

Ports, shipping and navigation

The seas around Wales have for centuries been traversed by major shipping routes, most notably through the Irish Sea in both north / south and east / west directions. Traffic Separation Schemes operate in the congested waters off Pembrokeshire and Anglesey. The Welsh coastline also has a number of major ports including Cardiff, Newport, Swansea and Milford Haven. There are also a number of smaller, more specialised ports, of which the ferry ports are the most significant.

Effective regulation of ports and shipping is important in the national interest to ensure that the industry remains efficient and competitive, and that management of port and shipping operations is compatible with national and international environmental objectives. Pollution from shipping movements is relatively minor compared to inputs from other land-based sources. Nevertheless, in 2003 the Maritime and Coastguard Agency (MCA) were alerted to around 1,570 incidents in the UK Counter Pollution Control Zone (UKPCZ), over 580 of which involved some form of oil or chemical discharge. Twenty-four of these incidents occurred in the Bristol Channel / S. Wales region, with a further 10 in the Irish Sea.

The effects of accidental or operational discharges from vessels can have a catastrophic effect on the environment and economy of a local area. For example, the loss of 72,000 tonnes of crude oil and 360 tonnes of heavy fuel oil when the oil tanker Sea Empress ran aground off Milford Haven in February 1996 resulted in damage to the local economy, marine habitats and extensive shoreline that included environmentally sensitive sites.

This Briefing addresses the laws concerned primarily with the environmental management and regulation of ports and shipping. Due to the international nature of the shipping industry, it has long been recognised that action to prevent marine pollution from this source is more effective if carried out at an international level rather than by individual countries acting unilaterally without co-ordination of effort. Consequently, overall control of maritime policy and legislation are non-devolved matters, and responsibility for meeting commitments under international Conventions remains with the UK Government.

International and European Legislation

IMO Conventions

The International Maritime Organisation (IMO) is the specialised agency of the United Nations with responsibility for safety and security at sea and the prevention of marine pollution from ships. Over the years, IMO has adopted some 40 conventions and protocols and numerous codes and recommendations relating to safety, pollution prevention, security measures, liability and compensation issues and facilitation of international maritime traffic. The United Nations Convention on the Law of the Sea (UNCLOS) covers some issues not regulated under IMO treaty instruments, such as the jurisdictional power of the coastal State within territorial waters.

Marine pollution

The principal convention covering prevention of marine pollution by ships is the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 (MARPOL 73/78). It covers accidental and operational oil pollution as well as pollution by chemicals, goods in packaged form, sewage, garbage and air pollution. All six Annexes to the Convention are in force except Annex VI on air pollution, which was adopted in September 1997 and will enter into force on 19th May 2005. A revised Annex IV on sewage was adopted in April 2004, and will enter into force on 1st August 2005. The convention also allows for the designation of Special Areas where stricter discharge criteria apply.

IMO's Intervention Convention affirms the right of a coastal State to take measures on the high seas to prevent, mitigate or eliminate danger to its coastline from a maritime casualty. The International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) 1990 provides a global framework for international co-operation in combating major incidents or threats of marine pollution. A protocol to this convention (HNS Protocol) covers marine pollution by hazardous and noxious substances.

IMO also has secretariat responsibilities for the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention), which is a global convention controlling dumping of wastes at sea by licensing. Following a detailed review, the 1996 Protocol was adopted, which is expected to enter into force in 2005 and will replace the London Convention.

Maritime safety

The International Convention for the Safety of Life at Sea 1974 (SOLAS), in its successive forms, is generally regarded as the most important of all international treaties concerning the safety of merchant ships. Recent amendments also contain provisions for the protection of the environment. IMO has also developed and adopted international collision regulations and global standards for seafarers, as well as international conventions and codes relating to

search and rescue, the facilitation of international maritime traffic, load lines, the carriage of dangerous goods and tonnage measurement.

Liability and compensation

The present international regime of oil pollution compensation is based on two international Conventions adopted in 1992: the Civil Liability Convention (CLC) 1992, and the International Oil Pollution Compensation Fund (IOPC) 1992. In May 2003, the IMO adopted the Protocol of 2003 to the IOPC Fund 1992, which will provide an additional level of compensation for pollution damage from oil carried as cargo by sea in the waters of a contracting State, beyond the existing compensation regimes. On 16 May 1998 the UK ceased to be a party to the earlier 1969 CLC and the 1971 Fund Convention and became party only to the 1992 Conventions.

