



HM Government

# The United Kingdom National Contingency Plan for Responding to Marine Pollution Incidents

## (Legal Basis)

June 2024





The legal basis for this Plan is section 293 of the Merchant Shipping Act 1995<sup>1</sup>, as amended by the Merchant Shipping and Maritime Security Act 1997<sup>2</sup>, the Pollution Prevention Control Act 1999<sup>3</sup>, and the Marine Safety Act 2003<sup>4</sup>.

Section 293 of the Merchant Shipping Act 1995 gives the Secretary of State for Transport the function of taking, or co-ordinating, measures to prevent, reduce and minimise the effects of marine pollution.

Similarly, the Offshore Installations (Emergency Pollution Control) Regulations 2002<sup>5</sup>, made under section 3 of the Pollution Prevention and Control Act 1999<sup>6</sup>, provides powers for the Secretary of State for the Department for Energy, Security and Net Zero (DESNZ), to give directions and to take such other actions as may be necessary in respect of an offshore installation to prevent or minimise pollution or the threat of pollution.

Although no longer part of the European Union (EU), the UK remains cognisant of the requirement for Coastal States to work together during incidents where Places of Refuge for a vessel casualty need to be considered. The Secretary of State's Representative (SOSREP) for Maritime Salvage and Intervention, has been designated as the UK Competent Authority to take independent decisions concerning the accommodation of ships in need of assistance. The Maritime and Coastguard Agency (MCA) is responsible for drawing up plans and conducting risk assessments and analysis for the accommodation of ships at Places of Refuge; this is provided in support of the SOSREP's decision making process.

This Plan also meets one of the United Kingdom Government's obligations under the International Convention on Oil Pollution Preparedness, Response and Cooperation 1990<sup>7</sup>. The Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998<sup>8</sup>, implements other obligations under the Convention. In particular, they require ports, harbours, oil handling facilities and offshore installations, to have oil pollution emergency plans that are compatible with this Plan.

Harbour authorities must submit revised plans to the MCA every five years or earlier if a substantial change is required. The MCA has published advice in its Oil Spill Guidelines for Port and Harbour and Oil Handling Facilities<sup>9</sup>. Similarly, DESNZ requires the Responsible Persons and operators of oil handling facilities, to have an Oil Pollution Emergency Plan (OPEP), approved under the above Merchant Shipping Regulations and has issued Guidance Notes to Operators of Offshore Oil and Gas Installations (including pipelines) on Oil Pollution Emergency Plan Requirements<sup>10</sup>, to assist in their preparation. OPEP's must be revised and submitted every five years, or earlier if a substantial change is required, to DESNZ for approval.

Relevant to this Plan, the definition of an emergency under the Civil Contingencies Act 2004<sup>11</sup>, includes an event or situation which threatens serious damage to human welfare in the UK, or an event or situation that threatens damage to the environment, which involves, causes or may cause contamination of land, water or air with biological, chemical or radioactive matter, or disruption or destruction of plant life or animal life".

The Civil Contingencies Act 2004 is primarily concerned with the need for organisations to prepare effectively for emergencies. Different arrangements apply in Scotland and Northern Ireland from those in England and Wales. The primary legislation, however, divides local responders into two categories, imposing a different set of duties on each. Category 1 responders are at the core of the response to most emergencies (e.g. emergency services, National Health Service (NHS), local authorities). They are required to assess the risk of emergencies; and put in place emergency plans, business continuity arrangements, and arrangements to warn, inform and advise the public in the event of an emergency.



Category 1 and 2 organisations come together to form local resilience forums (based on police areas) in England and Wales or regional resilience partnerships in Scotland (there is no equivalent statutory grouping in Northern Ireland), which will help support co-ordination and co-operation between responders at the local level.

Category 2 organisations (e.g. Health and Safety Executive, transport and utility companies, which are less likely to be involved in the heart of planning work) are required to share information and co-operate with other local responders to enhance co-ordination and efficiency.

The MCA, as a Category 1 Responder, undertakes its duty to plan for emergencies under the Act by maintaining a set of emergency plans, which are developed in conjunction with other Civil Contingencies Act responders, to ensure their overall effectiveness.

The MCA fulfils its duty to co-operate, share information and prepare to respond, by acting as the UK's Competent Authority for dealing with pollution at sea, and providing assistance, training and advice to local authorities with shore responsibilities.

Local authorities in England and Wales have a general power under section 138 of the Local Government Act 1972<sup>12</sup>, to incur expenditure in taking action with respect to emergencies or disasters. Local authorities in Scotland have similar powers under the Local Government (Scotland) Act 1973<sup>13</sup>.

In Northern Ireland, the Water (Northern Ireland) Order 1999<sup>14</sup>, places a duty on the Department of Environment, Agriculture and Environmental Affairs (DAERA) to protect waterways from pollution. This includes coastal waters up to three nautical miles from the baseline. The legislation also gives the Department wide ranging powers to prevent or remove polluting matter where it considers appropriate. The Department prepares local response plans in the same way as local authorities do elsewhere in the United Kingdom.

Local authorities and the Northern Ireland Environment Agency, have prepared, and implemented, local response plans based on these powers. The MCA advice is to revise these plans every five years or earlier if there is a substantial change. A review of plans should always be conducted after any incidents or exercises to capture lessons learned.

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<sup>1</sup> [Merchant Shipping Act 1995 \(legislation.gov.uk\)](#)

<sup>2</sup> [Merchant Shipping and Maritime Security Act 1997 \(legislation.gov.uk\)](#)

<sup>3</sup> [Pollution Prevention and Control Act 1999 \(legislation.gov.uk\)](#)

<sup>4</sup> [Marine Safety Act 2003 \(legislation.gov.uk\)](#)

<sup>5</sup> [The Offshore Installations \(Emergency Pollution Control\) Regulations 2002 \(legislation.gov.uk\)](#)

<sup>6</sup> [Pollution Prevention and Control Act 1999 \(legislation.gov.uk\)](#)

<sup>7</sup> [International Convention on Oil Pollution Preparedness, Response and Co-Operation \(London 1990\) \(admiraltylawguide.com\)](#)

<sup>8</sup> [The Merchant Shipping \(Oil Pollution Preparedness, Response and Co-operation Convention\) Regulations 1998 \(legislation.gov.uk\)](#)

<sup>9</sup> [Contingency planning: marine pollution preparedness and response - GOV.UK \(www.gov.uk\)](#)

<sup>10</sup> [OPEP Guidance - Rev 7 - June 2022.pdf \(publishing.service.gov.uk\)](#)

<sup>11</sup> [Civil Contingencies Act 2004 \(legislation.gov.uk\)](#)

<sup>12</sup> [Local Government Act 1972 \(legislation.gov.uk\)](#)

<sup>13</sup> <https://www.legislation.gov.uk/ukpga/1973/65/contents>

<sup>14</sup> [The Water \(Northern Ireland\) Order 1999 \(legislation.gov.uk\)](#)