are within United Kingdom waters or controlled waters.

(2) For the purposes of section 5.2 (operational requirements) of chapter 5 of part II-A of the Polar Code (prevention of pollution by garbage from ships), these Regulations apply to—

- (a) United Kingdom ships which are operating, or which intend to operate, in polar waters; and
- (b) non-United Kingdom ships which—
 - (i) commence a voyage from a port in the United Kingdom or end a voyage in a port in the United Kingdom; and
 - (ii) as part of that voyage operate, or intend to operate, in polar waters.

(3) These Regulations do not apply to—

- (a) ships of war or naval auxiliary ships;
- (b) ships owned or operated by a State and used, for the time being, only on government non-commercial service.

(4) In this regulation—

“polar waters” means the Antarctic area or Arctic waters, and “Arctic waters” has the meaning given in regulation 13 of Chapter V (definitions).”.

(3) In regulation 12 (garbage record keeping), paragraph (1), sub-paragraph (a), for “400” substitute “100”.

Signed by authority of the Secretary of State for Transport

Address
Date

Name
Parliamentary Under Secretary of State
Department for Transport

We consent

Name

Name

Date

Two of the Lords Commissioners of His Majesty’s Treasury

(a) S.I. 2020/621.

SCHEDULE

Amendments

Regulation 2

The Merchant Shipping Fees Regulations 2018

1.—(1) The Merchant Shipping (Fees) Regulations 2018^(a) are amended as follows.

(2) In the table in paragraph 5 of Part 1 of Schedule 1 (fees under the Merchant Shipping Act 1995), under heading J (prevention and control of pollution)—

- (a) in respect of the entry for the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020, in the third column, for “None” substitute “2024/xxx”.
- (b) in respect of the entry for the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020, in the third column, for “None” substitute “2024/xxx”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020 (S.I. 2020/621) (“the Garbage Regulations”) to implement amendments to Annex V (prevention of pollution by garbage from ships) to the International Convention for the Prevention of Pollution from Ships, 1973 (“MARPOL”). The amendments were adopted by International Maritime Organization (IMO) Resolution MEPC.360(79) on 16th December 2022 and came into force on 1st May 2024.

These Regulations also amend the Garbage Regulations and the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020 (S.I. 2020/620) (“the Sewage Regulations”) to make amendments relating to the application of the Polar Code, and make consequential amendments to the Merchant Shipping (Fees) Regulations 2018 (S.I. 2018/1104) (“the Fees Regulations”).

Regulation 3(2) amends the application of regulation 6 of the Sewage Regulations to make it consistent with the application of the Merchant Shipping (Polar Code) (Safety) Regulations 2021 (S.I. 2021/1401), which implements the safety provisions of the Polar Code.

Regulation 3(3) makes a consequential amendment to regulation 7(1)(c) of the Sewage Regulations (prohibition on the discharge of sewage) to omit “United Kingdom” so that the provisions apply to all (and not only United Kingdom) ships.

Regulation 4(2) amends the application of regulation 4 of the Garbage Regulations to make it consistent with the application of the Merchant Shipping (Polar Code) (Safety) Regulations 2021, which implements the safety provisions of the Polar Code.

The amendment to Annex V is given effect by regulation 4(3). This amendment extends the requirement in regulation 10(3) of Annex V to provide a Garbage Record Book to ships of 100 gross tonnage or above (it previously applied to ships of 400 gross tonnage and above).

These Regulations also make consequential amendments to the Fees Regulations (regulation 2 and the Schedule).

MARPOL, the Protocol of 1978 modifying MARPOL, the amendments to it including Resolution MEPC.329(76), and the Polar Code, may be obtained in copy from the IMO, 4 Albert Embankment,

(a) S.I. 2018/1104, amended by S.I. 2020/620. There are other amendments but none is relevant.

London SE1 7SR and are available on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). The text of the IMO Resolutions amending MARPOL may be obtained from the IMO or can be found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). IMO Resolution MEPC.360(79) can also be found at [INSERT LINK].

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.