In May 1996 the IMO adopted the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea 1996 (the HNS Convention), to address the need for an international compensation and liability regime governing damage arising from the carriage of hazardous and noxious substances by sea. Following recent informal consultations, the UK Government is now minded to seek Parliamentary approval to ratify the HNS Convention.

European legislation

In 1993 the Commission launched an action programme in a communication entitled 'A common policy on safe seas' COM(93)66. This focused on the development, transposition and uniform application of international rules throughout Member States, the training of personnel and the development of infrastructures. COM(96)0081 'Towards a new maritime strategy' confirmed the programme.

Recent developments have been instigated by the *Erika* and *Prestige* oil spills. The *Erika* I and II packages introduced by the Commission in March and December 2000 respectively, contain legislative proposals relating to the enforcement of ship safety standards, pollution prevention, ship inspection, the accelerated phasing in of double hull tankers, the compensation of oil pollution damage, and the control and information system for maritime traffic.

The wreck of the *Prestige* in November 2002 also prompted the adoption of Regulation (EC) No.1726/2003 in July 2003 which, *inter alia*, further accelerates the phasing out of single hull oil tankers. In March 2003, the EC also proposed a Directive that would incorporate international rules on pollution from ships into Community law and require the imposition of criminal sanctions for their infringement (COM (2003) 92 final).

There have also been developments at EU-level on other key issues such as environmental liability, the ban on TBT anti-fouling paints, deregulation of port services, air pollution from ships, maritime security,

port waste management planning and the establishment of the European Maritime Safety Agency.

The EC has exclusive community competence with regard to the provisions of international conventions that effect Community secondary legislation on jurisdiction and the recognition and enforcement of judgements, as laid down in Council Regulation (EC) No.44/2001 of 22 December 2000. Member States retain their competence for matters covered by conventions which do not affect Community law.

Box 1 Key UK primary legislation

Principal Merchant Shipping Acts

Hovercraft Act 1968
 Carriage of Goods by Sea Act 1971
 Pilotage Act 1987
 Aviation and Maritime Security Act 1990
 Carriage of Goods by Sea Act 1992
 Merchant Shipping Act 1995
 Merchant Shipping and Maritime Security Act 1997

Principal Ports Acts

Harbours, Docks and Piers Clauses Act 1847
 Coast Protection Act 1949
 Harbours Act 1964
 Health and Safety at Work Act 1974
 Transport Act 1981
 Public Health (Control of Diseases) Act 1984
 Dangerous Vessels Act 1985
 Food and Environment Protection Act 1985
 Ports Act 1991
 Transport and Works Act 1992
 Marine Safety Act 2003

UK Ports and Shipping Legislation

Environmental management of shipping

UK legislation concerning pollution from ships has now been consolidated in the Merchant Shipping Act 1995, and subsequently amended by the Merchant Shipping and Maritime Security Act 1997, which enables the Secretary of State for Transport to make regulations governing amongst other things, the safety of a ship, its passengers and crew, and the prevention of pollution. The Act also introduced stricter controls over marine pollution and onshore disposal of ships' waste, most notably by increasing the penalties for illegal discharge and improving the facilities for the legal disposal of waste in ports. Other key provisions of the Act include extension of the Government's powers to deal with emergencies at sea, greater powers for the inspection and detention of ships, and the preparation of oil spill contingency plans under OPRC 1990.

Powers to control oil pollution from ships are provided by the Merchant Shipping (Prevention of Oil Pollution) Order 1983ⁱ and the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996ⁱⁱ. The geographical scope of these powers was extended from 12 miles out to the continental shelf in accordance with UNCLOS on 5 September 1996 by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996ⁱⁱⁱ.

