

Draft legislation: The Merchant Shipping (Prevention of Air Pollution from Ships) (Amendment) Regulations 2021

I have today published as a draft the Merchant Shipping (Prevention of Air Pollution from Ships) (Amendment) Regulations 2021 and an accompanying draft Explanatory Memorandum. The draft Regulations amend the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 (SI 2008/2924) to implement international air pollution standards – agreed by the International Maritime Organization (IMO) – for the control of pollutant air emissions from ships.

The draft Regulations implement several air quality measures to control sulphur and nitrogen oxide (SO_x and NO_x) emissions from ships. These are contained in Annex VI of the International Convention for the Prevention of Pollution from Ships (MARPOL). The measures are already in force for shipping internationally, but the measures must also be incorporated into our domestic legislation to enable them to be enforced effectively. Most notably, to discourage non-compliance by foreign flagged vessels in UK waters, which would be detrimental to public health and the environment in UK coastal areas.

The draft Regulations apply the global 0.5% sulphur limit on marine fuel used by UK flagged ships operating outside European waters and prohibit ships from carrying high sulphur fuel in their fuel tanks to help compliance in international waters. They also apply the stricter NO_x Tier III limit on new ships operating in 'the North Sea Emission Control Area' (including the English Channel) which came into force internationally this year. The draft Regulations also enable certain revisions to MARPOL Annex VI to be implemented more rapidly using the ambulatory reference power in section 306A of the Merchant Shipping Act 1995.

The draft Regulations are being published 28 days before they are due to be laid for approval by each House of Parliament. This is required under paragraph 14 of Schedule 8 to the European Union (Withdrawal) Act 2018 because part of the text in the 2008 Regulations which the draft Regulations amend includes amendments previously made under section 2(2) of the European Communities Act 1972. The amendments to the 2008 Regulations which were introduced under the European Communities Act were made by the Merchant Shipping (Prevention of Air Pollution from Ships) (Amendment) Regulations 2010 (SI 2010/895) and the Merchant Shipping (Prevention of Air Pollution from Ships) and Motor Fuel (Composition and Content) (Amendment) Regulations 2014 (SI 2014/3076). Further details are contained in the Annex to the draft Explanatory Memorandum.

The draft Regulations complement the government's ambition to tackle all

sources of air pollution, making our air healthier to breathe, protecting nature and boosting the economy as set out in the Clean Air Strategy 2019. In July 2019, the government published the [Clean maritime plan](#) to address both air quality pollutants and greenhouse gas emissions from shipping. The plan sets out an ambitious path to the transition to zero emission shipping supporting the achievement of the legislative target for the UK to reach net zero emissions across the economy by 2050. The plan outlines government's ambitions that by 2025 all new vessels for use in UK waters are being designed with zero emissions capabilities, and that by 2035 zero emission marine fuel infrastructure (bunkering) is widely available across the UK.

See the [draft Regulations, the accompanying draft Explanatory Memorandum and the Impact Assessment](#).