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STRATEGIC

1. Aim and Purpose

1.1 The purpose of this Plan is to ensure that there is a timely, measured and effective response to incidents of marine pollution from shipping and offshore installations and their aftermath. To achieve this, it identifies the key stakeholders involved, the governance arrangements under which they should operate and the broad responsibilities attached to each. Further, it seeks to provide guidance on general incident management, the method and structures of co-ordination and communication, the general resources that may be brought into play and, the circumstances in which the MCA deploys the UK's national assets to respond to a marine pollution incident in order to protect the overriding public interest.

1.2 This Plan provides a Strategic and Operational overview intended to inform Central Government Departments, Devolved Administrations, Local Authorities, Environmental Agencies, Port and Harbour Authorities and senior managers of response organisations - including those of industry. Within the Plan embedded hyperlinks lead to relevant and more detailed information.

1.3 The scope of this Plan matches the scope of the Secretary of State's for Transport and of Energy and Climate Change responsibilities. These responsibilities extend to any activities associated with the at sea or shoreline clean up. However, the Plan outlines the linkages with the parallel process that deals with shoreline response.

1.4 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/authorities, some of which have more specific statutory duties than others, undertake the response to incidents that threaten to pollute the seas around the UK.

1.5 An immediate response to reported marine pollution or a risk of significant pollution is important.

1.6 Whilst many incidents may involve the release of oil and gas, some maritime incidents may release hazardous and noxious substances or inert material or a combination of these that have the potential to threaten public health as well as cause at sea and shoreline pollution. In such cases, this Plan should run in parallel with, and dovetail with, existing protocols and major incident plans normally invoked when there is an incident involving hazardous and noxious substances onshore.

1.7 As a Party to the United Nations Convention on the Law of the Sea, the United Kingdom has an obligation to protect and preserve the marine environment. This National Contingency Plan (NCP) is one of the measures that the United Kingdom has taken to meet this obligation.

1.8 The Lead Government Departments (LGD) for counter pollution preparedness, regulation and response are Department of Energy and Climate Change (DECC) for offshore installations and Department for Transport (DfT) for shipping. The Maritime and Coastguard Agency (MCA), as an executive agency of DfT, is designated as the United Kingdom Competent Authority for counter pollution response, and is the custodian of the NCP. Both Lead Government Departments and the MCA have developed this Plan as a strategic document incorporating an operational overview, it also provides a gateway to more detailed information for incident response, rather than attempting to be overly prescriptive. The Plan is designed to be easy to use and update.

1.9 Each incident derives from, and presents unique circumstances and characteristics. These necessitate responses which, whilst similar in basic principle need to be adapted in light of a specific threat in or to, a particular area of the UK either at sea or on the shoreline. This Plan is designed as an overview supported by a sign posted library of information and is underpinned by other multi-agency plans.

1.10 This Plan is targeted at all personnel who may become involved in maritime emergencies, particularly those at senior and operational levels. It is primarily intended for reference purposes during emergencies but may also be used for training and exercise purposes. The Plan is applicable throughout the United Kingdom and it aims to establish good practice based on lessons learned from incidents and live exercises both in the United Kingdom and internationally. The objectives of the Plan are to further develop a shared understanding of the multi-agency framework for response to incidents, the roles and responsibilities of organisations at local sub-national or national levels and how they work together as well as a common frame of reference, especially concepts and language.

1.11 This Plan co-exists with other UK emergency response plans or contingency arrangements including [HM Government's "Emergency Response and Recovery"](https://www.gov.uk/emergency-response-and-recovery)¹; [Scotland's "Preparing Scotland"](http://www.scotland.gov.uk/Publications/2012/03/2940)²; [Wales's "Pan-Wales Response Plan"](http://walesresilience.gov.uk/behindthescenes/walesresilience/panwalesresponseplan/?skip=1&lang=en)³ and [Northern Ireland's "A Guide to Emergency Planning Arrangements in Northern Ireland"](http://www.ofmdfmi.gov.uk/a_guide_to_emergency_planning_in_northern_ireland_refreshed_september_2011.pdf)⁴. In addition to these major plans consideration needs to be given to major incident and security plans operated by ships, ports, harbours, oil handling facilities and oil and gas offshore installations. There needs to be a mutual understanding and respect between those utilising and invoking this Plan and those responsible for invoking all other associated plans. This ensures that all of the plans dovetail when

¹ <https://www.gov.uk/emergency-response-and-recovery>

² <http://www.scotland.gov.uk/Publications/2012/03/2940>

³

<http://walesresilience.gov.uk/behindthescenes/walesresilience/panwalesresponseplan/?skip=1&lang=en>

⁴

http://www.ofmdfmi.gov.uk/a_guide_to_emergency_planning_in_northern_ireland_refreshed_september_2011.pdf

necessary and can continue to function efficiently, whatever the circumstances.

1.12 When an incident occurs there is a duty to carry out investigation and enforcement activities as and when necessary. Incidents will be investigated by the MCA's Enforcement Unit or DECC's Offshore Inspectorate Unit.

2. Legal Basis

2.1 The legal basis for this Plan is [section 293 of the Merchant Shipping Act 1995](http://www.legislation.gov.uk/ukpga/1995/21/section/293)⁵, as amended by the [Merchant Shipping and Maritime Security Act 1997](http://www.legislation.gov.uk/ukpga/1997/28/pdfs/ukpga_19970028_en.pdf)⁶, [the Pollution Prevention Control Act 1999](http://www.legislation.gov.uk/ukpga/1999/24/contents)⁷, and [the Marine Safety Act 2003](http://www.legislation.gov.uk/ukpga/2003/16/contents)⁸. Section 293 of the Merchant Shipping Act 1995 gives the Secretary of State for Transport the function of taking, or co-ordinating, measures to prevent, reduce and minimise the effects of marine pollution.

2.2 Similarly, [the Offshore Installations \(Emergency Pollution Control\) Regulations 2002](http://www.legislation.gov.uk/ukpga/2002/1861/pdfs/uksi_20021861_en.pdf)⁹, made under [section 3 of the Pollution Prevention and Control Act 1999](http://www.legislation.gov.uk/ukpga/1999/24/contents)¹⁰, provides powers for the Secretary of State for the Department of Energy and Climate Change to give directions and to take such other actions as may be necessary in respect of an offshore installation to prevent or minimise pollution or the threat of pollution.

2.3 [EU Directive 2002/59/EC](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:208:0010:0010:EN:PDF)¹¹ (as amended) provides that Member States are to draw up plans to accommodate, if the situation so requires, ships in distress in their ports or any other protected place affording the best possible conditions, in order to limit the consequences of accidents at sea. In accordance with Article 20 of Directive 2002/59/EC, [the Secretary of State's Representative \(SOSREP\) for Maritime Salvage and Intervention](http://www.dft.gov.uk/mca/mcga-environmental/mcga-dops_cp_sosrep_role.htm)¹², has been designated as the UK competent authority to take independent decisions concerning the accommodation of ships in need of assistance. The MCA is responsible for drawing up plans and conducting risk assessments and analysis for the accommodation of ships in places of refuge which it provides to support the SOSREP in this decision making process.

2.4 This Plan also meets one of the United Kingdom Government's obligations under [the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990](http://www.admiraltylawguide.com/conven/oilpolresponse1990.html)¹³. [The Merchant Shipping \(Oil Pollution Preparedness, Response and Co-operation Convention\) Regulations 1998](http://www.legislation.gov.uk/ukpga/1998/1056/made)¹⁴, implement other obligations under the Convention. In particular, they require

⁵ <http://www.legislation.gov.uk/ukpga/1995/21/section/293>

⁶ http://www.legislation.gov.uk/ukpga/1997/28/pdfs/ukpga_19970028_en.pdf

⁷ <http://www.legislation.gov.uk/ukpga/1999/24/contents>

⁸ <http://www.legislation.gov.uk/ukpga/2003/16/contents>

⁹ http://legislation.gov.uk/uksi/2002/1861/pdfs/uksi_20021861_en.pdf

¹⁰ http://www.legislation.gov.uk/ukpga/1999/24/pdfs/ukpga_19990024_en.pdf

¹¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:208:0010:0010:EN:PDF>

¹² http://www.dft.gov.uk/mca/mcga-environmental/mcga-dops_cp_sosrep_role.htm

¹³ <http://www.admiraltylawguide.com/conven/oilpolresponse1990.html>

¹⁴ <http://www.legislation.gov.uk/uksi/1998/1056/made>

ports, harbours and oil handling facilities to have oil pollution emergency plans that are compatible with this Plan. Harbour authorities must submit revised plans to the MCA every five years or earlier if a substantial change is required. The MCA has published advice in its [“Contingency Planning for Marine Pollution Preparedness and Response - Guidelines for Ports”](#)¹⁵. Similarly, DECC requires the operators of offshore installations to have an Oil Pollution Emergency Plan approved under the above Convention and has issued [“Guidance Notes to Operators of Offshore Oil and Gas Installations \(including pipelines\) on Oil Pollution Emergency Plan Requirements”](#)¹⁶, to assist operators in their preparation. It too must be revised and submitted every five years, or earlier if a substantial change is required, to DECC for approval.