Box 2 Secondary Merchant Shipping legislation relating to marine pollution

Commencement Orders

Merchant Shipping Act 1995 (Appointed Day No.1) Order SI 1996/1210

Merchant Shipping and Maritime Security Act 1997 (Commencement No.1) Order SI 1997/1082

Merchant Shipping and Maritime Security Act 1997 (Commencement No.2) Order SI 1997/1539

Merchant Shipping Act 1995 (Appointed Day No.2) Order SI 1997/3107

Dangerous Goods

SI 1987/37 Dangerous Substances in Harbour Areas Regulations

SI 1995/2498 Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations (amended by SI 1999/2121)

SI 1996/3010 The Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations (amended by SI 1998/1153)

SI 1997/2367 Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations

Marine Pollution

SI 1983/1106 Merchant Shipping (Prevention of Oil Pollution) Order (amended by SI 1985/2002, SI 1991/2885, SI 1993/1580)

SI 1986/2223 International Oil Pollution Compensation Fund (Parties to Convention) Order

SI 1986/2225 Merchant Shipping (Oil Pollution) (Parties to Convention) Order

SI 1987/470 Merchant Shipping (Prevention and Control of Pollution) Order (amended by 1987/664, 1990/2595, 1992/2668, 1997/2569, 1998/254)

SI 1995/2498 Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods Regulations (amended by 1999/2121)

SI 1996/282 The Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order

SI 1996/2128 Merchant Shipping (Prevention of Pollution) (Limits) Regulations (amended by 1997/506)

SI 1996/2154 Merchant Shipping (Prevention of Oil Pollution) Regulations (amended by SI 1997/1910, SI 2000/483)

SI 1996/3010 Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations (amended by 1998/1153)

SI 1997/1820 Oil Pollution (Compulsory Insurance) Regulations

SI 1997/1869 Merchant Shipping (Prevention of Oil Pollution: Substances other than Oil) (Intervention) Order

SI 1997/2568 Merchant Shipping (Prevention of Pollution) (Intervention) (Foreign Ships) Order

SI 1998/1056 Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations (amended by SI 2001/1639)

SI 1988/2252 Merchant Shipping (Prevention of Pollution by Garbage) Order 1988 (amended by 1993/1581, 1997/2569, 1998/254)

SI 1998/1377 Merchant Shipping (Prevention of Pollution by Garbage) Regulations

SI 1998/1500 Merchant Shipping (Control of Pollution) (SOLAS) Order

SI 2003/1809 The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003

The application of MARPOL requirements to substances other than oil are enacted by regulations made under the Merchant Shipping (Prevention and Control of Pollution) Order 1987^{iv} and the Merchant Shipping (Prevention of Pollution by Garbage) Order 1988^v.

Port authorities' duties and powers

The Harbours Act 1964 (as amended by the Transport and Works Act (TWA) 1992) controls the construction of harbours, the extension of harbours and construction of projects within harbour authority areas, which could interfere with other rights of navigation, as regulated by the Department for Transport (DfT), Department for Environment, Food and Rural Affairs (Defra), and the Welsh Assembly Government (WAG) in the case of fisheries harbours. Substantial areas of harbours also fall within the jurisdiction of local planning authorities (LPAs), and are therefore subject to planning control.

Harbour authorities have three kinds of duties. Some are statutory duties, imposed either in the above general legislation, or in local legislation. Although the details of these local Acts or Orders varies between ports, most incorporate model provisions in the Harbours, Docks and Piers Clauses Act 1847. There are, in addition, general common-law and fiduciary duties. These include an obligation to conserve and facilitate the safe use of the harbour, and a duty of care against loss caused by the authorities' negligence. Harbour authorities also have a general duty to exercise their functions with regard to nature conservation and other related environmental considerations^{vi}.

In addition to general legislation, there are statutory procedures for revising the duties and powers of a harbour authority. A Harbour Revision Order may impose, confer, substitute or remove duties or powers, and change the limits within which they apply. Harbour Orders may be made in the interests of securing the improvement, maintenance or management of a port, harbour or other navigable waterway in an efficient and economical manner. Byelaws may be made, revised or revoked, subject to the enabling powers, and to confirmation by the appropriate authority. These powers are typically broader than those of local authorities but are limited to those provided by statute and can only be used to provide effective harbour management and safety. The 1992 has extended the scope of harbour orders to include recreational as well as commercial harbours and to enable harbour authorities to obtain byelaw-making powers for nature conservation.

