

# Environmental Protection (Transfers at Sea) Bill

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**B I L L**

TO

Make provision about transfers of cargo at sea; to provide for environmental safeguards in relation to such transfers; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Regulation of cargo transfers**

- (1) Section 130 of the Merchant Shipping Act 1995 (c. 21) (regulation of transfers between ships in territorial waters) is amended as follows.
- (2) After subsection (4) insert—

- “(4A) In making regulations under this section, the Secretary of State shall apply the following principles—
- (a) cargo transfers of oil and oil products in United Kingdom waters shall be prohibited except within such areas as the Secretary of State shall designate in regulations; 5
  - (b) a transfer or programme of transfers shall be considered as an “oil handling facility” for the purposes of the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (S.I. 1998/1056); 10
  - (c) a transfer or programme of transfers shall be considered as a “plan or project” for the purposes of the Conservation (Natural Habitats &c.) Regulations 1994 (S.I. 1994/2716); 15
  - (d) a transfer or programme of transfers may be considered an Annex II project (under the heading “surface storage of fossil fuels”) for the purposes of the Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518); and 20
  - (e) cargo transfers required in case of emergency shall be exempt from paragraphs (a) to (d) above.”

**2 Regulations**

Regulations under section 130 of the Merchant Shipping Act 1995 must be made within a period of six months beginning on the date on which this Act is passed.

**3 Interpretation**

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In section 313 of the Merchant Shipping Act 1995 (definitions) there is inserted at the appropriate place—

“emergency” has the meaning assigned to it by section 1 of the Civil Contingencies Act 2004 (c. 36);

“United Kingdom waters” means any part of the sea within the seaward limits of United Kingdom territorial waters for the purposes of the Territorial Sea Act 1987 (c. 49).

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**4 Short title**

This Act may be cited as the Environmental Protection (Transfers at Sea) Act 2008.

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A

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To make provision about transfers of cargo at sea; to provide for environmental safeguards in relation to such transfers; and for connected purposes.

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