2.5 Relevant to this Plan, [the definition of an emergency under the Civil Contingencies Act 2004](#)^[1], includes an event or situation which threatens serious damage to human welfare in the UK, or an event or situation that threatens damage to the environment, which involves, causes or may cause contamination of land, water or air with biological, chemical or radioactive matter, or disruption or destruction of plant life or animal life”.

2.6 [The Civil Contingencies Act 2004](#)^[2] is primarily concerned with the need for organisations to prepare effectively for emergencies. Different arrangements apply in Scotland and Northern Ireland from those in England and Wales. The primary legislation, however, divides local responders into two categories, imposing a different set of duties on each. Category 1 responders are at the core of the response to most emergencies (e.g. emergency services, National Health Service (NHS), local authorities). They are required to assess the risk of emergencies; and put in place emergency plans, business continuity arrangements, and arrangements to warn, inform and advise the public in the event of an emergency.

2.7 Category 1 and Category 2 organisations (e.g. Health and Safety Executive, transport and utility companies, which are less likely to be involved in the heart of planning work) are required to share information and co-operate with other local responders to enhance co-ordination and efficiency.

2.8 Category 1 and 2 organisations come together to form local resilience forums (based on police areas) in England and Wales or regional resilience partnerships in Scotland (there is no equivalent statutory grouping in Northern Ireland), which will help support co-ordination and co-operation between responders at the local level.

2.9 The MCA, as a Category 1 Responder, undertakes its duty to plan for emergencies under the Act by maintaining a set of emergency plans, which are developed in conjunction with other Civil Contingencies Act responders, to

¹⁵ http://www.dft.gov.uk/mca/oprc_guidelines_for_ports_-_final_03.02.2012-2.pdf

¹⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/68974/opep-guidance.docx

^[1] <http://www.legislation.gov.uk/ukpga/2004/36/contents>

^[2] <http://www.legislation.gov.uk/ukpga/2004/36/schedule/1>

ensure their overall effectiveness. The relevant plans are [the Major Incident Plans](#)^[3], and this National Contingency Plan for Marine Pollution from Shipping and Offshore Installations. The MCA fulfils its duty to co-operate, share information and prepare to respond, by acting as the UK's competent authority for dealing with pollution at sea, and providing assistance, training and advice to local authorities with shoreline responsibilities.

2.10 Local authorities in England and Wales have a general power under [section 138 of the Local Government Act 1972](#)¹⁷, to incur expenditure in taking action with respect to emergencies or disasters. Local authorities in Scotland have similar powers under [the Local Government \(Scotland\) Act 1973](#)¹⁸.

2.11 In Northern Ireland, [the Water \(Northern Ireland\) Order 1999](#)¹⁹, places a duty on the Department of Environment to protect waterways from pollution. This includes coastal waters up to three nautical miles from the baseline. The legislation also gives the Department wide ranging powers to prevent or remove polluting matter where it considers appropriate. The Department prepares local response plans in the same way as local authorities do elsewhere in the United Kingdom.

2.12 Local authorities and DOE Northern Ireland have prepared, and implemented, local response plans based on these powers. The MCA advice is to revise these plans every five years or earlier if there is a substantial change. A review of plans should always be conducted after any incidents or exercises to capture lessons learned.

3. Definitions

- “**marine pollution**” refers to pollution by oil or other hazardous substances.
- “**offshore installation**” means an offshore oil and gas, gas storage or carbon capture and storage operation
- “**oil**” means oil of any description and includes spirit produced from oil of any description, and also includes coal tar;
- “**other hazardous substances**” are prescribed under section 138A of the Merchant Shipping Act 1995. 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. Such pollution can result from spills of ships’ cargoes carried in bulk or in packages, ships’ bunkers and/or stores’, and leaks from oil and gas installations and pipelines.
- “**cells**” refer to any centre, cell, unit, group, team, or similar grouping term used within the response to an incident.

^[3] <http://www.dft.gov.uk/mca/uksar.pdf>

¹⁷ <http://www.legislation.gov.uk/ukpga/1972/70/contents>

¹⁸ http://www.legislation.gov.uk/ukpga/1973/65/pdfs/ukpga_19730065_en.pdf

¹⁹ <http://www.legislation.gov.uk/nisi/1999/662/contents/made>

- **“pollution control zone”** that is, any part of the sea within the area designated under the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996, as amended. The offshore industry in the UK works within the United Kingdom Continental Shelf) designated under The Continental Shelf Act 1964.
- **“containment”** means controlling pollution at its source in respect of offshore installations

A comprehensive list of terms used in civil resilience has been published and can be found on www.gov.uk²⁰.

4. Areas covered

4.1 This Plan covers all incidents in, or likely to affect, the United Kingdom Pollution Control Zone and the United Kingdom Continental Shelf.

4.2 The Isle of Man and the Channel Islands are responsible for their own counter pollution arrangements but may request assistance from the MCA during a major incident.

4.3 [Weblink](#)²¹ provides a summary of the bilateral and multilateral International assistance and co-operation agreements currently in force. The MCA’s Duty Operations Director and Counter Pollution and Salvage Branch discharge all obligations under these agreements. They also inform other neighbouring Coastal States of any pollution threat to their waters or shoreline, and co-ordinate any requests for international assistance.

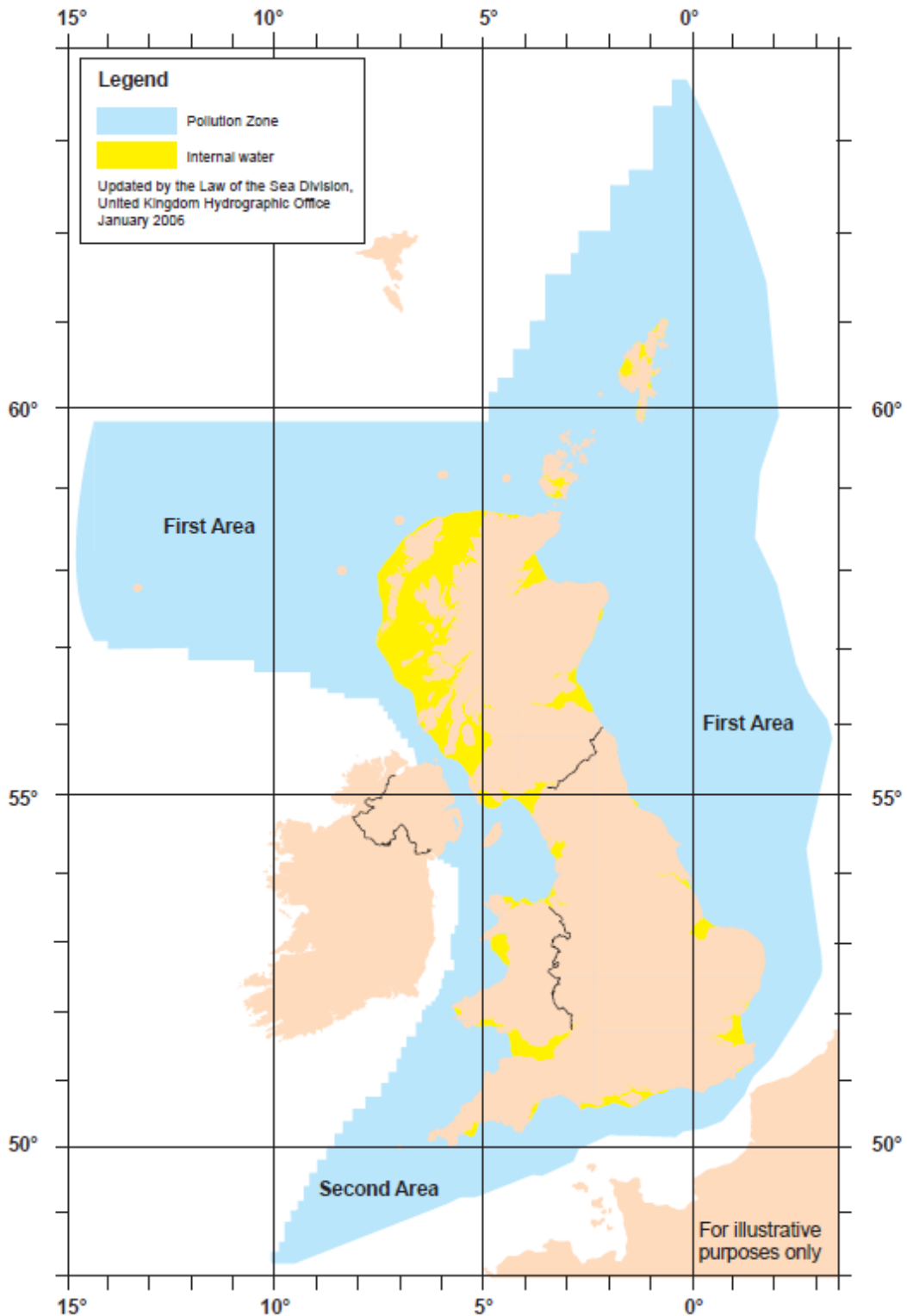
4.4 Although this Plan is for marine pollution from shipping and offshore installations, the MCA supports the environmental regulators; the Environment Agency, Scottish Environment Protection Agency, Natural Resources Wales and the Department of Environment (Northern Ireland) with appropriate resources in the event of a large shore-based spill affecting United Kingdom waters.

