EXPLANATORY MEMORANDUM TO

THE MERCHANT SHIPPING (PREVENTION OF POLLUTION) (LIMITS) REGULATIONS 2014

2014 No. 3306

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

2. Purpose of the instrument

2.1 This instrument will (a) specify that the areas of sea beyond territorial waters over which the United Kingdom can exercise jurisdiction and rights for the protection and preservation of the marine environment are the areas within the United Kingdom's Exclusive Economic Zone ("EEZ") and (b) amend existing marine anti-pollution measures to enable them to be enforced against non-United Kingdom registered ships in the United Kingdom's EEZ.

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

3.1 None.

4. Legislative Context

4.1 This instrument gives effect to the provisions of Parts V and XII of the United Nations Convention on the Law of the Sea ("UNCLOS") which provide for coastal States to have jurisdiction over an EEZ for the purposes of protecting and preserving the marine environment.

4.2 The areas of sea specified in Schedule 1 to this instrument are the areas comprising the United Kingdom's EEZ, as defined in Schedule A to the Exclusive Economic Zone Order 2013 (SI 2013/3161).

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 This instrument completes the legislative changes necessary to replace the United Kingdom's marine pollution zone with the EEZ which the United Kingdom

declared with effect from 31 March 2014. The changes enable the United Kingdom to take action against ships registered outside the United Kingdom if they cause marine pollution in the EEZ which affects the United Kingdom and breaches international obligations. United Kingdom registered ships are not affected as they are already subject to United Kingdom marine anti-pollution measures wherever they are in the world.

7.2 Prior to the declaration of the EEZ the United Kingdom had jurisdiction to enforce marine anti-pollution measures giving effect to international obligations against non-United Kingdom registered ships in a marine pollution zone beyond the United Kingdom's territorial waters. The marine pollution zone comprised the sea above the United Kingdom's Continental Shelf area, which is the area of seabed over which the United Kingdom has exploration and exploitation rights under UNCLOS. The Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996 (SI 1996/2128) (as amended by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1997 (SI 1997/506)) specified the boundaries of the marine pollution zone. Those regulations were revoked by the Merchant Shipping (Prevention of Pollution) (Limits) (Revocation) Regulations 2013 (SI 2013/3042).

7.3 This instrument specifies that the areas of sea beyond territorial waters over which the United Kingdom has jurisdiction in enforcing marine anti-pollution measures comprise the EEZ. It also updates references to the revoked 1996 regulations (SI 1996/2128) in a number of marine anti-pollution regulations which are listed in Schedule 2 and implement international treaty obligations, thereby ensuring that the United Kingdom can enforce those regulations against non-United Kingdom registered ships in the EEZ.

- ***Consolidation***

7.4 No consolidation of any of the amended regulations is considered necessary at this time.

8. Consultation outcome

8.1 Given the nature of the subject matter, a targeted consultation exercise carried out over a reduced 4 week period which closed on 14 November 2014 was considered appropriate. The Chamber of Shipping and the International Group of Protection and Indemnity Clubs were consulted. Neither made any adverse comment on the instrument whilst the International Group expressed general support for it.

9. Guidance

9.1 No guidance is considered necessary.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen. The area of the EEZ is very similar to the area of the former marine pollution zone.

10.2 No impact on the public sector is foreseen.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 No impact on small business is foreseen.

12. Monitoring & review

12.1 As the legislation does not impose a regulatory burden upon business nor remove a regulatory burden, there is no need for monitoring or review.

13. Contact

Andrew Angel at the Department for Transport (tel: 020 7944 5452 or email: andrew.angel@dft.gsi.gov.uk) can answer any queries regarding the instrument.