



# MERCHANT SHIPPING (MARPOL ANNEX IV - PREVENTION OF POLLUTION BY SEWAGE) ORDER 2014

## Index

Article	Page
<b>PART 1 - INTRODUCTORY</b>	<b>3</b>
1 Title .....	3
2 Commencement .....	3
3 Application .....	3
4 Interpretation.....	4
5 Operator's responsibility .....	6
<b>PART 2 – PREVENTION OF POLLUTION BY SEWAGE</b>	<b>6</b>
6 Requirement to comply with MARPOL Annex IV .....	6
7 Approvals .....	7
8 No change to be made after survey.....	7
9 Accident or defect with a ship .....	7
10 Surveys.....	8
11 Renewal survey.....	8
12 Additional survey.....	8
13 ISPP Certificate.....	8
14 Extension of ISPP Certificate.....	9
<b>PART 3 - ENFORCMENT</b>	<b>10</b>
15 ISPP Certificate may be withdrawn .....	10
16 Prohibition on going to sea without a valid ISPP Certificate .....	10
17 Powers of an inspector .....	10
18 Provisions relating to delay of ships .....	11
19 Provisions relating to offences .....	11
<b>PART 4 – FOREIGN SHIPS</b>	<b>11</b>
20 Interpretation for this Part.....	11
21 Foreign ship operator's responsibility .....	12
22 Inspection of a foreign ship .....	12

23 Provisions relating to enforcement and detention of foreign ships and offences.....12

**PART 5 – REVOCATIONS** **14**

---

24 Revocations.....14



Statutory Document 2014/0063



*Oil Pollution Act 1986*

# MERCHANT SHIPPING (MARPOL ANNEX IV - PREVENTION OF POLLUTION BY SEWAGE) ORDER 2014

*Approved by Tynwald:*

*Coming into Operation:*

*1 April 2014*

---

The Department of Economic Development, after consulting with the Secretary of State, makes the following Order under section 14 of the Oil Pollution Act 1986.

## PART 1 - INTRODUCTORY

### 1 Title

This Order is the Merchant Shipping (MARPOL Annex IV - Prevention of Pollution by Sewage) Order 2014.

### 2 Commencement

If approved by Tynwald<sup>1</sup> this Order comes into operation on 1 April 2014.

### 3 Application

- (1) Unless provided otherwise, this Order applies to —
- (a) a Manx ship engaged in international voyages, wherever it might be, and which is —
    - (i) of 400 gross tonnage and above; or
    - (ii) less than 400 gross tonnage and certified to carry more than 15 people; and
  - (b) a fixed or floating platform engaged in exploration and exploitation of the sea-bed and subsoil within the territorial waters of the Island.

---

<sup>1</sup> as required by s.17 of the Oil Pollution Act 1986

- (2) Part 4 applies to a foreign ship engaged in international voyages, whilst it is in the territorial waters of the Island and which is –
  - (a) of 400 gross tonnage and above; or
  - (b) less than 400 gross tonnage and certified to carry more than 15 people.
- (3) This Order does not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government, non-commercial service.

#### 4 Interpretation

- (1) In this Order –
  - “**authorised officer**” means a person appointed as an inspector in accordance with section 3 of the Merchant Shipping Act 1985;
  - “*controlled marine area*” has the meaning given by section 7 of the *Marine Infrastructure Management Act 2016*;<sup>2</sup>
  - “**Convention country**” means a country that has consented to be bound by the MARPOL Convention;
  - “**Department**” means the Department of Economic Development<sup>2</sup>;
  - “**foreign ship**” means any ship that is not a Manx ship;
  - “**IMO**” means the International Maritime Organization;
  - “**inspector**” means a person appointed as an inspector under section 3 of the Merchant Shipping Act 1985 or a surveyor of an RO authorised by the Department to conduct inspections for compliance with the requirements of this Order;
  - “**international voyage**” means a voyage from a country to a port outside that country;
  - “**ISPP Certificate**” means an International Sewage Pollution Prevention Certificate issued in accordance with regulation 5 of MARPOL Annex IV;
  - “**Manx ship**” has the meaning given by section 1 of the Merchant Shipping Registration Act 1991 including ships registered under Part IV of that Act (the Demise Charter Register) or under Part 3 of the Harbours Act 2010;
  - “**MSN**” means a *Manx Shipping Notice issued by the Department, and includes any document which amends that notice*;
  - “**MARPOL Annex IV**” means *Annex IV to the MARPOL Convention including all amendments made to that Annex up to and including*

