

**OIL POLLUTION ACT 1986**

**THE MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION)  
(RECEPTION FACILITIES) ORDER 1986**

The Merchant Shipping (Prevention of Oil Pollution) (Reception Facilities) Order 1986 was made on the 19th May, 1986 by the former Isle of Man Harbour Board (functions now transferred to the Department of Trade and Industry) in exercise of its powers under section 14 of the Oil Pollution Act 1986.

Under the Order, the Department is given power to provide or make provision for reception facilities for residues and mixtures containing oil or noxious liquid substances. The Department and any terminal operators shall ensure that their facilities comply with the MARPOL Convention and Protocol. Provision is made for charges and other conditions in respect of the use of such facilities and information to be given by the master before any discharge.

The Order is made after consultation with the Secretary of State for the Department of Transport and was approved by Tynwald on 17th June 1986. The Order came into force on the 1st July, 1986.

This Text includes amendments (indicated by *bold italics*) made to the 1986 Order by -

1. The Department of Highways, Ports and Properties Order 1986 (GC 190/86);
2. The Criminal Justice (Penalties Etc.) Act 1993;
3. The Transfer of Functions (Marine Administration) Order 1997 (SD 51/97)
4. The Merchant Shipping (MARPOL Annex I – Prevention of Pollution by Oil) Regulations 2006 (SD818/06)

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## MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) (RECEPTION FACILITIES) ORDER 1986

In exercise of the powers conferred on the Isle of Man Harbour Board<sup>1</sup>, after consultation with the Secretary of State, by section 14 of the Oil Pollution Act 1986<sup>2</sup> and of all other powers enabling it in that behalf, the following Order is hereby made:-

### Citation, commencement and interpretation

1. (1) This Order may be cited as the Merchant Shipping (Prevention of Oil Pollution) (Reception Facilities) Order 1986 and shall come into operation on the 1st July, 1986.

(2) In this Order -

“the Board” means the *Department of Trade and Industry*

“chemical tanker” means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an oil tanker when carrying a cargo or part cargo of noxious liquid substances in bulk;

“combination carrier” means a ship designed to carry either oil or solid cargo in bulk;

“Convention” and “Protocol” have the meanings assigned to them respectively by Article 2 of the Merchant Shipping (Prevention of Oil Pollution) Order 1986<sup>3</sup>;

“harbour” has the meaning assigned to it by the Harbours (Isle of Man) Act 1961<sup>4</sup>;

“noxious liquid substance” means any substance which may be specified by the Board in regulations made under this Order and any other liquid substance which, when discharged into the sea from tank cleaning or deballasting operations, presents a risk of harm to human health, marine resources, amenities or other legitimate uses of the sea equivalent to that presented by any substance so specified;

“oil” *means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than those petrochemicals which are subject to the provisions of Annex II to the Convention);*<sup>5</sup>

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“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in

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<sup>1</sup> Functions transferred to the Department of Trade and Industry by the Transfer of Functions (Marine Administration) Order 1995 (SD 51/97)

<sup>2</sup> 1986 c. 12

<sup>3</sup> GC 195/86

<sup>4</sup> Vol XIX p.538

<sup>5</sup> Amended definition inserted by SD818/06

its cargo spaces and includes a combination carrier or a chemical tanker when it is carrying a cargo or part cargo of oil in bulk;

“reception facilities” means facilities which enable vessels to discharge or deposit residues and mixtures, which residues and mixtures contain oil or noxious liquid substances;

“relevant date” means a date upon which reception facilities in accordance with either of the relevant provisions are required to be provided under the provisions of the Convention as amended by the Protocol;

“relevant provision” means either regulation 12 of Annex I or regulation 7 of Annex II of the Convention;

“terminal” means a terminal, jetty, pier or mono-buoy;

“terminal operator” means a person or body of persons having, for the time being, the management of a terminal in the Island.

