EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force subsections (3) and (4) of section 2 of the Oil in Navigable Waters Act, 1955, which create additional prohibited sea areas, within which the discharge of oils of a persistent character is prohibited.

1958 No. 1060

The Oil in Navigable Waters (Exceptions and Exemptions) Regulations, 1958

Made - - - -	*24th June,* 1958
Laid before Parliament	*30th June,* 1958
Coming into Operation	*26th July,* 1958

The Minister of Transport and Civil Aviation in exercise of his powers under subsection (3) of section 1 and under section 15 of the Oil in Navigable Waters Act, 1955(a), and of all other powers him enabling in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the twenty-sixth day of July, 1958, and may be cited as the Oil in Navigable Waters (Exceptions and Exemptions) Regulations, 1958.

(2) The Oil in Navigable Waters (Exceptions and Exemptions) Regulations, 1956(b), and the Oil in Navigable Waters (Exceptions and Exemptions) Regulations, 1956 (Amendment) Regulations, 1958(c), are hereby revoked.

(3) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say—

" the Act " means the Oil in Navigable Waters Act, 1955 ;

" the Minister " means the Minister of Transport and Civil Aviation.

(4) The Interpretation Act, 1889(d), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Discharges from bilges into prohibited sea areas

2. Every British ship registered in the United Kingdom is hereby excepted from the operation of subsection (1) of section 1 of the Act in respect of the discharge from its bilges of a mixture containing oil where the only oil in the mixture is lubricating oil which has drained or leaked from machinery spaces.

(a) 3 & 4 Eliz. 2. c. 25. (b) S.I. 1956/898 (1956 I, p. 1195). (c) S.I. 1958/1059.
(d) 52 & 53 Vict. c. 63.

Tankers

3.—(1) (*a*) Subject to the conditions and in the circumstances prescribed in sub-paragraph (*b*) of this paragraph every British ship, being a tanker registered in the United Kingdom, is hereby excepted from the operation of subsection (1) of section 1 of the Act in respect of the discharge into a prohibited sea area, being a prohibited sea area specified in Part I of the Schedule to the Act or designated in the Oil in Navigable Waters (Prohibited Sea Areas) (Protection of United Kingdom Coasts) Order, 1956(**a**), as a prohibited sea area in relation to tankers, of a mixture containing oil where the mixture consists only of oil and ballast water or water which has been used for cleaning cargo tanks.

(*b*) The conditions and circumstances referred to in sub-paragraph (*a*) of this paragraph are as follows:—

(i) at the time of the discharge, the ship is proceeding from a United Kingdom port or from a port within such a prohibited sea area as is referred to in sub-paragraph (*a*) of this paragraph to a United Kingdom port or to a port within such a prohibited sea area for the purpose either of loading oil or of undergoing repairs ;

(ii) the port to which the ship is proceeding has not facilities adequate to receive the mixture or the oil residue therefrom without causing unreasonable delay to the ship ;

(iii) the discharge is made more than 50 miles from the coast of Norway and more than 100 miles from the coast of the United Kingdom or of any other country which is contiguous with such a prohibited sea area as is referred to in sub-paragraph (*a*) of this paragraph:

Provided that in relation to a ship of less than 500 tons gross tonnage this paragraph shall have effect as though for condition (iii) of this sub-paragraph there were substituted a condition that the discharge shall be made as far away from land as is practicable and in any case not to landward of the seaward limits of the territorial waters of the United Kingdom.

(2) Every British ship being a tanker registered in the United Kingdom of under 500 tons gross tonnage or for the time being engaged in the whaling industry is hereby excepted from the operation of subsection (1) of section 1 of the Act in respect of any discharge of oil or of a mixture containing oil into an area of the sea which in relation to that ship is a prohibited sea area, being a prohibited sea area specified in Part III of the Schedule to the Act or designated by order of the Minister under subsection (3) of section 2 of the Act.

Vessels other than tankers

4.—(1) Subject to the condition that the discharge shall be made as far away from land as is practicable and in any case not to landward of the seaward limits of the territorial waters of the United Kingdom, every British ship registered in the United Kingdom (not being a tanker) which uses bunker fuel tanks for the carriage of ballast water being either :—

(*a*) a ship of under 80 tons gross tonnage, or

(*b*) a ship which is for the time being exempt from the provisions of the Oil in Navigable Waters (Ships' Equipment) Regulations, 1957(**b**), by virtue of an exemption granted by the Minister under section 15 of the Act, or

(**a**) S.I. 1956/899 (1956 I, p. 1198). (**b**) S.I. 1957/1424 (1957 I, p. 1368).

