



OIL POLLUTION ACT 1986

MERCHANT SHIPPING (OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION CONVENTION) REGULATIONS 2000

Approved by Tynwald : 20th June 2000

Coming into operation : 1st July 2000

In exercise of the powers conferred on the Department of Trade and Industry by article 2 of the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Order 2000 ^(a) being an Order made under the Oil Pollution Act 1986 ^(b), and of all other enabling powers, the following Regulations are hereby made:-

Citation, and commencement

1. These Regulations may be cited as the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 2000 and, subject to section 17 of the Oil Pollution Act 1986, shall come into operation on 1st. July 2000.

Interpretation

2. In these Regulations -

“Department” means the Department of Trade and Industry;

“installation manager” means the person appointed for the purposes of regulation 6(1)(a) of the Offshore Installations (Health, Safety and Management) (No.2) Regulations 1995 ^(c) who is for the time being in charge of the offshore installation;

“Manx ship” has the same meaning as in section 1 of the Merchant Shipping Registration Act 1991 ^(d);

“offshore installation” has the same meaning as in regulation 2 of the Offshore Installations (Health, Safety and Management) (No.2) Regulations 1995;

(a) SD 193/00

(b) 1986 c. 12

(c) SD 342/95

(d) 1991 c. 15

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

“oil handling facility” means a facility which presents a risk of an oil pollution incident and includes, *inter alia*, an oil terminal, pipeline and any other facility handling oil but does not include an offshore installation;

“oil pollution incident” means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of the Island, and which requires emergency action or other immediate response.

Application

3. These Regulations apply -
 - (a) to Manx ships wherever they may be; and
 - (b) to offshore installations on station within the territorial waters of the Island.

Oil Pollution emergency plans for Offshore Installations.

4. (1) Every installation manager shall ensure that there is in place an oil pollution emergency plan applicable to the offshore installation for which he is responsible, in accordance with this regulation.

(2) There may be a joint plan in respect of offshore installations and oil handling facilities which are pipelines associated with that installation.

(3) At least two months before activities are commenced in respect of an offshore installation, the installation manager shall submit an oil pollution emergency plan relating to the offshore installation to the Department for approval. In preparing an oil pollution emergency plan an installation manager shall take into account any guidance issued by the Department.

(4) Every installation manager shall regularly review the approved oil pollution emergency plan.

(5) Where any major change occurs which affects the validity or effectiveness of an approved oil pollution emergency plan, the installation manager shall submit to the Department for approval, a new plan, or amendments to the existing approved plan, within 3 months of such change becoming known to the installation manager.

(6) It shall be the duty of the installation manager to implement the approved oil pollution emergency plan.

Reporting of incidents : ships and offshore installations

5. (1) The master of a Manx ship who observes or otherwise becomes aware of any event involving discharge of oil at sea from another ship or from an offshore installation, shall report it without delay -

- (a) if the discharge occurs in Manx waters, to the Department of Transport;
- (b) if the discharge occurs elsewhere to the authorities of the nearest coastal state.

(2) An installation manager who observes or otherwise becomes aware of any event involving discharge of oil at sea from another offshore installation or from a ship, shall report it without delay to the Department of Transport.

Offences

6. (1) Any installation manager who without reasonable cause :

- (a) fails to submit an oil pollution emergency plan in accordance with regulation 4(3) or (4);
- (b) does not maintain an oil pollution emergency plan, as approved; or
- (c) fails to implement his oil pollution emergency plan in contravention of regulation 4(6)

shall be guilty of an offence punishable on summary conviction by a fine not exceeding £5,000 or on conviction on information by a fine.

(2) Any person who is required to make a report under regulation 5 and fails, without reasonable excuse, to comply with that requirement in all respects shall be guilty of an offence punishable on summary conviction by a fine not exceeding £5,000 or on conviction on information by a fine.

Inspection of offshore installations

7. A person authorised by the Department may inspect any offshore installation to which these Regulations apply.

Dated 23rd. May, 2000

David North,

Minister for Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations implement, in part, the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990. They require the manager of an offshore installation in Manx waters, where there is present a risk of an oil pollution incident, to have an oil pollution emergency plan which must be approved by the Department of Trade and Industry (regulation 4). It is the duty of the installation manager to implement the approved plan in the event of an oil pollution incident (regulation 4(4)(c)).
2. The Regulations also contain provisions requiring the master of a Manx ship, and the manager of an offshore installation in Manx waters, to report certain events involving the discharge of oil (regulation 5). A person authorised by the Department has powers of inspection of offshore installations in Manx waters (regulation 7).
3. Copies of the OPRC Convention can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR. Copies of the Isle of Man National Contingency Plan can be obtained from the Director of Harbours, Department of Transport, Sea Terminal Building, Douglas, Isle of Man IM1 2RF