²⁰

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/128797/LEXIC ON v2_1_1-Feb-2013.xls](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/128797/LEXIC_ON_v2_1_1-Feb-2013.xls)

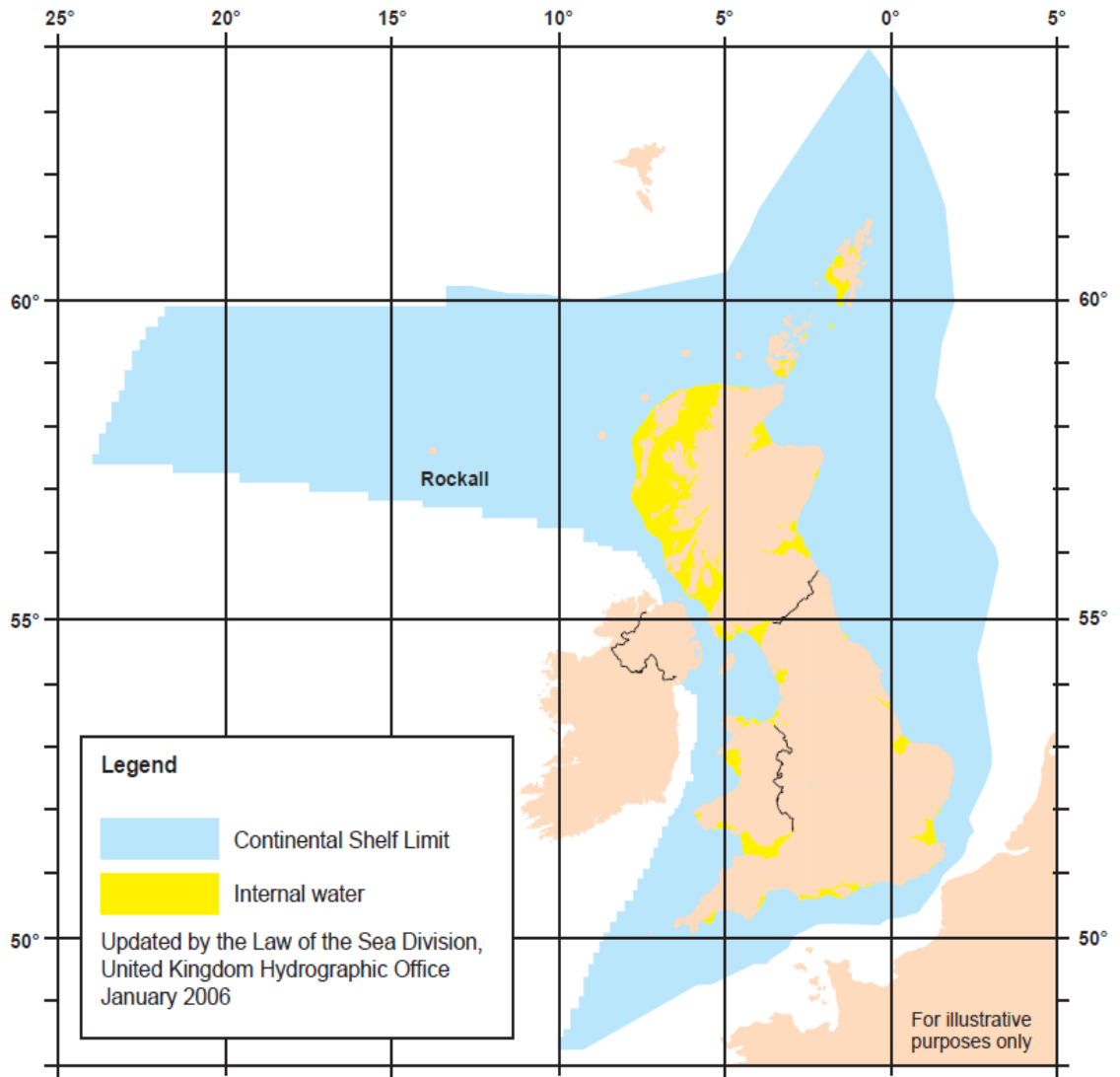
²¹ http://www.dft.gov.uk/mca/130715_international_assistance_and_co-operation.pdf

Map of the UK Pollution Control Zone



Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996
Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1997

Map of the UK Continental Shelf



5. Roles and responsibilities of the lead Government bodies

5.1 Major marine pollution incidents require work on a wide range of issues apart from those directly connected with salvage, containment and clean-up operations. Most incidents in the United Kingdom are handled at the local level by the emergency services and other responders with no direct involvement by central government departments; however, this is not the case when there is an incident of national significance.

5.2 Department for Transport (DfT) [website](#)²²

5.2.1 DfT has policy responsibility for several issues that arise from a marine pollution incident in line with the Secretary of State's responsibilities, namely taking or co-ordinating measures to prevent, reduce and minimise the effects of marine pollution.

Maritime Safety and Environment Policy Division

5.2.2 Maritime Safety and Environment's (MSE) Pollution Prevention team has policy responsibility for marine pollution from shipping. The Pollution Prevention team does not contribute to operational decisions during an incident. However, it monitors the MCA's approach to incidents within the framework of the Agency's objectives and liaises with Ministers and across Whitehall.

5.3 Maritime and Coastguard Agency (MCA) [website](#)²³

5.3.1 The MCA is an executive agency of the DfT; 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.

5.3.2 During an incident, the role of the Agency's Chief Executive is to continue managing the Agency as a whole. The Director of Maritime Operations is responsible, with Maritime Safety and Environment colleagues for ensuring that Ministers are kept informed of incident progress, liaising with the Chief Executive on matters of Agency policy. The Directorate of Maritime Operations is also responsible for search and rescue, counter pollution and clean-up operations at sea and liaises with MCA colleagues on survey and inspection and any enforcement action. The Counter Pollution and Salvage Branch has specific responsibility for counter pollution preparedness and

²² <https://www.gov.uk/government/organisations/department-for-transport>

²³ <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>

response at sea and the management of the UK Government's stockpiles of equipment and dispersant.

5.4 Department of Energy and Climate Change (DECC) [website](#)²⁴

5.4.1 DECC's Offshore Oil and Gas Environment and Decommissioning Unit is responsible for environmental regulation, prevention of oil pollution and offshore environmental issues including approval of oil pollution emergency plans for the offshore industry. DECC consults with the MCA prior to approving or rejecting operators' oil pollution emergency plans.

5.4.2 The Offshore Environmental Inspectors within the Unit provide a 24/7 on call facility to respond to any offshore pollution incident. In the event of any offshore pollution threat DECC's Duty Offshore Environmental Inspector engages with offshore oil and gas, gas storage or carbon capture and storage operators, the MCA Duty Counter Pollution and Salvage Officer (DCPSO), Counter Pollution and Salvage Branch and, in certain circumstances, the Maritime Rescue Co-ordination Centre (MRCC).

5.5 Secretary of State's Representative (SOSREP)

5.5.1 The role of the SOSREP is to represent the Secretaries of State for Transport (in relation to ships) and Energy and Climate Change (in relation to offshore installations) by removing or reducing the risk to safety, property and the United Kingdom environment arising from accidents involving ships, fixed or floating platforms or sub-sea infrastructure. The intervention powers available to the SOSREP extend to United Kingdom territorial waters (12 nautical miles from the coast/baseline see, figure 1) for safety issues and to the United Kingdom Pollution Control Zone for pollution from shipping related incidents. For pollution incidents from offshore installations the powers extend to the United Kingdom Continental Shelf. The SOSREP is empowered to make crucial and often time-critical decisions, without delay and without recourse to higher authority, where such decisions are in the overriding United Kingdom public interest.

5.5.2 The SOSREP has the ultimate and decisive voice for maritime salvage, offshore containment and intervention. The SOSREP role does not include any responsibility for either at sea or shore line clean-up activities. In the unlikely event of a conflict between the "at-sea" and "land based" response cells, the SOSREP should act as an arbiter to resolve any conflict and may consider exercising the intervention powers where "at-sea" actions being taken, or being proposed, are not deemed to be in the over-riding UK public interest.

6. Role of central Government

²⁴ <https://www.gov.uk/government/organisations/department-of-energy-climate-change>

6.1 Whilst, the government's central crisis management machinery, Cabinet Office Briefing Room, Scottish Government Resilience Room, Emergency Co-ordination Centre (Wales) and Civil Contingencies Group (NI) do not have the power to interfere with the actual maritime operation where the SOSREP has control; the SOSREP will ensure that there are adequate reciprocal lines of communication between all parties.

6.2 The main central Government departments involved in this Plan other than the owners include among others the Cabinet Office, Department of Environment, Food and Rural Affairs and Communities and Local Government; other key organisations include among others the Marine Management Organisation and Environment Agency.

6.3 Many other stakeholders are involved with the Plan and the details of all of these can be found on www.gov.uk²⁵.

7. Role of the devolved administrations

7.1 Action to prevent marine pollution remains a function of the United Kingdom Government. Nevertheless, the Scottish Government, the Northern Ireland Executive, and the Welsh Government (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 and other activities in waters adjacent to their coasts, and are concerned with the effects on coastal areas. It is essential to recognise the importance of working closely with the devolved administrations throughout a marine pollution incident in their waters.

7.2 The precise balance of activity depends on where responsibilities lie between a devolved administration and the United Kingdom government in relation to the particular incident. In areas of reserved responsibility, the lead government department co-ordinates the response, working closely with the relevant devolved administration.