---

<sup>2</sup> Functions transferred from the Department of Economic Development to the Department for Enterprise by the Transfer of Functions (Economic Development and Education) Order 2017 (SD2017/0325) with effect from 24 November 2017

*those adopted by IMO Resolution MEPC.275(69) on 22 April 2016 which came into force on 1 September 2017;*

“**MARPOL Convention**” means the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocols of 1978 and 1997 and as amended;

“**operator**” means the person registered as the owner of a Manx ship in accordance with the Merchant Shipping Registration Act 1991 or Part 3 of the Harbours Act 2010 (as the case may be), or any other person who has assumed responsibility for the operation of the ship from the owner and who on assuming that responsibility has agreed to take over all the duties and responsibilities imposed by the MARPOL Convention;

“**Polar Code**” means *the International Code for Ships Operating in Polar Waters, including all amendments made to that Code up to and including those adopted by IMO Resolution MEPC.264(68) on 15 May 2015 which came into force on 1 January 2017;*

“**polar waters**” has the meaning given by MARPOL Annex IV Chapter 7 (*International Code for Ships Operating in Polar Waters*) regulation 17 (*definitions*);

“**RO**” means *any of the recognised organisations specified in MSN 020;*

“**ship**” means a vessel of any type operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms;

“**short international voyage**” means an international voyage which does not exceed 1,000 nautical miles between the last port of call in the country in which the voyage begins and the last port of call in the voyage before beginning any return voyage, and that on any return voyage does not exceed 1,000 nautical miles between the port of call in which the ship begins its return voyage and the first port of call in the country in which the voyage originally began.

For the purposes of this definition no account is to be taken of any deviation by a ship from its intended voyage due solely to stress of weather or any other circumstances which could have been prevented; and

“**territorial waters of the Island**” means –

- (a) *the territorial sea adjacent to the Isle of Man as that term is defined in section 1(1) of the Territorial Sea Act 1987<sup>3</sup> (as applied to the Island); and*
- (b) *the controlled marine area.*

---

<sup>3</sup> 1987 C.49 as extended to the Island by SI 1991/1722

## 5 Operator's responsibility

- (1) *The operator of a ship must ensure that the ship complies with such of the requirements of this Order as apply in relation to a ship of its description.*
- (2) *Paragraph (1) applies whether or not this Order imposes an obligation on another person.*
- (3) *An operator who fails to comply with paragraph (1) commits an offence and is liable –*
  - (a) *on conviction on information –*
    - (i) *in the case of a body corporate, to a fine; or*
    - (ii) *in the case of an individual, to a fine or custody for a term not exceeding 2 years, or both; or*
  - (b) *on summary conviction, to a fine not exceeding level 5 on the standard scale.*

## PART 2 – PREVENTION OF POLLUTION BY SEWAGE

### 6 Requirement to comply with MARPOL Annex IV

- (1) The condition of a ship and its equipment must be maintained and operated in accordance with the requirements of MARPOL Annex IV and in all respects remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) Unless expressly provided otherwise in this Order, references in MARPOL Annex IV to “Administration” are to be read as a reference to the Department.
- (3) If MARPOL Annex IV requires any system or equipment to be to the satisfaction of the Administration, the system or equipment must meet the requirements specified in MSN -069.
- (4) *In accordance with MARPOL Annex IV regulation 18 (Application and requirements) all ships certified in accordance with MARPOL Annex IV operating in polar waters must –*
  - (a) *comply with the environment related provisions of the introduction and with Chapter 4 of Part II-A of the Polar Code, in addition to any other applicable requirements of MARPOL Annex IV; and*
  - (b) *in applying Chapter 4 of Part II-A of the Polar Code, consider the additional guidance in Part II-B of the Polar Code.*

## 7 Approvals

- (1) If MARPOL Annex IV requires any system or equipment to be approved by the Administration, the systems or equipment must be approved by the Department or RO.
- (2) An approval is only valid—
  - (a) if it is in writing;
  - (b) if it specifies the standards to which the system or equipment is approved;
  - (c) for the period stated in it; and
  - (d) if any conditions stated in it are complied with.

