EXPLANATORY MEMORANDUM TO

THE MERCHANT SHIPPING (PREVENTION OF POLLUTION) (DRILLING RIGS AND OTHER PLATFORMS) ORDER 2005

2005 No.74

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order extends section 128(1)(e) of the Merchant Shipping Act 1995 to apply to drilling rigs and other platforms which are used, navigated or situated wholly or partly on the water.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Secretary of State proposes to implement Annex VI (Regulations for the Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships, 1973. ("MARPOL").

Annex VI applies to ships, fixed and floating platforms and drilling rigs, but the power to make the regulations to implement Annex VI will stem from section 128(1)(e) of the Merchant Shipping Act 1995 which is restricted to ships. This Order uses a power in section 112 of the Railways and Transport Safety Act 2003 to extend the power to drilling rigs and other platforms which are used, navigated or situated wholly or partly in or on water as it applies to ships.

5. Extent

5.1 This Order applies to all of the United Kingdom.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 The 1997 Protocol to MARPOL provides for the establishment of International Regulations for the Prevention of Air Pollution from Ships by adding a new Annex VI to MARPOL 73/78. Annex VI comprises 19 Regulations and includes a Technical Code on the Control of Emissions of Nitrogen Oxides from Marine Diesel Engines (NO_x Technical Code). The Regulations deal with: –

- ozone depleting substances;
- nitrogen oxides ($NO_{x)}$ emissions from marine diesel engines;
- sulphur oxide (SO_x) emissions from marine diesel engines as a consequence of quality of fuel used (sulphur content);
- volatile organic compound (VOC) emissions from tankers in ports or terminals;
- shipboard incineration of ship generated waste;
- reception facilities in ports to receive ozone depleting substances from ships;
- fuel oil quality delivered to and used on board ships; and
- compliance requirements where applicable for offshore platforms and drilling rigs.

In accordance with the statutory requirement under section 112, consultation has taken place. There was some concern expressed by the Department of Trade and Industry and offshore industry about the general application of Annex VI to offshore installations because most fixed installations will not have diesel engines covered by the regulations. It has been explained to them that the survey of diesel engines for NOx emissions is only one aspect of the survey requirements of Annex VI. Therefore the other survey requirements of the Annex will have to be applied to them as appropriate.

Concern was also expressed about the terminology of drilling rigs and other platforms. The offshore industry wanted to use the terminology in current UK oil and gas domestic legislation. However, it has been decided to use the definition contained in the MARPOL Convention to avoid any possibility of a failure to implement this International Convention properly.

8. Impact

This Order does not require a Regulatory Impact Assessment as the Order itself does not place a burden on industry.

9. Contact

Capt C Thomas of the Maritime and Coastguard Agency : Telephone 02380 329402 or e-mail: colin.thomas@mcga.gov.uk can answer any queries regarding the instrument.