7.3 Care should be taken to respect the roles and responsibilities of the lead government departments and the devolved administrations with respect to devolved powers. Ministers of devolved administrations are kept informed to the same timescale and extent as UK Ministers in relation to incidents in their waters. Mechanisms for liaising with relevant officials and press officers from the devolved administrations reflect this.

7.4 In certain circumstances, the devolved administration may consider it necessary to establish its own centre working closely alongside the other response centres.

²⁵ http://www.dft.gov.uk/mca/130801_main_ncp_stakeholders.pdf

7.5 Scottish Government

7.5.1 The Scottish Government is responsible for a wide range of devolved issues including health, education, justice, agriculture and rural affairs, the water industry and transport. Marine Scotland is a Directorate of Scottish Government and is responsible for marine planning, marine nature conservation, fisheries and aquaculture policy and the sustainable use of the marine environment. Marine Scotland officials are the first point of contact in relation to marine pollution events.

7.5.2 The Scottish Government also sponsors the Scottish Environment Protection Agency, Scottish Natural Heritage and Scottish Water and is assisted by the Scottish Agricultural Science Agency and by the Food Standards Agency Scotland. Scottish Government's resilience guidance is available on [the ready Scotland website](#)²⁶.

7.6 Welsh Government

7.6.1 The Welsh Government's Agriculture, Food and Marine Department have the lead policy responsibility for the protection of the natural environment out to 12 nautical miles offshore, including marine pollution. In addition the Welsh Government's Marine and Fisheries Division is responsible out to the median line for policy on fish and the protection of fisheries, including liaison with the fishing industry.

7.6.2 The Welsh Government sponsors Natural Resources Wales. Details of the Welsh Government's Emergency Preparedness obligations can be found in this [Cabinet Office publication](#)²⁷. General information on emergency preparedness in Wales can be found on the [Wales Resilience website](#)²⁸

7.7 Northern Ireland Executive [website](#)²⁹

7.7.1 The Environment and Marine Group of the Department of Environment 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.

7.7.2 The Department of Environment's work on Marine issues is undertaken by its Marine Division. Marine Division aims to deliver integrated policy, planning and operations which ensure the protection of the marine environment and enables its sustainable development on behalf of the Department.

²⁶ <http://www.readyscotland.org/>

²⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61034/Chapter-11-Wales-amends-10112011.pdf

²⁸ <http://walesresilience.gov.uk/?skip=1&lang=en>

²⁹ <http://www.northernireland.gov.uk/>

7.7.3 Northern Ireland Environment Agency is an executive agency within the Department of Environment and is the lead agency responsible for implementing environmental legislation and policy in Northern Ireland. Details of Northern Ireland's Emergency Preparedness obligations can be found on www.gov.uk³⁰.

7.7.4 The Department of Agriculture and Rural Development has a key role in managing fisheries and aquaculture activities within Northern Ireland territorial waters.

7.8 Cross Border Working

7.8.1 Given the nature of the marine environment it is possible that a maritime incident could involve central government and all three devolved administrations, for example an oil spill in the Irish Sea. It is for each devolved administration to review and assess the threat to their internal waters and shoreline, to formulate the best method of response and to communicate with other administrations. There may be a requirement for mutual aid or co-operation.

7.8.2 Under the Civil Contingencies Act regime there is a generic national framework for managing emergency response on land which remains flexible enough to be adapted to the needs of any threat to United Kingdom coastal resources. Chapter 4 of the Government's non statutory guidance to [the Civil Contingencies Act Emergency Response and Recovery document](#)³¹, describes the national framework, however, a brief outline of the two main response groups which would most likely be formed for a major threat from the marine environment, is provided in Chapter 10 of this document.

³⁰

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61035/Chapter-12-Northern-ireland-amends-10112011.pdf

³¹ <https://www.gov.uk/emergency-response-and-recovery>

OPERATIONAL

8. Overview

8.1 The following chapters of this Plan are intended to provide an overview of the UK's operational response. The different chapters are designed to lead, by the provision of hyperlinks, to more detailed information.

8.2 Within the NCP, the level of central government involvement varies and could range from non-operational advice and support from the lead government department through to the 24/7 activation of the central government crisis management machinery through which the Government works with devolved administrations, emergency responders and other organisations to enhance the UK's ability to prepare for, respond to and recover from emergencies. Further details on this can be [viewed by clicking here](#)³² and [also by clicking here](#)³³.

8.3 Additional information on the United Kingdom Government's Concept of Operations which sets out arrangements for responding to and recovering from emergencies can be found on www.gov.uk³⁴.

Record Keeping

8.4 It is the responsibility of all response organisations to ensure they keep accurate records of actions taken and decisions made including the rationale behind those decisions and/or actions

9. Establishing the Level of Response

9.1 The four principal aims of managing the response to any incident are:

- to protect public health,
- to prevent pollution occurring,
- to minimise the extent of any pollution that does occur, and
- to mitigate the effects of any pollution

9.2 To help achieve these principal aims it is necessary to establish a response structure which is scalable and adaptable. This structure must be able to meet the above aims and be sufficiently flexible to respond to changing situations.

9.3 For the purpose of planning, tiers are used to categorise pollution incidents. The tiered approach to oil pollution contingency planning identifies

resources for responding to spills of increasing magnitude and complexity by extending the geographical area over which the response is co-ordinated.

- Tier 1 Local (within the capability of one local authority or harbour authority)
- Tier 2 Regional (beyond the capability of one local authority or requires additional contracted response from ports or harbours)
- Tier 3 National (requires national resources co-ordinated by the MCA for a shipping incident and the operator for an offshore installation incident)

Additional information may be found in the [Tier – Incident Response Matrix](#),³⁵ paragraphs 9.6 and 12.10.

9.4 This tiered response considers:

- the risk of pollution when an incident occurs;
- the type of pollution;
- the actual/potential scale of pollution;
- environment conditions, (i.e. weather, wind, tidal streams, sea state temperature);
- resource requirement (both personnel and equipment);
- the potential for a long term response requirement;
- the need for maritime intervention;
- the geographical location and physical extent including:
 - environmental and/or economic sensitivity – current and future, and
 - international impact.

9.5 It is unlikely that any one of the components/considerations listed above will, on its own, determine the level of response. Each incident of marine pollution has a unique ‘fingerprint’; even a relatively small spill in a highly sensitive location can trigger the deployment and use of a significant response capability.

9.6 The response levels for offshore installations are different. Offshore oil and gas operators are responsible for, and must be able to respond to pollution incidents from their offshore installations and infrastructure. As such, all exploration and production activities that could give rise to an oil pollution incident on the United Kingdom Continental Shelf must be covered by an Oil Pollution Emergency Plan.

9.7 The Oil Pollution Emergency Plan is a fit for purpose operational document that sets out the procedures for responding to offshore oil pollution

³⁵ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/public_web-cp-ncp-cpman/public_web-cp-icdntrespmatrix.htm

incidents, including the shoreline clean up, in an effective and efficient manner, and is in line and co-ordinated with the policies and principles of the United Kingdom's National Contingency Plan. It is the operator's responsibility to ensure the Oil Pollution Emergency Plan clearly identifies the potential release scenarios, including the worst case scenario, the potential environmental impacts and how the operator will respond to mitigate those impacts.

9.8 During an offshore installation incident, the operator may establish an Emergency Response Centre and the DECC Duty Offshore Environmental Inspector will maintain close liaison with the operator and, depending on circumstances, locate to the operators Emergency Response Centre.

9.9 The majority of incidents do not require any response cells to be established however during escalated incidents there are several types of response cells or advisory centres that can be instigated as deemed appropriate according to the nature of the incident.

9.10 In all cases involving a national response, whether from ship or offshore installation, there is a need to establish centres to deal with the incident. Whilst the oil remains at sea, these centres may include:

- [Marine Response Centre](#) ³⁶

The Marine Response Centre considers and implements the most appropriate means to contain, disperse, and remove potential pollutants from the scene based on all the information available to them. In almost all cases involving a national response the MCA establishes a Marine Response Centre at the most appropriate location. For a shipping incident this location may be within the Marine Emergencies Information Room at the MCA's Southampton Headquarters, the nearest MRCC or suitably equipped port operations room. During a complex salvage operation, the Marine Response Centre may be co-located near the Salvage/Operations Control Unit.

- [Salvage Control Unit](#) ³⁷

During a shipping incident, the primary role of the Salvage Control Unit is to monitor salvage operations and actions that are being taken and/or proposed relating to salvage activity and to ensure that such actions do not have an adverse effect on safety and the environment. The SOSREP determines the requirement for a Salvage Control Unit taking into consideration the nature and scale of the incident.

³⁶ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/mcga2007-ncp/mcga2007-ncp-section6.htm

³⁷ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/mcga2007-ncp/mcga2007-ncp-appendixg.htm

The Unit operates close to the incident site. For incidents at sea the most appropriate MRCC or other MCA facilities may be considered. For incidents within port or harbour jurisdictions it is likely that a suitable location for the cell may have already been determined in the local contingency plan. However for at sea or harbour responses commercial facilities may be more appropriate or conveniently situated.

- Operations Control Unit³⁸

During an offshore related incident the primary role of the Operations Control Unit is to monitor the offshore operator's response actions taken and/or proposed relating to containment activity and to ensure that such actions do not have an adverse effect on safety and the environment. The SOSREP determines the requirement for an Operations Control Unit taking into consideration the nature and scale of the incident.

