



NATIONAL CONTINGENCY PLAN FOR MARINE POLLUTION FROM SHIPPING AND OFFSHORE INSTALLATIONS

The Maritime & Coastguard Agency
Spring Place
105 Commercial Road
Southampton SO15 1EG
Tel: +44 (0)2380 329482/484
Fax: +44 (0)2380 329485

TABLE OF CONTENTS

1. SCOPE AND PURPOSE	7
INTRODUCTION.....	7
LEGAL BASIS.....	7
MARINE POLLUTION	8
AREA COVERED.....	8
PURPOSE	9
IMPLEMENTATION.....	9
2. INITIAL INFORMATION MCA EXPECTS TO RECEIVE	11
3. ESTABLISHING THE LEVEL OF RESPONSE	12
OPTIONS AND FACTORS CONSIDERED BY THE PCPSO	12
ACTION TAKEN AFTER INITIATING A NATIONAL OR REGIONAL RESPONSE	13
4. SETTING UP THE NATIONAL RESPONSE UNITS	14
5. SALVAGE	16
THE ROLE OF SOSREP AND THE SCU FOR SHIPPING CASUALTIES.....	16
ACCESS TO THE CASUALTY.....	17
OFFSHORE INSTALLATIONS	18
6. AT SEA RESPONSE	19
MARINE RESPONSE CENTRE	19
OPTIONS FOR THE CLEAN UP OPERATION	20
DISPERSANT SPRAYING.....	20
INTRODUCTION OF FISHING RESTRICTIONS.....	21
7. HARBOUR RESPONSE	21
POWERS OF HARBOUR AUTHORITIES.....	21
ROLES OF THE HARBOUR MASTER AND SOSREP	21
COMMAND AND CONTROL CENTRE	22
DIVISION OF RESPONSIBILITIES FOR CLEAN UP	22
8. SHORELINE AND ON SHORE RESPONSE	23
SHORELINE RESPONSE CENTRE	23
LOCAL AUTHORITY/EHS CONTINGENCY PLANS	23
HAZARDOUS SUBSTANCES.....	24
9. ENVIRONMENTAL ADVICE AND MONITORING	24
10. MEDIA	26
INTRODUCTION.....	26
MEDIA TEAM AND DESIGNATED PRESS OFFICER.....	26
MINISTERIAL AND VIP VISITS.....	26
LIAISON WITH OTHER GOVERNMENT DEPARTMENTS AND AGENCIES.....	27
11. FINANCE	27
12. PROSECUTION	27
APPENDIX A - ROLES AND RESPONSIBILITIES OF KEY ORGANISATIONS	28
INTRODUCTION.....	28
UK GOVERNMENT DEPARTMENTS AND THEIR EXECUTIVE AGENCIES.....	28
DEVOLVED ADMINISTRATIONS.....	32
LOCAL GOVERNMENT	34

OTHER ORGANISATIONS.....	34
APPENDIX B - CONTACT DETAILS	42
APPENDIX C - INTERNATIONAL ASSISTANCE AND CO-OPERATION	46
INTRODUCTION.....	46
OPRC CONVENTION	46
THE BONN AGREEMENT	46
ANGLO-FRENCH JOINT MARITIME CONTINGENCY PLAN (“MANCHEPLAN”).....	46
THE NORWAY-UNITED KINGDOM JOINT CONTINGENCY PLAN (NORBRIT AGREEMENT).....	46
THE UK/IRELAND AGREEMENT	47
THE EUROPEAN UNION	47
APPENDIX D - MAPS OF THE UK POLLUTION CONTROL ZONE.....	48
APPENDIX E - INTERVENTION POWERS.....	49
INTRODUCTION.....	49
STATUTORY BASIS, SCOPE AND DERIVATION OF THE POWERS.....	49
SCOPE OF APPLICATION OF THE INTERVENTION POWERS.....	50
WHO EXERCISES THE POWERS?.....	52
HOW CAN WE USE THE POWERS?.....	53
WHAT IS THE CONSEQUENCE OF USING THE POWERS?.....	55
APPENDIX F - FORMS AND CHECKLISTS FOR GATHERING AND DISSEMINATING INFORMATION ON MARINE INCIDENTS.....	57
APPENDIX G - TEMPORARY EXCLUSION ZONES AND TEMPORARY DANGER AREAS	65
INTRODUCTION.....	65
TEMPORARY EXCLUSION ZONES.....	65
TEMPORARY DANGER AREA (TDA).....	67
APPENDIX H - SALVAGE: DETAILS OF OPERATIONS.....	68
INTRODUCTION.....	68
EMERGENCY TOWING ARRANGEMENTS.....	68
SHELTER FOR DAMAGED SHIPS.....	69
EMERGENCY CARGO AND BUNKER TRANSFER OPERATIONS.....	70
APPENDIX I - COUNTER POLLUTION OPERATIONS AT SEA.....	71
INTRODUCTION.....	71
OIL.....	71
OTHER HAZARDOUS SUBSTANCES	75
APPENDIX J - PROCEDURE FOR APPROVAL AND TESTING OF OIL TREATMENT PRODUCTS	80
PRODUCT APPROVAL AND TESTING.....	80
APPROVAL FOR USE.....	80
FURTHER INFORMATION.....	81
APPENDIX K - SHORELINE RESPONSE CENTRE.....	82
INTRODUCTION.....	82
GENERAL	82
MANAGEMENT TEAM.....	83
TECHNICAL TEAM.....	84
PROCUREMENT TEAM	85
MEDIA AND PUBLIC RELATIONS TEAM	86
INFORMATION-HANDLING TEAM	86
ADMINISTRATION TEAM.....	87
THE INVOLVEMENT OF OTHER LOCAL AUTHORITIES.....	87

APPENDIX L - ENVIRONMENT GROUP	88
INTRODUCTION.....	88
TERMS OF REFERENCE	88
THE ROLE OF THE ENVIRONMENT GROUP	89
KEY TASKS.....	90
ESTABLISHING THE ENVIRONMENT GROUP.....	91
MEMBERSHIP OF THE ENVIRONMENT GROUP	92
ASSESSMENT OF LONG TERM ENVIRONMENTAL IMPACT	93
THE ROLE OF THE ENVIRONMENT LIAISON OFFICER.....	93
THE ENVIRONMENT GROUP AND THE SRC	93
APPENDIX M - MEDIA	95
INTRODUCTION.....	95
INITIAL PHASE	95
THE SECOND STAGE.....	96
MANAGING THE CRISIS	97
ESTABLISHING A MEDIA LIAISON POINT AND CENTRE	99
INFORMATION MANAGER.....	101
SEPARATING DELIVERY FROM CONTENT	102
CONTENT AND PRESENTATION.....	102
MEDIA ACCESS	103
GUIDELINES FOR MEDIA MANAGERS AND STAFF.....	104
GUIDELINES FOR SWITCHBOARD OPERATORS DURING MAJOR INCIDENTS.....	107
MEDIA AIDE MÉMOIRE	108
OBTAINING MOBILE AND PORTABLE EQUIPMENT FROM BRITISH TELECOM.....	109
APPENDIX N - LIABILITY & COMPENSATION FOR POLLUTION DAMAGE.....	111
INTRODUCTION.....	111
POLLUTION CAUSED BY PERSISTENT OIL CARRIED IN TANKERS.....	112
POLLUTION CAUSED BY PERSISTENT OIL CARRIED IN SHIPS OTHER THAN TANKERS.....	115
POLLUTION CAUSED BY POLLUTANTS OTHER THAN PERSISTENT OIL	116
POLLUTION CAUSED BY OFFSHORE INSTALLATIONS.....	116
POLLUTION FROM AN UNIDENTIFIED SOURCE	117
APPENDIX O - COST RECOVERY.....	118
INTRODUCTION.....	118
RECORD KEEPING	118
TIME LIMITS FOR CLAIMS ARISING FROM POLLUTION FROM TANKERS.....	119
CLAIMS ARISING FROM POLLUTION FROM TANKERS.....	120
PROCEDURE IN OTHER CASES.....	122

LIST OF ACRONYMS

ARCC	Air Rescue Co-ordination Centre
BOSCA	British Oil Spill Control Association
BTA	British Tugowners Association
CAST	Coastguard Agreement on Salvage and Towage
CCW	Countryside Council for Wales
CEFAS	Centre for Environment, Fisheries and Aquaculture Science
CHAG	Chemical Hazards Advisory Group
CIA	Chemical Industry Association
COI	Central Office of Information
DANI	Department of Agriculture for Northern Ireland
DETR	Department of the Environment, Transport and the Regions
DMO	Director of Maritime Operations, MCA
DOE(NI)	Department of the Environment for Northern Ireland
DTI	Department of Trade and Industry
EA	Environment Agency
EHS	Environment and Heritage Service of DoE(NI)
ELO	Environment Liaison Officer
EN	English Nature
EPG	DETR's Environment Protection Group
ETV	Emergency Towing Vessel
FCO	Foreign and Commonwealth Office
FEPA	Food and Environment Protection Act 1985
HMCG	Her Majesty's Coastguard
HOO	Head of Operations, MCA
HSE	Health and Safety Executive
IMO	International Maritime Organisation
IOPC Fund	International Oil Pollution Compensation Fund
ITOPF	International Tanker Owners Pollution Federation
JNCC	Joint Nature Conservation Committee
MACC	Military Aid to the Civil Community
MCA	Maritime and Coastguard Agency
MAFF	Ministry of Agriculture, Fisheries and Food
MAIB	DETR's Marine Accident Investigation Branch
MEIR	Marine Emergencies Information Room
MLL	Marine Land and Liability Division of DETR
MOD	Ministry of Defence
MOU	Memorandum of Understanding
MRC	Marine Response Centre
MRCC	Maritime Rescue Co-ordination Centre
MRSC	Maritime Rescue Sub Centre
NAWAD	National Assembly for Wales, Agriculture Department
NHS	National Health Service
NOTAM	Notice to Airmen
OIM	Offshore Installation Manager
OPOL	Offshore Pollution Liability Association Ltd
OPRC Convention	Oil Pollution Preparedness, Response and Co-operation Convention 1990
P&I club	Protection and Indemnity club
PCPSO	Principal Counter Pollution and Salvage Officer
RSPCA	Royal Society for the Prevention of Cruelty to Animals
SAR	Search and Rescue
SCU	Salvage Control Unit
SEEEC	Sea Empress Environmental Evaluation Committee

SEPA	Scottish Environment Protection Agency
SERAD	Scottish Executive Rural Affairs Department
SERS	Ship Emergency Response Service
SFI	Sea Fisheries Inspectorate
SNH	Scottish Natural Heritage
SOSREP	Secretary of State's Representative
SP3	Shipping Policy (3) Division, DETR
SRC	Shoreline Response Centre
SSPCA	Scottish Society for the Prevention of Cruelty to Animals
SSSIs	Sites of Special Specific Interest
STOp	Scientific, Technical and Operational Guidance Notices
TDA	Temporary Danger Area
TEZ	Temporary Exclusion Zone
UKOOA	United Kingdom Offshore Operators' Association
UKPIA	United Kingdom Petroleum Industry Association
UNCLOS	United Nations Convention on the Law of the Sea 1982

THE UK NATIONAL CONTINGENCY PLAN FOR MARINE POLLUTION FROM SHIPPING AND OFFSHORE INSTALLATIONS

1. SCOPE AND PURPOSE

Introduction

*Associated with **Appendix A** (Roles and responsibilities) and **Appendix B** (Contact details).*

- 1.1 As a Party to the UN Convention on the Law of the Sea (UNCLOS), the UK has an obligation to protect and preserve the marine environment. This plan is one of the measures that the UK has taken to meet this obligation.
- 1.2 After saving human life, the key purpose of responding to a maritime incident is to protect human health, and the marine and terrestrial environment. A range of national and local agencies, some of which have more specific statutory duties than others, undertake the response to incidents that threaten to pollute the seas around the UK. **Appendix A** outlines the roles and responsibilities of the organisations that may become involved. **Appendix B** contains contact details for these organisations.
- 1.3 This plan parallels similar documents dealing with the UK Government's responsibility for saving life at sea, for search and rescue and for caring for survivors brought ashore. Plans prepared by coastal local authorities, harbour authorities, and operators of offshore installations underlie this national plan. These local plans provide detailed information on the local response to marine incidents and should describe arrangements for mutual support.

Legal basis

- 1.4 The legal basis for this plan is section 293 of the Merchant Shipping Act 1995, as amended by the Merchant Shipping and Maritime Security Act 1997 (the "1995 Act"). This section gives the Secretary of State for the Environment, Transport and the Regions the function of taking, or co-ordinating, measures to prevent, reduce and minimise the effects of marine pollution.
- 1.5 This plan also meets one of the UK Government's obligations under the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (the "OPRC Convention"). The Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 implement other obligations under the Convention. In particular, they require harbour authorities to have oil pollution emergency plans that are compatible with this plan. Harbour authorities

must submit revised plans to the Maritime and Coastguard Agency (MCA) every five years, or earlier if a substantial change is required. MCA has published advice in their ***Oil Spill Contingency Plan Guidelines for Ports, Harbours & Oil Handling Facilities***.

- 1.6 Local authorities in England and Wales have a general power under section 138 of the Local Government Act 1972 to act with respect to emergencies or disasters. Local authorities in Scotland have similar powers under the Local Government (Scotland) Act 1973. Local authorities have prepared, and implemented, local response plans based on these powers. MCA advises them to submit revised plans every five years, or earlier if there is a substantial change.
- 1.7 In Northern Ireland, the Water Act (Northern Ireland) 1972 authorises the Department of the Environment for Northern Ireland (DOE(NI)) to carry out pollution clean up work through the Environment and Heritage Service (EHS). The EHS prepares local response plans in the same way as local authorities do elsewhere in the United Kingdom.

Marine pollution

- 1.8 The scope of this plan matches the scope of the Secretary of State's powers of intervention. References to "marine pollution" therefore refer to pollution by oil or other hazardous substances. "Oil" means oil of any description (section 151 of the 1995 Act). "Other hazardous substances" are those substances prescribed under section 138A of the 1995 Act. They also include any substance that, although not so prescribed, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.
- 1.9 Such pollution can result from spills of ships' cargoes carried in bulk or in packages, ships' bunkers, and leaks from oil and gas installations and pipelines.

Area covered

*Associated with **Appendix C** (International assistance and co-operation) and **Appendix D** (Maps of the UK pollution control zone)*

- 1.10 This plan covers all incidents in, or likely to affect, the UK pollution control zone¹ - that is, any part of the sea within the area designated under the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996, as amended.

¹ This area includes the UK's internal waters, defined as waters inside the baseline of territorial waters; territorial seas, defined as 12 miles from the baseline; and the UK's pollution control zone, defined as 200 miles from the baseline or out to the nearest median line.

- 1.11 The Isle of Man and the Channel Islands are responsible for their own counter pollution arrangements but, as they have only limited resources, MCA provides assistance in a major incident.
- 1.12 **Appendix C** summarises the bilateral and multilateral agreements on co-operation. MCA's Director of Marine Operations (DMO), Head of Operations (HOO), and Counter Pollution Branch based at its headquarters in Southampton discharge all obligations under these agreements. MCA headquarters also informs other States of any pollution threat to their waters or shoreline, and co-ordinates any requests for international assistance.
- 1.13 Maps illustrating the UK's pollution control zone and search and rescue boundaries are at **Appendix D**.

Purpose

- 1.14 The purpose of this plan is to ensure that there is a timely, measured and effective response to incidents. The owners and masters of ships and the operators of offshore installations bear the primary responsibility for ensuring that they do not pollute the sea. Harbour authorities are likewise responsible for ensuring that their ports operate in a manner that avoids marine pollution, and for responding to incidents within their limits. However, ships, offshore installations and harbour authorities may face problems that exceed the response capabilities that they can reasonably maintain (especially in the provision of counter pollution equipment). Similarly, coastal local authorities may face incidents that require equipment or expertise beyond their capabilities. Therefore, the MCA may need to use national assets in the response to a marine pollution incident.
- 1.15 This plan sets out the circumstances in which MCA deploys the UK's national assets to respond to a marine pollution incident to protect the overriding public interest. It also describes how MCA manages these resources.

Implementation

*Associated with **Appendix E** (Intervention powers)*

- 1.16 MCA, an Executive Agency of the Department of the Environment, Transport and the Regions (DETR), has overall responsibility for the implementation of this plan. For this purpose, MCA exercises the functions of the Secretary of State (for the Environment, Transport and the Regions) under the 1995 Act, including the Secretary of State's intervention powers. Details of these powers are at **Appendix E**.
- 1.17 Regulations under the Pollution Prevention and Control Act 1999 will create parallel powers for the Secretary of State (for Trade and Industry)

in relation to offshore installations and pipelines. MCA will exercise these powers too.

1.18 Within MCA, the following officers may exercise the Secretary of State's powers:

- the Chief Executive;
- DMO;
- the Secretary of State's Representative (SOSREP);
- HOO; and
- a Principal Counter Pollution and Salvage Officer (PCPSO), if so authorised by one of the above for a specific incident.

1.19 The Government has appointed SOSREP to provide overall direction for all marine pollution incidents involving the salvage of ships or offshore installations that require a national response. The normal arrangement is therefore for him to exercise operational control, as explained below. As recommended in Lord Donaldson of Lymington's report on Salvage and Intervention and their Command and Control, Ministers and senior officials should not attempt to influence SOSREP's operational decisions while operations are in progress. In Lord Donaldson's words, they should "back him or sack him".

1.20 Action to prevent marine pollution remains a function of the UK Government. Nevertheless, the Scottish Executive, the Northern Ireland Departments, and the National Assembly for Wales (the "devolved administrations") need to be closely involved when their areas are, or may be, affected. They have responsibilities for the marine environment and fisheries in waters adjacent to their coasts, and are concerned with the effects on coastal areas. MCA has signed an Operational Agreement with the Scottish Executive Rural Affairs Department (SERAD), and a Memorandum of Understanding with the Environment and Heritage Service (EHS) of DoE(NI). Discussions on an operational agreement between the MCA and the National Assembly for Wales are underway.

1.21 This plan refers to the relevant units in the devolved administrations dealing with environmental and fisheries issues as the "devolved environment and fisheries departments". For Wales, this includes the Ministry of Agriculture Fisheries and Food (MAFF) in respect of the fisheries functions where MAFF acts on behalf of the National Assembly for Wales.

2. INITIAL INFORMATION MCA EXPECTS TO RECEIVE

*Associated with **Appendix B** (Contact details) and **Appendix F** (Forms for gathering and disseminating information on marine incidents).*

- 2.1 An immediate response to reported marine pollution or a risk of significant pollution is important. Incidents at sea should be reported urgently by radio or telephone to HM Coastguard (HMCG). If an incident occurs in a harbour, it should be reported to the harbour master who immediately informs HMCG. Operators of offshore installations immediately inform HM Coastguard's Maritime Rescue Co-ordination Centre (MRCC) in Aberdeen, and the Department of Trade and Industry, Oil and Gas Division, of any spill of oil or other pollutants, of any quantity.
- 2.2 The HMCG Watch Manager contacts the ship or offshore installation to ascertain, among other things:
- the nature of incident (collision, loss of containment, etc.);
 - the number of people on board;
 - the type, size and name of the ship or installation;
 - the identity of the owner or operator;
 - the precise location, course and speed of the ship, and its proximity to other ships, offshore installations, shallow water and the shore;
 - information on the ship's cargo, stores or bunkers, and whether any are dangerous;
 - the structural and mechanical integrity of the ship or installation;
 - the weather, sea state and tidal conditions;
 - any assistance available to the casualty and the intentions of the Master or Offshore Installations Manager (OIM); and
 - any measures already taking place.
- 2.3 The Watch Manager initiates any search and rescue response required. He reports any pollution incident (whether or not known to involve oil or any other hazardous substance, and even if of unknown origin) to the duty PCPSO, with a copy to MCA Headquarters.
- 2.4 Any other organisation (for example, a local authority, harbour authority or environmental organisation) receiving a report of marine pollution of any quantity, or a threat of marine pollution, whether from a ship, offshore installation or unknown source, should send that information immediately to HMCG. HMCG contacts the duty PCPSO.

- 2.5 Organisations sending information should make every practicable effort to identify, as a basis for decisions:
- the nature and quantity of the pollutant involved;
 - its location;
 - its source;
 - the weather, sea state and tidal conditions in the area; and
 - events and actions so far.
- 2.6 Forms used for gathering information on a marine incident are at **Appendix F** and the contact details for disseminating information to those involved are at **Appendix B**.

3. ESTABLISHING THE LEVEL OF RESPONSE

*Associated with **Appendix G** (Temporary Exclusion Zones and Temporary Danger Areas)*

Options and factors considered by the PCPSO

- 3.1 The duty PCPSO decides in the first instance what level of response (national, regional or local) the incident warrants. This plan lays down no rigid criteria for triggering a regional or national response. However, the PCPSO may trigger a national response if:
- a shipping casualty gives rise to the risk of significant pollution requiring a salvage operation;
 - there is a spill of oil or any other hazardous substance at sea from a ship that requires the deployment of sea borne or air-borne equipment to contain, disperse or neutralise it;
 - there is a spill of oil or any other hazardous substance from an offshore installation that requires the deployment of seaborne, or air-borne equipment by MCA to contain, disperse or neutralise it which the operator of the installation does not have the capacity to deploy (after allowing for mutual support arrangements agreed with other operators);
 - there is a spill of oil or any other hazardous substance within the area of a harbour authority that requires the deployment of national resources under national control to contain, disperse or neutralise it, or other action beyond the capacity of the harbour authority and local authority concerned (after allowing for mutual support arrangements with neighbouring harbour authorities or local authorities); or

- a local authority requests the deployment of national shoreline equipment under national control because the action is beyond the capacity of the local authority after allowing for any mutual support arrangements with neighbouring authorities.
- 3.2 In a regional response, the PCPSO may deploy regional MCA equipment and facilities to support the harbour authorities or local authorities (or, in Northern Ireland, the EHS). A local response is appropriate in all other cases. In a local response, MCA has no role other than to maintain records of any pollution for statistical purposes.
- 3.3 The PCPSO considers the following actions – some of which involve the deployment of regional MCA resources, whereas other actions engage national MCA equipment and facilities:
- ordering aerial surveillance of the ship, if possible with a qualified observer;
 - arranging for inspection of the ship by an MCA surveyor or other qualified person;
 - putting on stand-by or deploying:
 - dispersant spraying aircraft and ships,
 - oil recovery equipment,
 - cargo transfer equipment,
 - booms, or
 - ETVs;
 - establishing the availability of salvage and lightening ships;
 - moving the ship to shelter;
 - using statutory powers of intervention;
 - obtaining specific weather forecasts;
 - requesting control of airspace in vicinity of the casualty; and
 - establishing a temporary exclusion zone (TEZ). (**Appendix G** contains information on TEZs.)

Action taken after initiating a national or regional response

- 3.4 When a threat of significant pollution justifies a regional or national response, the PCPSO immediately informs DMO, SOSREP, or HOO at MCA headquarters of the incident. The PCPSO ensures that MCA keeps a record of actions taken. DMO, HOO, or SOSREP may decide to supplement the response or stand down a national response.