Safety of navigation

The Pilotage Act 1987 transfers local responsibility for pilotage from separate pilotage authorities to "competent harbour authorities". Harbour authorities have a duty to consider the need for pilotage services and compulsory pilotage and to provide such services as they consider necessary, and are responsible for "authorising" pilots. In its 1998 Review of the Pilotage Act 1987, the Government concluded that harbour authorities should retain responsibility for pilotage, which should be integrated with their other functions relating to port safety.

Section 34 of the Coast Protection Act 1949 (CPA) provides for the restriction and removal of works

detrimental to navigation. A harbour authority is likely to require a consent under the CPA from the DfT Ports Division (via the Marine Consents and Environment Unit – MCEU) both to undertake the dredging and the deposit of the arisings at sea where such activities are outside the provisions of any local harbour powers or where the Secretary of State's consent may also be necessary. However, the amended Harbours Act 1964 now exempts operations authorised by Harbour Orders from the requirement to obtain the consent of the Secretary of State under s.34 of the CPA. In all cases, a licence is also required under the Food and Environment Protection Act 1985 from the WAG (Defra in England), via the MCEU.

Other relevant powers are embodied in the Dangerous Vessels Act 1985, which enables harbour masters to prohibit vessels from entering a port or to require their removal if they present a safety hazard or obstruct navigation; and in the Merchant Shipping Act 1995, which provides harbour authorities with powers of wreck removal and destruction (which are often extended by local legislation).

Box 3 Secondary Merchant Shipping legislation relating to safety of navigation

General

Merchant Shipping (Registration of Ships) Regulations SI 1993/3138 (amended by SI 1994/541, SI 1998/1915, SI 1998/2976, SI 1999/3206)

Merchant Shipping (Port State Control) Regulations SI 1995/3128 (amended by SI 1998/1433, SI 1998/2198, SI 2001/2349, SI 2003/1636)

Load Line

SI 1998/2241 Merchant Shipping (Load Line) Regulations (amended by SI 2000/1335)

Navigation and Collision Regulations

SI 1992/2356 Merchant Shipping (Categorisation of Waters) Regulations

SI 1996/75 Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations

SI 1996/1749 Merchant Shipping (Mandatory Ship Reporting) Regulations

SI 1997/529 Merchant Shipping (Minimum Standards of Safety Communications) Regulations (amended by 1999/1704)

SI 1997/1341 Merchant Shipping (Mandatory Ships' Routing) Regulations

SI 1998/1692 Merchant Shipping (Co-operations with Search and Rescue Services) Regulations

SI 2002/1473 The Merchant Shipping (Safety of Navigation) Regulations 2002

SI 2004/2110 The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004

Port health

The Public Health (Control of Diseases) Act (s13) empowers the Secretary of State for Health (or the WAG) to make regulations up to the limit of "coastal waters" for preventing danger to public health from vessels arriving at any place, and for preventing the spread of infection by departing vessels. The Act also enables the creation of Port Health Authorities by statutory instrument (s.2). Similarly, the Health and Safety at Work Act 1974 enables secondary legislation

that provides for a comprehensive system of control over the carriage, handling and storage of dangerous substances in harbour areas. This is supplemented by the Port Marine Safety Code, introduced in 2000.

Box 4 Merchant Shipping Notices

There are three different types of Marine Notice, which are used to convey safety, pollution prevention and other relevant information to the shipping and fishing industries.

Merchant Shipping Notices (MSNs) are used to convey mandatory information with which the industry must comply under UK legislation. As such, they refer to Statutory Instruments and contain the technical detail of the regulations.

Marine Guidance Notices (MGNs) give advice and guidance relating to safety of life and shipping at sea, and the prevention and minimisation of pollution from shipping.

Marine Information Notices (MINs) are more technical in detail and are targeted at equipment manufacturers or training establishments. They are numbered in sequence and have a cancellation date (typically twelve months after publication).

Environmental Impact Assessment (EIA)

Ports and piers that can take vessels over 1,350 tonnes are classed as Annex I projects under the EC Directive on the assessment of the effects of certain public and private projects on the environment (85/337/EEC, as amended), and therefore must be subject to an EIA. Other harbour works, including modifications to Annex I projects, require EIA if they are likely to have significant effects on the environment. The Harbour Works (Environmental Impact Assessment) Regulations 1999^{vii} incorporate EIA into the application procedure for Harbour Revision or Empowerment Orders under the Harbours Act 1964. They also provide for EIA of harbour works below low-water mark of medium tides that are not subject to planning control and are not specifically authorised by legislation. Applications for the approval of such works under s.34 of the CPA 1949 may not be granted until the SoS for Transport determines the issue of an EIA.