The Operations Control Unit is established by the SOSREP and is located at the operator's premises or with their emergency response provider as detailed within the operator's relevant approved Oil Pollution Emergency Plan.

In circumstances where an Operations Control Unit has not been established, the lead government Department dealing with the incident decides, through the course of normal operational delivery, whether there is a need for additional formal inter-government liaison.

9.11 In addition, for an offshore installation incident, other response teams may be established alongside the main centres to assist.

- Operator's Emergency Response Team – incident response team established by the offshore operator and tasked with managing the operator's pollution response activity. Provides information to the SOSREP, Operations Control Unit and to other response organisations.
- Operator's Crisis Management team - established by the offshore operator to manage the operator's stakeholders and to address the operator's long term strategic goals.

9.12 When the pollution threatens the shoreline, a number of additional groups may be established. These are

- Strategic Co-ordinating Group³⁹

³⁸ https://www.og.decc.gov.uk/environment/EPC_Guidance.doc

³⁹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192425/CONO_Ps_incl_revised_chapter_24_Apr-13.pdf

Civil Contingency (Gold Level) – during the acute phase of an incident where there is likely to be significant on-shore consequential impacts on health, the economy or environment or where significant public and media interest has been generated, a Strategic Co-ordinating Group may be activated. It is normally chaired by a senior police officer during the response phase, although on occasions, particularly where there is no immediate threat to life, a senior local authority official or other appropriately trained and experienced individuals may assume the role. When established, it manages the overall on-shore response strategy, dovetailing when appropriate with the “at sea” response, develops the long term plan, and the policy and direction of operational response.

- Tactical Co-ordinating Group

Civil Contingency (Silver Level) – when established develops and co-ordinates the on-shore operational response plan. The Tactical Co-ordinating Group usually comprise the most senior officers of each agency committed within the area of operations and assumes tactical command of the event or situation. [Section 4.2.11 of Emergency Response and Recovery](#)⁴⁰ gives further details.

The Strategic Co-ordinating Group and the Tactical Co-ordinating Group between them cover many of the functions previously carried out by the Shoreline Response Centre.

- Response Co-ordinating Group (ResCG)

Where an incident affects more than one Local Resilience Forum area a Response Co-ordinating Group (ResCG) may be established by the Department for Communities and Local Government to co-ordinate multi SCG interaction. The ResCG will normally be chaired by DCLG, with Lead Government Department input from DfT. ResCGs will observe the principle of subsidiarity – in which it is recognised that decisions should be taken at the lowest appropriate level. The ResCG will not interfere in local command and control arrangements but will provide a mechanism for ensuring that local responders can be as fully informed as possible in the decisions they have to take.

Section 4.2.19 of Emergency Response and Recovery gives further details.

- Recovery Co-ordinating Group

After the acute phase of an incident, recovery may be co-ordinated by a Recovery Co-ordinating Group.

Scotland

⁴⁰ <https://www.gov.uk/government/publications/emergency-response-and-recovery>

In Scotland, on shore, the relevant Local Resilience Partnership, will co-ordinate the multi-agency response to a marine emergency. The role of the partnership, as well as regional and national support arrangements will follow best practice as set out in [Ready Scotland-Preparing Scotland](#)⁴¹

Northern Ireland

An emergency can range from a purely local incident to one having an impact across Northern Ireland and beyond. These events require different co-ordination arrangements. While the majority of emergencies are local level and dealt with entirely by responders acting on a local basis some due to the nature and scale of their impacts require strategic co-ordination by Central Government.

Local level emergencies are those where the outcomes are such that the response can be delivered entirely by organisations operating locally. This might be the case if a limited stretch of coastline was impacted by pollution.

A protocol for multi-agency co-ordination of local level response and recovery sets out in detail the arrangements for:

- Multi-agency assessment of an anticipated or developing situation
- Co-ordination of the multi-agency response and recovery and
- Inter-agency communication and compilation of an accurate and up to date information picture for the developing situation

Strategic level emergencies are those where the extent or severity of their impact is such that strategic level intervention and co-ordination by central government is required. This might be the case if there was major incident impacting on Belfast Lough which could result in the closure of a power station and shut down the Port of Belfast.

Where the impacts of the incident are such as to require strategic intervention by Central Government the Lead Government Department (LGD) will co-ordinate the response and recovery. It is likely that the Department of the Environment will be the LGD for any maritime incident causing water pollution at sea that is likely to come ashore. It should be noted that these strategic arrangement will be in addition to and work in conjunction with the tactical co-ordination arrangements outlined above. For the most severe emergencies the Northern Ireland Central Crisis Management Arrangements (NICCMA) may be invoked to direct and co-ordinate the strategic response and recovery for Northern Ireland.

9.13 The response to any maritime incident, even one short of a full national response, may require the establishment of a number of groups that are involved in both operations at sea and shoreline clean up. These are:

⁴¹ <http://www.readyscotland.org/ready-government/preparing-scotland/>

- [Environment Group](#)⁴²

The Environment Group provides a single advisory line on public health and environmental issues at sea to all response cells. Where the incident poses a significant threat to health or the environment on land, the SCG may establish a Science and Technical Advice Cell (STAC) (see below) and this may be integrated with the Environment Group. At the outset of an incident, at sea, the MCA triggers the formation of an Environment Group to provide advice requiring a local, regional or national response. Standing Environment Groups cover the entire UK coastline and MCA co-ordinates the geographical coverage of individual Standing Environment Groups, their contact details and call out arrangements. The Environment Groups comprise the statutory environmental regulators, fisheries departments, nature conservation bodies and public health bodies plus a range of specialist public sector and non-government organisations.

The Environment Group framework enables a co-ordinated and timely environmental input to any other more localised or specialised incidents. The Group may be set up as a precautionary approach when the possibility of incident escalation has potential. In many minor incidents the operational Environment Group remains a “virtual” Group responding with advice when requested.

The Environmental Group's remit is advisory and it has no powers of direction or enforcement. Regulatory functions of individual members of the Group are exercised outwith the Group structure and function.

- [Scientific and Technical Advisory Cell](#) [click here for further details](#)⁴³ and [also here](#)⁴⁴

During the response to an emergency, local responders in England are advised to consider establishing a Science and Technical Advice Cell (STAC) to provide timely and co-ordinated advice on scientific and technical issues, for example regarding the public health or environmental implications of an incident at sea, release of toxic material, or the spread of a disease.

The role of the STAC is to:

- provide a common source of scientific and technical advice to the SCG;
- co-ordinate activity within the scientific and technical community;

⁴² http://www.dft.gov.uk/mca/stop_2_09_eg_july_2009.pdf

⁴³ <https://www.gov.uk/government/publications/provision-of-scientific-and-technical-advice-in-the-strategic-co-ordination-centre-guidance-to-local-responders>

⁴⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61047/Emergency-Response-Recovery-24-7-12.pdf

- share information and agree on courses of action
- liaise between agencies represented in the cell and their national advisors to ensure consistent advice is presented locally and nationally. Its role is similar to the Environment Group in that it provides guidance and advice to the Strategic Co-ordinating Group and Tactical Co-ordination Group. Where both the Environment Group and this cell are established for an incident the Scientific and Technical Advisory Cell and Environment Group liaise closely and may on occasions merge fully. Further guidance can be [viewed by clicking here](#)⁴⁵.

9.14 Guidance on the Scientific and Technical Advisory Cell in Scotland can be [viewed by clicking here](#)⁴⁶.

9.15 In Wales, arrangements are in place for the establishment of a Scientific and Technical Advice Cell (STAC) for provision of advice to assist decision making for emergencies where no specific arrangements are in place and multi-agency co-ordination of scientific and technical advice is needed.

9.16 For marine pollution incidents, an Environment Group is established which provides environmental and public health advice to all response cells as set out in the NCP. Where an incident originates offshore the Environment Group provides scientific and technical advice for the marine response. In such an incident a STAC is not required.

9.17 Where a maritime incident poses a significant threat to public health on land (e.g. chemical fumes blowing in to a coastal town), it may be necessary to establish a STAC. In such circumstances the Environment Group becomes part of the STAC.

- Long Term Impact Assessment

A Premium Monitoring Co-ordination Cell or equivalent may be established to initiate, conduct and co-ordinate post spill environmental monitoring and impact assessment. The Defra website gives access to the Premium guidelines and operating principles and responsibilities. .

Incident Strategy and overall direction

9.18 Although the SOSREP does not have responsibility for either at-sea or shoreline clean-up activities, the SOSREP does have the responsibility for exercising the intervention powers where there is a risk of significant pollution or where there is a risk to safety or human health. The SOSREP may therefore liaise with other response cells and act as arbiter where differing requirements and priorities emerge.