- 3.5 In relation to incidents involving ships, MCA takes the lead in providing UK Government Ministers with situation reports. DETR's Shipping Policy (3) Division (SP3) takes the lead in providing policy advice, consulting colleagues in DETR, other government departments and the devolved administrations as appropriate. In relation to incidents involving offshore installations, the Oil and Gas Division of the Department of Trade and Industry (DTI) takes the lead in providing both operational and policy advice. MCA or the DTI, as appropriate, also give situation reports to officials of the devolved administration affected, so that they can similarly advise their Ministers.
- 3.6 Thus, when MCA triggers a regional or national response, DMO, HOO, or SOSREP arranges for the following to receive situation reports:
- the offices of the Secretary of State for the Environment, Transport and the Regions, the Minister for Transport, the Minister for the Environment, and the Parliamentary Under-Secretaries handling maritime and environmental issues (by fax or e-mail);
 - the DETR Duty Press Officer (by telephone, via the MCA Public Relations Office);
 - SP3, Marine Land and Liability (MLL) and Ports Divisions of DETR, the Oil and Gas Division of the DTI, MAFF, and the devolved environment and fisheries departments, as appropriate (by telephone, fax or e-mail);
 - affected local authorities;
 - National Focus (if there is potential or actual risk to public health); and
 - those organisations that provide the core members of the Environment Group (see Section 9).
- 3.7 The remainder of this plan sets out the framework for a national response.

4. SETTING UP THE NATIONAL RESPONSE UNITS

- 4.1 In managing the counter pollution response to an incident, the hierarchy of aims is:
- first, to prevent pollution occurring;
 - second, to minimise the extent of any pollution that occurs;
 - third, to mitigate the effects of that pollution.
- 4.2 Separate, but linked, response units direct operations. There may be units to handle salvage (the Salvage Control Unit (SCU)), action at sea (the Marine Response Centre (MRC)), action in the area of each

harbour authority involved, and action on shore (the Shoreline Response Centre (SRC)). An Environment Group provides environmental advice to all of these units. Not all incidents require all these response units. However, the arrangements for managing the incident must allow for the possibility of salvage operations, action at sea and action on shore taking place simultaneously.

4.3 The accommodation for each unit should have sufficient telephone lines to enable full liaison with outside bodies. Photocopier and fax facilities are essential, although noisy equipment should be located in a separate room. Fixed VHF equipment would be desirable. Television and video facilities can be extremely useful for playing back videotapes from aircraft and helicopters, as well as watching local and national coverage of the incident. Wall space to display several charts and situation boards is essential. Those holding responsibility for keeping the situation boards continuously updated should be aware that their objective is to present a summary of the current situation and response actions being taken.

4.4 A well-prepared set of situation boards and annotated charts greatly assists the preparation of:

- press briefing notes;
- briefing for Ministers and elected representatives; and
- briefing for incoming relief staff.

4.5 Each of the units need support from an Administration Team responsible for the general management of the unit and providing personnel for:

- communication links between the units;
- the distribution of messages within the units;
- keeping records of messages and expenditure;
- taking minutes during meetings to record decisions;
- typing services;
- updating situation boards and charts; and
- providing catering to the units.

5. SALVAGE

Associated with Appendix H (Salvage)

The role of SOSREP and the SCU for shipping casualties

- 5.1 If there is a threat of significant pollution HMCG issues a broadcast to the salvor or, if not yet appointed, the master or owner of the ship, and the harbour master, if the incident is in a port or its approaches, stating that intervention powers may be exercised and directing him to give SOSREP information. This information must include:
- whether the owner has appointed a salvor and, if so, its name and contact details;
 - the broad nature of the contract between owner and salvor;
 - information on the intentions of the salvor; and
 - any other important information that has not yet been gathered (see **Appendix F**).
- 5.2 It is for SOSREP to decide whether the salvor has the capability to carry out the necessary salvage actions, in terms of experience, personnel, and material. He decides whether it is necessary to set up a SCU. If the size of the incident merits the establishment of a SCU, SOSREP travels to the scene at an appropriate time.
- 5.3 The members of the SCU are:
- SOSREP;
 - the Salvage Manager from the salvage company appointed by the shipowner;
 - the harbour master, if the incident involves a harbour or its services;
 - a single representative nominated by agreement between the shipowner and the insurers (for both the physical property and their liabilities);
 - a PCPSO;
 - an Environmental Liaison Officer, nominated by the Chair of the Environment Group; and
 - if SOSREP decides to appoint one, SOSREP's personal salvage adviser.
- 5.4 DMO, or HOO, controls the salvage operation from the Marine Emergencies Information Room (MEIR) at MCA headquarters while SOSREP is en route to an MRCC, a Marine Rescue Sub-Centre (MRSC), or other appropriate forward base, and until he has established

the SCU. DMO or HOO also activate all members of MCA Counter Pollution Branch necessary to assist in the response.

- 5.5 SOSREP uses all the information available to him to assess whether the actions proposed are in the public interest. SOSREP also considers what should happen if the current salvage plan goes wrong or the incident escalates in severity. He is empowered to exercise intervention powers to what ever extent is required in the public interest and may take control of the salvage operation, by issuing directions. If SOSREP takes control of a salvage operation, all those involved will act on his directions. In other cases, the salvors operate by agreement with, or with the tacit approval of, SOSREP, without the need to issue further directions.
- 5.6 Irrespective of any directions issued, MCA arranges for a written record of all decisions made by SOSREP and sends copies to the other response units as soon as practicable.

Access to the casualty

- 5.7 If SOSREP decides that it is necessary for the salvage operation, he establishes an On Board Salvage Team in addition to the SCU. This team normally comprises the Salvage Master and his crew, SOSREP's own representative and, if the shipowner wishes, a Shipowner's Casualty Representative. SOSREP strictly monitors and, if necessary, controls access to the casualty.
- 5.8 SOSREP uses discretion in limiting access. Every additional body increases the potential problem of rescue, and every additional person increases the risk of confusion as to what the Salvage Master and his crew are doing.
- 5.9 SOSREP's own representative keeps SOSREP fully informed of developments on board and monitors compliance with any directions issued to those on board. The Shipowner's Casualty Representative may discuss the handling of the casualty with the Salvage Master and report to his colleague in the SCU. However, none of those on board has any power of direction.
- 5.10 Additionally, SOSREP may allow others with a clearly defined and beneficial role access to the casualty. For example, SOSREP may grant a single special representative of hull insurers, or a single special representative of cargo owners and insurers, access to the casualty.
- 5.11 Similarly, as soon as he judges that the situation is safe, SOSREP grants access to one or more inspectors of the Marine Accident Investigation Branch (MAIB). MAIB has a statutory duty to investigate accidents falling within its jurisdiction and prompt access to witnesses and to other evidence on board greatly facilitates the work of these technical investigators.

Offshore installations

- 5.12 Incidents occurring at an offshore installation fall under the remit of the installation's oil spill response plan. In general², when there is a release of oil from an installation, the tasks of containing and responding to the oil on the water are identical to when a ship spills oil.
- 5.13 At the outset, the installation manager is in control of implementing the emergency plan at the installation. On shore, the company activates its Emergency Response Centre under the control of the Emergency Operations Manager. MCA controls any national resource deployed, in consultation with SOSREP and the Emergency Operations Manager.
- 5.14 The company has a duty to implement its plan to contain the spill and minimise the environmental damage caused. There is unlikely to be a need to exercise the Secretary of State's powers of intervention. Nevertheless, in a major spill, SOSREP monitors the progress of the salvage operation under the control of the Emergency Operations Manager. SOSREP is empowered to exercise intervention powers on behalf of the Secretary of State for Trade and Industry to what ever extent is required in the public interest and may take control of the salvage operation, by issuing directions. If SOSREP takes control of a salvage operation, all those involved will act on his directions.
- 5.15 The approved oil spill response plan for the installation must identify the location for a command and control centre. Suitable accommodation may be available close to the operator's Emergency Control Centre; otherwise, it is likely to be the MRCC at Aberdeen. This command and control centre requires the same support and structure as an SCU and similar links to other operational units engaged in other tasks including search and rescue, at sea clean up and shoreline clean up, as appropriate.
- 5.16 The members of the operational group that supports SOSREP and their roles are:
- the Emergency Operations Manager of the installation to provide, when necessary, a communications link between SOSREP and the Offshore Installation Manager;
 - a single representative of the owners and of the physical property and liability underwriters;
 - a PCPSO;
 - an Environmental Liaison Officer, nominated by the chairman of the Environment Group;

² One significant difference is that "live" crude may generate an inflammable gas cloud that could make operations at sea hazardous.

- a representative of the DTI to provide SOSREP with advice on the importance of the installation to strategic supplies and other matters of national interest and give independent advice on the technology of the installation; and
 - if SOSREP decides to appoint one, a personal advisor.
- 5.17 Again, there need to be timely written records of all SOSREP's decisions. All response units should receive copies of these as soon as practicable.

6. AT SEA RESPONSE

Associated with Appendix I (Counter pollution operations)

Marine Response Centre

- 6.1 In almost all cases involving a national response, whether ship or offshore related, MCA establishes a Marine Response Centre (MRC) at the nearest MRCC or MRSC. As soon as HOO can leave the MCA Headquarters and reach the site of the MRC, he takes control of it. Until then, the PCPSO has control of the MRC. It contains the following persons, although some of MCA staff may play more than one role:
- a PCPSO, to manage sea borne and air borne operations;
 - where a ship is involved, an MCA officer to manage cargo transfer operations;
 - an MCA Logistics Officer, to organise the deployment of the equipment needed and monitor financial commitments;
 - if the incident involves a harbour or its services, a representative of the harbour authority;
 - an officer of the relevant fisheries department, to advise on the impact of fisheries and to liaise with fishing organisations. Where the relevant fisheries department is part of the Scottish Executive, or is the Department of Agriculture for Northern Ireland, this officer also acts as liaison officer with the devolved administration. If the incident involves waters designated under the Government of Wales Act 1998, the MRC also contains a liaison officer nominated by, or on behalf of, the relevant Assembly Secretary of the National Assembly for Wales;
 - a local authority officer (or, in Northern Ireland, an officer of the EHS), to act as liaison with the Shoreline Response Centre;
 - an Environmental Liaison Officer nominated by the Chair of the Environment Group; and

- an MCA Public Relations Officer, to liaise with the DETR Press Office and the media.
- 6.2 In consultation with DMO, HOO nominates other members of MCA Counter Pollution Branch staff to assist in the response.

Options for the clean up operation

- 6.3 HOO (subject to any instructions from SOSREP in a salvage operation) decides on actions to contain, disperse, or neutralise pollutants, and to remove potential pollutants from the scene. If circumstances allow, he consults DMO at MCA Headquarters before reaching decisions on the following methods of response:
- assessing and monitoring;
 - dispersant spraying operations;
 - mechanical recovery operations; and
 - cargo transfer operations.
- 6.4 The aim of any clean up operation is to minimise the damage (environmental, ecological, amenity or financial) that the spill would cause. The MRC decides between the options for clean up bearing in mind the following:
- the severe limitations on the effectiveness of at sea clean up techniques;
 - the distance from shore of the casualty;
 - the type of spill;
 - the weather conditions and currents;
 - the time needed to deploy resources to the scene.
- 6.5 DMO has the right to change a decision on response action taken by the MRC. **Appendix I** outlines counter pollution procedures.

Dispersant spraying

*Associated with **Appendix J** (Procedure for approving and testing oil treatment products)*

- 6.6 The manufacture and use of dispersants and other oil treatment products is subject to regulation. Details of the controls are at **Appendix J**.

Introduction of fishing restrictions

- 6.7 Under Part I of the Food and Environment Protection Act 1985 (FEPA), Departments or Agencies with food safety responsibilities can prohibit the taking of fish and edible plants from a designated sea area. They may do this when the consumption of contaminated food from that area could present a health risk to consumers. They may therefore restrict fishing, on a precautionary basis, if resources are, or are likely to become, contaminated.

7. HARBOUR RESPONSE

Powers of harbour authorities

- 7.1 For an incident occurring inside the harbour authority's jurisdiction, the harbour master is in control of the incident response from the outset. All harbour masters have powers to direct the time and manner of a ship's entry into, departure from, or movement within a harbour. This gives a harbour master the power to regulate day to day movements within the harbour. However, it does not permit the harbourmaster to prohibit or insist upon entry.
- 7.2 Some harbour authorities have powers to issue general directions. Unlike the harbour master's powers, these powers are not ship and movement specific. Neither do they enable the harbour authority to prohibit or insist upon a ship's entry or departure. However, the Dangerous Vessels Act 1985 does permit a harbour master to prohibit entry or require departure from a harbour. He may do so if, in his opinion, the condition of that ship, or the nature of anything it contains, is such that its presence in the harbour might involve a grave and imminent danger to the safety of persons or property or risk that that the ship may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other ships. He must have regard to all the circumstances and to the safety of any person or ship. SOSREP is empowered to exercise the powers of the Secretary of State to over-rule such directions.

Roles of the harbour master and SOSREP

- 7.3 A harbour authority exercising any of its functions, including those of the harbour master, must have regard to any potential threat to the environment and should have access to the advice of the Environment Group. The harbour authority has responsibility for the response to any incident and this should be in accordance with the approved local plan. This will allow appropriate regard to other harbour operations. SOSREP secures by direction, if necessary, information on the way the harbour authority powers are to be exercised. He is empowered to exercise intervention powers to what ever extent is required in the public interest and may take control of the salvage operation, by issuing directions. If

SOSREP takes control of a salvage operation, all those involved will act on his directions rather than those issued by the harbour authority. SOSREP's directions over-rule any directions issued by the harbour master in respect of the casualty or its cargo.

Command and control centre

7.4 The command and control centre is located either at the port's own operations room or at the nearest MRCC or MRSC. Some ports can cope with large salvage operations. In these ports, SOSREP may view it as an advantage to exercise control using port facilities. The harbour master is a member of the SCU and it may be beneficial to maintain his presence at the port so that he can keep control of other activities within the port. The decision whether to use the port or Coastguard facilities for the control centre should be predetermined in the local plan taking account of many factors, including:

- the availability and range of communications equipment (radio link with the casualty, salvors, and emergency units on scene, spare telephone lines, faxes etc.);
- the need for ancillary equipment such as radar equipment for the control of port traffic;
- the availability of local knowledge of environmentally sensitive areas, bathymetry, port resources to supplement rescue, salvage and counter pollution efforts;
- size of building and number of rooms available (large rooms for press briefings and communications, quiet rooms for decision making by the SCU);
- the availability of support staff; and
- location (ease of access, available parking).

Division of responsibilities for clean up

7.5 The responsibilities for the clean up of pollution within the jurisdiction of a harbour authority are as follows:

Location of pollution	Responsibility for clean up lies with:
on the water	harbour authority
jetties/wharves/structures	harbour authority
beach/shoreline owned by the harbour authority	harbour authority
shoreline (including land exposed by falling tide)	local authority/EHS

8. SHORELINE AND ON SHORE RESPONSE

*Associated with **Appendix K** (The shoreline response centre)*

Shoreline Response Centre

- 8.1 When the threat of pollution to the shoreline exceeds the capability of the most affected local authority (or EHS), and MCA initiates a national response, that local authority or EHS sets up a Shoreline Response Centre (SRC).
- 8.2 Each local authority's own contingency plan (and, in Northern Ireland, the EHS contingency plan) should specify how to set up the SRC in the light of its own practices and organisation. These plans also contain the necessary authorisations by each local authority to enable the designated officer directing the SRC to take decisions on behalf of the other local authorities concerned.³
- 8.3 The SRC needs to contain representatives of all the local authority services that may need to participate in the clean up operation, and representatives of all local and port authorities that may become involved. In addition, it contains a liaison officer nominated by the Chair of the Environment Group.

Local authority/EHS contingency plans

- 8.4 The local authority/EHS contingency plans should at least contain the following:
- guidance on what equipment and personnel is at the disposal of the SRC, including neighbouring local authority resources;
 - arrangements for establishing accommodation and catering arrangements for members of the SCU, MRC, SRC and Environment Group who may need to be in the area away from their own base;

³ Section 101 of the Local Government Act 1972 and section 84 of the Local Government (Scotland) Act 1973 provide for such authorisations.

- arrangements for handling liaison with the SCU, the MRC and the Environment Group;
- arrangements for handling the media;
- temporary, intermediate and final storage sites and routes for the disposal of waste;⁴
- maps, clearly depicting sensitive sites, access points, terrain types etc.; and
- guidance on the health and safety of workers involved in preventive measures and clean up activities.

8.5 Further advice is at **Appendix K**.

Hazardous substances

8.6 Some marine accidents may release hazardous substances that have the potential to threaten public health. In such cases, MCA expects the NCP to run in parallel with, and dovetail into, existing major incident plans normally invoked when there is an incident involving hazardous substances onshore. Under Home Office arrangements for dealing with disasters, the Police, as the lead body for co-ordinating the response, sets up a strategic command centre at a previously designated appropriate location. MCA nominates a representative to attend the strategic co-ordination meetings providing a link to the maritime response units. More details are at **Appendix I**.

8.7 In 1974, local authority associations agreed that shoreline county councils would extend their oil spill contingency plans, in consultation with district councils, to cover emergencies arising from hazardous substances washed ashore.⁵ EHS deals with hazardous substances washed ashore in Northern Ireland.

9. ENVIRONMENTAL ADVICE AND MONITORING

Associated with Appendix L (The environment group)

9.1 The response to any maritime incident in the UK requiring a regional or national response involves the establishment of an Environment Group. All those involved in operations at sea (including salvage) and shoreline clean up need environmental advice. The Environment Group advises on

⁴ The environment agencies recognise the need to develop strategic plans for the disposal of waste . Resolution of this issue partly depends upon finalisation of the exemption proposals that DETR is currently preparing, but the environment agencies need to undertake further work to ensure that disposal is in accordance with existing legislation.

⁵ See joint DOE Circular 123/74 and Welsh Office Circular 201/74, and SDD Circular 75/1975 as amended or added to by SDD Circulator No 28/1981 and SOEnD Circular No 35/1992.

environmental aspects and impacts of these operations. The Group is a common facility, providing comprehensive advice to all response units.

- 9.2 As well as provision of "expert advice" based on immediately available data and information, there may be a need to initiate the collection of real time environmental data. Its purpose is initially to provide accurate baseline data of vulnerable environmental features immediately before impact of the pollution plume, so that the damage can be quantified. The Group also needs to track the success of preventive and counter pollution measures throughout the incident, and to assess the overall long-term environmental impact.
- 9.3 It is the responsibility of the MCA Chief Scientist, or his representative, to initiate the process for the formation of the Environment Group. The core membership of the Group comes from the relevant statutory nature conservation agency, fisheries department, environmental regulator, and (in the case of incidents beyond territorial waters) the Joint Nature Conservation Committee (JNCC). The Group also includes a representative from MCA. These core members nominate a chairman for the Group as quickly as possible. In general, the chairman comes from the relevant statutory nature conservation agency. However, with the agreement of the members, the chairmanship of the Group may change to reflect any alteration in the nature of the incident.
- 9.4 In the simplest incidents, the chairman acts as a conduit of advice (probably by telephone) to SOSREP or the response units. The chairman is also free to offer any environmental advice that he may think appropriate. The chairman also decides when it is necessary to convene the Environment Group at the scene of the incident and nominates Environment Liaison Officers for any response units established. Local contingency plans need to identify suitable accommodation and support facilities for the Environment Group.
- 9.5 As the incident develops, the chairman and core members decide whether to expand the Group's membership to include representatives of other relevant bodies, such as local health authorities, animal welfare groups, or other non-governmental organisations.
- 9.6 Response units should make all reasonable efforts to consult the Environment Group, or its chairman, about any proposed action that is likely to have lasting impact on the environment. If time does not permit the response unit to consult before acting, it must circulate a full written report to the Environment Group and all other response units as soon as possible after the event. This report must detail the actions taken, the reasons for them, and their anticipated outcome.
- 9.7 The Environment Group should record its advice in writing and circulate it to the response units as soon as practicable. Where a response unit

does not follow such advice, it should record the reasons for not doing so as soon as practicable.

- 9.8 If a marine pollution incident is expected to have a significant impact on the marine environment, or the shoreline, arrangements will be made to monitor and assess the impact in the longer term.
- 9.9 **Appendix L** gives further details of how the Environment Group is to be established, its terms of reference, membership and functions.

10. MEDIA

Associated with Appendix M (Media)

Introduction

- 10.1 A major maritime incident is of immediate interest to the local media and, depending on the scale and nature of the incident, may result in national and international media attention. It is in the public interest and the interest of all concerned to keep the media informed as fully and as regularly as possible. Failure to consider the media response at an early stage may have serious implications for the management of the whole incident.

Media team and designated press officer

- 10.2 From the outset of an incident, MCA should ensure that it has an adequate media response team in place, under a Designated Press Officer. One of the team's roles is to liaise on behalf of SOSREP with the press and other Government press offices (for example, the DETR and DTI press offices). In particular, it is the task of the Designated Press Officer to advise SOSREP on media relations, to arrange press conferences, and to issue regular news bulletins.
- 10.3 It is essential that the media team ensure that the media do not interfere with the operational activity of the emergency services or harass casualties.
- 10.4 Further details of the suggested procedure for dealing with the media from the outset of a major incident are at **Appendix M**.

Ministerial and VIP visits

- 10.5 It is inevitable that, in the case of a major or high profile incident, a Minister will wish to visit the scene. A designated MCA senior officer will escort Ministers or other VIPs who visit the scene - whether from central Government, a devolved administration or a Government Agency - at all times.

- 10.6 The media team must consider how to accommodate a Minister and any Ministerial press conference on site and advise DETR and/or DTI Press Office accordingly.

Liaison with other government departments and agencies

- 10.7 The media team establishes and maintains a line of communication with the DETR or DTI Press Office to keep it informed of the progress of an operational response. In addition, appropriate officials must stand ready during the course of the response to provide any advice or draft statements requested by Ministers or Press Office.
- 10.8 In the case of an incident occurring in an area covered by a devolved administration or within a port, the media team establishes and maintains a line of communication with the press office of the devolved administration or harbour authority to keep it informed of progress.

11. FINANCE

*Associated with **Appendix N** (Liability & compensation for pollution damage) and **Appendix O** (Cost recovery)*

- 11.1 Dealing with marine pollution incidents can be a protracted and expensive business. Initially the costs of such operations fall on those undertaking them. In line with the “polluter pays” principle, those incurring expenses as part of the response operation later seek to recover them from those responsible. **Appendix N** contains a brief summary of compensation regimes that may enable them to recover those costs. **Appendix O** contains guidance on the procedure that they should follow when claiming compensation.
- 11.2 It is essential that, from the outset, all participants keep records of how, when, and why, they respond. They will need these records to support claims for cost recovery and to show that the actions taken were reasonable and commensurate with the threat from pollution and the risks to safety.

12. PROSECUTION

- 12.1 The regulatory body for each piece of legislation has a duty to secure evidence for possible use in court if it has reason to believe that an offence has been committed. The gathering of such evidence must not interfere with the operational activities of the salvors and other emergency services.