The Regulations only apply to harbour works that either exceed 1 hectare, are in a defined “sensitive area”, or are determined by the Secretary of State to require EIA under the Directive. A consent to dredge for navigational purposes is subject to the Regulations, and consideration must be given to the dredging and disposal of material, even though the consent requirement may relate to the disposal only. Consents may also be subject to the Conservation (Natural Habitats &c) Regulations 1994 (as amended), which impose severe restrictions and special assessments on works which may adversely affect a European Site. Works authorised by local Acts are, however, exempt from the need for EIA.

Administration

Maritime policy and legislation overall, including merchant shipping, ports and harbours, are mainly

non-devolved matters. Exceptionally, issues relating to specific fishery harbours (listed in Sch.4 to the Sea Fish Industry Act 1951) are the responsibility of the Assembly, including the making of Orders under the Harbours Act 1964 and the confirmation of byelaws. Policy and legislation, including casework, arising on Part II of the CPA 1949 matters (except in respect of the impact of navigation works on coastal defences), Harbours Act 1964 matters (except in respect of fishery harbours) and other related issues in respect of tidal waters and ports, generally remain the responsibility of the DfT, who keep the Assembly informed of policy decisions.

Regulatory, enforcement, search and rescue and counter-pollution functions remain the responsibility of DfT, although many of its functions in this respect are discharged by the MCA. The MCA also enforces international obligations through Port State Control inspections of ships, and is charged with reviewing, developing and setting standards, which it achieves through legislation, Merchant Shipping Notices and codes of practice. The Wales and Western Region of the MCA encompasses 6 Coastguard Rescue Centres and 5 main Marine Offices. The Marine Pollution Salvage Centre (on 24 hr call-out) is stationed in the Milford Haven District and, offshore, the emergency towing vessel *Anglian Princess* protects the SW approaches. The Secretary of State’s Representative for Maritime Salvage and Intervention (SoSREP) provides overall command and control of operations during marine emergencies.

The Environment Agency (EA) has powers to prosecute in the event of pollution from shipping in controlled waters and the control of pollution from dry docks under the Water Resources Act 1991. The Marine Consents and Environment Unit (MCEU) of the DfT provides a central facility for receipt and administration of applications to undertake works in tidal waters and at sea under FEPA 1985 and CPA 1949, including consents for navigational dredging^{viii}. The marine accident investigation function remains the responsibility of the Marine Accident Investigation Branch within DfT.

Issues Arising

International progress towards improving ship safety and environmental protection from shipping activities has been slow, largely due to the length of time required for measures to enter into force. It has been argued that there is an urgent need to speed up the implementation of the IMO Conventions, simplify their regulatory structure and devise regulations that are enforceable. Nevertheless, new and ongoing initiatives such as the recent adoption of the International Convention for the Control and Management of Ships’ Ballast Water and Sediments; the Port Waste Reception Facilities Directive 2000/59/EC (implemented in the UK by SI 2003/1809); the International Convention on the Control of Harmful Anti-fouling System on Ships (and

the associated EC Regulation No.782/2003); and the new Vessel Traffic Management Directive 2002/59/EC (implemented in the UK by SI 2004/2110) are improving the overall regulatory framework.

Box 5 Marine Environmental High Risk Areas

The Donaldson Inquiry recommended that areas which are both environmentally sensitive to oil spills and vulnerable due to the type and level of shipping activities, should be identified as Marine Environmental High Risk Areas (MEHRAs). MEHRAs are a national designation and can be identified within UK territorial waters. The Inquiry's report highlighted the Isles of Scilly, and Skomer and Skokholm islands off SW Wales as suitable MEHRA candidates.

The DfT is leading the work to establish MEHRAs. A set of possible MEHRAs with associated protection measures, was identified in May 2002, although the report was not subject to public consultation. Designation of MEHRAs has been a lengthy process, with some of the more recent delays attributed to the initiative to establish Particularly Sensitive Sea Areas, under the auspices of the IMO, for waters of the NE Atlantic. There is clearly an overlap with the concept of MEHRAs, although once the PSSA has been formally adopted an opportunity will exist for MEHRAs to be part of a much wider series of measures designed to protect the marine environment from shipping activities.