(*c*) a ship which is fitted with an effective means of separating oil from water but is proceeding to a United Kingdom port or to a port within a prohibited sea area being in either case a port which has not adequate facilities to receive oil residues

is hereby excepted from the operation of subsection (1) of section 1 of the Act in respect of a discharge of a mixture containing oil where the mixture consists only of oil from bunker fuel tanks and ballast water.

(2) Subject to and without prejudice to the provisions of paragraph (1) of this Regulation every British ship registered in the United Kingdom (not being a tanker) being a ship of under 500 tons gross tonnage or for the time being engaged in the whaling industry is hereby excepted from the operation of subsection (1) of section 1 of the Act in respect of any discharge of oil or of a mixture containing oil into a prohibited sea area, being a prohibited sea area specified in Part IV of the Schedule to the Act.

Discharges from bilges into United Kingdom waters

5. Every vessel of less than 80 tons gross tonnage whether registered or not and of whatever nationality is hereby exempted from the provisions of subsection (1) of section 3 of the Act (which prohibits the discharge of oil into United Kingdom waters), in respect of the discharge from its bilges of a mixture containing oil where the only oil in the mixture is lubricating oil which has drained or leaked from machinery spaces.

Given under the Official Seal of the Minister of Transport and Civil Aviation this twenty-fourth day of June, 1958.

(L.S.)

Harold Watkinson,
The Minister of Transport and Civil Aviation.

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations revoke the Oil in Navigable Waters (Exceptions and Exemptions) Regulations, 1956, and re-enact with amendments such parts of those Regulations as would, but for these Regulations, still be in operation after 26th July, 1958.

The principal changes are:—

(1) provision is made for the exception from the operation of subsection (1) of section 1 of the Act of ships of under 500 tons gross tonnage or ships for the time being engaged in the whaling industry in respect of discharges of oil or of mixtures containing oil into

(*a*) in the case of tankers, the prohibited sea areas specified in Part III of the Schedule to the Act or designated by the Minister under subsection (3) of section 2 of the Act; and

(*b*) in the case of ships other than tankers, the prohibited sea areas specified in Part IV of the Schedule.

This change is made to coincide with the bringing into force of subsections (3) and (4) of section 2 of the Act and the making by the Minister of the Oil in Navigable Waters (Prohibited Sea Areas) (Australian Zone) Order, 1958 (S.I. 1958/1058);

(2) ships (not being tankers) which use bunker fuel tanks for the carriage of ballast water, and which are either of under 80 tons gross tonnage or exempted by the Minister from the requirements of the Oil in Navigable Waters (Ships' Equipment) Regulations, 1957 (S.I. 1957/1424), are permitted, in certain circumstances, to discharge oil contaminated ballast water into a prohibited sea area;

(3) a special exception relating to discharges of oil and ballast water by tankers of 500 to 2,500 tons gross tonnage has been revoked.

1958 No. 1058

The Oil in Navigable Waters (Prohibited Sea Areas) (Australian Zone) Order, 1958

Made - - - -	*24th June*, 1958
Laid before Parliament	*30th June*, 1958
Coming into Operation	*26th July*, 1958

The Minister of Transport and Civil Aviation in exercise of his powers under subsection (3) of section 2 of the Oil in Navigable Waters Act, 1955(a), and of all other powers him enabling in that behalf hereby makes the following Order:—

1.—(1) This Order shall come into operation on the 26th day of July, 1958, and may be cited as the Oil in Navigable Waters (Prohibited Sea Areas) (Australian Zone) Order, 1958.

(2) In this Order the expression "the Act" means the Oil in Navigable Waters Act, 1955, and the expression "the Convention" means the International Convention for the Prevention of Pollution of the Sea by Oil, 1954.

(3) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. For the purpose of giving effect to the provisions of the Convention which relate to Australia the following area is designated a prohibited sea area in relation to tankers:—

The whole of the area of the sea which lies outside the area specified in paragraph 1 of Part III of the Schedule to the Act but within 150 miles from the coast of the Australian mainland and Tasmania, except that part of the said area of the sea which lies off the north and west coast of the Australian mainland between the meridian passing through the northern extremity of Thursday Island and latitude 20° south.

Given under the Official Seal of the Minister of Transport and Civil Aviation this twenty-fourth day of June, 1958.

(L.S.) *Harold Watkinson,*
The Minister of Transport and Civil Aviation.

(a) 3 & 4 Eliz. 2. c. 25. (b) 52 & 53 Vict. c. 63.