ROLES AND RESPONSIBILITIES OF KEY ORGANISATIONS

Introduction

- A.1 The purpose of this Appendix is to clarify the roles and responsibilities of the lead bodies and key support organisations during a marine pollution incident.

UK Government departments and their executive agencies

Department of the Environment, Transport and the Regions

- A.2 Major marine pollution incidents require work on a wide range of issues apart from those directly connected with salvage and clean up operations. DETR has policy responsibility for several of these issues.

Shipping Policy (3) Division

- A.3 SP3 has policy responsibility for marine pollution from shipping. The division does not contribute to operational decisions during an incident. However, as part of its policy sponsorship role, it assesses the effectiveness of MCA's approach to incidents within the framework of the Agency's objectives. It also provides advice on liability and compensation issues.

Ports Division

- A.4 Ports Division has policy responsibility for the ports industry. It is sponsor for the Port Marine Safety Code and the associated competence standards and Guide to Good Practice. The division does not contribute to operational decisions during an incident. It provides general advice on the legal duties and powers of harbour authorities, although it is more appropriate to refer questions about a particular case to the authority concerned.

Environment Protection Group (EPG)

- A.5 EPG is responsible for the Government's policy on environmental protection. It has a broad interest in counter pollution activities. Divisions within EPG have particular responsibilities for the protection of the marine environment, water quality and sponsorship of the Environment Agency.

Maritime and Coastguard Agency

- A.6 MCA is an executive agency of DETR. The Agency is responsible for:
- minimising loss of life amongst seafarers and coastal users;
 - responding to maritime emergencies 24 hours a day;

- developing, promoting and enforcing high standards of maritime safety and pollution prevention for ships; and
- when pollution occurs, minimising the impact on UK interests.

A.7 During an incident, the role of the Chief Executive is to continue managing the Agency as a whole and to ensure that Ministers receive timely information on the progress of the operation. SOSREP controls salvage operations. He liaises closely with DMO and has the decisive voice in the decision-making process in a marine salvage operation that involves the threat of significant pollution. HOO acts as SOSREP's deputy as appropriate. DMO is responsible for search and rescue, counter pollution and clean up operations at sea, and for maintaining the UK Government's stockpiles of equipment. MCA's marine surveyors may need to board a casualty to carry out port state control inspections and to offer advice on the seaworthiness of a ship.

Environment Agency

A.8 The merger of the National Rivers Authority, Her Majesty's Inspectorate of Pollution, waste regulations authorities, and several smaller units from the former Department of the Environment created the Environment Agency (EA). The Agency exists to provide environmental protection and improvement. It achieves this by an emphasis upon prevention, education, and enforcement wherever necessary. The Agency works towards objectives set by ministers, although it remains independent and impartial. It advises the Secretary of State and provides guidance to local authorities.

A.9 Like SEPA in Scotland, EA is responsible for protecting the environment as a whole (air, land and water) within "controlled waters". These are territorial waters within three nautical miles of the territorial sea baselines. EA and SEPA regulate:

- discharges to controlled waters (they are the lead agencies for land-based pollution sources);
- the disposal and management of waste;
- some coastal and estuary flood defences; and
- salmonid and other migratory fisheries and, in some cases, sea fisheries.

A.10 The EA and SEPA also manage, monitor, and control the water quality of all controlled waters. They have responsibilities for waste regulation and can provide advice on the following:

- waste minimisation to reduce the amount requiring disposal;
- the location and form of temporary storage and treatment areas;

- the disposal options for wastes.

Health and Safety Executive

- A.11 The Health and Safety Executive (HSE) is responsible for regulating health and safety offshore. There is a legal requirement for owners and operators of offshore installation to report accidents and emergencies to the HSE. The HSE provides advice, support, and information in the event of a major offshore emergency through its Offshore Safety Division's major incident response team. The HSE booklet *Dealing with Offshore Emergencies* sets out roles and responsibilities.

Marine Accident Investigation Branch

- A.12 DETR's Marine Accident Investigation Branch (MAIB) is responsible for investigating accidents involving or occurring on board UK registered ships, any other ships in UK waters, or any other ships at the discretion of the Secretary of State. The fundamental purpose of these investigations is to determine the circumstances and the causes, with the aim of improving the safety of life at sea and the avoidance of accidents in the future. Their purpose is not to apportion liability; nor, except so far as is necessary to achieve the fundamental purpose of an investigation, does the MAIB seek to apportion blame.

Department of Trade and Industry

- A.13 DTI's Oil and Gas Directorate is responsible for licensing exploration and regulating development of the UK's oil and gas resources, including environmental issues. It sponsors the oil and gas industry upstream and downstream.
- A.14 Oil and Gas Division 3 is responsible for oil and gas development and production, metering, transportation, decommissioning, pipeline authorisation, prevention of oil pollution, and offshore environmental issues. It approves oil spill response plans for the offshore industry as required under the OPRC Convention. DTI forwards plans to MCA to advise on whether they deal adequately with marine pollution. MCA liaises direct with individual operators about their plans as necessary, before recommending approval or rejection of the plans to DTI.

Ministry of Agriculture, Fisheries and Food

- A.15 MAFF is the UK Department of State primarily concerned with the food chain, including the viability and profitability of farming, food and drink, and fisheries industries. It is also concerned with the related issues of public and animal health, and a range of other issues, most notably the protection of the rural environment. MAFF plays a major role in the protection of the marine environment and in ensuring the safety of the aquatic food chain in England, including the safety of consumers of fish and shellfish.

A.16 MAFF tests and approves any oil treatment products manufactured for use in UK waters on behalf of all UK fisheries departments. For England, MAFF approves any use of dispersants in shallow and coastal waters and advises on use of dispersant in deeper water. For Wales, MAFF acts in this capacity on behalf of the National Assembly for Wales. Further details of these procedures are at Appendix J.

A.17 MAFF representation at the Environment Group meeting close to the scene of an incident is most likely to be from CEFAS or the SFI.

Centre for Environment, Fisheries and Aquaculture Science (CEFAS)

A.18 CEFAS, an Executive Agency of MAFF, is an internationally recognised centre for fisheries science, aquaculture and protection of the environment. It provides a wide range of research, consultancy and training services in environmental impact assessment; environmental research and monitoring; aquaculture health and hygiene; and fisheries science and management. It carries out toxicity testing of UK approved oil treatment products on behalf of MAFF. It also provides advice to MAFF during marine pollution incidents, including on the appropriate use of dispersants.

Sea Fisheries Inspectorate (SFI)

A.19 The SFI operates 25 fisheries offices at fishing ports. SFI provides local input to oil spill contingency planning. Many of its staff have had seagoing experience in addition to their day-to-day role of supporting and regulating the fisheries industry.

Ministry of Defence

A.20 The Ministry of Defence (MOD) is responsible for dealing with pollution caused by naval or other MOD ships, wherever they may be, and with pollution within naval base waters.

A.21 In the event of an incident at sea, where the MOD is not directly involved and subject to operational commitments, the MOD may provide assistance on a cost reimbursement basis to MCA. This assistance might consist of MOD salvage expertise and equipment; ships to provide on scene command facilities; reconnaissance; spraying ships; and oil recovery equipment.

A.22 Under the normal arrangements for giving Military Aid to the Civil Community (MACC), the MOD may, on a cost reimbursement basis, and subject to availability, provide equipment and personnel to shoreline local authorities to assist in dealing with shoreline pollution. They may also aid enforcing directions given by, or on behalf of, the Secretary of State in the exercise of intervention powers.

Hydrographic Office

- A.23 The Hydrographic Office supplies hydrographic, oceanographic and other such information to the Royal Navy. It offers unclassified charts and publications to the merchant navy and other users of the sea. The Hydrographic Office also issues notices to mariners warning them of hazards to navigation.

Meteorological Office

- A.24 The Meteorological Office provides weather forecasts that enable the calculation of the likely wind drift and direction of pollution. On request, they can provide a forecaster at the scene of a major incident to provide up-to-date and accurate weather forecasts to those in control.

Foreign and Commonwealth Office (FCO)

- A.25 The FCO is responsible for advising on, and dealing with, any international relationship matters that might arise from counter pollution operations. This includes the use of the intervention powers, prosecutions, and flag state referrals in respect of foreign ships. MCA keeps the FCO informed from an early stage where it anticipates that a marine pollution incident in UK waters could affect the UK's bilateral relations with another State. The FCO may wish to warn neighbouring States of pollution threats and other incidents that might affect them.

Home Office

- A.26 The Home Office has responsibilities for the Channel Islands and the Isle of Man. MCA informs the Home Office of any incident or proposed counter pollution action affecting these islands.

Devolved administrations

Scottish Executive

Scottish Executive Rural Affairs Department

- A.27 SERAD is responsible in Scotland for:
- agriculture;
 - the protection of the marine environment, fisheries and the other living resources that it supports;
 - food safety, including fish and shellfish hygiene;
 - the water industry; and
 - a range of matters concerning the environment and natural heritage.

- A.28 The Marine Environment and Wildlife Branch of the Fisheries Group has specific policy responsibility for the regulation of deposits in the sea in waters adjacent to Scotland under Part II of FEPA. SERAD may also prohibit the taking of fish and edible plants from a designated sea area under Part I of FEPA. The Food Standards Agency in Scotland takes over this role from early April 2000, together with responsibility for food standards and food safety more generally.

Marine Laboratory, Aberdeen

- A.29 The Marine Laboratory in Aberdeen is a division of the Fisheries Research Service, an executive agency within SERAD. It provides expert scientific advice on fisheries, fish and shellfish cultivation and other marine environment matters, including the effects of pollution. It is also responsible for licensing deposits in the sea under Part II of FEPA.

Scottish Environment Protection Agency

- A.30 SEPA is a non-departmental public body responsible for the protection of the environment in Scotland. It is ultimately accountable to the Scottish Parliament. In the marine context, SEPA is responsible for maintaining and improving the environmental quality of the inland, coastal and tidal areas of controlled waters⁶ adjacent to Scotland. Its functions are similar to those of EA described above.

National Assembly for Wales

- A.31 Lead responsibility for the protection of the natural environment including marine pollution as a result of oil spillages from shipping in Welsh waters rests with the Environment Division of the National Assembly. In addition the Agriculture Department of the assembly is responsible for policy on the protection of the public health from contamination of the food chain, including that by fish, and the protection of fisheries, including liaison with the fishing industry up to 12 miles offshore.

Northern Ireland Executive

Department of the Environment

- A.32 DOE is responsible in Northern Ireland for the development of policy concerning the environment and Natural Heritage, including the marine environment and the living resources that it supports. In Northern Ireland the Fisheries Division of the Department of Agriculture and Rural Development is the licensing authority for Fisheries.

⁶ "Controlled waters" are waters within three nautical miles of the territorial sea baselines.

Environment and Heritage Service

- A.33 EHS is an executive agency within the DOE and is responsible for monitoring water quality and taking action to combat or minimise the effects of pollution in Northern Ireland's coastal and inland waterways.

Local government

Local authorities

- A.34 Local authorities have no statutory duty to plan for, or carry out, shoreline clean up, but have accepted a voluntary commitment to do so. MCA supports local authorities by maintaining stockpiles of beach cleaning equipment; providing residential training courses on oil spill response and contingency planning; by providing hands-on demonstrations of beach-cleaning equipment and booming exercises; and by participating in local authority training exercises.

Health authorities

- A.35 Health authorities are responsible for co-ordinating the public health aspects of the response to an incident. Central Government has asked health authorities to ensure that they can respond to incidents, including by preparing contingency plans and arranging for getting advice and expertise to deal with potential hazards to public health.
- A.36 Operational response to public health issues will always be from the public health department of the local health authority (health board in Scotland and Northern Ireland). Public health cover is on call 24 hours a day to cover communicable diseases and human health issues.

Other organisations

National Focus

- A.37 National Focus was established at the University of Wales Institute in February 1997 to provide a national unit to co-ordinate work on response to chemical incidents and surveillance of possible health effects caused by exposure to chemicals in the environment. The remit of National Focus covers the whole of the UK.
- A.38 Amongst its key roles are:
- to strengthen the ability of the National Health Service (NHS) to respond to incidents involving hazardous substances and their possible health effects;
 - to provide a 24 hours a day, 365 days a year telephone contact (0541 545654);

- to assist the NHS's response to an incident, for example, by acting as a clearing house for information; and
- to promote joint planning between health interests and other key players locally, such as local authorities, the emergency services and HSE.

A.39 In a chemical incident at sea which threatens human health, National Focus makes sure that the local health authority has access to specialist sources of advice, including the Health Advisory Group on Chemical Contamination Incidents. It also informs Ministers of the public health aspects of the incident.

Nature conservation organisations

A.40 Four organisations deal with nature conservation issues in Great Britain: English Nature (EN), Countryside Council for Wales (CCW), Scottish Natural Heritage (SNH), and Joint Nature Conservation Committee (JNCC). The Environment and Heritage Service is the equivalent organisation in Northern Ireland.

A.41 As part of the response to a marine pollution incident, these organisations, through the Environment Group:

- provide advice on the environmental impacts of a spill to the MCA's Counter Pollution Branch, local authorities, etc.;
- co-ordinate the collation and provision of the best available information on wildlife interests and threats to them (including beached bird surveys, seabird colony and individual bird counts, collection of dead oiled birds, reporting of live casualties, and the collection of samples);
- provide nature conservation advice and information to local authorities, MCA Counter Pollution Branch, MAFF/SERAD, EA/SEPA; and
- co-ordinate the response of Non-Governmental Organisations.

Joint Nature Conservation Committee

A.42 The JNCC is the forum through which the three country nature conservation agencies – CCW, EN, and SNH – deliver their statutory responsibilities for Great Britain as a whole and internationally. These responsibilities contribute to sustaining and enriching biological diversity, enhancing geological features, and sustaining natural systems.

A.43 The JNCC's Seabird at Sea and Marine Information Teams provide specialist advice to the country agencies and assist in monitoring and surveillance operations during major incidents. JNCC also deals with marine pollution incidents occurring outside territorial waters.

English Nature

- A.44 EN, the Nature Conservancy Council for England, advises Government on nature conservation in England. It promotes, directly and through others, the conservation of England's wildlife and natural features within the wider setting of the United Kingdom, and its international responsibilities. It selects, establishes and manages National Nature Reserves and identifies and notifies Sites of Special Scientific Interest.
- A.45 EN advises on incidents in territorial waters around England (that is, south of 55°50'N on the east coast, all of the south coast, and the west coast south of 51°20'N and between the Dee Estuary and 54°30'N).

Countryside Council for Wales

- A.46 CCW is the Government's statutory adviser on wildlife, countryside, and maritime conservation matters in Wales. CCW advises on incidents in territorial waters around Wales.

Scottish Natural Heritage

- A.47 SNH is a statutory non-departmental public body established by the Natural Heritage (Scotland) Act 1991. It is ultimately accountable to the Scottish Parliament. Its statutory aims are to secure the conservation and enhancement of Scotland's natural heritage and to foster understanding and facilitate enjoyment of it. SNH provide advice to Government on nature conservation in Scotland.
- A.48 SNH advises on incidents in territorial waters around Scotland (that is, north of 54°30'N on the west coast and north of 55°50'N on the east coast).

Harbour authorities

- A.49 Harbour authorities are responsible for safeguarding the safe and efficient use of the harbour by all those who wish to do so. They must exercise their functions having regard to the environment. They have a specific duty to prepare for, and to respond, to marine oil pollution incidents within their jurisdiction. If they cannot contain the incident using their own resources, they may rely on additional resources available through mutual support agreements with other harbour authorities, oil companies and local authorities, or through formal agreements with oil spill contracting companies as set out in the oil spill response contingency plan. They may also call upon MCA.

Sea Fisheries Committees (SFCs)

- A.50 SFCs are responsible for the management of inshore fisheries in England and Wales out to six miles from baselines. They exercise control through the operation of bylaws. They can introduce these bylaws both to protect the fisheries concerned or (since the Enforcement Act 1995) to conserve the wider marine environment. SFCs are also responsible for the enforcement of certain EU and national legislation in furtherance of the common Fisheries Policy.

National Park Authorities

- A.51 The National Park Authorities' statutory remit includes landscape, amenity, and nature conservation. They may provide local knowledge and staff with ecological and other expertise relevant to pollution response.

- A.52 The National Parks whose boundaries include coastline are:

- The Broads;
- Exmoor;
- Lake District;
- North York Moors;
- Pembrokeshire Coast; and
- Snowdonia.

Oil industry

- A.53 The major oil companies have resources for oil recovery and other counter pollution operations. The companies may be able to provide tankers and other ships on charter and may be a source of technical information on tankers and tanker operations. They also have contingency plans for dealing with spills in oil terminals operated by them.

UK Petroleum Industry Association (UKPIA)

- A.54 UKPIA is the representative organisation for the UK oil refining, supply and distribution and marketing companies. Through its Regional Oil Spill Co-ordinators, UKPIA will, if requested, provide advice during a spill and act as a liaison point for oil industry support to MCA.

UK Offshore Operators Association (UKOOA)

- A.55 UKOOA is the representative organisation for the companies that operate offshore oil and gas production facilities on the UK Continental Shelf.

Marine insurers

- A.56 Shipowners generally have two types of insurance: “hull” insurance and “liability” insurance. A shipowner’s hull insurance covers damage to the ship’s hull or machinery and a proportion of traditional salvage awards. Liability insurance covers the shipowner’s liability to third parties, including the costs of reasonable measures taken to prevent or minimise pollution and special environmental awards to salvors.
- A.57 Most shipowners take out liability insurance by entering their ship with one of the members of the International Group of Protection and Indemnity (P&I) Clubs. P&I clubs are mutual, non-profit making associations that insure their members (shipowners, charterers, managers, and operators) against third party liabilities, including pollution liabilities. Each P&I club has full time managers who look after the day-to-day business of the club, including dealing with claims for compensation.
- A.58 Cargo owners normally have cargo insurance to cover loss suffered by the cargo owner in the event of damage to, or loss of, the cargo during the course of a voyage and a proportion of traditional salvage awards.

The International Oil Pollution Compensation Fund (“IOPC Fund”)

- A.59 The IOPC Fund provides compensation (up to limit) for pollution damage caused by persistent oil carried by tankers if, and to the extent that, compensation available from the shipowner is inadequate.

The International Tanker Owners Federation Ltd (ITOPF)

- A.60 ITOPF has a staff of technical experts to respond to marine oil spills anywhere in the world. Its principal role is to give practical advice on clean up techniques and the mitigation of damage. It normally performs this service at the request of shipowners, P&I clubs, and the IOPC Fund. ITOPF gives guidance on what counter pollution operations are reasonable, bearing in mind the provisions of the relevant treaties and the IOPC Fund’s claims admissibility guidelines.

The Offshore Pollution Liability Association Ltd (OPOL)

- A.61 OPOL is the organisation that manages the provisions of the “Offshore Pollution Liability Agreement”. This Agreement binds participating operating oil companies to accept strict liability for pollution damage and remedial measures up to a maximum amount per incident.

The British Oil Spill Control Association (BOSCA)

- A.62 BOSCA is the trade association that represents the oil spill response industry in the United Kingdom. Its members include equipment manufacturing companies, service contractors, and consultants. They have expertise in oil pollution prevention, control, and clean up at sea, along coastlines and inland. BOSCA has a service contract with MCA, the terms of which include the maintenance of the national equipment database for use in spill incidents.

Chemical Industry Association (CIA)

- A.63 CIA or individual companies may be a source of information on the properties of hazardous substances and advice on pollution response.

Non-governmental environmental organisations

Royal Society for the Prevention of Cruelty to Animals (RSPCA) and Scottish Society for the Prevention of Cruelty to Animals (SSPCA)

- A.64 When alerted by the relevant statutory nature conservation agency during a marine pollution incident, the RSPCA or SSPCA:

- agree the procedures for the recovery of live birds and other wildlife casualties with the relevant nature conservation agency;
- where appropriate, supply equipment to help recovery of live casualties. The SRC technical and procurement teams may directly support this activity;
- co-ordinate the treatment and rehabilitation of casualties;
- provide the relevant nature conservation agency with details of the recovery, treatment and rehabilitation of live wildlife casualties; and
- agree a protocol with the nature conservation agency for the marking and release of cleaned wildlife.

National Trust

- A.65 The National Trust is a major coastal landowner in the UK and its staff can be a valuable source of local expertise and knowledge.

Royal Society for the Protection of Birds (RSPB)

- A.66 The RSPB:
- contributes to the monitoring of bird casualties through the organisation of Beached Bird Surveys;
 - establishes and maintains a network of Beached Bird Surveyors to carry out these surveys in the event of a pollution incident (subject to availability of volunteers and access to the shoreline). In Wales, it is likely that CCW will maintain a network of volunteers;

- provides samples of Beached Bird Survey recording cards to Beached Bird Surveyors as required;
- maintains additional supplies of briefing information and recording cards for rapid dissemination in the event of a pollution incident;
- ensures that all Beached Bird Surveyors receive advice on safe working on the coast. This role should take place in conjunction with the health and safety team (a sub-group of the SRC technical team);
- co-ordinates the deployment of Beached Bird Surveyors during an emergency and ensure that all surveyors follow agreed recording procedures. In Wales, it is likely that CCW will co-ordinate the surveyors;
- provides the relevant country nature conservation agency with the results of Beached Bird Surveys on a daily basis. This activity is probably best carried out using a database or spreadsheet;
- notifies the statutory nature conservation agency co-ordinator of the location of live, oiled birds (as reported by Beached Bird surveyors) and sends this information to RSPCA or SSPCA;
- assists in providing information on birds at risk from the pollution incident.

British Trust for Ornithology (BTO)

A.67 The BTO:

- agrees a protocol with the statutory nature conservation agencies for ringing all rehabilitated birds prior to release by appropriately licensed personnel; and
- assesses the origins of affected birds from interpretation of ringing recovery information.

Wildlife Trusts

A.68 Wildlife Trusts are potentially useful sources of local knowledge on all environmental aspects. They:

- provide local nature conservation information to complement that given by the statutory nature conservation agencies;
- provide specialist help with monitoring clean up operations in sensitive areas;
- contribute to the work of evaluation committees or inquiries that take place after a marine pollution incident.

A.69 However, the Wildlife Trusts are not animal welfare organisations and believe that responsibility for the collection of wildlife injured during an oil spill should lie with the voluntary organisations (RSPCA/SSPCA). Wildlife Trusts, however, are willing, when appropriate and if resources allow, to act as a “clearing house” for volunteers who wish to assist the RSPCA, SSPCA, or other organisations with these aspects.

World Wide Fund for Nature UK

A.70 The World Wide Fund for Nature (WWF) may contribute to the work of evaluation committees or inquiries that take place after a marine pollution incident.