In 1994 the Donaldson Report, Safer Ships Cleaner Seas, announced a total of 103 recommendations across 20 topic areas to protect the UK coastline from pollution caused by merchant shipping. The Government has acted on the majority of the recommendations, and generally positive action has been taken to prevent pollution from shipping. However, a decade on since the Braer spill, the introduction of MEHRAs still remains an outstanding issue. During this period progress in the identification and designation of MEHRAs has been inconsistent and piecemeal. In addition to the lengthy process, there are concerns as to how mariners will be alerted to MEHRAs, the measures that would be implemented and how these would be reviewed for effectiveness, and the level of public engagement in the designation process. It also remains to be seen as to how MEHRAs will be implemented in accordance with UNCLOS, which limits restrictions to freedom of navigation. The IMO proposal to designate the waters of the NE Atlantic as a PSSA would provide a suitable context within which MEHRAs could be introduced, along with a variety of appropriate protective measures in relation to shipping.

A 2002 report by the National Audit Office (NAO)^{ix} identified several inconsistencies in the geographical coverage of important elements of anti-pollution legislation, with some of the most sensitive coastlines in Wales exempt from key measures. Although the report acknowledged the MCA's good record in dealing with pollution incidents and in putting in place the National Contingency Plan, it also envisaged scope for the MCA to adopt a more strategic approach to its counter-pollution activities. The report also drew attention to a weakness that prevents the MCA from prosecuting pollution offences that occur landward of the baseline designating the start of the UK's 12-mile territorial waters and recommended that the Merchant

Shipping legislation be revised to ensure that such incidents may be prosecuted wherever they occur within the UKPCZ.

The MCA has undertaken to carry out a mid-term assessment of the ETV provision in the UKPCZ and is in the process of developing an Environmental Strategy for Shipping operating under the UK Register or using UK waters. The Strategy is intended to address environmental issues in a proactive, sustainable manner and identify, stimulate and promote good environmental practice in the industry.

Development in many port and harbour areas is an ongoing situation. There is already a clear environmental duty on ports to have regard to the environment in discharging their functions, and port operators under expansion pressure are urged in the Government's Marine Stewardship Report (2002) to rise to the challenge of sustainable development. Where ports are located close to environmentally sensitive sites, a balance must be achieved between nature conservation and the need for new port development. The Government has undertaken to review the regulatory framework affecting coastal and marine development, including ports, with a view to simplifying the regulatory system and protecting the marine environment. Complexity, timescales, and potential overlap in requirements are some of the issues that have been raised as concerns by those trying to proceed under the current arrangements. The ultimate aim will be to deliver sustainable development through a modern, transparent, efficient and effective coastal and marine development system.

References

- ⁱ SI 1983/1106, amended by SI 1985/2002, SI 1991/2885, and SI 1993/1580
- ⁱⁱ SI 1996/282
- ⁱⁱⁱ SI 1996/2128, amended by SI 1997/506
- ^{iv} SI 1987/470, amended by SI 1987/664, 1990/2595, 1992/2668, 1997/2569, and 1998/254
- ^v SI 1988/2252, amended by SI 1993/1581, 1997/2569, and 1998/254
- ^{vi} Section 48A of the Harbours Act 1964 (inserted by the Transport and Works Act 1992).
- ^{vii} SI 1999/3445, amended by SI 2000/2391
- ^{viii} The MCEU does not process applications under the TWA 1992, which are administered by the Transport and Works Act Unit at the Office of the Deputy Prime Minister.
- ^{ix} NAO (2002) Dealing with pollution from ships. Report by the Comptroller and Auditor General. National Audit Office, 12 June 2002. The Stationery Office, London.

This briefing is one of twelve which forms part three of *Legislative Reform for the Welsh Marine Environment*. The full report can be downloaded from www.wwf.org.uk/cymru WWF is calling for a UK Marine Act with complementary devolved legislation. This Act would set a strategic legislative framework, and rationalise existing marine legislation concerned with management of the sea. It would also address specific concerns relating to the plethora of existing consents procedures in the marine environment.