1967 No. 711

MERCHANT SHIPPING

The Oil in Navigable Waters (Exceptions) Regulations 1967

Made - - - -	8*th May* 1967
Laid before Parliament	12*th May* 1967
Coming into Operation	18*th May* 1967

The Board of Trade in exercise of their powers under section 1(3) of the Oil in Navigable Waters Act 1955(a) (hereinafter called "the principal Act") as extended by section 2(3) of the Oil in Navigable Waters Act 1963(b) (hereinafter called "the 1963 Act"), as having effect by virtue of the Transfer of Functions (Shipping and Construction of Ships) Order 1965(c), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Exception for ships generally

1. There are hereby excepted from the operation of—

(*a*) section 1(1) of the principal Act as amended by the 1963 Act, and

(*b*) section 2(1) of the 1963 Act

all ships to which those provisions respectively apply in so far as they prohibit the discharge from the bilges of a ship of oily mixture, being a mixture in which the only oil is lubricating oil which has drained or leaked from machinery spaces.

Exceptions for tankers

2.—(1) Every tanker of less than 150 tons to which section 1 of the principal Act applies is hereby excepted from the operation of subsection (1) of that section as so amended in so far as it prohibits the discharge from the ship of oil or oily mixture into any prohibited sea area other than a home prohibited sea area.

(2) Subject to paragraph (3) of this Regulation, every such tanker when proceeding to a port without adequate oil reception facilities in the United Kingdom or elsewhere in or adjacent to a home prohibited sea area is hereby excepted from the operation of the said subsection (1) as so amended in so far as it prohibits the discharge from the ship of oily mixture, being a mixture consisting only of oil and either ballast water or water which has been used for cleaning cargo tanks, into a home prohibited sea area.

(3) The exception in paragraph (2) of this Regulation is subject to the condition that the discharge therein referred to shall be made as far from land as practicable.

(a) 1955 c. 25. (b) 1963 c. 28. (c) S.I. 1965/145 (1965 I, p. 438).

Exceptions for ships other than tankers

3.—(1) This Regulation applies to every ship to which section 1 of the principal Act applies, not being (i) a tanker or (ii) a ship of 20,000 tons or more to which section 2 of the 1963 Act applies.

(2) Subject to paragraph (4) of this Regulation every ship to which this Regulation applies of 500 tons or more which is using bunker fuel tanks for the carriage of ballast water and—

(*a*) is fitted with effective means of separating oil from ballast water, and

(*b*) is proceeding to a port without adequate oil reception facilities

is hereby excepted from the operation of subsection (1) of the said section 1 as amended by the 1963 Act in so far as it prohibits the discharge from the ship into any prohibited sea area of oily mixture consisting only of oil from bunker fuel tanks and ballast water.

(3) Subject to paragraphs (4) and (5) of this Regulation every ship of less than 500 tons is hereby excepted from the operation of the said subsection (1) as so amended—

(*a*) in so far as it prohibits the discharge from the ship into any prohibited sea area, other than a home prohibited sea area, of oil or oily mixture; and

(*b*) in so far as it prohibits the discharge from the ship into a home prohibited sea area of oily mixture consisting only of oil from bunker fuel tanks and ballast water.

(4) The exceptions in paragraphs (2) and (3)(*b*) of this Regulation are subject to the condition that any discharge referred to therein shall be made as far from land as practicable.

(5) The exception in paragraph 3(*b*) applies only if the ship is using bunker fuel tanks for the carriage of ballast water, and in the case of a ship of 80 tons or more only if the ship

(*a*) is fitted with effective means of separating oil from water, and

(*b*) is proceeding to a port without adequate oil reception facilities in the United Kingdom or elsewhere in or adjacent to a home prohibited sea area.

Interpretation and Revocation

4.—(1) In these Regulations—

"port without adequate oil reception facilities" in relation to any ship means a port which has no facilities adequate to receive oil residues from the ship without causing unreasonable delay to the ship;

"tanker" means a vessel the greater part of the cargo space of which is constructed or adapted for the carriage of liquid cargoes in bulk and which is not carrying a cargo other than oil in that part of its cargo space;

"tons" means tons gross tonnage.

(2) For the purposes of these Regulations the home prohibited sea areas are the following:—

(*a*) the sea area south of latitude 62° north lying within 100 miles from the nearest land along the coast of Norway; and the whole of the North

Sea south of that latitude excluding the territorial waters of the United Kingdom;

(*b*) the sea area lying within a line drawn between the following points, excluding the territorial waters of the United Kingdom:—

Latitude	*Longitude*
62° north	2° east;
64° north	00°;
64° north	10° west;
60° north	14° west;
54° 30′ north	30° west;
53° north	40° west;
44° 20′ north	40° west;
44° 20′ north	30° west;
46° north	20° west,

and thence to Cape Finisterre.

The expression "from the nearest land along the coast of Norway" means from the base-line from which the territorial sea of Norway is established in accordance with the Geneva Convention on the Territorial Sea and Contiguous Zone 1958(a).

(3) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

(4) The Oil in Navigable Waters (Exceptions and Exemptions) Regulations 1958(c) are hereby revoked.

Citation and Commencement

5. These Regulations may be cited as the Oil in Navigable Waters (Exceptions) Regulations 1967 and shall come into operation on 18th May 1967.

J. P. W. Mallalieu,
Minister of State,
Board of Trade.

8th May 1967

(a) Cmnd. 584. (b) 1889 c. 63 (c) S.I. 1958/1060 (1958 I, p.1481).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into force on 18th May 1967, contain a number of exceptions from the operation of section 1(1) of the Oil in Navigable Waters Act 1955 (Discharge of oil or oily mixture into prohibited sea areas).

They revoke the Oil in Navigable Waters (Exceptions and Exemptions) Regulations 1958 (S.I. 1958/1060), and prescribe exceptions which take into account amendments of the International Convention for the Prevention of Pollution of the Sea by Oil 1954. These amendments were adopted by the 1962 Conference of Contracting Governments to that Convention, including the United Kingdom Government, and come into force internationally on the above date.

The Regulations repeat an exception made in the 1958 Regulations permitting all ships to discharge from their bilges into prohibited sea areas oily mixture in which the only oil is lubricating oil which has drained or leaked from machinery spaces. They also contain exceptions for tankers of less than 150 gross tons and for ships other than tankers. The exceptions in favour of the latter class of ship do not apply to ships of 20,000 gross tons or over to which section 2 of the Oil in Navigable Waters Act 1963 (Restriction of discharge at sea from new ships over specified tonnage) applies; also the extent of the exceptions varies according to whether or not the ship is of less than 500 gross tons.