APPENDIX B

CONTACT DETAILS

Organisation	Address	Telephone	Fax
Countryside Council for Wales (CCW)	Maritime Policy Office Plas Penrhos Ffordd Penrhos Bangor LL57 2LQ	Office hours: 01248 385500 Mobile: 0498 756129 0498 756130	01248 385 510
Fisheries Division, Department of Agriculture and Rural Development (DARD)	Dundonald House Upper Newtownards Road Belfast BT4 3SB	Office hours: 02890 520100	02890 524813
Department of Trade and Industry (DTI)	Oil & Gas Office Atholl House 86-88 Guild Street Aberdeen AB11 6AR	Office hours: 01224 254025 Out of hours: 0171 2155110	01224 254019/18
English Nature (EN)	Maritime Team Northminster House Peterborough PE1 1UA	Office hours: 01733 455 237 01733 455 236 Pager: 07669 024062	01733 568 834
Environment Agency (EA)	Head Office Emergency Management Group Block 1 Government Buildings Burghill Road Westbury-on-Trym Bristol BS10 6BF	Office hours: 01179 142613 Out of hours: 0208 2934954 24 hours: 0800 807060	01179 142 614 Out of hours: 0208 2934853
Environment Protection Group, DETR (EPG)	Ashdown House 123 Victoria Street London SW1E 6DE	Office hours: 0207 944 5252	0207 944 5249
Environment and Heritage Service, Northern Ireland (EHS)	Water Quality Unit Calvert House 23 Castle Place Belfast BT1 1FY	Office hours: 02890 254741 Out of hours: 01189 535351	02890 254777
Environment and Heritage Service, Northern Ireland (EHS)	Natural Heritage Commonwealth House 35 Castle Street Belfast BT1 1GH	Office hours: 02890 251477 24 hours: 01189 535351	02890 546660

Organisation	Address	Telephone	Fax
Foreign and Commonwealth Office (FCO) Aviation and Maritime Dept	King Charles Street London SW1A 2AH	Office hours: 0207 270 2638	0207 270 3189
Health and Safety Executive (HSE)	Local County Council – each Council has an HSE representative covering its district.	Office hours: 0541 545 500 Information Centre	
Home Office (HO)	Constitutional Unit Queen Anne's Gate London SW1H 9AT	Office hours: 0207 273 3707	0207 734 078
International Maritime Organisation (IMO)	4 Albert Embankment London SE1 7SR	Office switchboard: 0207 735 7611 (answer phone for out of hours)	0207 587 3210
IOPC Fund	4 Albert Embankment London SE1 7SR	0207 582 2606	0207 735 0326
International Tanker Owners Federation Ltd (ITOPF)	Staple Hall Stonehouse Court 87-90 Houndsditch London EC3A 7AX	Office hours: 0207 621 1255 Out of hours: 0142 691 4112	0207 621 1783
Joint Nature Conservation Committee (JNCC)	Dunnet House 7 Thistle Place Aberdeen AB10 1 UZ	Office hours: 01224 655 716 Pager: 01893 776833	01224 621 488
Marine, Land and Liability Division, DETR (MLL)	Ashdown House 123 Victoria Street London SW1E 6DE	Office hours: 0207 944 5316	0207 944 5309
Maritime and Coastguard Agency (MCA)	Spring Place 105 Commercial Road Southampton SO15 1EG	Office hours: 02380 329415 24 hour pager: 07000 405415	02380 329446
Meteorological Office	London Road Bracknell RD12 2SZ	Office hours: 01344 420242	01344 854 412
Ministry of Agriculture, Fisheries and Food (MAFF)	Marine Policy Branch Room 150 17 Smith Square London SW1P 3JR	Office hours: 0207 238 5879 Mobile: 0370 977825 Sea Fisheries Inspectorate 24 hour Duty Room: 0207 270 8960	0207 238 5881 (office hours) 0171 270 8125 (out of hours)

Organisation	Address	Telephone	Fax
Ministry of Defence, Salvage and Mooring (MOD)	Directorate of Marine Services Room 204, Block E Foxhill, Bath BA1 5AB	Office hours: 01752 552 141 Out of hours: 01225 868585	01752 552 103
National Focus	Faculty of Community Health Sciences University of Wales Institute Western Avenue Cardiff CF5 2YB	Office hours: 01222 506 388 24 hours: 0541 545654	01222 506 803
National Assembly For Wales Agriculture Department (NAWAD)	Cathays Park Cardiff CF1 3NQ	Office hours: 0292 082 3555 0292 082 3744 Out of hours: 0292 082 5111	0292 082 3562
National Assembly For Wales, Environment Division	Cathays Park Cardiff CF1 3NQ	Office hours: 0292 082 3555 0292 082 3744 Out of hours: 0292 0825111	0292 082 3568
Ports Division, DETR	Great Minister House 76 Marsham Street London SW1 6DE	Office hours: 0207 944 5069	0207 944 2188
Press Office, DETR	Eland House Bressenden Place London SW1E 5DU	Office hours: 0207 944 3387	0207 944 5549
Scottish Environment Protection Agency (SEPA)	Erskine Court The Castle Business Park Stirling Scotland FK9 4TR	Emergency Hotline No (24 hours) 0800 807060	01786 446 885
Scottish Executive Rural Affairs Department (SERAD)	Marine Environment & Wildlife Branch Room 414 Pentland House 47 Robb's Loan Edinburgh EH14 1TY	Office hours: 0131 244 6233/4 Out of hours: 01506 882880	0131 244 6313
Scottish Executive Rural Affairs Department (SERAD) Environmental Protection Section, Fisheries Research Services	Marine Laboratory PO Box 101 Victoria Road Aberdeen AB11 9DB	Office Hours: 01224 876544 Out of Hours: 01569 767294	01224 295524

Organisation	Address	Telephone	Fax
Scottish Natural Heritage (SNH)	2 Anderson Place Edinburgh EH6 5NP	Office hours: 0131 446 2434 Pager: 01893 865114	0131 446 2405
Shipping Policy (3) Division, DETR	SP3B Great Minister House 76 Marsham Street London SW1 6DE	Office hours: 0207 944 5452 0207 944 5126	0207 944 2186
United Kingdom Petroleum Industry Association (UKPIA)	9 Kingsway London WC2B 6XH	Office hours: 0207 240 0289	0207 379 3102
United Kingdom Offshore Operators Association (UKOOA)	First Floor 30 Buckingham Gate London SW1E 6BN	Office hours: 0207 802 2400	0207 802 2401

INTERNATIONAL ASSISTANCE AND CO-OPERATION

Introduction

- C.1 The UK is party to several international agreements which provide for co-operation in dealing with major marine pollution incidents. This appendix provides a summary of them.

OPRC Convention

- C.2 The OPRC Convention places obligations on States Parties concerning their preparedness for, and response to, oil pollution incidents. It also provides a framework for international co-operation for combating major oil pollution incidents.

The Bonn Agreement

- C.3 The parties to the Bonn Agreement for Co-operation in dealing with Pollution of the North Sea by Oil and Other Harmful Substances 1983 are the States bordering the North Sea and English Channel (that is, Belgium, France, Germany, the Netherlands, Norway, Sweden, Denmark and the UK), and the European Community.
- C.4 The parties notify each other of any marine pollution or threat of marine pollution likely to pose a threat to the coast or related interests of another Party. They pledge to assist one another to the best of their ability, on request, and on a cost recovery basis.

Anglo-French Joint Maritime Contingency Plan (“Mancheplan”)

- C.5 Under the Bonn Agreement, the English Channel is a zone of joint responsibility between France and the UK. The Mancheplan covers counter pollution and search and rescue operations. It sets out the division of responsibility between the two parties. For incidents likely to affect both parties simultaneously, it outlines command and control procedures, channels of communication, and the resources available to each party.
- C.6 Mancheplan designates the territorial waters of the Channel Islands as a special zone of responsibility. It contains procedures for the provision of assistance, as required, to the Channel Island Authorities.

The Norway-United Kingdom Joint Contingency Plan (Norbrit Agreement)

- C.7 Norway and the UK have developed the Norbrit Agreement for joint counter pollution operations in the zone extending 50 miles either side of the median line separating the UK and Norwegian continental shelf.

- C.8 Like Mancheplan, the Norbrit Agreement sets out command and control procedures for pollution incidents likely to affect both parties, channels of communication and resources available. However, it does not cover search and rescue activities.

The UK/Ireland Agreement

- C.9 Negotiations with the Government of the Republic of Ireland to produce a UK/Ireland joint contingency plan for counter pollution and search and rescue operations in the Irish Sea are nearly complete.
- C.10 The purpose of the plan would be to ensure fast and effective co-operation in the event of an incident in the Irish sea which may affect the interests of both or either country. Work to establish a simple median line for operational purposes continues.

The European Union

- C.11 The European Union has a framework for promoting co-operation and assistance between Member States in dealing with marine pollution.
- C.12 The European Commission:
- funds a training and research programme;
 - maintains a Community Information System (which, amongst other things, contains an inventory of clean up resources available in Member States); and
 - has established a panel of experts (the EC Task Force) who can provide advice to Member States affected by a marine pollution incident.

APPENDIX D

MAPS OF THE UK POLLUTION CONTROL ZONE

[The MCA will add the maps before arranging for publication of the plan.]

INTERVENTION POWERS

Introduction

- E.1 This appendix provides guidance on the intervention powers conferred by UK merchant shipping legislation.
- E.2 It describes both the principal intervention powers derived from international conventions and other statutory powers that the Secretary of State can use to prevent or minimise safety and pollution risks posed by ships.

Statutory basis, scope and derivation of the powers

Intervention powers deriving from international treaties

Statutory basis

- E.3 Sections 137 and 138A⁷ of the Merchant Shipping Act 1995 and the Merchant Shipping (Prevention of Pollution) (Intervention) (Foreign Ships) Order 1997⁸ confer powers on the Secretary of State.

Scope

- E.4 The powers enable the Secretary of State to give directions and to take such other actions as may be necessary in respect of the ship or its cargo. The Secretary of State may use the powers to prevent or minimise pollution, or the threat of pollution, following a maritime accident.
- E.5 The powers under sections 137 and 138A of the 1995 Act do not apply to foreign ships outside UK pollution control zone⁹. The Merchant Shipping (Prevention of Pollution) (Intervention) (Foreign Ships) Order 1997 confers powers in respect of such ships.

⁷ Section 3 of the Merchant Shipping and Maritime Security Act 1997 added section 138A to the 1995 Act on 17 July 1997. Previously the Merchant Shipping (Prevention of Pollution) (Intervention) Order 1980 (SI 1980/1093) conferred intervention powers with respect to substances other than oil.

⁸ The 1997 Order came into force on 2 December 1997. It revoked the 1980 Order and replaced those provisions of the 1980 Order that section 138A had not already superseded.

⁹ The Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996 (SI 1996/2128, amended by SI 1997/506) set the limits of the pollution control zone.

Derivation

- E.6 The UK legislation derives from the 1969 Intervention Convention¹⁰, the 1973 Protocol¹¹ to that Convention, and Article 221 of the United Nations Convention on the Law of the Sea 1982 (“UNCLOS”)¹².

Powers under section 100C

Statutory basis

- E.7 While section 137 of the 1995 Act confers wide powers that the Secretary of State may exercise in exceptional circumstances, section 100C¹³ confers narrower powers than are available in a wider set of circumstances.

Scope

- E.8 Section 100C enables the Secretary of State to give directions and to act in respect of ships within UK territorial waters. The Secretary of State may exercise the powers to prevent or reduce a risk to safety or of marine pollution.

Derivation

- E.9 Section 100C does not derive from any specific treaty. However, it represents an exercise of the rights that the UK enjoys as a coastal State according to UNCLOS.

Scope of application of the intervention powers

Types of incident

Intervention powers deriving from international treaties

- E.10 The Secretary of State may generally exercise the intervention powers deriving from international treaties when an incident satisfies the three criteria listed in section 137(1).

- First, an accident must have occurred to, or in a ship.

¹⁰ International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969. The UK has been party to the Convention since 1975.

¹¹ Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil 1973. The UK has been party to the Protocol since 1983.

¹² The UK became a party to UNCLOS on 24 August 1997.

¹³ Section 10 of the 1997 Act inserted section 100C.

- Second, it must be the opinion of the Secretary of State that there is a threat of significant pollution in the UK, in the UK's territorial sea or in the UK's pollution control zone¹⁴.
- Third, it must be the opinion of the Secretary of State that there is an urgent need to use the powers.

E.11 Section 137(9) defines the term "accident". An accident is: a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo. The definition follows the wording used in the 1969 Intervention Convention and in UNCLOS.

E.12 The requirement for there to be a threat of significant pollution and an urgent need to use the powers derives from provisions of the Intervention Convention and UNCLOS. These treaties provide that the exercise of the intervention powers must have the aim of preventing pollution, or a threat of pollution, which the coastal State may reasonably expect to result in major harmful consequences.

Powers under section 100C

E.13 The Secretary of State may exercise the powers conferred by section 100C:

- to secure the safety of any ship, person or property, or to prevent or reduce any risks to such safety; and
- to prevent or reduce pollution – or the risk of pollution – in the UK, the UK territorial sea, or the UK pollution control zone.

Types of pollution

E.14 The intervention powers that derive from international treaties apply to pollution by oil or by another harmful substance.

E.15 Section 137 confers intervention powers in respect of pollution by "oil". Section 151 provides that, for the purposes of section 137, "oil" means oil of any description, including spirit produced from oil of any description, and includes coal tar¹⁵.

¹⁴ Before the entry into force of section 2(2) of the Merchant Shipping and Maritime Security Act 1997, the more onerous test of pollution on a large scale in the UK or the UK's territorial sea applied. In the case of a foreign ship located beyond the pollution control zone, the Secretary of State must be satisfied that there is a need to protect the UK coast, the UK's territorial sea or the UK's pollution control zone against *grave and imminent* danger of pollution.

¹⁵ Article II(3) of the 1969 Intervention Convention defines "oil" as crude oil, fuel oil, diesel oil and lubricating oil. However, the 1973 Protocol covers intervention in respect of all types of oil.

E.16 Section 138A provides that any reference to oil in section 137 also includes a reference to any other substance that the Secretary of State has prescribed by order¹⁶. Section 138A further provides that any reference to oil in section 137 also includes a reference to substances other than those that the Secretary of State has prescribed by order. These other substances are those that are liable:

- to create hazards to human health,
- to harm living resources and marine life,
- to damage amenities, or
- to interfere with other legitimate uses of the sea.

E.17 There is no definition of “pollution” for the purposes of section 100C.

Foreign ships

E.18 The UK has a duty under the 1969 Intervention Convention and its 1973 Protocol to notify other interested States, particularly the flag State. This duty arises if we exercise the intervention powers in respect of a foreign ship located beyond the UK’s territorial sea. Where time permits, the UK must also consult these States before taking any measures.

E.19 Section 100C(1) provides that the Secretary of State may not exercise the powers in respect of foreign ships that are exercising the right of innocent passage through the UK’s territorial sea. It also provides that the powers are not available in respect of ships exercising the right of transit passage through straits used for international navigation¹⁷.

Who exercises the powers?

MCA staff

E.20 Senior staff within DETR’s Maritime and Coastguard Agency (MCA) normally exercise the Secretary of State’s powers, particularly:

- the Director of Maritime Operations¹⁸,
- the Secretary of State’s representative (SOSREP), and

¹⁶ The Secretary of State has prescribed such substances in the Merchant Shipping (Prevention of Pollution: Substances Other than Oil) (Intervention) Order 1997 (SI 1997/1869). This order came into force on 1 September 1997.

¹⁷ Section 313(2A) of the 1995 Act (added by the 1997 Act) provides that the phrases “right of innocent passage”, “right of transit passage” and “straits used for international navigation” are to be construed in accordance with UNCLOS. There are three straits used for international navigation in the UK territorial sea: the English Channel, the Fair Isle Channel and the North Channel.

¹⁸ The MCA Chief Executive would not normally have an operational role in managing maritime incidents. The Chief Executive’s role is to continue to manage MCA as a whole, and to inform Ministers of progress and future plans.

- the Head of Operations.
- E.21 Any of the above may authorise a Principal Counter Pollution and Salvage Officer (PCPSO) to use the powers in the response to a specific incident.
- E.22 During the response to a marine pollution incident, the normal operational arrangement is for SOSREP to exercise the powers or, in SOSREP's absence, his deputy, normally HOO. The Government has appointed SOSREP to provide overall direction for all major marine pollution incidents involving ships and offshore installations¹⁹. SOSREP is an employee of MCA. Ultimate accountability for SOSREP's decisions lies with MCA Chief Executive and Ministers.
- E.23 If the principal threat were to safety, however, the Director of Maritime Operations would normally give a direction under section 100C.

Other persons

- E.24 Sections 100C(7) and 137(5) provide that the Secretary of State may authorise other persons to exercise the intervention powers. This would enable the Secretary of State or his representative, in a case of force majeure, to authorise a salvor to take a ship out to sea and sink it.

How can we use the powers?

Directions

Powers deriving from international treaties

- E.25 When an incident satisfies the criteria contained in section 137(1), the Secretary of State may give directions as respects the ship or its cargo:
- to the owner of the ship;
 - to the master of the ship;
 - to any pilot of the ship;
 - to any salvor in possession of the ship; and
 - where the ship is in waters which are regulated or managed by a harbour authority, to the harbour master or to the harbour authority²⁰.

¹⁹ DTI intends to make legislation providing the Secretary of State with intervention powers for pollution incidents involving offshore installations similar to those that exist for ships. They would delegate the exercise of these powers to SOSREP.

²⁰ Amendments to section 137(2) of the 1995 Act made by section 2(3) of the 1997 Act introduced the power to give directions to pilots, harbour masters and harbour authorities. The amendments came into force on 17 July 1997.

- E.26 However, it is unlikely that all these options would be available in respect of a foreign ship located beyond the pollution control zone. In such a case, the Secretary of State may only give directions to persons or companies who owe allegiance to the UK.²¹
- E.27 Directions may require a person to take, or refrain from taking, any action of any kind whatsoever. These powers are very wide and can include a direction:
- to move the ship, not to move it, to move it to a specified place, or to remove it from a specified area or locality;
 - to move the ship to a specified place or area, or over a specified route;
 - to unload or discharge any cargo, or not to do so; or
 - to take specified salvage measures, or not to do so.
- E.28 The powers do not allow the Secretary of State to give directions to a salvor other than the salvor in possession of the ship. However, the Secretary of State could direct the owner, master, or the salvor in possession to use the services, assistance, or equipment of another salvor.

Powers under section 100C

- E.29 Under section 100C, the Secretary of State may give directions to the owner of the ship, any person in possession of it, or the master. Directions may require either or both of the following:
- that the ship is to be moved, or removed, from a specified area or locality in, or from anywhere in, the UK territorial sea²²; or
 - that the ship is not to be moved to a specified area or place, or over a specified route, within the UK territorial sea.

Other actions

- E.30 If in the opinion of the Secretary of State, giving directions is inadequate, the Secretary of State may take, or authorise, direct action²³, including sinking the ship²⁴.

²¹ Article 4(2) of the Merchant Shipping (Prevention of Pollution) (Intervention) (Foreign Ships) Order 1997 sets out the persons to whom the Secretary of State may issue directions in such circumstances. These persons are individuals who are citizens of the UK or one of its colonies and bodies corporate established under the laws of a part of the UK.

²² A direction requiring a ship to be removed from the UK territorial sea would need to be reasonable in view of the risk. Section 100C(3) provides that the Secretary of State may give no such direction to a UK ship.

Guaranteeing compliance

- E.31 Non-compliance with a direction is an offence²⁵, punishable by a fine. So is the intentional obstruction of any person acting on the behalf of the Secretary of State or according to a direction.

What is the consequence of using the powers?

- E.32 DETR does not accept the argument that, if it exercises the intervention powers, private salvors will cease their efforts to prevent or minimise pollution from maritime casualties. Section 137(3) provides power to direct salvors to remain on scene. Furthermore, the use of the intervention powers does not prejudice a salvor's ability to receive compensation from the ship's hull and cargo insurers and from the shipowner's liability insurer²⁶.
- E.33 Under section 138, the Secretary of State may be liable to pay compensation if any action taken were:
- not reasonably necessary, or
 - disproportionate to the results achieved and caused additional costs or losses.²⁷

²³ Section 137(4) provides that if, in the opinion of the Secretary of State, the power to give directions under section 137(2) is, or has proved to be, inadequate, the Secretary of State may take, as respects the ship or its cargo, any action of any kind whatsoever, including taking over control of the ship and sinking or destroying it. Section 100C(6) provides that if, in the opinion of the Secretary of State, the power to give directions under section 100C(2) is, or has proved to be, inadequate, the Secretary of State may take any such action as the Secretary of State has power to require to be taken by a direction.

²⁴ Before sinking a ship, however, the person exercising the intervention powers would need to arrange for the issue of an authorisation under the Food and Environmental Protection Act 1985 for the placement of the ship on the seabed. MAFF issues authorisations for English and Welsh waters; the Marine Laboratory in Aberdeen for Scottish Waters; and EHS for Northern Irish waters.

²⁵ Sections 100D & 139

²⁶ Since 1 January 1995, salvage law in the UK derives from the 1989 Salvage Convention. If salvors are successful in saving a ship and her cargo, they will receive a proportion of the value of the salvaged property in reward (paid by the ship's hull and cargo insurers). However, the 1989 Convention also ensures that salvors get, and stay, involved in salvage operations where there is a threat of damage to the environment by introducing entitlement to "special compensation". Special compensation is equal to the salvor's expenses (the shipowner's liability insurer pays the difference between the amount of special compensation awarded and the value of the salvaged property). The Convention entitles salvors to a reward even if they are complying with a direction given using the intervention powers.

²⁷ Shipowners, salvors and harbour authorities are most likely to bring claims for compensation. The High Court (or, in Scotland, the Court of Session) would hear and determine such claims.

E.34 If, on the other hand, MCA use the intervention powers to take reasonable and proportionate measures, it would generally be entitled to recover compensation. This entitlement would cover costs incurred as a consequence of taking measures and any resulting loss or damage²⁸.

²⁸ It would generally be possible to recover compensation from the shipowner, the shipowner's liability insurer or an international compensation fund. Under section 153 and 154 of the 1995, shipowners are strictly liable for any damage caused in the UK by measures reasonably taken to prevent or minimise pollution by persistent oil. If the ship were a tanker, additional compensation would be available, if necessary, from the International Oil Pollution Compensation (IOPC) Fund under section 175 of the Act. Once the International Convention on Liability and Compensation in connection with the Carriage by Sea of Hazardous and Noxious Substances 1996 (the "HNS Convention") is in force, compensation will similarly be available from the shipowner and the HNS Fund. Compensation would be available for reasonable measures taken to prevent or minimise other types of damage caused by dangerous and polluting cargoes carried on ships.

**FORMS AND CHECKLISTS FOR GATHERING AND
DISSEMINATING INFORMATION ON MARINE INCIDENTS**

**Form for gathering information and reporting a marine incident involving
a ship**

1. INCIDENT DETAILS

a. Time

b. Position

Latitude & longitude

Bearing and distance from land

c. Cause

d. Other ship in the vicinity

Tugs

Commercial

Naval

e. Other ship en route

Tugs

Commercial

Naval

f. SAR situation

Life Boat

Air Sea rescue

Naval

g. Risk

Fire

Explosion

Toxic Release

Gas

h. Crew

Number

Nationality

Casualties

2. WEATHER

- a. Present weather
- b. Weather forecast
- c. Sea water temperature

3. TIDE

- a. Present state of tide
- b. Time of high water
- c. Time of low water
- d. Consideration given to accessing local knowledge of tides?
- e. Tidal stream atlas consulted?