## 8 No change to be made after survey

- (1) For the purposes of MARPOL Annex IV, after any survey has been completed no change may be made to the structure, equipment, systems, fittings, arrangements or materials covered by the survey, without the approval of the Department or RO.

This is subject to the following qualification—

- (2) The direct replacement of such equipment or fittings is permitted.

## 9 Accident or defect with a ship

- (1) For the purposes of MARPOL Annex IV, if an accident occurs to a ship, or a defect is discovered that substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by MARPOL Annex IV, the ship's master or operator must report—
  - (a) at the earliest opportunity to the Department and RO responsible for issuing the ISPP Certificate, and in any case no later than 48 hours after the accident or discovery of the defect; and
  - (b) immediately to the appropriate authorities of the Port State if the ship is in a port of another Convention country.
- (2) Upon receipt of the report described in paragraph (1)(a), the Department or RO will cause investigations to be initiated to determine whether an additional survey is necessary.
- (3) A master who fails to comply with paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding **£10,000<sup>4</sup>** or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

---

<sup>4</sup> Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

## 10 Surveys

A ship is subject to the following surveys by the Department or RO —

- (1) an initial survey before the ship is put into service or before the ISPP Certificate is issued for the first time;
- (2) a renewal survey at intervals not exceeding 5 years, except if article 14 (3), (4), (5) or (6) are applicable; and
- (3) a general or partial survey in accordance with article 12.

## 11 Renewal survey

- (1) If a renewal survey is completed within 3 months before the expiry date of an existing certificate, the new certificate is valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of expiry of the existing certificate.
- (2) If a renewal survey is completed after the expiry date of an existing certificate, the new certificate is valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of expiry of the existing certificate.
- (3) If a renewal survey is completed more than 3 months before the expiry date of the existing certificate, the new certificate is valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of completion of the renewal survey.

## 12 Additional survey

- (1) If, following an investigation in accordance with article 9(2), the Department or RO determines an additional survey is necessary, the ship will be subject to an additional survey, either partial or general.
- (2) The additional survey will ensure the necessary repairs or renewals are effective, that the material and workmanship used are in all respects satisfactory and that the ship complies with the requirements of MARPOL Annex IV.

## 13 ISPP Certificate

- (1) Every ship must carry a current, valid ISPP Certificate issued by the Department or RO.
- (2) The ISPP Certificate may be issued only if the Department or RO has ascertained through an initial or renewal survey that the ship's structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of MARPOL Annex IV.
- (3) An ISPP Certificate is valid for the period stated in it, which must not exceed 5 years, except if article 11(1), 14(2), 14 (3) or 14(4) applies.



- (4) An ISPP Certificate ceases to be valid in the following circumstances —
  - (a) if the relevant surveys are not completed within the periods specified under article 10; or
  - (b) when a ship changes flag.
- (5) The Department or RO may require a certificate that is no longer valid to be surrendered in the time and manner as it may direct in writing.

#### **14 Extension of ISPP Certificate**

- (1) If an ISPP Certificate is issued for a period of less than 5 years, the Department or RO may extend the validity of the certificate beyond the expiry date to a maximum of 5 years.
- (2) If a renewal survey has been completed and a new ISPP Certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Department or RO may endorse the existing certificate to make it valid for a further period that may not exceed 5 months from the expiry date.
- (3) If a ship is not in a port in which it is to be surveyed at the time when the ISPP Certificate expires, the Department or RO may extend the period of validity of the certificate subject to the following conditions —
  - (a) the extension is granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so;
  - (b) no ISPP Certificate may be extended for a period longer than 3 months;
  - (c) a ship to which an extension is granted must not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of that extension to leave the port without having a new ISPP Certificate; and
  - (d) when the renewal survey is completed, the new ISPP Certificate is valid to a date not exceeding 5 years from the date of expiry of the existing ISPP Certificate before the extension was granted.
- (4) The Department or RO may extend an ISPP Certificate for a period of grace of up to one month from the date of expiry stated on it to a ship engaged on short international voyages which has not had the certificate extended under any other provisions of this article.

This is subject to the qualification in paragraph (5).
- (5) If an ISPP Certificate is extended under the provision of paragraph (4), upon completion of the renewal survey, the new ISPP Certificate will be valid to a date not exceeding 5 years from the date of expiry of the existing certificate before the extension was granted.