⁴⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/80087/sage-guidance.pdf

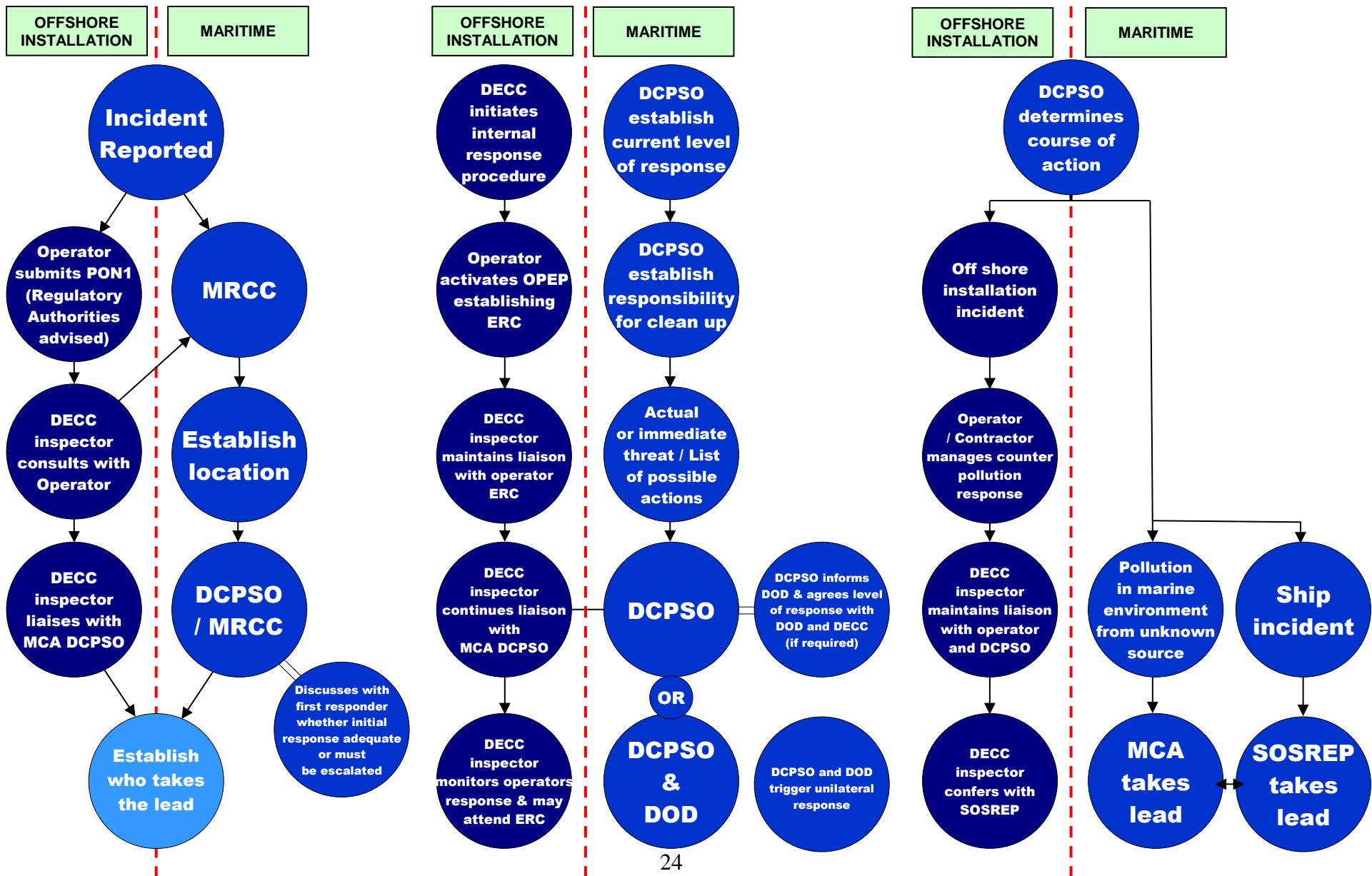
⁴⁶ <http://www.scotland.gov.uk/Resource/0041/00413856.pdf>

9.19 The Marine Response Centre, subject to any priority requirements of the SOSREP in a salvage operation and in consultation with other cells, decides on actions to track, contain, disperse or mitigate pollutants whilst at sea.

9.20 The Strategic Co-ordinating Group, in consultation with other cells, decides on actions to contain and clean up the affected shoreline and prepare plans for areas of shoreline not yet affected but likely to become so.

10. Initiating a response to an incident

10.1 In every incident the MCA DCPSO is the first point of contact via a MRCC. Where the DCPSO assesses that the current response may be inadequate, for any reason, a further assessment is made as to whether an escalation in response is warranted. For a shipping incident the DCPSO discusses the situation with the relevant authority to determine whether or not an escalated response is required. If the situation relates to an offshore incident, the DCPSO discusses the situation with the DECC Duty Offshore Environmental Inspector and/or in certain circumstances the offshore operator.



Ships, ports, harbours and oil handling facilities

10.2 Incidents at-sea, outside a harbour area of jurisdiction, should be reported immediately to a [MCA MRCC](#)⁴⁷. If an incident occurs in a harbour area of jurisdiction it should be reported to the harbour master who immediately informs the most appropriate MRCC.

10.3 Irrespective of whether the incident is at sea or in a harbour the MRCC contacts the vessel to obtain full details of the incident. Details of the information the MRCC expects to receive can be [viewed by clicking here](#)⁴⁸.

10.4 The MRCC initiates a search and rescue response, if required, and reports any pollution incident or a risk of pollution to the MCA's DCPSO. The MRCC compiles a Pollution Report and sends this to a pre-agreed list of recipients depending on the location of the incident. Additional appropriate organisations and authorities will also be included in the distribution as appropriate.

Offshore Installation Incident

10.5 Operators of offshore oil and gas installations must report as soon as possible to the nearest MRCC and DECC, any spill of hydrocarbons or chemicals, regardless of volume.

10.6 The MRCC may, depending on the circumstances, contact the offshore installation to obtain further details of the incident.

10.7 The offshore operator is required to submit, within six hours of the incident occurring, an electronic [Petroleum Operation Notice PON 1](#)⁴⁹, to DECC, which is also sent to Aberdeen MRCC, Joint Nature Conservation Committee and other pre-agreed list of recipients depending on the location of the incident e.g. Marine Scotland for an incident in Scottish waters

10.8 The DECC Duty Offshore Environmental Inspector liaises with the MCA's DCPSO and the operator⁵⁰.

Other organisations

10.9 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 oil and

⁴⁷ <http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-searchandrescue/mcga-theroleofhmcoasguard/mcga-hmcgsar-contacts.htm>

⁴⁸ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/mcga2007-ncp/mcga2007-ncp-section2.htm

⁴⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/66091/pon-01-fax-guidance.doc

⁵⁰ The MCA DCPSO has dedicated 24 hour on-call technical environment support available seven days a week

gas installation or unknown source, should send that information immediately to the nearest MRCC and/or DECC.

10.10 Organisations sending information to the MRCC and DECC should make every practicable effort to provide as much of the information as possible as required by the PON1 to provide a sound basis for decisions.

11. Responsibility for clean up

11.1 The owners and masters of ships, the operators of offshore installations, oil handling facilities, and the harbour masters/operators of ports/harbours bear the primary responsibility for operating in a manner that avoids marine pollution. They are equally responsible for ensuring that they have the means at their disposal to respond to pollution incidents within the limits of their stipulated area of jurisdiction. The following table provides guidance on who would assume the lead:

Location of pollution	Responsibility for ensuring clean up
On the water, jetties, wharves, structures, beach or shoreline owned by the harbour authority within the port/harbour area	Harbour authority
Shoreline (including land exposed by falling tide)	Local authority/Northern Ireland Environment Agency
Jetties, wharves, structures, beach or shoreline which is privately owned	Owner of the property / land
All other areas at sea (inside the UK Pollution Control Zone and the UK Continental Shelf)	MCA and, when appropriate the offshore operator

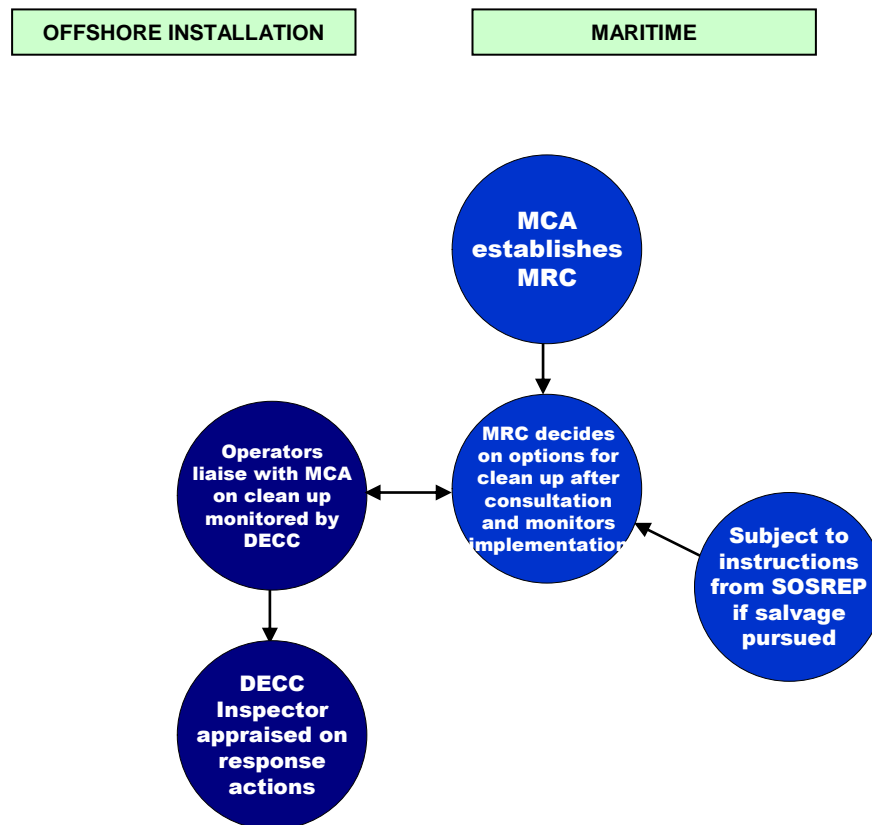
11.2 In order to achieve this, commercial marine pollution response contractors are engaged under either permanent arrangement and/or 'on-demand' when required, to undertake the actual physical clean-up and associated support activities. In addition, the MCA, as the National Competent Authority, has contractual arrangements with a specialist pollution response contractors and with other appropriate commercial service providers. The former is tasked with the deployment and operational use of national counter pollution equipment and the latter provide additional support services, e.g. aerial surveillance and spraying; substance testing and analysis.