4. SHIP DETAILS

- a. **Ship's name and international call sign**

Previous name

- b. **Communications**

Satellite Number

Mobile Number

Fax Number

VHF

MF

- c. **Flag/State of Registration**

- d. **Gross tonnage**

- e. **Net tonnage**

- f. **Deadweight tonnage**

- g. **Number of holds/tanks**

- h. **Availability of ships' plans**

- i. **Passage - from and to**

- j. **Hull type - double, single, double bottom**

5. MASTER

- a. **Name**

- b. **Nationality**

6. SHIPOWNER

- a. **Name**
- b. **Address**
- c. **Telephone**
- d. **Telex**
- e. **Fax**
- f. **E-mail**

7. SHIPOWNER'S AGENT

- a. **Name**
- b. **Address**
- c. **Telephone**
- d. **Telex**
- e. **Fax**
- f. **E-mail**

8. HULL INSURERS

- a. **Name**
- b. **Address**
- c. **Telephone**
- d. **Telex**
- e. **Fax**
- f. **E-mail**

9. CARGO

- Containment
 - Bulk in cargo tanks
 - In tank containers
 - In intermediate bulk containers (IBC)
 - In drums

- b. **Type(s)/Grade(s)**
- c. **Quantity**

- d. Viscosity at 100F
- e. Pour point (Oil)
- f. Is cargo heated?
- g. Specific gravity/density
- h. Hazard

10. CARGO OWNERS

- a. Name
- b. Address
- c. Telephone
- d. Telex
- e. Fax
- f. E-mail

11. CARGO OWNERS' AGENTS

- a. Name
- b. Address
- c. Telephone
- d. Telex
- e. Fax
- f. E-mail

12. THIRD PARTY LIABILITY INSURERS (P&I CLUB)

- a. Name
- b. Address
- c. Telephone
- d. Telex
- e. Fax
- f. E-mail

13. CONTRACTED SPILL RESPONDER

- a. Name

- b. Address**
- c. Telephone**
- d. Telex**
- e. Fax**
- f. E-mail**

Form for gathering information on, and reporting, an oil spill from an offshore installation or pipeline

1. DATE
2. TIME
3. POLLUTION OBSERVED
4. IDENTITY OF OBSERVER/REPORTER
5. LOCATION AND EXTENT OF POLLUTION.
 - a. Name of installation
 - b. Latitude
 - c. Longitude
 - d. Location with reference to installation (e.g. "100 m to SE")
 - e. Field (if mobile unit alongside installation)
 - f. Extent of pollution (in tonnes)
6. WIND
 - a. speed (in knots)
 - b. direction (degrees)
7. WEATHER CONDITIONS:
 - a. Sea state (1 - 8)
 - b. Wave height (metres)
8. TYPE OF OIL

(e.g. crude, diesel, condensate, hydraulic fluid, kerosene, base oil, etc. N.B. For base oil give % oil content.)

Appearance (e.g. liquid, floating solid, semi-liquid sludge, sludge, tarry lumps, weathered oil, discolouration of sea.)
9. SOURCE OF POLLUTION
10. CAUSE OF POLLUTION
11. EVIDENCE GATHERING
 - a. Photographs taken?
 - b. Samples taken for analysis?

- 12. FORECAST OF LIKELY EFFECT OR LANDFALL AND TIME**
- 13. OTHER AUTHORITIES INFORMED**
- 14. STEPS TAKEN TO PREVENT RECURRENCE**

CHECKLIST ON CONDITION OF A SHIP/CASUALTY

The following checklist covers the essential information that responders require in a "normal" incident. However, it is not exhaustive and may not be relevant to a particular incident. Those using it should therefore be aware of these limitations.

1. Number of tanks (cargo and bunkers)
 - a. Damaged
 - b. Undamaged
2. Contents of the tanks
3. Extent of tank damage
4. Is the ship afloat or aground?
5. If afloat, is condition of the ship stable?
6. Is there main engine power on board and also power to operate pumps and steering gear?
7. Have the master and crew abandoned the ship?
8. If abandoned, has anyone got a line on board?
9. Likelihood of further damage
10. Possibility of moving the ship under its own power or under tow
11. Possibility of cargo transfer
12. Ability to anchor, condition of anchors, length of anchor cable available
13. Does the shipowner or the ship's managers participate with Lloyds Register of Shipping's "Ship Emergency Response Service" (SERS) or similar service provided by another body?

TEMPORARY EXCLUSION ZONES AND TEMPORARY DANGER AREAS

Introduction

- G.1 This appendix contains information on the establishment and effect of temporary exclusion zones and temporary danger areas.

Temporary exclusion zones

Legal basis

- G.2 Section 100A of the 1995 Act provides powers to establish TEZs²⁹.

Purpose

- G.3 Section 100A enables the Secretary of State to declare a TEZ to promote maritime safety or protecting the marine environment.

When can we designate a TEZ?

A relevant casualty must be wrecked, damaged or in distress

- G.4 Section 100A(1) provides power for the Secretary of State to designate a TEZ around a “ship, structure or other thing”. It refers to this as the “relevant casualty”. (However, the use of the term “casualty” does not add to the meaning or connotation of the powers). The phrase “ship, structure or other thing” is very wide and could include, for example, offshore oil and gas installations.

- G.5 We can only exercise the powers to designate a TEZ if the relevant casualty is “wrecked, damaged or in distress”. The 1995 Act contains no definition of the term “distress”. Legal advice suggests that we could consider a casualty to be “in distress” if there were an imminent risk of it being wrecked or damaged. However, the casualty must actually be in distress. There is no power to anticipate.

- G.6 Whether or not a casualty is in distress is an objective matter. The decision is for the Secretary of State to make. It is not sufficient for the master or owner of the casualty to declare that the casualty is in distress.

The TEZ must prevent or reduce a threat of significant harm

- G.7 Section 100A(2) provides that the Secretary of State must also be satisfied that the incident meets two further criteria.

²⁹ Section 1 of the 1997 Act inserted sections 100A and 100B.

- G.8 First, it must appear that “significant harm” will or may occur as a (direct or indirect) result of the relevant casualty being wrecked, damaged or in distress. Significant³⁰ harm means either:
- significant pollution in the UK, the UK’s territorial sea or in the UK pollution control zone; or
 - significant damage to persons or property.
- G.9 Second, it must appear that restricting access to the area around the casualty by way of a TEZ would prevent or reduce significant harm or the risk of such harm.

Size, location and duration of TEZ

- G.10 The Act does not specify the size, location or duration of the TEZ. However:
- we can only exercise the powers to designate a TEZ if the relevant casualty is within the UK’s territorial sea or pollution control zone;
 - a TEZ cannot include waters beyond the pollution control zone³¹;
 - a TEZ must not be larger than is necessary to prevent or reduce significant harm or the risk of such harm. The Secretary of State must vary the zone accordingly if it appears that this is the case³²; and
 - the Secretary of State must revoke a TEZ should it appear that there is no longer a need for it to prevent significant harm or the risk of significant harm³³.

Establishment of a TEZ

- G.11 The Secretary of State establishes a TEZ by giving a direction. As soon as practicable, the Secretary of State should publish the direction in such a manner as to bring it to the attention of persons it is likely to affect. Within 24 hours of giving the direction, the Secretary of State must send a copy to the International Maritime Organization³⁴.

Which ships may we exclude from a TEZ?

- G.12 Section 100B(4) provides that a ship may enter or remain within a TEZ if:

³⁰ Sections 100A and 100B do not define the term “significant”. The question whether the harm is significant should be a subjective decision based on the circumstances of the incident.

³¹ section 100A(4)

³² section 100A(5)

³³ section 100A(7)

³⁴ section 100A(8)

- the direction establishing the zone permits it to do so;
- the Secretary of State gives his consent; or
- this is in accordance with regulations made by the Secretary of State.

G.13 Apart from these ships, section 100B(1) provides that no ship may enter or remain in a TEZ if the direction establishing the zone contains a particular statement. This is a statement to the effect that the purpose of the direction is to prevent or reduce significant pollution or the risk of such pollution within the UK's territorial sea or pollution control zone.

G.14 Section 100B(3) provides that, if the direction does not contain such a statement, no ship may enter or remain in any parts of a TEZ that are within the UK's territorial sea. UK ships may not enter or remain in any part of the zone³⁵.

G.15 However, foreign ships may enter part of a TEZ within the UK's territorial sea if they are exercising the right of transit passage through straits used for international navigation.³⁶

Temporary danger area (TDA)

G.16 A marine incident may generate considerable aircraft movement in a limited area and it may be necessary to establish flying restrictions. HMCG should make such requests to the MOD Air Rescue Co-ordination Centre (ARCC). The ARCC refers the request to the National Air Traffic Services (London Air Traffic Control (Military)), who have the authority to establish a Temporary Danger Area (TDA). Details are promulgated by Notice to Airmen (NOTAM).

³⁵ Section 100B(3) takes account of the fact that, in accordance with the law of the sea, if a TEZ is not established to prevent or reduce pollution, foreign ships may not be excluded from any part of the zone that lies outside territorial waters.

³⁶ Again, this is a requirement of the international law of the sea (as reflected in Article 38(1) of UNCLOS).

SALVAGE: DETAILS OF OPERATIONS

Introduction

- H.1 Following almost all serious incidents, the shipowner engages commercial salvors to deal with the casualty and secure the cargo and bunkers. The initial salvage options may include firefighting, counter-flooding, internal transfers, other actions to stabilise the ship, and perhaps emergency towing to bring the casualty to calmer waters or a safe haven.
- H.2 Subsequent salvage actions may involve cargo and bunker transfer operations, diving operations, beaching the casualty or grounding it in shallow water and patching or filling holes. If a ship has grounded salvors may attempt to refloat it, using tugs and perhaps by pressurising flooded tanks or compartments with air to increase buoyancy. In exceptional cases when the salvage of the ship is not practicable, the only way of minimising pollution may be to tow it a long way offshore and sink it.

Emergency towing arrangements

- H.3 Where there is a serious risk of harm to persons or property, or a significant risk of pollution, it may be necessary to initiate emergency towing arrangements. Such arrangements should be unambiguous, agreed by all parties where possible, and activated as swiftly as practicable. Standard operational procedures should apply irrespective of whether an Emergency Towing Vessel (ETV) is under charter to MCA, tasked from appropriate local harbour resources, or is a salvage tug of opportunity.

Emergency towing requirement – considerations

- H.4 It is difficult to establish strict or prescriptive criteria for when to use an ETV. Individual circumstances must dictate the appropriate response.

Present emergency towing arrangements

- H.5 Each MRCC and MRSC holds comprehensive databases of harbour tugs available locally and contact details. Equally, procedures are in place with Brokers and Lloyd's Casualty Reporting Service quickly to obtain information on towing vessels that may be able to respond. Coastguard Instructions³⁷ contain operational instructions for HMCG Watch Officers to activate a response from such vessels.

³⁷ CG3, Volume III Part 2 Section 17

CAST agreement (Coastguard Agreement on Salvage and Towage)

- H.6 MCA has an agreement with the British Tugowners Association (BTA) for emergency chartering arrangements for harbour tugs. The agreement covers activation, contractual arrangements, liabilities and operational procedures, should MCA request assistance from any local harbour tug as part of the response to an incident. Such tugs are not altogether suitable for emergency offshore towing. Weather conditions may restrict their use. Their role may therefore be to provide “first-aid”, prior to the arrival of a more suitable vessel.

ETVs under contract to MCA

- H.7 MCA charters four ETVs to provide emergency towing cover in winter months in the four areas adjudged to pose the highest risk of a marine accident: the Dover Strait, the Minches, the Western Approaches and the Fair Isle Channel. All four charters require the immediate availability of adequate salvage resources and back-up should an incident deteriorate. MCA delegates the operational tasking of ETVs to local HMCG District Controllers.

Financial policy for ETVs

- H.8 MCA funds the contract ETVs. However, as part of the charter agreement, and at the discretion of MCA, any ETV may undertake such commercial towage as a shipowner and the ETV operator may agree. Any such ‘hire’ agreement benefits both the ETV operator and MCA. Any award or contractual charges made (agreed on a percentage basis in the charterparty) offset the capital expenditure of the charterparty. Equally, any local harbour tug tasked initially by HM Coastguard is de facto under contract. MCA must therefore fund it. Where necessary and appropriate, MCA will seek to recoup its costs.
- H.9 The CAST agreement provides for any subsequent commercial agreement made between a shipowner and a tug operator to offset any potential cost to MCA for the initial charter of the tug.

Shelter for damaged ships

- H.10 Except in the most severe incident, a ship is likely to retain some of its cargo and bunkers. It may be desirable to carry out a cargo and bunker transfer operation from the stricken ship to prevent or minimise further spills. It may help to move the ship to a more sheltered area, such as a port or oil terminal.

H.11 It is safer to carry out cargo and bunker transfer operations in sheltered areas. However, the decision to use an area moves the risk of pollution to an area that the incident might otherwise not have affected. SOSREP considers carefully whether to use a sheltered area and, if so, which to select. SOSREP has in mind that time may be short and the damaged ship may not be in a condition to travel very far.

Emergency cargo and bunker transfer operations

H.12 MCA has a substantial holding of emergency transfer equipment for use in off-loading oil or hazardous substances from a damaged or disabled ship. This ensures that there is suitable equipment available in the UK for cargo and bunker transfer operations.

H.13 The equipment provides a total transfer capability, including pumps, power packs, hoses, fenders, communications equipment, protective clothing, breathing apparatus, and inert gas generators.

H.14 Contractors maintain the equipment in a state of readiness. They stow first reaction packages for transfer operations and dispatch them by road within two hours of call out.

H.15 Only MCA counter pollution staff have the authority to call out the equipment. Before making any call out, they check that the salvors cannot readily obtain suitable and sufficient equipment from commercial sources. The primary role of the equipment is to prevent pollution. Therefore, MCA does not normally make it available solely for salvage operations.

H.16 MCA may need to lift equipment by air to the deck of a damaged ship, using either commercial companies or a Royal Navy or Royal Air Force helicopter on repayment terms (operational commitments permitting). When MCA uses military assets, it consults the Ministry of Defence (MOD), through the Chief of Defence Staff Duty Officer, about the most suitable airfield from which to lift equipment by air. MCA provides details of the equipment to lift: weights and dimensions of the equipment, especially of the heaviest item; the position of the casualty; and the estimated time of arrival of the equipment by road.

COUNTER POLLUTION OPERATIONS AT SEA

Introduction

- I.1 All ships carry oil as fuel. Some carry oil as cargo. So all shipping accidents create a risk of oil pollution. Offshore oil and gas operations also create a risk of oil pollution.
- I.2 Many ships carry hazardous substances other than oil as cargo. Some carry just one hazardous substance. Others carry many hazardous substances in separate tanks or containers. A single incident may therefore require a response to more than one form of pollution.
- I.3 This appendix summarises the response options for different forms of marine pollution.

Oil

Minor oil spills

- I.4 MCA receives many reports of sightings of pollution at sea. Often the sightings are of oil pollution with no identified source. The oil may have entered the sea during an operational discharge or because a storm disturbed a wreck. When a small amount of oil is involved, counter pollution operations are neither practical nor necessary. Instead, MCA allows the oil to disperse naturally.

Major oil spills

- I.5 MCA responds to a major oil spill at sea in several different ways. However, the aim of any response is always to minimise the damage that the oil could cause. MCA tailors its response to each incident, consulting others as set out elsewhere in this plan.
- I.6 MCA's response to a major oil spill may be:
- to assess and to monitor, allowing the oil to evaporate and degrade naturally;
 - to initiate dispersant spraying operations; or
 - to initiate mechanical oil recovery operations.
- I.7 All techniques for cleaning up oil pollution at sea have limitations. The distance of the casualty from shore, the type of oil, weather conditions, currents, and the time taken for resources to reach the scene can significantly affect the effectiveness of different techniques. MCA therefore carefully evaluates the circumstances of each incident before mobilising equipment or other resources.

- I.8 The most desirable option is to recover the oil from the surface of the sea. This prevents it from reaching the shoreline, reduces the possibility of damage to biological and other resources at sea and in the coastal zone, and avoids the high cost of removing oily material from the shore. In practice, however, oil recovery at sea is never fully effective.
- I.9 Fluid oils spilt at sea spread rapidly to cover large areas. Evaporation causes a reduction in total volume, accompanied by an increase in viscosity. Some oils may form water-in-oil emulsions. These increase the viscosity and volume of the oily material, preventing effective treatment with dispersants and increasing the difficulty of mechanical recovery. With other oils, natural dispersion reduces the amount of oil on the sea surface. The rate at which these processes occur depends on oil type and weather conditions.

Monitoring oil movement

- I.10 Wind and currents cause any oil remaining on the surface of the sea to drift. Computer models can predict its movement. MCA uses these models, advice from the Environment Group, and environmental sensitivity maps to assess the risk to resources threatened by an oil spill.
- I.11 If the oil is drifting out to sea, away from sensitive resources, there may be no need to initiate active response measures. However, MCA continues to monitor the movement of the spill, because the wind direction can change rapidly. It initiates active response measures if the oil starts to move towards a sensitive resource.
- I.12 During incidents, surveillance aircraft monitor the movement of oil and use remote sensing equipment to estimate the location of the greatest concentration of surface oil. Fixed-wing aircraft or helicopters survey the shoreline to assess the degree of oiling. Where possible, their crews take photographs and make video recordings.

Dispersant spraying operations

- I.13 While many oil recovery systems are available, all suffer limitations in the sea conditions prevalent around the UK shoreline. It may take days to move them to the scene of an incident. The use of dispersants is often a more effective response to oil pollution in the turbulent seas around the UK.
- I.14 MCA initiates dispersant spraying only if it is likely to be effective and either:
- the Environment Group advises that there is a significant threat of damage to birds, marine life, ecologically sensitive areas, or amenity beaches; or
 - an offshore operator considers it necessary for safety reasons.

- I.15 MCA balances the likelihood of dispersant spraying being effective against its environmental consequences and cost. While dispersant spraying removes the problem of disposing of waste oil recovered on shore, dispersed oil may remain in the marine environment for a considerable time.
- I.16 Dispersant spraying is most effective if carried out as soon as possible after an oil spill. Research findings provide important guidance on the likely effectiveness of dispersants. They show that the time available for spraying oils that are amenable to dispersants is limited and depends on the type of oil and the weather conditions. There therefore should be an early decision on whether and where to spray.
- I.17 MCA uses information gained from aerial surveys to assess the effectiveness of the response operation, including aerial spraying, and to inform future operational decisions. Monitoring sub-surface oil concentrations from a suitably equipped ship is a more definitive indicator of dispersant performance than visual observation. MCA mobilises such equipment wherever possible.

Aerial spraying operations

- I.18 MCA has a contract for dedicated dispersant spraying aircraft with spray-monitoring systems. They deliver dispersant under the direct control of surveillance aircraft to ensure the strict observation of geographical or other limits on spraying.
- I.19 MCA stores stocks of dispersant at selected sites at or near airfields. It may charter other aircraft and helicopters in the UK capable of carrying out aerial spraying of dispersants.

Shipborne spraying operations

- I.20 Ships can provide support for operations in harbour or coastal waters or in waters at the limit of the operating range of aerial spraying aircraft. Such ships are particularly useful in maintaining a permanent response if there is an imminent threat of a spill or a continuous release of oil.
- I.21 A number of commercial tugs stationed in ports around the UK have spraying equipment fitted. MCA has fitted a number of tugs and ships operated by SERAD and the Scottish Fisheries Protection Agency, and a Northern Lighthouse Board ship, with spray equipment.
- I.22 MCA also has stocks of portable sets of spray equipment for deployment on ships of opportunity. In particular, the ETVs under contract to MCA may provide an appropriate platform from which to conduct on-scene dispersant spraying.
- I.23 Wherever possible, MCA's remote sensing aircraft direct and control shipborne spraying operations to ensure maximum effectiveness.

Oil recovery operations

- I.24 The recovery of spilt oil from the surface of the sea causes the least damage to the environment. There is a wide range of systems available. These generally consist of a boom to collect or contain the spilt oil and a skimmer to pick up the oil.
- I.25 MCA has several types of mechanical recovery equipment available to fit to ships. It might use one of its contracted emergency towing vessels or a ship chartered for the occasion.
- I.26 When deploying oil recovery equipment MCA considers the following issues:
- As the equipment is shipborne, it takes time to arrive at the spill. Therefore, when the weather and other circumstances of a spill indicate that recovery of oil at sea will be effective, MCA mobilises and deploys equipment as quickly as possible. This minimises the weathering and spread of the oil.
 - Wind strength, wave height and currents greatly affect the effectiveness of booms. Most systems are unable to operate effectively if the sea is more than moderately rough. The nature of the oil and the extent to which it has weathered or formed a mousse can also impede oil recovery. MCA selects the booming system to suit the prevailing conditions. It selects the recovery equipment that is most effective on the type and condition of oil encountered. It also identifies suitably trained and experienced operators familiar with the various recovery techniques and the safe handling and disposal of recovered oil.
 - Locating the skimmer in the thickest part of the slick maximises the rate of oil recovery. In a continuous spill, therefore, the skimming device should be close to the release point, as this is where the oil is thickest.
 - The appropriate bodies need to plan carefully for the final transfer and shore disposal of recovered oil.
- I.27 Taking these factors into account, MCA uses mechanical recovery equipment from:
- MCA stockpiles;
 - the commercial sector; or
 - neighbouring states, under standing international agreements.

Cleaning of oil recovery equipment

- I.28 It may be appropriate to establish a centralised cleaning station to deal with equipment used in oil recovery operations at sea and on the shoreline. MCA discusses the design, location, and operation of such a cleaning station with the Environment Agency, SEPA or EHS, as appropriate, and the technical and environment teams of the SRC. These discussions include consideration of location, capacity, health and safety, waste disposal and support facilities.

In situ burning

- I.29 The purpose of in situ burning is to remove oil from the surface of the sea through combustion. If successful, only a small fraction of the original volume of oil remains as a residue. The rest of the oil enters the air column in the form of particulates and gases contained within a discharge plume.
- I.30 In situ burning is not a viable option in the turbulent waters around the UK. It is not government policy. This appendix mentions it for reference purposes only. Any change in policy would require in depth consultation, particularly on the threat to human health and to fishing, shellfish, agriculture and the environment.

Other hazardous substances

Responsibilities

- I.31 The table below contains a list of organisations that are likely to become involved in responding to incidents involving hazardous substances other than oil and sets out their responsibilities.

Organisation	Responsibilities
Fire and rescue services	<ul style="list-style-type: none">• To inspect, contain and make safe suspect containers.• To provide hazchem data to responders.• To notify the Environment Agency, SEPA or EHS (depending on location) and relevant local authorities if they consider that there is a threat to human health or to the environment.
Local authorities	<ul style="list-style-type: none">• To remove containers in consultation with fire and rescue services.• To store and dispose of hazardous substances in the appropriate manner.• To inform HM Coastguard and the Receiver of Wreck.

