EXPLANATORY MEMORANDUM TO

THE PREVENTION OF OIL POLLUTION (CONVENTION COUNTRIES) (REVOCATION) ORDER 2014

2014 No. 499

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

This Order revokes the Prevention of Oil Pollution (Convention Countries) Order 1981 (S.I. 1981/612) which is redundant.

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

None.

4. Legislative Context

4.1 The United Kingdom is a party to the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 ("MARPOL 73/78"), which includes Regulations for the Prevention of Pollution by Oil (Annex 1).

4.2 The Order which is revoked by this instrument, the Prevention of Oil Pollution (Convention Countries) Order 1981 ("the 1981 Order"), consolidated earlier Orders which declared those countries which had accepted the International Convention for the Prevention of Pollution of the Sea by Oil 1954 as amended in 1962 and 1969 ("the 1954 Oil Pollution Convention"), and listed the territories to which it extended. However the enormous growth in the maritime transport of oil and the size of the tankers, together with incidents involving pollution of the environment (see section 7 below), made many countries consider that the 1954 Oil Pollution Convention was no longer adequate.

4.3 Annex I of MARPOL 73/78 entered into force on 2 October 1983 and incorporated and superseded the 1954 Oil Pollution Convention. Annex I of MARPOL 73/78 requires all countries to comply with its requirements and it is therefore no longer necessary to list in legislation the countries which are party to it. Once Annex I of MARPOL 73/78 was in force the 1981 Order became redundant and is no longer required.

5. Territorial Extent and Application

This instrument applies in the United Kingdom.

6. European Convention on Human Rights

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

7. Policy Background

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

7.1 In March 1967 the *Torrey Canyon*, a super-tanker capable of carrying a cargo of 120,000 tons of crude oil, was wrecked off the western coast of Cornwall causing an environmental disaster. This was the biggest oil pollution incident ever recorded up to that time and prompted new concerns about ship safety and the environment. This subsequently led to international discussions at the International Maritime Organization ("IMO") to develop a comprehensive instrument to regulate pollution from ships. That instrument is known as the 1973 MARPOL Convention. This Convention incorporated many of the regulations contained in the 1954 Oil Pollution Convention (as amended), but also expanded and improved the requirements.

7.2 In 1978, in response to a spate of tanker incidents including that involving the *Amoco Cadiz*, the IMO held a conference on tanker safety and pollution prevention. The conference adopted a Protocol to the 1973 MARPOL Convention, known as the Protocol of 1978, containing measures affecting tanker design and operation. This absorbed both the Protocol of 1978 relating to the 1974 Convention on the Safety of Life at Sea (1978 SOLAS Protocol) and the 1973 MARPOL Convention, and expanded the requirements on tankers to help reduce the risk of pollution of the marine environment. This was agreed and is now known as MARPOL 73/78. It continues to be updated and amended as considered necessary to protect the marine environment (for example following the *Exxon Valdez* incident in 1989 and the sinking of the *Erika* in 1999) and in the light of technical advancements.

7.3 MARPOL 73/78, which entered into force in October 1983, provides an international regulatory regime governing the prevention of pollution from ships. It incorporates the up-to-date provisions and unified interpretations of the articles, protocols and Annexes of the 1973 Convention, including the incorporation of all the amendments that have been adopted by the Marine Environmental Protection Committee ("MEPC") which have entered into force. The MEPC is the IMO Committee which deals with pollution prevention issues.

7.4 MARPOL 73/78 is a legal instrument composed of various documents which form a single whole, and continues to be revised as required. It sets out criteria which parties are required to adopt including certain obligations, applications, violations etc. The obligations agreed by the Parties to the Convention in the articles and regulations relate to different types of ship-generated pollution and are currently contained in six Annexes:

- Annex I - Regulations for the Prevention of Pollution by Oil
- Annex II - Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk
- Annex III - Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form
- Annex IV - Regulations for the Prevention of Pollution by Sewage from Ships

- Annex V - Regulations for the Prevention of Pollution by Garbage from Ships
- Annex VI - Regulations for the Prevention of Air Pollution from Ships.

7.5 The 1981 Order is being revoked because it relates to the 1954 Oil Pollution Convention which has now been superseded. The 1981 Order is therefore no longer required.

- ***Consolidation***

7.6 This Order revokes one instrument which is redundant and no consolidation is required.

8. Consultation outcome

No consultation is required as the instrument is not relevant to current maritime regulation.

9. Guidance

No publicity or guidance is required as the Order has lain dormant for a number of years and is no longer applicable.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

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

11. Regulating small business

The legislation does not apply to small businesses.

12. Monitoring & review

There is no requirement for monitoring and reviewing this Order due to the nature of revocation.

13. Contact

Roger Freeman at the Maritime and Coastguard Agency. Tel: 02380 329513 or email: Roger.Freeman@mcga.gov.uk