11.3 Where ships, operators of offshore installations, port/harbour authorities and oil handling facilities face pollution incidents that exceed the response capabilities that they can reasonably maintain (especially in the provision of counter pollution equipment and personnel), additional capability may need to be brought to bear. Similarly, local or regional coastal authorities and commercial pollution response contractors may become overwhelmed and require equipment or expertise beyond their capabilities. In all such events additional response capability may be obtainable directly from other

accredited pollution response contractors or the use of national assets may be requested via the MCA. Additional details on the requesting and use of national pollution response assets is at paragraphs 12.5-12.9. Further, the MCA may request the use of additional response capability from partner States within the Bonn Agreement and/or through the European Maritime Safety Agency network.

12. The clean-up operation at sea

12.1 The aim of any clean-up operation is to minimise the damage (environmental, ecological, amenity or financial) that the pollution would cause. The MCA's Counter Pollution and Salvage Branch considers the most appropriate options for clean up and advise the relevant regulatory authority. Port and harbour response is dealt with elsewhere within this document, see chapter 14.



12.2 Further information on the procedures for counter pollution operations at sea may be [viewed by clicking here](#)⁵¹.

12.3 During a pollution incident of national significance a Marine Response Centre is established at the most appropriate location. The purpose of the Marine Response Centre is to provide a group through which the MCA and

⁵¹ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/public_web-cp-ncp-cpman/mcga-env-cp-marinepollutioncleanupmanual.htm

relevant regulatory and environmental bodies can discharge their responsibilities for mitigating and resolving pollution at sea.

12.4 The Marine Response Centre (subject to any requirements from the SOSREP) decides and advises on actions to contain, disperse, mitigate and/or recover pollutants. These decisions include the following methods of response:

- Assess and monitor
- Dispersant spraying operations
- Mechanical recovery operations; and
- Cargo transfer operations.

National Assets, Resources and Response Options

12.5 National pollution response assets are controlled by the MCA and, when used in incident response, are normally managed by the Marine Response Centre (MRC). Requests for use of national assets is considered when resources become overwhelmed and should be passed to the MCA's Counter Pollution and Salvage Branch or the MRC, when activated for pollution incidents of national significance. It is important to note that support from the MCA/MRC can be requested at any level of response. Assistance may be requested by the operators of offshore installations, spill response contractors, oil handling facilities, and the harbour masters/operators of ports/harbours, where planned and currently deployed response capability is overwhelmed or may be in the future.

12.6 Where national resources are allocated and deployed they will be accompanied and operated by MCA contractors at all times. Depending on the circumstances of the incident, Operational Control of national assets may be retained by the MCA/MRC who will co-ordinate collaborative activity with other response capability.⁵²

12.7 The cost of using national assets either by the MRC directly or in support of Local Authority pollution response activity on the shoreline is not charged to the user; it is recovered via the incident claims process. Where national assets are requested by commercial pollution response contractors, outside of a formal national response commitment, then a scale of charges will be agreed and levied for the service provided.

12.8 Through participation in mutual support agreements with neighbouring coastal states, through both the Bonn Agreement and the wider European Union, the MCA/MRC has the option to request the services of additional international pollution response capability. If following the request it is deployed on the UK's behalf it will come under the operational control of the MCA/MRC as part of the national response.

⁵² This is the normal arrangement when national assets are deployed following their request by response organisations and authorities external to the MCA/MRC.

12.9 Actions by the MRC in utilising national assets may include:

- the tasking of aerial surveillance;
- triggering/activation of an Environment Group;
- the tasking of aerial dispersant spraying (see below);
- arranging for inspection of the ship by an MCA Marine Surveyor or other qualified person;
- the preparation and/or deployment of:
 - dispersant spraying aircraft and ships;
 - oil recovery equipment;
 - cargo transfer equipment;
 - counter pollution equipment stockpile;
 - the Emergency Towing Vessel or other commercial towage identified from the Coastguard Agreement on Salvage and Towing and tug brokers.
- obtaining position specific weather forecasts;
- requesting, via the MRCC, control of airspace through a Temporary Danger Area in vicinity of the casualty. Further details about Temporary Danger Areas can be [viewed by clicking here](#)⁵³; and
- activating other members of MCA Counter Pollution and Salvage Branch.
- identification and assessment of potential places of refuge
- assessing the need for SOSREP intervention powers e.g. Temporary Exclusion Zone. Further details about Temporary Exclusion Zones can be [viewed by clicking here](#)⁵⁴.

Offshore Installations

12.10 The role and responsibility of the Marine Response Centre during a significant oil spill incident from an offshore infrastructure differs from a shipping or port/harbour incident. Oil and gas operators are required to deal with the incidents using their own equipment and personnel, as detailed in the Oil Pollution Emergency Plan.

12.11 The co-ordination of the response effort remains the responsibility of the operator, in collaboration with their accredited response contractor. The MCA, as the Competent Authority for dealing with the response to pollution at sea, oversees the response on behalf of the United Kingdom.

International Assistance and Co-operation

⁵³ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/mcga2007-ncp/mcga2007-ncp-appendixf.htm

⁵⁴ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/mcga2007-ncp/mcga2007-ncp-appendixf.htm

12.12 Paragraph 4.3 provides a link to bilateral and multilateral international agreements on co-operation that exist between the UK and other countries.

13. Dispersants – Approval, Use and Monitoring

Approval

13.1 Dispersants remain a primary United Kingdom response to oil spilled in the marine environment. However, legislation prohibits the use in UK waters of oil treatment substances unless approved by an appropriate regulatory and licensing authority.

13.2 Under [the Marine and Coastal Access Act 2009](#)⁵⁵ the Marine Management Organisation (MMO) acts as the regulatory authority for the use of oil spill dispersant products in waters off England and Wales, though advice from Natural Resources Wales will be sought for the latter. In the waters off Northern Ireland, the regulator is the Department of Environment's Marine Division. For the waters off Scotland, Marine Scotland is the regulator in accordance with [the Marine and Coastal Act 2009](#)⁵⁶, [the Scottish Adjacent Waters Boundaries Order 1999](#)⁵⁷ and [the Marine Access \(Scotland\) Act 2010](#)⁵⁸. However, the use of oil spill dispersant products in relation to offshore oil and gas exploration and production operations is specifically excluded from these legislative regimes and is regulated by DECC.

13.3 Guidance in relation to the legislative differences and the agreed procedures underpinning the use of oil spill treatment products in UK waters can be [viewed by clicking here](#)⁵⁹ and [also here](#)⁶⁰. Irrespective of the relevant regulatory regime, [oil spill dispersant products must be approved for that purpose](#)⁶¹, and be included in [the United Kingdom approved list of products](#)⁶², before they can be considered for use in United Kingdom waters.

Use and Monitoring

⁵⁵ <http://www.legislation.gov.uk/ukpga/2009/23/contents>

⁵⁶ Ibid Fn 2.

⁵⁷

<http://www.scotland.gov.uk/Topics/marine/seamanagement/nmpihome/admin/boundariesorder>

⁵⁸ http://www.legislation.gov.uk/asp/2010/5/pdfs/asp_20100005_en.pdf

⁵⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/62990/6202-reg-treat-products.doc

⁶⁰

http://www.marinemanagement.org.uk/protecting/pollution/documents/approval_flowchart.pdf

⁶¹

http://www.marinemanagement.org.uk/protecting/pollution/documents/approval_and_use.pdf

⁶²

http://www.marinemanagement.org.uk/protecting/pollution/documents/approval_approved_products.pdf

13.4 The actual use of dispersants and other oil treatment products is subject to strict control⁶³. Specific approval from the appropriate licensing authority is required 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 outside of these confines, in deeper waters, the relevant regulatory authorities will normally wish to be consulted beforehand except under force majeure conditions (for example, if human life is at risk) or where the use is covered by a standing approval.

13.5 The relevant regulatory authorities will consider a request for dispersant use in shallow waters on a case by case basis after seeking advice from the statutory nature conservation agencies, fisheries, marine environmental scientists and, marine fisheries agency inspectors.

13.6 Some ports, harbours and oil handling facilities and offshore oil and gas facilities have 'standing approval' to enable them to immediately use a limited amount of dispersant according to terms specified in the approval and the procedures described in their approved OPRC Oil Pollution Contingency or Emergency Plan. Any use not prescribed by this 'standing approval'(such as using more dispersant than approved, using dispersants on types of oil specifically excluded from the standing approval, or using dispersants in a sea area not specified) requires approval by the relevant regulatory authority on a case by case basis.