Organisation	Responsibilities
Environment Agency SEPA EHS	<ul style="list-style-type: none"> • To provide advice to local authorities on environmental issues associated with hazardous substances. • To provide advice on the handling, storage and disposal of hazardous substances.
MCA, HM Coastguard	<ul style="list-style-type: none"> • To receive reports on hazardous substances and containers washed up on the shoreline. • To inform the duty PCPSO.
MCA, Dover MRCC	<ul style="list-style-type: none"> • To provide information on ships' cargoes by accessing the database of notifications from the operators of ships carrying dangerous and polluting goods.
MCA, counter pollution officers	<ul style="list-style-type: none"> • To assimilate information on incidents and take initial steps such as alerting the Chemical Strike Team. • To disseminate information received to local authorities that MCA consider to be under threat. • To Inform the appropriate fisheries department. • To inform National Focus if there is a potential risk to public health.

I.32 Scientific, Technical and Operational (STOp) Notice 5/98 provides further information.

Container ships

I.33 The twenty-foot equivalent unit (TEU) fitted with doors and a hard top is the most common type of container. However, there are other types, including half-heights, open tops, flats, tanks, and out of gauge units. If an open top or half height container breaks free, there is an immediate risk of pollution. The seriousness of the risk depends upon the type of cargo carried.

I.34 A conventional hard-topped TEU fitted with doors is less likely to break open and spill its contents. If the container remains intact, nobody should open it before identifying its contents identified from the cargo manifest. If the cargo is hazardous, responders should take appropriate safety precautions before opening it.

- I.35 International Standards Organisation (ISO) tank containers present a unique problem. Responders cannot know the integrity of the unit and its valves. If there is a risk that tanks contain hazardous materials, air and water monitoring must take place before attempting to approach or remove the tank.

Lost and abandoned containers

- I.36 The General Lighthouse Authorities (GLAs) have powers to remove obstacles that are a danger to navigation. Harbour authorities have similar powers.
- I.37 MCA has a remit to remove containers carrying polluting goods, but no such remit for containers that do not contain pollutants. However, MCA arranges for mariners and fishermen to receive information on the likely position of containers lost from ships.

Other types of pollution

- I.38 Pollution from plastic can pose a threat to navigation and the environment. Plastic that comes ashore is the responsibility of the local authority.

Radioactive materials

- I.39 MCA's response to an incident involving a ship carrying radioactive materials generally follows the same principles as its response to any other pollution incident. However, if a ship operated by British Nuclear Fuels plc or by its subsidiary, Pacific Nuclear Transport Limited, is involved in an incident, the special arrangements agreed between the MCA and those companies apply.

Resources and sources of advice available to MCA

- I.40 MCA uses the following resources and sources of advice to assess and contain the risks arising from an incident involving hazardous substances:
- its own counter pollution staff;
 - computer-based risk assessment and response models;
 - MCA surveyors with relevant expertise;
 - a contracted Chemical Strike Team of mariners and marine engineers experienced in working on board chemical tankers who can board a ship, arrange cargo transfer and maintain and operate the specialised chemical response equipment owned by MCA;

- a Chemicals Hazards Advisory Group (CHAG) composed of representatives from MAFF, the National Poisons Information Service, National Focus, Environmental Safety Centre, Harwell, HSE, DETR's Medical Officer, AEA Technology, the Laboratory of the Government Chemist, the Chemical Industries Association and the Chamber of Shipping;
- local health authority advice on potential risks to human health; and
- advice from DETR's Radioactive Materials Transport Division and organisations listed in the directory of UK people concerned with the transport of radioactive materials (the "pink book").

Public health

- I.41 The public health department of the local health authority (the health board in Scotland and Northern Ireland) leads the operational response to a risk to public health.
- I.42 The local incident response may then feed through National Focus who the UK departments of health contract to strengthen the NHS's capability to respond to incidents involving hazardous substances. National Focus acts as co-ordinator to direct any person or organisation requiring assistance or advice concerning the impact of an incident threatening human health.

Identifying the substances involved

- I.43 The rapid identification of the hazardous substances involved is vital. The response required, including the treatment of casualties, is different depending on the different hazardous substances identified. Decontamination procedures and choice of protective clothing may also vary.
- I.44 CHAG co-ordinates the identification processes.

Response on shore

- I.45 The local authority associations have agreed that shoreline councils' contingency plans should cover emergencies arising from hazardous substances washed ashore. EHS deals with substances washed ashore in Northern Ireland.
- I.46 Once alerted, the emergency services need to consider the control and co-ordination requirements of the incident. If responders contain a release of hazardous substances, the senior fire service officer assumes control. The senior police officer present assumes overall control and co-ordination of the scene.

- I.47 In a major incident, the police are responsible for establishing co-ordination of the response through setting up appropriate levels of the strategic (gold), tactical (silver) and operational (bronze) command and control structure. Representatives of the following bodies should attend appropriate control locations:
- police;
 - fire service;
 - ambulance service;
 - Maritime and Coastguard Agency;
 - health authority;
 - local authority or EHS;
 - Health and Safety Executive;
 - Environment Agency or Scottish Environment Protection Agency;
and
 - other services as appropriate.
- I.48 Local police major incident plans should contain details of the control structure for the response on land.

PROCEDURE FOR APPROVAL AND TESTING OF OIL TREATMENT PRODUCTS

Product approval and testing

- J.1 Part II of FEPA and secondary legislation³⁸ prohibit the use in UK waters of oil treatment substances unless approved by the licensing authority (MAFF, SERAD or EHS as appropriate).
- J.2 MAFF acts on behalf of the other licensing authorities for the testing and approval of dispersants and other oil treatment products intended for use in UK waters. Products must pass tests for toxic effects on marine species using standard protocols developed by the Centre for Environment, Fisheries and Aquaculture Science, an executive agency of MAFF.
- J.3 These tests ensure that approved products are safe for use at sea. The relative toxicity of a mix of oil and dispersant product must be no greater than the toxicity of the oil alone. The tests also ensure that products are safe for use on rocky shores. Products must also pass tests for efficacy at the time of manufacture to standards set by the National Environmental Technology Centre of AEA Technology plc.
- J.4 There are also requirements for periodic re-testing. If stocks remain sealed in the original packaging, this must take place after ten years to ensure that they remain effective. For all other stocks, such as those poured into ships' tanks, a re-test must take place after five years. Further efficacy tests must take place at five-year intervals. A list of currently approved products is available from MAFF on request.

Approval for Use

- J.5 It is also a statutory requirement to obtain specific approval from the licensing authority for any use of oil treatment products in water depths of less than 20 metres, or within one nautical mile of any such area. If the use of such products is to take place in deeper waters, the licensing authorities wish to be consulted beforehand except under force majeure conditions (for example, if human life is at risk).

³⁸ The relevant legislation is the Deposits in the Sea (Exemptions) Order 1985, and the Deposits in the Sea (Exemptions) (Northern Ireland) Order 1995.

- J.6 The licensing authorities issue some standing approvals to ports and oil companies to enable them to use a limited amount of dispersant according to terms specified in the approval and the procedures described in an approved oil pollution contingency plan. The licensing authority must approve any use in shallow waters not covered by the terms of a standing approval or that exceeds the approved amount on a case by case basis. In each such a case, the licensing authority seeks advice from the statutory nature conservation agencies [or, if set up, the Environment Group] before granting any approval.
- J.7 FEPA covers the entirety of the sea, including estuaries and other tidal waters, tidal docks and structures covered by the tide, as well as beaches and rocky shores.

Further information

- J.8 Further information is available in the following MAFF publications:
- “The Approval and Use of Oil Dispersants in the UK”;
 - “Oil spill contingency plans - Guide to MAFF requirements”; and
 - “Oil Spill Treatment Products Approved for Use in the United Kingdom”.

- J.9 These are available from:

Marine Policy Branch
Rural and Marine Environment Division
Room 150
Ministry of Agriculture, Fisheries and Food
17 Smith Square
London SW1P 3JR
Telephone: 0207 238 5879

SHORELINE RESPONSE CENTRE

Introduction

- K.1 This appendix contains recommendations to local authorities on the establishment of an SRC.

General

- K.2 The purpose of an SRC is to provide an organisation through which local authorities can discharge their responsibilities for preventing and mitigating pollution of the shoreline. These responsibilities are likely to include:

- determining the extent of the problem;
- devising a strategy for dealing with it;
- organising actions within that strategy (including the disposal of waste arising from any clean up operation);
- monitoring progress and effectiveness; and
- liaising with the other response units involved in the same incident and briefing the media, local councillors and the public.

- K.3 The marine pollution response plan of each local authority should therefore contain provision for setting up an SRC. The plans for their establishment should contain arrangements:

- to enable them to act, where necessary, on behalf of more than one local authority; and
- to enable the SRC to benefit from co-operation from MCA, the statutory environment, countryside and health agencies, and non-governmental organisations.

- K.4 The SRC needs clear arrangements for adopting a strategy, deciding on the specific actions, establishing priorities between actions, and authorising the contracts and expenditure needed to give effect to those decisions. Each local authority's plan should therefore include:

- provisions for appointing the "proper officer" or "proper officers" authorised to take decisions on behalf of the authority, and laying down the framework within which they are to operate;
- provisions for enabling the relevant proper officers of another authority which is taking the lead on behalf of a group of authorities to act on behalf of it; and

- arrangements for determining how to divide the costs of joint local authority action among the relevant authorities.

K.5 Experience shows that it is helpful to organise an SRC on the basis of three front-line teams and three support-teams.

- The front-line teams are:
 - a management team;
 - a technical team; and
 - a procurement team.
- The support teams are:
 - a media and public-relations team;
 - an administration team; and
 - an information handling team.

K.6 All SRCs should seek advice from the Environment Group established for the incident.

Management team

K.7 The role of the Management team is:

- quickly to determine priorities for action in protecting sensitive areas or dealing with pollution at the various polluted sites and to disseminate these decisions as soon as possible to those inside and outside the SRC;
- to have general regard to the financial aspects of the operation and record keeping;
- to prepare regular situation reports on the conduct of operations for circulation to all interested parties (based on briefings supplied by the Technical Team); and
- to interact with elected representatives, central government, the public and the media.

K.8 The recommended composition of the Management Team is as follows:

ENGLAND	NORTHERN IRELAND	SCOTLAND	WALES
Local authority chief executive or representative	Chief Executive of the EHS	Local authority chief executive or his representative	Local authority chief executive or his representative
Emergency planning officer	Principal Scientific Officer (Water Quality Unit)	Emergency Planning Officer	Emergency planning officer

Oil Pollution officer	Emergency Pollution Officer	Oil Pollution Officer	Oil Pollution officer
Environment Group liaison officer	Environment Group liaison officer	Environment Group liaison officer	Environment Group liaison officer
MCA Chief Scientist	MCA Chief Scientist	MCA Chief Scientist	MCA Chief Scientist
The chairs of the various functional teams (the functional teams should identify a vice-chair to be responsible for the team while the chair is involved in meetings of the Management Team)			
Representatives of other organisations which can help with strategic issues: for example,			
Environment Agency		Scottish Environment Protection Agency	Environment Agency
Staff to provide administrative support as note-takers, messengers, etc.			

Technical team

K.9 Reporting to the Management Team, the Technical Team is responsible for dealing with the conduct of operations by:

- determining the best strategy to be adopted in dealing with pollution at the various locations (to achieve this close liaison with the Environment Group is essential);
- allocating resources on a priority basis determined by the Management Team;
- informing the Management Team of any resource shortfalls;
- allocating outside contractors to specific tasks as determined by the Management Team;
- transmitting decisions to local forward control centres; and
- monitoring the progress of operations.

K.10 During the evening, when beach clean up has ceased, the Technical Team should meet with all Beach Masters to assess the days work and produce a revised plan for the Management Team.

K.11 MCA chairs the Technical Team. It comprises representatives of:

- MCA (scientific/technical officer);
- local authority (or EHS Deputy Emergency Pollution Officer for Northern Ireland) having expertise in:
 - technical and engineering services (or EHS, Scientific Staff),
 - waste management (or EHS, Waste Management and Contaminated Land Unit),

- health and safety (and local Environmental Health (rivers) Officer in Northern Ireland), and
- administrative support, particularly minute taking;
- local authority liaison officers;
- Environment Group (Liaison Officer);
- EA (for England and Wales) or SEPA (for Scotland);
- police (to assist in route planning, traffic control, possible road closure, etc.); and
- HMCG (Sector Manager), to provide local knowledge (for example, access to beaches, knowledge of local tides).

K.12 To enable the Technical Team to manage its many tasks, there should be two sub-groups:

- a waste management sub-group:
 - to prepare a plan for temporary storage of collected waste and manage the final disposal options³⁹; and
- a health and safety sub-group:
 - to ensure that proper health and safety procedures are in place and that Beach Masters are properly briefed in these matters.

Procurement team

K.13 Reporting to the Technical Team, and working to them on allocated tasks, this team is responsible for:

- procuring, marshalling and routing equipment to designated areas. However, where MCA is to pay for resources, their prior agreement is necessary;
- monitoring expenditure made on behalf of county, unitary, and district councils during the incident;
- collating invoices with expenditure;
- supporting claims for compensation;
- providing the Management Team with a summary of expenditure on request;
- monitoring the levels of deployed resources at the various locations;

³⁹ In England and Wales, EA and, in Scotland, SEPA will have a role to play in authorising sites for temporary storage and treatment and ensuring speedy licensing of appropriate disposal sites and supervising the handling of any special waste.

- recovering or re-deploying resources as they become surplus to requirements at the various sites; and
- informing the Technical Team of any resource shortfalls.

Media and public relations team

- K.14 The team should consist of local authority press officers together with an MCA information/public relations officer.
- K.15 The media and public-relations team are responsible for:
- preparing press briefings in consultation with the Management Team;
 - arranging press interviews in consultation with the members of the Management Team; and
 - managing the press briefing room, established outside the confines of the SRC; and
 - ensuring that the briefing room supplies regular press briefing notices.
- K.16 If the SRC establishes a public helpline, the Media Team organises it. However, staffing should come from outside that team, as those trained to deal with the media are not necessarily those best trained to deal with the public.
- K.17 The helpline should refer callers offering assistance, equipment and products to MCA's Marine Emergency Information Room in Southampton.

Information-handling team

- K.18 The information-handling team consists of local authority staff with the necessary IT skills. MCA provides software suitable for the tasks. The local plan should provide for the supply of adequate hardware compatible with the software.
- K.19 The team is responsible for:
- recording on a database the activities that the SRC decides to mount, and their outcomes;
 - providing summaries drawn from this database for outside dissemination; and
 - running computer models to predict the movement of the pollutants in the sea.

Administration team

- K.20 The administration team should consist of an Administration Officer provided by the lead local authority (in Northern Ireland by the EHS) and support staff sourced according to the local plan.

The involvement of other local authorities

- K.21 Where more than one local authority is involved, each should have an identified liaison officer in the SRC. These should work in the Technical Team and the Procurement Team, as appropriate. They should participate in meetings of the Management Team as necessary.

- K.22 The specific tasks of the liaison officers should be:

- to maintain links with the local command centres of the affected authorities;
- to provide information to the Technical Team concerning individual locations within their authorities (in particular, information which would affect the formulation of clean up strategy);
- to collaborate with the Technical Team, to agree the strategy for dealing with pollution at the affected sites and the level of resources to be allocated to the various locations;
- to collaborate with the Procurement Team in procuring, marshalling and dispatching resources to the affected sites;
- to inform authorities of the agreed strategy and the resources allocated to the various affected sites;
- to arrange reception of these resources at the point of use in collaboration with the Procurement Team; and
- to monitor progress of operations within their individual authorities.

ENVIRONMENT GROUP

Introduction

- L.1 The aim of this appendix is to provide operational guidance on how to address the environmental aspects of the response to a maritime incident. It describes the likely composition of the Environment Group, the procedures for establishing such a Group, and the key tasks that the Group would carry out during and after an incident.
- L.2 The formation of an Environment Group in response to a maritime incident is one of the recommendations contained in the report of Lord Donaldson's Review of Salvage and Intervention and their Command and Control⁴⁰.

Terms of reference

- L.3 The Environment Group has a vital role in the response to any maritime incident, particularly where there might be a threat of sea or air pollution involving oil and/or hazardous substances. The purpose of advice from the Group is to minimise the impact of the incident on the environment in the widest sense.
- L.4 The Environment Group helps to steer the overall incident response to minimise environmental harm and to ensure that response units consider all appropriate measures for environmental evaluation and act upon them. For these purposes, the "environment" includes human health interests, water quality, ecology, and wildlife.
- L.5 The main function of the Group is to provide advice and guidance to SOSREP, the SCU, the MRC, the SRC, and the command and control centre for response in a harbour (when established) on all environmental aspects of a pollution incident. This includes the assessment of environmental risks and potential impacts arising from an incident, as well as the implications of any clean up or salvage operations. It achieves this through:
- the appointment of an Environment Liaison Officer for each of the response units established to deal with the incident ;
 - having a representative on the SRC Management Team (if established);

⁴⁰ The Stationery Office published the report, *Command & Control* (Cm. 4193), in March 1999.

- monitoring the environment and wildlife and providing advice and guidance to minimise the impact of the incident and clean up response, informed by local knowledge and specific information collected;
- using all relevant environmental information and local knowledge available;
- assessing the environmental and wildlife impact of the incident and clean up response in both the short and long terms (that is, by fulfilling the role of an impact assessment group); and
- facilitating the welfare, rehabilitation or humane disposal of wildlife casualties by the RSPCA, the SSPCA, or other agreed recognised animal welfare organisations.

The role of the Environment Group

- L.6 The response to any maritime incident in the UK requiring a national or regional response, of whatever scale, involves the establishment of an Environment Group. All those involved in operations at sea (including salvage) and shoreline clean up need environmental advice and information. The Environment Group advises on environmental aspects and impacts of these operations. The Group is a common facility providing comprehensive environmental advice to all response units.
- L.7 The remit of the Environment Group is purely advisory. The Group has no powers of direction and the nature and chairmanship of the Group will depend upon the scale and type of the incident. Any response unit established to deal with a maritime incident, including an incident within a harbour area, must contain a representative of the Environment Group: the Environment Liaison Officer (ELO).
- L.8 Response units should make all reasonable efforts to consult the Environment Group, or its chairman, about any proposed action that is likely to have lasting impact on the environment. If time does not permit the response unit to consult before acting, it must circulate a full written report to the Environment Group and all other response units as soon as possible after the event. This report must detail the actions taken, the reasons for them, and their anticipated outcome.
- L.9 The Environment Group should record its advice in writing and circulate it to the response units as soon as practicable. Where a response unit does not follow such advice, it should record the reasons for not doing so as soon as practicable.

L.10 If a marine pollution incident is expected to have a significant long-term impact on the marine environment and/or the shoreline, arrangements will be made to monitor and assess that impact. The Environment Group will be central to these arrangements. Paragraphs L.22 to L.24 provide further details.

Key tasks

L.11 The Environment Group provides:

- i) operational advice, including:
 - advising on the relative importance of environmental features and wildlife at risk and their vulnerability to oil or other hazardous substances and related clean-up activities;
 - agreeing and prioritising environmentally sensitive sites and wildlife in need of protection;
 - ensuring that priorities of clean up adequately reflect environmental concerns;
 - advising on the environmental implications of operational response measures and their effectiveness when implemented;
 - advising on potential and real impacts on human health;
 - taking account and seeking to resolve conflicting issues and priorities; and
 - contributing to the composition of Shoreline Clean-up Assessment Teams,
- ii) data needed to inform operational advice:
 - information on the distribution and seasonal status of all wildlife;
 - information on fishing grounds, spawning and nursery areas, shellfish beds and mariculture generally;
 - information on abstractions from, discharges to and uses of all waters likely to be affected;
 - real time information on wildlife, fisheries and ecosystems in affected areas;
 - collated records of all wildlife affected by pollution (including wildlife welfare co-ordination); and
 - details of the progress and success of clean-up operations,
- iii) monitoring, including:
 - preparation or identification of environmental baselines against which later environmental evaluations can be compared;

- monitoring clean up operations in sensitive areas, ensuring that such activities match the strategy agreed in the relevant response centre; and
 - monitoring of all response centres' activities with respect to potential environmental impact, and
 - baseline monitoring of impact on wildlife, fisheries and sensitive sites/habitats threatened by oil pollution.
- iv) long-term impact assessment, including:
 - evaluation of impact on human health;
 - determination of impact on fisheries; and
 - collation of detailed records on environmental impact for use in environmental evaluation.

Establishing the Environment Group

- L.12 Initial contact is likely to be from HM Coastguard, who will inform MCA's Counter Pollution Branch that an incident has occurred. The MCA Chief Scientist, or his representative, triggers the process for the establishment of the Environment Group. In the first instance, he contacts members of each relevant nature conservation body, fisheries department, and environmental regulator and (in the case of incidents beyond territorial waters) the JNCC. The first stage is for these contacts collectively to provide immediate environmental advice.
- L.13 As a second stage, these core members (nature conservation, fisheries department, environmental regulator and MCA representative) nominate a chairman for the Environment Group as quickly as possible. The nature of the incident is likely to influence the choice of chairman, but, in general, the chairman comes from one of the statutory nature conservation agencies. In the case of incidents occurring beyond territorial waters, the JNCC normally takes the chair. As the incident unfolds, the Environment Group's members may decide that it is appropriate for the chairmanship of the Group to change.
- L.14 The chairman is responsible for steering the Group and its activities. He should have had the opportunity to rehearse the role, preferably with several of the other key members of the Group. He should be fully aware of the environmental features of the affected coastline, and should have experience in counter pollution response. In the simplest incidents, the chairman acts as a conduit of advice (usually by telephone) to SOSREP or the response units. The chairman is also free to offer any environmental advice that he may deem appropriate.

- L.15 The chairman and core members decide whether to expand the Group's membership to include representatives of other organisations. The chairman and core members also decide when it is necessary to convene the Environment Group close to the scene of the incident. The chairman ensures that the Group is co-located with the SRC, when established. Local and regional contingency plans need to identify suitable accommodation and support facilities for the Environment Group.
- L.16 The chairman also nominates an Environment Liaison Officer for each of the established response units. He establishes lines of communication to allow the provision of timely advice to these response units.

Membership of the Environment Group

Core membership

- L.17 The composition of the Environment Group depends on the nature and location of the incident. The core membership will include representatives of the following:
- statutory nature conservation bodies (the relevant statutory nature conservation body - EN, SNH, CCW or EHS, plus JNCC);
 - The relevant fisheries department (SERAD, MAFF, NAWAD or EHS);
 - an environmental regulator (EA, SEPA, or EHS); and
 - MCA.
- L.18 In addition, the Environment Group may draw members from Sea Fisheries Committees, National Park Authorities with coastlines and the bodies listed below.

Environmental health bodies

- L.19 The Environment Group may draw members from the local health authority, HSE, or National Focus.

Animal welfare bodies

- L.20 The Environment Group may draw members from the RSPCA or the SSPCA. The statutory nature conservation body alerts the RSPCA or SSPCA if there is a need for bird cleaning and rehabilitation.

Other bodies

- L.21 Depending on how the incident develops, the representatives may recommend that further environmental organisations become involved. Representatives of Non-Governmental Organisations (NGOs) also have relevant expertise to offer the group.