- (6) In the special circumstances specified in MSN 069, a new ISPP Certificate need not be dated from the date of expiry of the existing certificate as required by paragraphs (3), (4) or (5), but will be valid to a date not exceeding 5 years from the date of completion of the renewal survey.
- (7) The ISPP Certificate must be readily available on board the ship for inspection at all times.

### PART 3 - ENFORCEMENT

#### 15 ISPP Certificate may be withdrawn

The Department or, with the permission of the Department an RO, may withdraw an ISPP Certificate if the condition of the ship or its equipment –

- (a) does not correspond substantially with the particulars of the ISPP Certificate; or
  - (b) is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment,
- and any required corrective action has not been taken.

#### 16 Prohibition on going to sea without a valid ISPP Certificate

- (1) Proceeding to sea or attempting to proceed to sea without a valid ISPP Certificate is prohibited.
- (2) If a ship proceeds or attempts to proceed to sea without a valid ISPP Certificate, the master commits an offence and is liable on summary conviction to a fine not exceeding **£10,000**<sup>5</sup> or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

#### 17 Powers of an inspector

- (1) Without limiting any wider powers that may be granted to an inspector under any other statutory provision, an inspector has the following powers –
  - (a) to board a ship;
  - (b) to carry out any examination, test or inquiry that he or she may consider necessary in order to be satisfied that the ship complies with this Order; and
  - (c) to require that any deficiency is remedied.

---

<sup>5</sup> Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

- (2) A person who wilfully obstructs an inspector in the exercise of a power conferred by paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding **£10,000<sup>6</sup>** or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

## **18 Provisions relating to delay of ships**

- (1) If an operator considers a ship has been unreasonably delayed, the operator may apply to the High Bailiff for a declaration to that effect.
- (2) An application under paragraph (1) –
  - (a) may not be made more than 7 days after the delay has ceased;
  - (b) must be made in writing; and
  - (c) must be served on the Department as well as the High Bailiff.
- (3) On an application under paragraph (1) it is for the applicant to show, on the balance of probabilities, that –
  - (a) the ship's delay was unreasonable in all the circumstances; and
  - (b) the operator has suffered loss in consequence of that delay.
- (4) If it appears to the High Bailiff that both sub-paragraphs of paragraph (3) are met the High Bailiff may order the Department to pay such compensation as appears appropriate.

## **19 Provisions relating to offences**

- (1) It is a defence for a person charged under this Order to show that he or she took all reasonable steps to avoid the commission of the offence.
- (2) If the commission by any person of an offence under this Order is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this article whether or not proceedings are taken against the first-mentioned person.

# **PART 4 – FOREIGN SHIPS**

## **20 Interpretation for this Part**

In this Part “**foreign ship operator**” means the owner of the foreign ship or any other person who has assumed responsibility for the operation of the ship from the owner and who on assuming that responsibility has agreed to take over all the duties and responsibilities imposed by the MARPOL Convention.

---

<sup>6</sup> Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

## 21 Foreign ship operator's responsibility

- (1) If a ship is in the territorial waters of the Island, the foreign ship operator must ensure that —
  - (a) the condition of the ship and its equipment are maintained and operated in accordance with the requirements of MARPOL Annex IV; and
  - (b) the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (2) A foreign ship operator who fails to comply with paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding **£10,000**<sup>7</sup> or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

## 22 Inspection of a foreign ship

A foreign ship in a port or offshore terminal of the Island may be subject to any of the following inspections —

- (a) to verify that there is on board a valid ISPP Certificate if the ship is required by MARPOL Annex IV to have that certificate;
- (b) concerning operational requirements under MARPOL Annex IV if there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage;
- (c) to verify whether the ship has discharged sewage in violation of the provisions of MARPOL Annex IV.

## 23 Provisions relating to enforcement and detention of foreign ships and offences

- (1) If an authorised officer carries out an inspection in accordance with article 22(a) and finds that —
  - (a) the ISPP Certificate is not produced or maintained, is falsely maintained, does not contain the information required by MARPOL Annex IV, or is otherwise invalid; or
  - (b) there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate,

the ship may be detained until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.


---

<sup>7</sup> Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

This is subject to the qualification in paragraph (2).

