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## **Guidance on the Merchant Shipping (Ship-to-Ship Transfer) Regulations 2010**

**Notice to all Shipowners, Agents, Masters & Officers on Ships, Harbour Masters, Ship-to-Ship Transfer Operators and Bunkering Operators etc**

*This notice should be read with SI 2010 /xxxx*

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### **PLEASE NOTE:-**

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

### **Summary**

This notice sets out:

- new restrictions regarding transfers between ships of oil cargoes and bunker fuel in UK waters
- considerations for exemptions from the restrictions

## **1. Introduction**

1.1 The Merchant Shipping (Ship-to-Ship Transfer) Regulations 2010 place restrictions on transfers between ships of cargo transfers (Ship-to-Ship(STS)) or bunkering operations consisting wholly or mainly of oil in UK waters.

1.2 The legislation is applicable within the United Kingdom's internal waters and territorial seas, namely those waters within the baseline and those waters extending to 12 nautical miles from the baseline.

## **2. Application**

2.1 Transfers of oil cargoes or bunkering between ships are prohibited, unless the ships are within harbour authority waters (subject to exceptions described in Section 3).

2.2 Transfers of oil cargoes (including where bunker fuel is carried as cargo) between ships within harbour authority waters are subject to the following additional restrictions:

- a) The harbour authority must apply to the Secretary of State for an “oil transfer licence”.
  - b) An “oil transfer licence” application will include a determination of whether the cargo transfer is likely to have a significant effect on any European site, either individually or in combination with other plans or projects
  - c) If the harbour authority determines that the proposed cargo transfer is likely to have a significant effect on any European site, the harbour authority must carry out an appropriate assessment of its implications for the European site, in view of the conservation objectives of the site, for the purposes of Article 6 of the Habitats Directive.
  - d) Once an oil transfer licence has been granted by the Secretary of State, the harbour authority may only authorise a cargo transfer which is within the scope permitted by the oil transfer licence.
- 2.3 Schedule 1 of the Statutory Instrument provides detail concerning assessment of impact on European Sites. Schedule 2 provides detail concerning the procedure for grant of oil transfer license.

### **3. Exceptions**

- 3.1 Transfers are not subject to the restrictions if they meet the following criteria:
- between a ship and an offshore installation;
  - to or from a warship, naval auxiliary ship or other ship owned or operated by a State and used solely, for the time being, on government non-commercial service.
  - Carried out by or on behalf of a general lighthouse authority in the UK.

### **4. Exemptions**

- 4.1 In addition, exemptions to these restrictions will be considered on a case by case basis. Examples, including but not limited to those below may be exempted on a case by case basis.
- as part of seismic survey operations
  - as part of cable laying / pipe laying operations
  - operations involving offshore support vessels
  - bunker transfers outside statutory harbour areas for ships of restrictively deep draft
  - transfers operations in situations of *force majeure*
- 4.2 Any requests for exemptions must be communicated to the nearest Coastguard Rescue Co-ordination Centre.

## More Information

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