## **Application**

2. (1) This Order applies to the Board or any terminal operator whose harbour or terminal in the Island is used by oil tankers, chemical tankers or other vessels any of which are carrying residues or mixtures, which residues or mixtures contain oil or noxious liquid substances, including such vessels when undergoing repair or being broken up.

(2) The Board may grant exemptions from all or any of the provisions of this Order on such terms (if any) as may be specified in the exemption.

## **Requirement to provide adequate reception facilities**

3. (1) The powers exercisable by the Board in respect of any harbour in the Island shall include power to provide reception facilities for vessels using the harbour.

(2) (a) Any power of the Board to provide reception facilities shall include power to join with any other person in providing them, and references in this Order to the provision of reception facilities by the Board shall be construed accordingly; and any such power shall also include power to arrange for the provision of such facilities by any other person.

(b) The Board in respect of a harbour and a terminal operator in respect of its terminal shall ensure that :

(i) if the harbour or terminal has reception facilities, those facilities are adequate, or

- (ii) if the harbour or terminal has no such facilities, such facilities are provided

in order to comply, for vessels which may be expected to use the harbour or terminal for a primary purpose other than utilising reception facilities, with each relevant provision from the relevant date for that provision.

(3) Any terminal operator shall provide the Board with such information as it directs in respect of any reception facilities provided by it or by arrangement with it at its terminal.

### **Use of reception facilities**

4. (1) The Board or other person providing such facilities by arrangement with the Board or a terminal operator providing reception facilities may make reasonable charges for the use of those facilities, and may impose reasonable conditions in respect of the use thereof.

(2) Any reception facilities provided by, or by arrangement with the Board or by a terminal operator shall be open to all vessels which in the opinion of the Board or terminal operator (as appropriate) are using the harbour or terminal for a primary purpose other than utilising the reception facilities, on payment of any charges, and subject to compliance with any conditions imposed in accordance with paragraph (1).

(3) The master of the vessel shall, prior to any discharge, inform in writing the person providing the reception facilities of the quantity and content of any substances to be discharged.

(4) In the absence of agreement between the owner of the cargo and the owner of the vessel as to responsibility for payment to the person providing the reception facilities, the owner of the vessel shall be liable to pay the charges of that person.

### **Penalties**

5. (1) Any terminal operator who fails to comply with any direction given under Article 3(3) within the period specified in the direction, or within any extended period allowed by the Board (whether before or after the end of the period so specified), shall be guilty of an offence punishable only on summary conviction by a fine not exceeding **£2,500**.

(2) Any master who, pursuant to Article 4(3) of this Order, provides information as to the quantity or content of substances which he knows to be false in a material particular, shall be guilty of an offence punishable only on summary conviction by a fine not exceeding **£2,500**.

GIVEN under the seal of the Isle of Man Harbour Board this 19th day of May, 1986.

SEAL

*E. C. Irving*  
Chairman

*H. G. Moore*  
Secretary

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives effect to provisions of the International Convention for the Prevention of Pollution from Ships 1973 (Cmnd. 5748) and the Protocol to that Convention of 1978 (Cmnd. 7347) and applies to Manx Harbours and Terminals which are used by vessels (including oil tankers, chemical tankers and vessels undergoing repair or being broken up) carrying residues and mixtures containing oil or noxious liquid substances (Article 2). The Order replaces the provisions of section 5 of the Oil in Manx Navigable Waters Act 1971.

The Department of Trade and Industry is given power to provide or make provision for reception facilities for such residues and mixtures, and any terminal operators shall ensure that their facilities comply with the Convention and Protocol (Article 3). Provision is made for charges and other conditions in respect of the use of such facilities and information to be given by the master before any discharge (Article 4).

In the event of any person having management of a Terminal in the Island who fails to comply with any direction of the Board regarding the provision of reception facilities or information regarding them shall be guilty of an offence and liable to a fine not exceeding £2,500 on summary conviction. A master who knowingly or recklessly provides false information regarding a substance to be discharged shall be guilty of an offence and liable to a fine not exceeding £2,500 on summary conviction (Article 5).