- (2) An authorised officer may grant a detained ship permission to leave the port or offshore terminal for the purpose of proceeding to the nearest appropriate repair yard available.
- (3) If an authorised officer carries out an inspection in accordance with article 22(b) the ship may be detained until the situation has been brought into order in accordance with the requirements of MARPOL Annex IV.
- (4) If an inspection is conducted or when measures are taken in accordance with paragraphs (1) or (3), all reasonable efforts must be made to avoid a ship being unreasonably delayed or detained.
- (5) If a foreign ship operator considers a ship has been unreasonably detained or delayed the foreign ship operator may apply to the High Bailiff for a declaration to that effect.
- (6) An application under paragraph (5) —
  - (a) may not be made more than 7 days after the detention or delay has ceased;
  - (b) must be made in writing; and
  - (c) must be served on the Department as well as the High Bailiff.
- (7) On an application under paragraph (5) it is for the applicant to show, on the balance of probabilities, that —
  - (a) the ship's detention or delay was unreasonable in all the circumstances; and
  - (b) the foreign ship operator has suffered loss in consequence of that detention or delay.
- (8) If it appears to the High Bailiff that both sub-paragraphs of paragraph (7) are met the High Bailiff may order the Department to pay such compensation as appears appropriate.
- (9) If a ship is detained in accordance with this article, section 74 of the Merchant Shipping Registration Act 1991 (which relates to the detention of a ship) has effect, subject to the modifications —
  - (a) in sub-sections (1) and (2), after “any officer of the Department” insert **“any authorised officer, ”**;
  - (b) in sub-section (3), for “this Act” (wherever occurring) substitute **“the MARPOL Annex IV Order ”**; and
  - (c) after sub-section (3) add —

<b>“(4) In this section —</b> <b>“authorised officer”</b> has the meaning given by article 4 of the MARPOL Annex IV Order; and
-----------------------------------------------------------------------------------------------------------------------------------

“**MARPOL Annex IV Order**” means the Merchant Shipping (MARPOL Annex IV – Prevention of Pollution by Sewage) Order 2014. 

- (10) It is a defence for a person charged under this Part to show that he or she took all reasonable steps to avoid the commission of the offence.
- (11) If the commission by any person of an offence under this Part is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this article whether or not proceedings are taken against the first-mentioned person.

## PART 5 – REVOCATIONS

### 24 Revocations

The Merchant Shipping (Prevention of Pollution by Sewage) Order 2000<sup>8</sup> and the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2003<sup>9</sup> are revoked.

MADE

**JOHN SHIMMIN**

*Minister for Economic Development*

---

<sup>8</sup> SD 46/00

<sup>9</sup> SD 266/03



*EXPLANATORY NOTE*

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

This Order gives effect to Annex IV of the MARPOL Convention, Regulations for the Prevention of Pollution by Sewage and gives effect to amendments up to and including IMO Resolution MEPC 216(63) of the Marine Environment Protection Committee of the International Maritime Organization (IMO).

The Order applies to a Manx ship engaged in international voyages which is of 400 gross tonnage or above, a Manx ship which is less than 400 gross tonnage and certified to carry more than 15 people, and any fixed and floating platform engaged in the exploration and exploitation of the sea-bed and subsoil within the territorial waters of the Isle of Man. Part 4 of the Order applies MARPOL Annex IV to a foreign ship when it is in the territorial waters of the Island.

The Order revokes and replaces the Merchant Shipping (Prevention of Pollution by Sewage) Order 2000 (SD 46/00) and the Merchant Shipping (Prevention of Pollution by Ships) Regulations 2003 (SD 266/03).

Copies of this document and Manx Shipping Notices are obtainable from the Isle of Man Ship Registry, Department for Enterprise, St Georges Court, Upper Church Street, Douglas, Isle of Man, IM1 1EX and can be accessed via the website: <http://www.iomshipregistry.com>

The International Convention for the Prevention of Pollution from Ships 1973, its Protocols, IMO resolutions and circulars can be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.

---

**Amendments:**

These Regulations are marked with amendments (*in bold italics*) made to these Regulations by section 55 of the Interpretation Act 2015 which increase the fines with effect from 1 January 2018.

The functions in these Regulations have been transferred from the Department of Economic Development to the Department for Enterprise by the Transfer of Functions (Economic Development and Education) Order 2017 (SD2017/0325) with effect from 24 November 2017.

*This Order is amended by SD2020/0427 Merchant Shipping (MARPOL)(Amendments) Order 2020 to give effect to the latest update to the MARPOL Convention for Annex IV which was adopted by IMO Resolution MEPC.275(69) on 22 April 2016 which came in to force on 1 September 2017.*