

Introducing amendments to maritime international instruments by way of ambulatory reference

I am making this statement to fulfil obligations relating to the implementation of amendments to internationally agreed merchant shipping requirements into UK domestic law. These requirements will be implemented into UK law by way of ambulatory reference provisions in secondary legislation. The ambulatory reference provisions give direct effect in the UK to these amendments and, in advance of those amendments taking effect in the UK, the Secretary of State has agreed to publish them by way of a Parliamentary Statement to both Houses of Parliament.

This statement relates specifically to amendments agreed in the International Maritime Organization (IMO) to the International Convention for the Prevention of Pollution from Ships 1973 (MARPOL) and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code).

IMO Resolution MEPC.314(74) amends regulations 1 and 10 of Annex V to MARPOL (which relates to the prevention of pollution by garbage from ships) to allow the use of electronic record-keeping. The requirements for the format and content of a ship's record books under Annex V are unchanged but operators may now choose whether these records are made and kept in electronic or hard copy form.

The amendment to regulation 10 is implemented by updating the reference to regulation 10.3 of Annex V in regulation 12(2)(a) of the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020 (SI No. 2020/621). This is achieved by way of the ambulatory reference provision in regulation 4 of those Regulations.

The amendment to regulation 1 (definition of 'electronic record book') applies by virtue of the reference to it in regulation 10. The amendments come into force on 1 October 2020.

IMO Resolution MEPC.315(74) amends regulations 1 and 13, and Appendices 4 and 6 of Annex II to MARPOL. The amendments insert requirements in relation to high viscosity products which, in certain specified areas, will require a cargo tank prewash at the port of unloading until the tank is empty, the residue of which must be discharged to a port reception facility.

The amendments to regulations 13 and Appendix 4 are implemented by updating the respective references to these provisions in regulations 24(2)(d) and 28(2) of the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 (SI No. 2018/68) (the NLS Regulations) pursuant to the ambulatory reference provision in regulation 4 of those Regulations.

The amendments to regulation 1 (definition of 'persistent floater') and to Appendix 6 apply by virtue of the references to them in regulation 13 (paragraph 7). The amendments come into force on 1 January 2021.

IMO Resolutions MSC.460(101) and MEPC.318(74) amend chapters 1, 15, 16, 17, 18, 19 and 21 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (the IBC Code). Chapters 17 and 18 of the IBC Code are referenced in regulations 3(1) and 24(8) of the NLS Regulations and these references are updated pursuant to the ambulatory reference provision in regulation 4 of the Regulations. As a result, ships carrying dangerous chemicals or noxious liquid substances in bulk will need to amend the list of products that they may carry and will require new Certificates of Fitness and Noxious Liquid Substances Certificates. The amendments come into force on 1 January 2021.

The amendments referred to in this statement will be published, with explanatory information, in a marine guidance note and will be available on GOV.UK.