

**EXPLANATORY MEMORANDUM TO  
THE MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION)  
(AMENDMENT) REGULATIONS 2005**

**2005 No. 1916**

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 These Regulations accelerate the phasing-out of single hull oil tankers which was introduced into UK law by the Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations 2004 (S.I. 2004/303). Their purpose is to reduce the risk of oil pollution at sea in the case of an accident to an oil tanker.
  - 2.2 Additionally the regulations introduce a ban on the carriage of heavy grade oil as cargo in single hull oil tankers.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 The Regulations correct a drafting error in the Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulations 2004 (S.I. 2004/303) on which the Joint Committee reported in its Thirteenth Report of the Session 2003-2004, published on 30 March 2004.
4. **Legislative Background**
  - 4.1 The Regulations transpose into UK law requirements of EC and international law for the accelerated phasing-out of single hull tankers and provide for penalties and sanctions for non-compliance. Phasing-out of these tankers was first required in EC law by Regulation (EC) No. 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers. An accelerated regime for the phasing out of single-hull tankers has since been imposed in EC law by Regulation (EC) No. 1726/2003 of the European Parliament and of the Council of 22 July 2003 and by Commission Regulation (EC) No. 2172/2004 of 17 December 2004. The same accelerated regime is also a requirement of international law through the International Maritime Organization's Resolution MEPC 111(50) of 4 December 2003, which amends Annex I to the International Convention for the Prevention of Pollution from Ships 1973 as amended by its Protocol of 1978 ("MARPOL 73/78").
  - 4.2 The EC Regulation accelerates the phase-out of pre-MARPOL tankers (pre 1982) with no side or bottom protection from a latest date of 2007 to a latest date of

2005. For MARPOL tankers (post 1982 – with some side and bottom protection) there was a previous phase out date according to an age of 25/26 years through to 2015. This has been amended to 2010 with a derogation to allow continued operation through to 2015 or the date when a ship reaches 25 years of age, whichever is the earlier date, for those oil tankers equipped only with double bottoms or double sides not used for the transport of oil and extending for the whole length of the cargo tank, or with double-hulled spaces not used for the transport of oil and extending the length of the cargo tank but which do not meet the condition for exemption from the provisions of regulation 1(c) of the revised regulation 13G of Annex I to MARPOL 73/78.

- 4.3 A Transposition Note is attached to this Explanatory Memorandum. The requirements placed on single hull oil tankers by these Regulations form only part of the technical requirements imposed on oil tankers: it was therefore considered appropriate to incorporate those requirements into UK law by inserting them into the text of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (S.I. 1996/2154), which contains the other special technical requirements placed on oil tankers by UK law.
- 4.4 The Select Committee of the European Union and the European Scrutiny Committee were updated on the EC's proposals for post-PRESTIGE regulations for single hull tankers in a Minister's letter of June 2003 informing the Committee of the outcome of the European Parliament's first reading of the proposals for a Regulation of the European Parliament and of the Council amending Regulations (EC) No. 417/2002 of the European Parliament and of the Council of 18 February 2002.

## **5. Extent**

- 5.1 These Regulations apply to all United Kingdom ships, and to non-United Kingdom ships entering or leaving a port, offshore terminal or anchorage under United Kingdom jurisdiction.

## **6. European Convention on Human Rights**

- 6.1 No statement is required.

## **7. Policy background**

- 7.1 A comparison of oil tanker age and accident statistics has shown increasing accident rates for older ships. The acceleration of the phase- out of single-hull oil tankers or application of the double-hull or equivalent design standards to existing single-hull tankers, when they reach a certain age, will reduce the risk of pollution by increase protection against accidental oil pollution in the event of low energy collision or stranding.

- 7.2 The Regulations implement within the United Kingdom changes to Annex I of MARPOL 1973/78-
- That give effect to the political agreement to accelerate the phase-out of single-hull oil tankers of 5,000 tonnes deadweight and above flying the flag of a Member State, and the applicable date whereby other single-hull oil tankers of the 5,000 tonnes deadweight and above, irrespective of their flag, are restricted from entering or leaving a port or offshore terminal or anchoring in an area under the jurisdiction of a Member State.
  - That introduces a requirement that no oil tanker carrying heavy grades of oil as cargo shall enter or leave a port or offshore terminal or anchor in areas under the jurisdiction of a Member State, unless such tanker is a double hull tanker.
  - That requires the carriage of heavy grade of oil to be in double-hull or equivalent design standard tankers for oil tankers of 5000 tons deadweight and above. Single-hull oil tankers of 600 tonnes deadweight but less than 5000 tonnes deadweight may be allowed to carry heavy grade oil as cargo until the anniversary of the date of delivery of the ship in 2008.

7.3 The shipping industry has been fully involved in the development of the measures for the accelerated phase-out of single-hull oil tankers and the banning of the carriage of heavy grade oil as cargo in single-hull oil tankers. The response to the consultation exercise showed that industry is content and supports the proposed measures.

7.4 As part of the consultation exercise, we sought views from a wide range of interested organisations including trade associations such as the Chamber of Shipping, Classification Societies, British Ports Association and the International Marine Contractors Association.

7.5 This consultation exercise was undertaken during the period August 2004 – November 2004. In total 5 responses were received. These comments were very minor and were considered and where necessary incorporated into the final version of the legislation. Copies of these comments and actions taken are available from the Maritime and Coastguard Agency website.

## **8. Impact**

8.1 A Regulatory Impact Assessment is attached to this Memorandum.

8.2 There will be no significant impact on the public sector.

## **9. Contact**

David J. Howard  
Environmental Quality Branch  
Maritime and Coastguard Agency  
Telephone ++ 44 (0) 2380 329489  
e-mail: [david.howard@mcga.gov.uk](mailto:david.howard@mcga.gov.uk)

who can answer any queries regarding the instrument.