Assessment of Long Term Environmental Impact

- L.22 If a marine pollution incident is expected to have a significant environmental impact, arrangements are made to monitor and assess the long-term, as well as the short and medium-term, environmental impact. This has implications for the role of the Environment Group. In addition to providing operational advice to the response units, the Group needs to focus on the collection and evaluation of data on the environmental effects of the incident.
- L.23 In the case of an incident in the sea off English coasts, DETR takes the lead in deciding whether a long-term environmental impact assessment is necessary. In the case of an incident off the Scottish coast, the Fisheries Group of the Rural Affairs Department takes the lead. In Wales and Northern Ireland, the appropriate environment department takes the decision. Where an incident in the waters of one administration may affect the waters of another, the administrations of all areas concerned agree on a programme of monitoring and assessment. In all cases, the Government departments and devolved administrations concerned set out the detailed arrangements, including details of research support and financing, in a letter to the chairman of the Environment Group.
- L.24 The Environment Group, in co-operation with the lead department, forms the core group responsible for co-ordinating the long-term monitoring and assessment work. However, the chairman and members may think it appropriate to review the composition of the Environment Group, to reflect the changing focus of its activities.

The Role of the Environment Liaison Officer

- L.25 The Environment Group must have an ELO in each response unit established to deal with the incident. The chairman of the Environment Group nominates the ELO for each response unit, taking into account the location, nature and scale of the incident, and the sort of expertise that each unit is most likely to require.
- L.26 ELOs need to have a wide understanding of marine environmental issues and be able to balance a wide and potentially conflicting range of issues in presenting Environment Group advice succinctly. This is particularly important, because, when there is insufficient time to consult the Environment Group as a whole, ELOs may need to provide immediate, on-the-spot advice to the response units.

The Environment Group and the SRC

- L.27 **Appendix K** describes the establishment and operation of an SRC. It is important to co-locate the Environment Group and the SRC, where established. This enables the Environment Group to provide timely, appropriate advice to the SRC.

- L.28 To facilitate effective liaison between the Environment Group and all other teams within the SRC, the Environment Group's chairman appoints an ELO to sit on the SRC Management Team.
- L.29 The principal responsibilities of the Environment Group in advising the SRC are:
- to evaluate the relative importance of nature conservation and other environmental features at risk during an incident. This includes their vulnerability to oil or hazardous substances and clean up;
 - to establish agreed priorities for protection and clean up;
 - to advise and assist the SRC-controlled multi-disciplinary Shoreline Clean up Assessment Teams (SCAT), as required;
 - to advise on the suitability of pre-identified sites for the natural degradation of oil;
 - to advise on whether proposed clean up techniques are likely to cause more damage than leaving the oil to degrade naturally. This may involve the preparation of an incident-specific dispersant-use protocol;
 - to monitor clean up operations in sensitive areas to ensure that clean up operations match the strategy agreed in the SRC;
 - to ensure the thorough documentation of all decisions and actions taken by, or on behalf of, the Environment Group;
 - to ensure the proper consideration of the health and safety of those acting in the field on behalf of the EG (for example, through risk assessments, COSHH, Personal Protective Equipment (PPE), and health tracking).

MEDIA

Introduction

- M.1 A major maritime incident or 'disaster' attracts the attention of the print and electronic media. The response from local reporters is likely to be immediate and, depending on the scale and nature of the incident, it may attract the attention of national and international media. The requirements of the media are immediate and sustained. The sheer numbers that arrive at the scene within a very short time exacerbate the problem of satisfying these requirements.
- M.2 Such emergencies can place enormous demands on all those involved in the response. Media interest, particularly if it is international, can create pressure throughout a 24-hour period.
- M.3 Recent years have seen a rapid advance in telecommunication and information technology capabilities. Television channels devoted entirely to news output are with us to stay. The impact made at the scene of a disaster by those engaged in gathering material for the media can be massive and it is vital to prepare for the influx of media representatives.
- M.4 Failure to consider the media response at an early stage may have serious implications for the management of the whole incident.
- M.5 It is essential that the media team:
- identifies the agencies who are responsible for handling various aspects of the situation;
 - ensures that media activity does not interfere with the operational activity of the emergency services; and
 - ensures that the media do not harass human casualties.

Initial phase

- M.6 The media team recognises an incident that has major media potential.
- M.7 The alerting procedure currently in place at MCA is as follows:
- the Coastguard station receiving a report of pollution immediately contacts the duty PCPSO; and
 - the Coastguard station will also alert the duty Press Officer.
- M.8 Local 'stringers' (or journalists) may listen to emergency channels. The media team must consider what information to give to the local media. Normally, news agencies make check calls to local Coastguard stations throughout the day.

The second stage

- M.9 In the first few minutes of the incident, possibly within an hour, MCA needs to establish a local spokesperson (normally a uniformed Coastguard) to give the briefest confirmation of the incident.
- M.10 If it is clear that the situation is a very serious one and is likely to continue for some time, but DMO has not had sufficient time to assess the situation, any statements should be brief and factual. They should deal only within the areas of responsibility of the person making them. It is the responsibility of DMO, or SOSREP in a salvage incident, to agree the release of further information. It should be his responsibility to be aware of media demands from the outset.
- M.11 In order to minimise the risk of issuing conflicting or misleading information to the media, and bearing in mind the necessity for fast but accurate information and that press officers are likely to be co-located, all agencies should adopt the following approach:
- to inform the agreed initial lead agency press officer before giving verbal statements to the media and to restrict comments to matters concerning the agency that they represent;
 - before issuing news releases, to consult with the lead agency press officer. If it proves impossible to contact the lead agency in advance (for example, due to communications difficulties) inform the lead agency as soon as possible afterwards;
 - to contact those persons within their own organisation who the media may contact, or who may wish to make statements, and to brief them on the requirement for co-ordination with the lead agency press officer;
 - if and when the incident develops to a different phase (for example, coastline clean up operations) to consider making the lead agency the relevant local authority; and
 - when arriving on scene, to liaise urgently with other press officers and to make contact with the lead press officer to ensure that their contact details are quickly available.

Crisis media team

- M.12 The crisis media team would initially consist of MCA, local authority, police, port authority, etc. Its establishment could also involve alerting and using several Central Office of Information (COI) press officers from the local area immediately to staff telephones locally. MCA could put such an arrangement into place at short notice if COI officers use their own mobile phones while key personnel travel to the site. This arrangement is free for the first 24 hours. It will depend on existing local arrangements (for example, the COI press officers may already be committed to the local SRC and a suitably identified Media Briefing Centre).

Managing the crisis

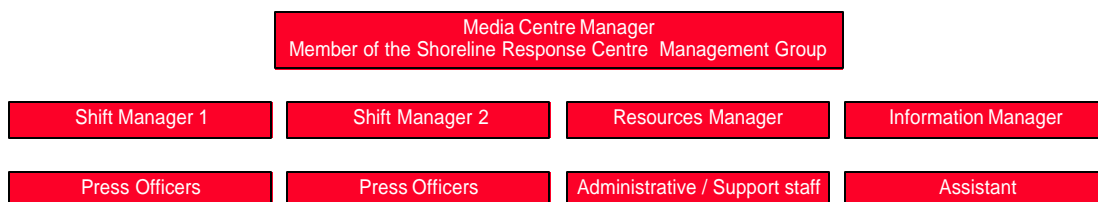
- M.13 There is a need to set up certain procedures:
- The initial focus of attention for the media is the area of operations, and the search for information and briefings is instantaneous. During this initial period, when the build up of emergency services resources is taking place, the exercise of control is imperative, as a means of assisting the media.
 - Media officers quickly decide who leads on media accreditation, noting the location of journalists at short notice, and recording attendance and contact details. This would inhibit special interest groups from diverting the media's interest. Where circumstances permit there may be a need for issuing on site press passes. This allows rapid identification of those allowed access into certain areas.
 - Media officers also quickly appoint a key spokesperson (spokespersons) to lead and "front" the media operation during the initial stages, and to act as liaison on technical issues with the media.
 - All interested parties need to agree joint statements. Press officers from each agency consult closely to ensure a co-ordinated approach to the media.
 - It is essential that the lead press officer or public relations manager attend and participate fully in the senior management arrangements for the incident. By attending senior level meetings, for example, he or she can be fully in the picture and plan the media response. Such a key individual would oversee all aspects of the media response, including:
 - activities at the media liaison point or centre;
 - arrangements for the media to visit the site, possibly including transport;
 - accreditation of bona fide journalists; and

- arrangements for overall monitoring of media output.
- Initially the media may need a reminder that, in the period immediately following a major incident, nobody can know precisely what has happened. Initial statements should focus on what is happening, what the limitations of knowledge are at the time, and what is being done to arrive at a fuller appreciation of the situation.
- If such statements include a commitment to provide accurate information as soon as it is available, media personnel are more likely to attend briefings and thus accept a measure of control, particularly if the briefings take place at regular intervals.
- Initially very regular briefings should take place to assuage the media's requirements.
- The media welcome any factual statements, particularly from emergency services' eye witnesses. However, such statements should not include speculation on the cause of the disaster, nor premature or uncorroborated estimates of the number of casualties.
- Those briefing the media should take care not to release information about casualties until details have been confirmed and the next of kin informed. In the event of, say, a ferry disaster, it is necessary to explain that it will take a long time to identify victims.
- Limitations on the release of information, often because of the need to avoid prejudicing what may become a criminal prosecution, require a clear and frank explanation.
- There is intense pressure on reporters to seek interviews with survivors and relatives, but many feel too shocked and distressed to give interviews.
- The first consideration should always be the well being of the individual(s) involved.
- It does relieve pressure on all concerned, however, if a willing and able survivor, relative, or friend agrees to speak at a news conference to characterise and humanise the disaster for all.
- If correspondents become too enthusiastic, the Press Complaints Commission administers a code of conduct. The code deals with many types of journalistic abuse that may cause particular stress at the time of a disaster. Examples of such abuse are harassment, invasion of privacy, intrusion into grief and shock, unwanted involvement of friends and relatives, and interviewing and photographing children.

- Pooling arrangements can assist the management of large numbers of media representatives, particularly if safety or security considerations restrict access to a disaster site. A pool should only be operated when absolutely necessary. A pool might, for example, comprise of one television crew, one newspaper reporter, a stills photographer, and a radio reporter. Although a limit can be set on the number of media personnel allowed access to the site, such restrictions are seldom welcome and it is best to allow the media to decide who their representatives should be. Additional pooling facilities may be required for overseas media representatives.
- One option for pool facilities is for the emergency services to photograph and film the incident from their perspective and to release the footage or pictures under controlled conditions and with reference to the public relations manager.
- A 'pooled' resource available to visit the site, to record sounds and pictures should be available at set times, suitable for the daily copy times and deadlines.
- Remember - in a vacuum self-appointed 'experts' will appear - to no-one's benefit.

Establishing a media liaison point and centre

M.14 The figure below is a stylised 'ideal' set up to cope with shift changes - and media pressure. This pre-supposes a long-running event that requires substantial resources.



M.15 The suggested personnel for these positions are the Heads of Public Relations from all the agencies involved. While the emergency remains mainly at sea, MCA is the lead agency. When the emergency becomes mainly shore side, the lead switches to the relevant local authority. All managers should meet regularly and approve plans for the next, say, 12-hour basis.

M.16 Each of these Managers would have a specific area of responsibility within the Media Office.

Media centre manager

- M.17 The media centre manager controls and co-ordinates the media centre. The lead agency provides the media centre manager.

Shift managers

- M.18 On the assumption that the event could be long running, there would be two designated shift managers to run the office 24 hours a day. This would ensure a continuity of information and messages and an orderly hand-over between shifts. Responsibilities would include preparation, approval, and distribution of press releases; management of press conferences; and briefing participants.

Resources Manager

- M.19 It is not essential that this person is a Press Officer. However, he or she should be someone with knowledge and understanding of communications and systems and the ability to deliver the support services required by a major operation of the sort envisaged. The Resources Manager's responsibilities would include the logistics of press conferences.

Media centre

- M.20 The centre may need to be large enough to house 200 to 300 journalists during a press conference. There were more than 500 for the BRAER.
- M.21 Equipment and personnel to be brought in include and involve emergency BT engineers, various fax machines, ISDN lines, e-mail and Internet, personal computers, video-conferencing facilities, and telephones, televisions and radios for monitoring purposes. The centre also needs photocopiers and general office equipment. In addition, the services of stills photographers and video news release producers need to be available to record and produce pro-active media material.
- M.22 The optimum facilities for a Media Centre would be:
- tables and chairs; action/message pads; paper; pencils; sharpeners; chinagraphs; file covers; information white boards; markers; staplers; message boards; blackboards; flip charts; maps; admiralty charts; electrical equipment including adapters and extension leads; and
 - temporary clerical staff (from a nearby employment agency if none are available locally).
- M.23 The role of clerical staff is to log calls; file material, photocopy and progress chase. They also maintain displays of up-to-date press statements; photographs; plans and maps.

- M.24 The work time in a major emergency for the first few days could be based on Police shifts (6.00 am - 2.00pm, 2.00pm - 10.00 pm, 10.00 pm - 6.00 am). Clerical staff should know to direct the media to appropriate press officers and not to comment directly. An aide memoire is at the end of this Appendix.
- M.25 A media centre for briefing journalists would ideally include the following areas:
- Security/reception area: All visitors should report to reception to receive a media kit. There may be a temporary switchboard here to handle the flow of calls to the media centre. If possible, there should be conference and break-out rooms.
 - Media area: To provide a location and facilities for media representatives to prepare their reports and to receive information from media centre staff.
 - Briefing area: Press conferences take place here as required. There should also be space to facilitate radio and television interviews.
 - Staff area: To provide office accommodation for those staffing the Centre. There should also be a room to serve as a Press Office to receive telephone media enquiries. It should not be open to the media.
 - A large car park.
- M.26 Depending on the developing situation, further facilities need to be considered including; local accommodation; toilets; transport for the media where the 'incident' is at a remote site; conference facilities; suitable interview locations; picture opportunities (and distribution of 'pooled' material); locations for satellite vans (including mats if sited on boggy or wet ground).
- M.27 The nearest Coastguard station could act as the centre for the first couple of hours. However, this arrangement would not be sustainable in the long term in a major incident.

Information Manager

- M.28 This role is crucial to manage the flow of information between the SRC, SCU, MRC and the Media Office. The media centre manager may fulfil this role, but it would require the services of reliable assistants to cover shift working and periods when the Manager was involved in shoreline management groups and other meetings.

- M.29 There should be a single media liaison point as a holding area for accredited media personnel to receive initial briefings. The salvage, marine, and shoreline teams, together with the various media officers involved, should agree its location. There should be a registration desk and security procedures to manage the flow of visitors.
- M.30 The lead press officer determines as a matter of utmost urgency whether there should be a joint media centre handling at sea and shoreline media calls, if appropriate to the circumstances.
- M.31 Consideration should be given to locating the joint media centre being sited in, next to, or near the SRC, if the situation is considered a long-term operation.

Separating delivery from content

- M.32 A mechanism needs to be established early for responding to media enquiries – by telephone, e-mail and fax - and the logistics of arranging the daily press conferences, individual briefings and any official site visits. Media officers have to take responsibility for these tasks, while others concentrate on the management of the information given to the media which can then be followed or altered according to the development of the situation.
- M.33 Monitoring and analysis of media reporting needs to take place. This should take place elsewhere; for example, by the Government media monitoring unit, or a specifically contracted commercial company.
- M.34 Monitoring and analysis enables the identification of any trends reported that begin to appear misleading or overly biased. Examples include unbalanced reporting giving too much emphasis to special interest groups or environmental concerns; undue criticism of local or national government policy; an inaccurate assessment of the situation; exaggeration. The media team can then take corrective action and disseminate transcripts among specialists.

Content and presentation

- M.35 It is important to develop the best possible relationship with media personnel from the start. Pressure of competition between media teams and individuals makes them sensitive to any restrictions that appear unfair. If they believe that their treatment is unreasonable, some representatives of the media will try to make their own arrangements. These may obstruct rescue work.
- M.36 Well-managed media relations should alleviate these problems and allow positive advantage to be taken of the help which the media can provide. For example, they can broadcast appeals for blood donors, publicise details of any evacuation planned, and broadcast casualty bureau telephone numbers.

- M.37 Many of the media representatives reporting on the incident are not necessarily experts in the management of search and rescue or counter pollution operations. It is essential to take this into account when communicating with the media. Select technical briefings with scientific correspondents may counteract the more lurid 'news' approach. If we do not provide the information they seek in easy, usable, adaptable formats the media will seek it from self-appointed experts who mushroom on the scene.
- M.38 Communication material therefore needs to be succinct and provide explanations and usable illustrations of the local geography and the techniques employed.
- M.39 It might be useful to provide details of the pros and cons of the various techniques used. Essential information includes:
- an explanation of each participant's role in operations with names and titles (as appropriate) in a fact sheet or on disk;
 - maps and graphics of the areas in a usable format; and
 - fact sheets on techniques employed.

Media access

- M.40 Where possible, representatives of the media should have access to locations involved with the incident. For reasons of operational efficiency, and to ensure personal privacy, the following procedures should apply to media visits to the following areas:
- **visits to the immediate vicinity** should, at the discretion of DMO, allow the media to view the scene from a safe distance to ensure an oversight of activities;
 - **visits to emergency control centres** should take place at the discretion of the relevant commander;
 - **visits to a hospital receiving casualties** take place with permission of the hospital management; and
 - **visits to rest centres** take place by agreement with the manager or deep sea mission superintendent.

VIP visits

- M.41 At some stage, and probably early on in a major incident, senior politicians or members of the Royal Family may wish to visit the scene. The COI or the direct Press Office of the relevant Government department advises on co-ordination of these visits. All VIPs are escorted by a senior member of DETR, DTI or MCA.

Non-government organisations

- M.42 Only accredited card carrying members of the media should have access to media briefing sessions. There should be separate briefings for non-governmental groups. Working journalists trying to make copy resent it when pressure groups “hijack” a briefing session to further their own ends. A Liaison Officer needs to deal with these other bodies, and a Security Team to enforce the accreditation and admittance procedures of bona fide journalists.

Guidelines for media managers and staff

- M.43 The following sections contain suggested guidelines for media managers and staff.

Guidelines for managers - dealing with the media

DO establish to whom you are speaking. Identify the media with names, address, fax and telephone numbers.

DO establish a press conference venue.

Do call in extra persons who are trained to deal with the media.

DO set up an emergency press centre to take incoming calls from the media and sustain it with regular bulletins. 24-hour coverage may be necessary.

DO prepare a contingency press release leaving gaps to fill in as more information comes in.

DO ensure that ALL switchboards know to expect calls and where to direct them.

DO set up telephone hotlines to cope with the flood of additional calls that you receive.

DO issue background information as soon as possible – especially contact points for authentic information.

DO circulate press releases internally so that all key staff are kept aware.

DO NOT make a “No Comment” remark – the media often interpret this as indicating that you have something to hide.

DO NOT comment just to deflect media pressure. You can better achieve this by announcing a time when the media will receive a statement.

DO NOT comment on the abilities, or otherwise, of individuals or other agencies.

DO NOT offer opinions on who should be blamed for causing the pollution (explain that the matter may be *sub judice*).

DO NOT give anything “off the record”. The media rarely respect it. If there is something to say, an attributable source enhances its value.

Guidelines for staff - dealing with the media

Where possible all contacts with the media should be through the nominated Press Liaison Officers. You should transfer calls you receive from the media to the Press Liaison point.

However, if these arrangements have not been set up during the early stages of an incident it may be that you may end up having to accept calls from the media. These guidelines should help you.

DO NOT give any fact unless you are certain that it is correct.

DO NOT speculate. Journalists can and probably will exaggerate your interpretation or understanding and quote it as fact.

DO NOT unnecessarily hinder or obstruct. It achieves nothing and creates problems for others.

DO NOT say “No comment”. Journalists may take it as a negative answer. This could be inaccurate and lead to difficulties later.

DO NOT be afraid to say, “I don’t know”.

DO NOT pass the buck. Journalists do not disappear, they go to someone else if you cannot or will not help.

DO NOT deny access or assistance automatically. Ask yourself why you cannot help before you refuse to do so.

DO NOT allow the media to distract you from the main task. Explain, if you have to, why you are too busy to help.

DO have the confidence in yourself and your command of the situation to take a positive attitude towards the media. It helps everyone to have them on your side.

DO know where the Press Centre is and what assistance the media can obtain there.

DO explain where the media can obtain answers to their questions if you cannot help yourself.

DO let the Press Officer know immediately of any developments that could help him in his duties.

DO remember that, although you are not an appointed spokesperson, your attitude and what you say to the media reflects on the national response as a whole.

DO ask for ID and note to whom you are talking and what you say.

DO inform the Press Officer of any journalist you suspect of behaving in an unacceptable manner.

DO offer guidance where you can. It helps nobody to have the media flying around in the wrong direction.

Media interviews

The media invite people to appear on radio or television every day, often to explain their work or the work of their organisation.

When an incident occurs there is ever increasing pressure from the media for interviews. As an *aide mémoire*, here is a list of ten useful guidelines.

1. Be brief and to the point.

The media may edit a long answer and lose its meaning. Worse, it may take on the opposite of what you mean. Make your two or three basic points and leave it at that.

2. Keep your temper.

It may make for an exciting interview, but it never helps your cause. (Old Japanese proverb – Man who raises voice loses argument.)

3. Expect the unexpected.

Trick questions are part of the business. Just answer them as honestly as you can and, if you don't know the answer, say so.

4. Be patient with the technicalities.

For example, if a bus passes at the wrong moment, or an aeroplane engine drowns out your words, you may have to do the whole thing again.

5. Do not strive to be word-perfect.

You should avoid 'Em', 'Er' and 'you know', but a slight hesitation before replying shows you are thinking about the answer.

6. Do not waffle.

When you have finished what you are saying, stop. Do not talk for the sake of it. It is the interviewer's job to keep the interview going – not yours.

7. Be presentable.

You are representing your organisation. Sit up straight. Slouching indicates a bored, indifferent attitude to an audience. On television, you are what you look like.

8. Be equitable at all times.

Be careful never to talk down to the interviewer, who is in effect your audience. Treat him or her as an equal at all times – never patronise.

9. Avoid all jargon.

Do not use jargon. Do not try to blind the audience with science. Make sure that the public can easily understand what you say.

10. When the interview has finished, shut up and go.

When the interviewer says the interview is over do not relax. Many people have a nervous reaction and discuss how the interview went with the interviewer – often revealing more than they said during the interview. The cameras and sound will still be rolling! Thank the interviewer and leave – then relax.

In conclusion:

Do not take notes into the interview. They get in the way, rustle, and make you look and sound as though you are reading off a script.

NEVER drink alcohol before an interview.

REMEMBER – the listeners and viewers will not recall exactly what you say. But they will recall the IMPRESSION you give.

Guidelines for switchboard operators during major incidents

Note to managers

At the outset of any emergency, it is often the normal point of contact that is overlooked. Often the switchboard staff are not told of an ongoing (or potential) incident, nor are they briefed on what approach to take with callers. Try to incorporate a proforma sheet for telephone switchboard operators informing them simply that there has been an incident, it is being dealt with on extensions so and so, by so and so. Any calls from the media are being dealt with by Any problems they encounter should be passed on to

Ten 'Commandments' that will help

1. Never accept callers or their 'identity' at face value. Do you PERSONALLY know the caller?
2. Always refer callers to a relevant spokesperson or manager. NEVER be pressed into giving ANY information.

3. Never identify yourself to strangers. Give only your organisation's name and telephone number.
4. Do not embellish official statements from your organisation with any personal knowledge you may have.
5. Do not confirm 'facts' which journalists say they have heard elsewhere. They may be just "flag-flying" or fishing for a reaction.
6. Treat all media equally, but sympathise with the locals. You have to live with them after the incident.
7. Do not let callers hang on.
8. Expect to be "chatted up" either subtly or blatantly.
9. Some (national) journalists stoop to anything to get the story. BEWARE!
10. Never undertake to call anyone back. Ask them to ring again.

Media aide mémoire

DO NOT give any fact unless you are certain that it is correct

DO NOT speculate. The media can, and probably will, exaggerate your interpretation or understanding and quote it as fact.

DO NOT hinder or obstruct. It achieves nothing and creates problems for others.

DO NOT say, "No Comment". The media can take it as a negative answer. This could be inaccurate and lead to difficulties later.

DO NOT be afraid to say "I don't know".

DO NOT deny access or assistance automatically. Ask yourself why you cannot help before you refuse to do so.

DO NOT allow yourself to be distracted from the main task. Explain, if you have to, why you are too busy to help.

DO have the confidence in yourself and your command of the situation to take a positive attitude towards the media. It helps everyone to have them on your side.

DO know where the Press Centre is and what assistance the media can obtain there.

DO explain where the media can obtain answers to their questions if you cannot help yourself.

DO let the Press Officer know immediately of any developments that could help in his or her duties.

DO remember that, although you are not an appointed spokesperson, your attitude, and what you say to the media, reflect on your organisation as a whole.

DO ask for ID and note to whom you are talking and what you say.

DO inform the Press Officer of any journalist you suspect of behaving in an unacceptable manner.

DO offer guidance, where you can. It helps no one to have the media flying around in the wrong direction.

Obtaining mobile and portable equipment from British Telecom

Telecommunications Emergency Service Station (Tess)

M.44 There are mobile units at Bristol and Brighton. BT can rapidly deploy them to any location within the BT Southern Home Counties Zone, which stretches from Bridport in the west to Broadstairs in the east.

M.45 The latest TESS is on a 6.2 tonne lorry chassis, providing both working and welfare space in one compact unit (NOT for the press). It provides the following facilities:

- workspace with desks and seating 4 operators;
- 9 pre-wired BT PSTN telephone line jack connection points;
- BT pre-wired distribution point to allow easy connection into the BT network, plus the necessary cables;
- ISDN 2 pre-wired connection point;
- cellphones, fax machines and short-range radios;
- self-contained electrical generator;
- connection point for external 240 volt supply;
- internal and external lighting (battery/mains);
- security alarm system;
- additional seating for 3 or 4 people;
- heating, washing and cooking facilities; and
- storage cupboards.

Payphone caravans

M.46 There are three payphone caravans at Heathrow that BT can tow to a point at or near the site of an emergency. The main users during an emergency would be the press and members of the public.

- M.47 BT also stores trailers at Livingston (a few miles south west of Edinburgh). BT delivers and recovers them and arranges for the connection of the trailers to the telephone landline system.
- M.48 To obtain the above services, contact the duty manager of the BT network operations unit on 0345 555999.

LIABILITY & COMPENSATION FOR POLLUTION DAMAGE

Introduction

- N.1 Dealing with marine pollution, whether at sea or on the shore, can be a protracted and expensive business. Initially, the costs of clean up operations fall on the bodies incurring them.
- N.2 This appendix gives a brief description of the ways that those involved in clean up operations can later recover their costs. However, its purpose is not to provide definitive legal advice.
- N.3 The ease with which responders can obtain compensation depends upon the type and source of pollutant involved. Currently, there are five distinct cases:
- where persistent oil⁴¹ carried by a tanker⁴² causes pollution, compensation is available under an international compensation regime;
 - where persistent oil carried by any other type of ship causes pollution, there are special rules in UK legislation designed to make it easier for claimants to obtain compensation;
 - where a substance carried by a ship other than persistent oil causes pollution, claims are subject to the normal rules of civil common law;
 - where pollution is caused by an offshore installation, claims are subject to special rules imposed on operators as a licensing requirement; and
 - where there is no identified source for the pollution, claimants can obtain no compensation unless they can prove that the source of the pollution was a tanker.
- N.4 This appendix describes each case in more detail below.

⁴¹ The definition of persistent oil is highly technical. Crude oil and the heavy fuel oil used by ships are both persistent oils. Aviation fuel and petrol are non-persistent oils.

⁴² The conventions use the term “ship”. They define a “ship” as “any sea-going ship and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil aboard”. Discussions on the interpretation of this definition are continuing within the governing bodies of the IOPC Fund. The aim of these discussions is to determine whether a dedicated tanker is always a “ship”. There is some dispute about this. There is no dispute, however, that the definition can cover craft used for the offshore exploration for, or exploitation of, oil. It covers such craft when they are not on station engaged in exploration or exploitation and are carrying persistent oil in bulk as cargo or residues from the carriage of such oil.

N.5 DETR's Shipping Policy (3) Division (telephone 0207 944 5452 or 5126) can provide additional information on liability and compensation for pollution from ships. The Offshore Pollution Liability Association Limited (telephone 0208 394 2462) can provide additional compensation regarding offshore installations. If they are uncertain about the rules on liability and compensation that apply in a specific case, claimants should seek their own legal advice.

Pollution caused by persistent oil carried in tankers

N.6 Two international conventions establish the international compensation regime for oil pollution damage from tankers:

- the International Convention on Civil Liability for Oil Pollution Damage (the "Civil Liability Convention");
- and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (the "Fund Convention").

N.7 The former convention deals with the liability of tanker owners. The latter establishes the IOPC Fund. The Merchant Shipping Act 1995 implements the regime in the UK⁴³.

N.8 Under these conventions, the tanker owner and the IOPC Fund are strictly liable for the costs of reasonable clean up operations. Strict liability means that the claimant need not prove fault to obtain compensation. The tanker owner and the IOPC Fund may escape liability only if they can prove that one of a limited number of exceptional circumstances (for example, an act of war) caused the damage.

Amount of compensation available

N.9 Tanker owners generally have the right to limit liability to an amount determined by the gross tonnage of the tanker. This amount varies from about £2.5 million for a small tanker (up to 5,000 gross tons) to about £50 million for a very large tanker (over 140,000 gross tons). Owners must maintain insurance cover for any tanker carrying 2,000 tons of oil or more to cover their potential liabilities. Tankers must carry a certificate on board to confirm that such insurance is in place. Most tanker owners obtain this insurance through a P&I club. The Civil Liability Convention enables claimants to make their claims directly against the insurer.

⁴³ The relevant provisions are in Chapters III and IV in Part VI of the Merchant Shipping Act 1995.

- N.10 The IOPC Fund is an intergovernmental organisation. It generally pays compensation to supplement that available from the tanker owner. In some rare cases, however, the Fund may meet all claims (for example, if the claimant cannot identify the tanker owner, or if the tanker owner has no insurance cover and insolvent). The total amount of compensation available from the tanker owner and the IOPC Fund together is about £110 million (for all sizes of tankers).
- N.11 Oil pollution incidents do not only result in claims for clean up costs. There are also claims for economic losses (for example, those sustained by the fishing industry). If the total of all valid claims exceeds the total amount of compensation available, all claimants receive an equal percentage of their claims. Concerns in the early stages of an incident that this situation might arise can result in the IOPC Fund making initial payments at less than 100% of eligible claims. The Fund makes top up adjustments as the claims position becomes clearer. However, this situation is only likely to arise following major oil spills.

Types of clean up and emergency response claims covered

- N.12 Following an oil spill, the tanker owner and the IOPC Fund generally pay compensation for the cost of reasonable response measures. These might include measures taken to clean up the oil at sea, to defend sensitive resources, to clean shorelines and coastal installations and to dispose of any recovered oily debris. Claims for any consequential loss or damage caused by such measures should also be eligible for compensation. For example, if clean up measures result in damage to a road, pier or embankment, the cost of any work carried out to repair the damage should be an admissible claim.
- N.13 Admissible claims for clean up operations include the cost of personnel and the hire or purchase of equipment and materials. The cost of cleaning and repairing clean up equipment and of replacing materials consumed during the operation is also admissible. However, if the responders bought the equipment used for a particular spill, insurers and the IOPC Fund make deductions for the residual value.
- N.14 Special rules apply where public authorities clean up an oil spill using permanently employed personnel, or ships, vehicles and equipment that they own. In these circumstances, only the additional costs incurred by those authorities would normally be an admissible claim. Additional costs means expenses that arise solely because of the response to the incident and that the responders would not have incurred had the incident and related operations not taken place.

- N.15 An area of potential dispute is the extent to which authorities may also claim for fixed costs (that is, costs which would have arisen even if the incident had not occurred). These may include normal salaries for permanently employed personnel, capital costs of ships and other equipment, and the costs of maintaining specialised clean up resources on permanent standby under contract. Insurers and the IOPC Fund normally pay compensation for a reasonable proportion of such fixed costs. However, the costs must correspond closely to the clean up period in question and not include remote overhead charges.
- N.16 Compensation may be available for the costs of environmental advice. If the aim of the advice is to assist the clean up operation (for example, by helping to identify the most appropriate response techniques in given circumstances), its costs general qualify for compensation. However, the costs of general environmental monitoring or longer-term studies to determine the impact of a spill do not normally qualify for compensation. The only exception is when such studies concern damage that clearly falls within the definition of “pollution damage” used in the Civil Liability and Fund Conventions. Because of this distinction, it is important that those involved in the environmental aspects of a spill keep careful records that distinguish between operational activities and scientific studies. Anybody contemplating undertaking a scientific study should seek advice on the admissibility of a claim for its costs at an early stage.
- N.17 Compensation is also available in cases where there is no oil spill, if there is a grave and imminent threat that pollution damage might occur. For example, the costs of mobilising clean up resources to the site of a tanker aground on a rocky coastline in bad weather would normally be admissible, even if a successful salvage operation subsequently prevents any oil spilling.

Operation of the international oil pollution compensation fund (IOPC Fund)

- N.18 Any person in a State Party to the Fund Convention who receives an annual quantity of more than 150,000 tonnes of crude oil and heavy fuel oil following carriage by sea is liable to contribute to the IOPC Fund. These contributions finance compensation payments and administrative expenses. The Fund’s Director issues invoices to contributors. The size of each contribution is proportional to the annual quantity of oil received. The Fund’s Assembly sets a levy per tonne for each incident, based on estimates of the total amount of claims. The Assembly consists of all States Parties to the Fund Convention.

N.19 States Parties meeting within the Assembly or Executive Committee approve the settlements of claims against the IOPC Fund. Where claims do not give rise to new points of principle and relatively small amounts are involved, however, the Director can settle claims entirely without prior approval. The secretariat of the IOPC Fund co-operates closely with the P&I club involved in an incident in handling claims and, for example, in appointing joint experts.

N.20 The IOPC Fund has developed a series of criteria for establishing whether claims are eligible for compensation. In relation to clean up operations, the fact that a government or other public body decides to take certain measures does not automatically mean that the Fund will reimburse the cost of those measures. The essential criterion is the technical reasonableness of the measures, based on an assessment of the facts available at the time of the decision to take them. The Fund does not accept claims if the claimant could have foreseen that the measures taken would be ineffective in the particular circumstances of the incident. On the other hand, the fact that the measures prove to be ineffective is not in itself a reason to reject a claim for the costs incurred.

N.21 More generally, the following criteria would apply:

- the cost of the measures should be reasonable;
- the cost of the measures should not be disproportionate to the results achieved or the results which one could reasonably; and
- the measures should be appropriate and offer a reasonable prospect of success.

N.22 The IOPC Fund's claims manual summarises its criteria in more detail. This manual, and a general information booklet, are available from:

International Oil Pollution Compensation Fund	Tel: 0207 582 2606
4 Albert Embankment	Fax: 0207 735 0326
LONDON SE1 7SR	E-mail: info@iopcfund.org

Pollution caused by persistent oil carried in ships other than tankers

N.23 At present, there are no comparable international arrangements on liability and compensation for damage caused by persistent fuel oil carried in ships other than tankers. The UK has introduced national legislation to make owners of ships other than those to which the Civil Liability Convention applies strictly liable for pollution damage caused by persistent oil⁴⁴. This legislation makes it simpler for claimants to recover the costs of damage caused by the fuel oil carried by non-tankers. They do not have to prove that the shipowner was at fault.

⁴⁴ The main provision is section 154 of the Merchant Shipping Act 1995.

- N.24 Unlike tanker owners, other shipowners may limit their liability to amounts determined in accordance with the Convention on Limitation of Liability for Maritime Claims 1976⁴⁵. They are not required to maintain liability insurance.

Pollution caused by pollutants other than persistent oil

- N.25 There is currently no statute dealing with liability and compensation for pollution damage caused by substances other than persistent oil. In May 1996, however, a diplomatic conference convened by the International Maritime Organization adopted the Convention on Liability and Compensation for Damage in Connection with the Carriage by Sea of Hazardous and Noxious Substances.
- N.26 The UK has signed this convention. However, we do not expect it to enter into force for some time. In the meantime, the ordinary rules of civil common law continue to apply to liability and compensation for pollution damage caused by substances other than persistent oil carried on ships.

Pollution caused by offshore installations

- N.27 DTI imposes requirements on operators of offshore oil and gas installations as part of the development approval process. Operators must be members of the Offshore Pollution Liability Association Limited (OPOL) or have liability coverage of the same value as that offered by OPOL.
- N.28 OPOL manages the provisions of the "Offshore Pollution Liability Agreement", under which participating oil companies accept strict liability for pollution damage⁴⁶ and remedial measures⁴⁷ up to a maximum amount per incident. There is a periodical review of the amount of compensation available to take account of changes in risk and inflation. The amount is currently US \$120 million per incident, with a maximum deductible⁴⁸ of US \$1 million per incident.

⁴⁵ Schedule 7 to the Merchant Shipping Act 1995 contains the text of the convention as it has the force of law in the UK. The UK has ratified the 1996 Protocol to amend the 1976 Convention. When in force, this will increase the applicable limits.

⁴⁶ "Pollution damage" means direct loss or damage (other than loss of or damage to any designated offshore facility involved) by contamination which results from a discharge of oil.

⁴⁷ "Remedial measures" means reasonable measures taken by any party from any of whose designated offshore facilities a discharge of oil occurs and by any public authority to prevent, mitigate or eliminate pollution damage following such discharge of oil or to neutralise the oil involved in such discharge.

⁴⁸ The deductible is a maximum of US \$1 million and is like an insurance excess. It will be different depending on the circumstances, but is the minimum contribution that OPOL expects the member to make to any claim.

N.29 These arrangements would only come into effect if the operator were unable to meet claims from its own resources. Moreover, where an operator is a large company with substantial resources, DTI may not require membership of OPOL. For other operators, DTI may accept other arrangements providing cover similar to OPOL; for example, this could be through some form of insurance cover.

N.30 The OPOL agreement covers hybrid craft such as Floating Production, Storage and Offloading vessels (FPSOs) and Floating Storage Units (FSUs) while on station. It also covers such craft when moving: if they are moving for operational reasons, not to carry oil as cargo.

N.31 For an information booklet on OPOL, you should contact:

Offshore Pollution Liability Association Limited	Telephone: 0208 394 2462
2A West Street	Fax: 0208 394 2463
Ewell KT17 1UU	

Pollution from an unidentified source

N.32 Generally, claimants can only obtain compensation if they know its precise source. However, there is one exception to this. The IOPC Fund pays compensation for reasonable clean up costs if the claimant can prove (for example, by sophisticated chemical analysis) that the pollution resulted from a spill of persistent oil from a tanker.

COST RECOVERY

Introduction

- O.1 This appendix contains information on how those who respond to marine pollution incidents should go about recovering the costs that they incur.

Record keeping

- O.2 It is essential that during any counter pollution operation all those involved keep records of what they did and when and why they did it. There is pressure, frequently severe, to deal with new issues and problems and to relegate record keeping to a lesser priority. However, we cannot over-emphasise the importance of contemporary records. It is simply not realistic to rely on memory to reconstruct events in a fast moving and possibly lengthy incident. Responders must therefore arrange to keep adequate contemporary records. These records extend from minutes of decision-making fora to beachmaster records of the number of personnel, plant and materials used on a particular beach on a particular day and who provided them. It is also important to log all messages that which might serve to change the pre-arranged response.
- O.3 For the purpose of financial record keeping, it is essential to appoint a financial controller at a very early stage in the incident to keep adequate records and control expenditure. Responders should discard no paper document (including status boards and maps used by the SCU, MRC and SRC). They should back up and catalogue information held on computer.
- O.4 It is not possible to specify the precise form of records. This varies with the circumstances. However, there are two principal points to keep in mind:
- the records serve a variety of purposes and as the source material for much information drawn; and
 - since responders can not know the particular purpose that records will serve in advance, record keeping should err on the side of too much rather than too little detail.

- O.5 The record should clearly show information received, orders given, and action taken. For example, responders may use aircraft for reconnaissance. In this case, there should be a record not only of when they called the aircraft out but of take-off times, landing times, details of any oil found, the area searched, who received the information and when. For dispersant spraying operations, records should specify the area of operations and indicate the duration of spraying, the amount of dispersant used, and the results obtained. Records should distinguish between activities undertaken to assist the clean up operation and any general environmental monitoring or longer-term impact studies.
- O.6 Local authorities inevitably find that this level of record keeping requires a heavy commitment in terms of minute clerks, message takers, procurement clerks and financial record keepers. There are specialist firms that offer tracking and recording services for clean up operations. The appointment of such a firm may be justifiable following a major spill. It might be possible to recover the cost of using such firms from the P&I club and the IOPC Fund. However, this depends on the particular circumstances, and it is prudent to check before employing the services of such a firm.
- O.7 Where the decisions involve or affect others, it is important to record their reaction at the time. This applies particularly to ITOPF. They are likely to advise shipowners, P&I clubs, and the IOPC Fund on the reasonableness of the counter pollution operations. It applies also to others such as cargo owners, local authorities and the Environment Group. The records should show whether they agree or express no opinion. If they disagree, the records should identify the reasons, if possible. Records should distinguish criticism made at the time of an incident from criticism made with the benefit of hindsight.
- O.8 Like any operation involving the expenditure of large sums of money, the usual rules of proprietary, accountability and the need for an audit trail apply.

Time limits for claims arising from pollution from tankers

- O.9 Claimants should be aware that there are time limits for claims under the Civil Liability Convention and the Fund Convention. The conventions provide that claimants must secure their claims by going to court within three years of the date on which loss or damage occurred and six years of the date of the incident.
- O.10 Wherever possible, claimants should seek to have their claims settled by negotiation within these periods. If this is not possible, claimants may protect their claims by taking legal action against the tanker owner, the owner's insurer and the IOPC Fund. Should this be necessary, claimants should seek legal advice.

- O.11 Formal legal action to enforce a claim is usually the last resort. In most cases, informal negotiations result in a settlement. Given the time limits for legal enforcement of claims, it is in everybody's interest for claimants to submit claims as soon as possible after the incident. Often, considerable time is required to assemble a claim and all the substantiating evidence. If claimants anticipate delays, they should notify the tanker owner's insurers and the IOPC Fund at an early date of the intention to submit a claim at a later stage.

Claims arising from pollution from tankers

Submitting a claim to a P&I club

- O.12 Claimants should initially submit claims for clean up costs under the Civil Liability Convention to the tanker owner or to the relevant P&I club. The tanker owner's local agent should inform claimants of the identity of the P&I club and contact details. If claimants have any difficulty obtaining this information, they should seek advice from DETR's Shipping Policy (3) Division (telephone: 0207 944 5452/5126).
- O.13 The P&I clubs do not publish formal guidance on their requirements for submitting claims, but the guidance in this appendix and the IOPC Fund's claims manual should generally be appropriate.

Submitting a claim to the IOPC Fund

- O.14 To obtain compensation under the terms of the Fund Convention, claimants should submit their claims directly to the IOPC Fund.
- O.15 The IOPC Fund co-operates closely with the relevant P&I club in investigating incidents, and in assessing and settling claims. Claimants should submit full supporting documentation to the tanker owner, the P&I club or the IOPC Fund. Claimants who do not submit their claims to the Fund should notify it of any claim submitted to the tanker owner or P&I club.
- O.16 In some cases, claimants should submit claims through the office of a designated local surveyor, for forwarding to the P&I club and the IOPC Fund for decision. Occasionally, when an incident gives rise to a large number of claims, the P&I club and the IOPC Fund may jointly set up a local claims office to process claims more easily. Claimants should then submit their claims to that office. The local press should carry details of how to submit claims. In all cases, the designated surveyor and the joint claims office refer claims to the P&I club and to the IOPC Fund for decisions on their admissibility.
- O.17 Claims should be in writing and must contain the following particulars:
- the name and address of the claimant, and of any representative;

- the identity of the tanker involved in the incident;
- the date, place and specific details of the incident if known, unless the P&I club or IOPC Fund already know this information;
- the nature of the clean up operations, or response measures, for which the claimant is seeking compensation; and
- the amount of compensation sought.

O.18 Supporting documentation must link the expenses for clean up operations (including disposal) to the actions taken at specific sites. The IOPC Fund produces a claims manual that provides helpful guidance on how such claims should be itemised. This guidance is just as relevant for claims submitted to a P&I club under the Civil Liability Convention.

O.19 The following extract comes from the edition of the claims manual dated June 1998. Claimants should check whether a later edition is available.

“Claims for clean up operations and preventive measures should be itemised as follows:

- *Delineation of the area affected, describing the extent of the pollution and identifying those areas most heavily contaminated (for example using maps or nautical charts, supported by photographs or video tapes)*
- *Analytical and/or other evidence linking the oil pollution with the ship involved in the incident (such as chemical analysis of oil samples, relevant wind, tide and current data, observation and plotting of floating oil movements)*
- *Summary of events, including a description and justification of the work carried out at sea, in coastal waters and on shore, together with an explanation of why the various working methods were selected*
- *Dates on which work was carried out at each site*
- *Labour costs at each site (number and category of response personnel, regular or overtime rates of pay, hours or days worked, other costs)*
- *Travel, accommodation and living costs for response personnel*
- *Equipment costs at each site (types of equipment used, rate of hire or cost of purchase, quantity used, period of use)*
- *Consumable materials (description, quantity, unit cost and where used)*

- *Any remaining value at the end of the operations of equipment and materials purchased*
- *Age of equipment not purchased but used in the incident*
- *Transport costs (number and types of vehicles, vessels or aircraft used, number of hours or days operated, rate of hire or operating cost)*
- *Costs of temporary storage (if applicable) and of final disposal of recovered oil and oily material”*

Procedure in Other Cases

O.20 Much of the above guidance is relevant to claims for compensation arising from types of marine pollution other than persistent oil carried in a tanker. However, as the liability and compensation arrangements in such cases are different, time limits, requirements for evidence and claims procedures are likely to vary considerably. Claimants should therefore seek early guidance from the polluter or the relevant insurer, as well as from their own legal advisers.