13.7 Overall dispersant response is overseen by the appropriate regulatory bodies. Operational use of dispersants is also monitored by the Maritime and Coastguard Agency as the National Competent Authority with responsibility delegated to the Marine Response Centre when activated.

13.8 Where applicable the Marine Management Organisation or relevant devolved administration regulators will enforce the Environmental Damage Regulations 2009⁶⁴, for damage in territorial waters or to protected marine species and habitats anywhere in UK waters. By 19 July 2015, these requirements will be extended to all waters on the UK Continental Shelf.

In the case of a shipping incident

13.9 In response to oil pollution from a vessel, the MCA's Marine Response Centre may, where necessary, initiate and manage a dispersant spraying operation. This will be established based on the appropriate legislative permissions, the list of approved dispersants, the geographical constraints noted at paragraphs 13.4 and 13.5 above and the advice received from the relevant regulators.

In the case of an offshore oil and gas incident

⁶³ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/mcga2007-ncp/mcga2007-ncp-appendixi.htm

⁶⁴ <http://www.legislation.gov.uk/uksi/2009/153/contents/made>

13.10 The use of dispersants in relation to offshore oil and gas exploration and production activities is excluded for the Marine and Coastal Act and Marine Scotland Act regimes and DECC has authority to approve the use of (approved) oil spill dispersant products.

13.11 The offshore operator is responsible for the response, based on permissions granted by DECC and advice received from relevant marine management authorities, devolved administrations and any Environment Group that has been established.

Sub-Surface Application of Dispersant

13.12 Dispersants may be considered for sub-surface application in the event of a subsea release.

14. Harbour response

Powers of harbour authorities⁶⁵

14.1 For ship casualty incidents occurring inside the jurisdiction of a harbour authority, the harbour master directs the initial incident response in accordance with the port's emergency response plans. All harbour masters have powers to direct the time and manner of a ship's entry into, departure from, or movement within a harbour. These powers include vessels in need of assistance. This gives a harbour master the power to regulate day to day movements within the harbour.

14.2 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, powers do exist in the Dangerous Vessels Act 1985 that permits a harbour master to prohibit entry or require departure from a harbour if it is considered that the condition of the ship, or the nature of anything it contains, is such that its presence in the harbour might pose a grave and imminent danger to the safety of persons, the environment and/or property or there is risk that the ship may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other ships. The harbour master must have regard to all the circumstances and to the safety of any person or ship. The exercising of this power may be overridden by the SOSREP.

Harbour Master⁶⁶ **and** **the SOSREP**⁶⁷ **co-operation**

⁶⁵ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/mcga2007-ncp/mcga2007-ncp-section7.htm

⁶⁶ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/mcga2007-ncp/mcga2007-ncp-section7.htm

⁶⁷ http://www.dft.gov.uk/mca/mcga-environmental/mcga-dops_cp_sosrep_role.htm

14.3 Many incidents originating within a harbour area are handled entirely adequately by implementing the local port or harbour contingency plans and through using the combined efforts of the harbour master, salvors, ship owners and crew, and the MCA. When notified of an incident within a harbour area, the SOSREP monitors and tacitly approves the response actions and proposals.

14.4 The statutory powers of the Secretary of State empower the SOSREP to take over command of all operations in certain circumstances. An example could be where there is an urgent need of a place of refuge for a vessel in order to reduce the risk of pollution or in the interests of safety. In such a case, and in the event that the harbour master does not wish to admit the vessel, the SOSREP may override the authority of the harbour master. The SOSREP can exercise the same power in dealing with the owner of any coastal facility, privately owned or otherwise. Where possible the SOSREP will endeavour to put the notice of intervention in writing, however if this is not immediately possible, confirmation is provided when circumstances permit.

14.5 The SOSREP will work with the harbour authority to resolve incidents. The SOSREP can use the intervention powers in support of the harbour authority's management of the incident. It is recognized that the process of bringing a vessel, particularly one that is damaged or has difficulty in manoeuvring is a complex and demanding process and achieving it safely requires the proper co-ordination of port resources. In many situations, the best outcome will be achieved by requiring the vessel to fully co-operate with the port entry requirements including facilitating inspections where necessary.

14.6 The control exercised by the SOSREP may not nor need not be ultimate. It can be limited to requests made to the harbour master or harbour authority requiring certain general courses of action to be adopted or avoided. This control need not take the active form of giving directions. It can be in the form of monitoring (and tacitly approving) the proposals for, and progress of operations to ensure that the wider public interest is being safeguarded.

14.7 Where the SOSREP is of the opinion that giving a direction to a harbour master would be unlikely to achieve the desired result, or where a direction has been given, and has not achieved the desired result, the SOSREP may instigate action as deemed necessary to achieve the desired outcome. Action at this level is considered most unlikely in respect of a port or harbour. However it could involve taking over operations and facilities and involve all persons or organisations acting on the SOSREP's directions. In these circumstances any person who obstructs operations would be committing a criminal offence.

14.8 It is recognised that there is a raft of complex legislation applying to harbour authorities and harbour masters including strict liability offences (such as the Water Resources Act) which may be contravened as a result of undertaking salvage operations in certain circumstances. Whilst a legal indemnity is unlikely to be available, SOSREP will take into account the risks of prosecution and exercise his powers appropriately in order to minimize this

risk. For these reasons it is imperative that full and comprehensive consultations are held with harbour authorities and the harbour master prior to making any decisions regarding marine casualty management in ports.

15. Places of Refuge

15.1 A place of refuge means a place where a ship in need of assistance can take action to enable it to stabilise its condition and reduce the hazards to navigation, and to protect human life and the environment. [IMO Resolution A.949\(23\) Guidelines on Places of Refuge for Ships in Need of Assistance](#)⁶⁸ provides further information and guidance.

15.2 Except in the most severe incident, a ship is likely to retain some of its cargo, bunkers and other pollutants. It may be desirable to carry out a cargo and/or 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, anchorage, or oil terminal. Ship to ship transfers are regulated by [the Merchant Shipping \(Ship to Ship transfers\) \(Amendment\) Regulations 2012](#)⁶⁹.

15.3 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. The SOSREP is the designated UK competent authority to assign Places of Refuge. The SOSREP has in mind that time may be short and the damaged ship may not be in a condition to travel very far.

15.4 The process of identifying an appropriate place of refuge is driven by the circumstances of the incident, including such event-specific data as the weather, the geographical whereabouts of the incident and the type of threat posed by the vessel and its cargo. The Counter Pollution and Salvage Branch will identify in consultation with any appropriate Environment Groups when necessary and as far as is practicable and carefully consider potential places of refuge and conduct risk assessments of those potential locations prior to submission to the SOSREP who will make the final decision to assign a Place of Refuge.

15.5 Further, the MCA's Marine Survey and Inspection Branch provides trained Marine Casualty Officers who may be used to assess casualty vessels and to determine the wider risks associated with any marine incident and future response.

16. Salvage of vessels

The Role of the SOSREP and Intervention

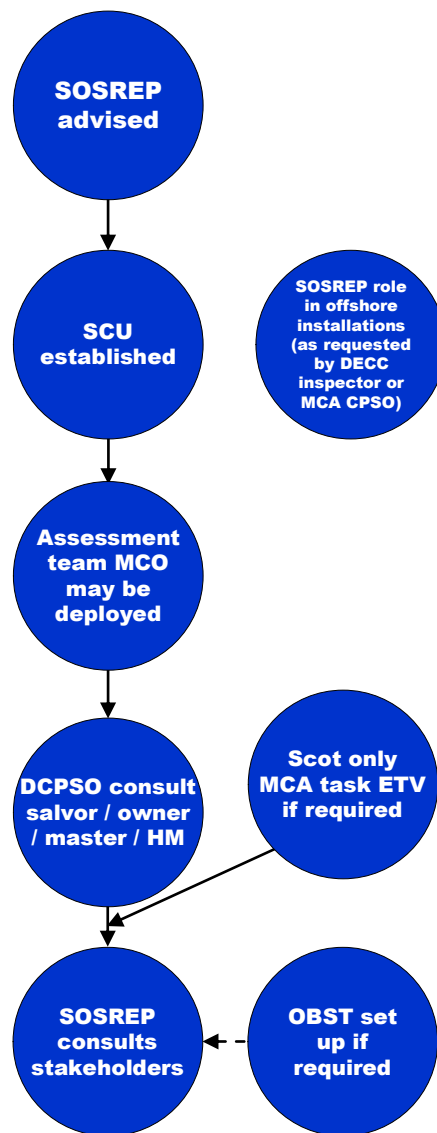
⁶⁸ http://www.imo.org/blast/blastDataHelper.asp?data_id=9042&filename=949.pdf

⁶⁹ http://www.legislation.gov.uk/uksi/2012/742/pdfs/uksi_20120742_en.pdf

16.1 It is envisaged that many incidents will be handled entirely adequately by implementing local contingency plans and through the combined efforts of harbour masters, salvors, ship owners and crew, offshore operators, DECC and MCA staff.

16.2 For incidents where there may be a risk to safety and/or a risk of significant pollution, and where the use of the intervention powers may be required, the SOSREP is 'triggered'/'alerted'. Discussions between the MCA Duty Counter Pollution and Salvage Officer (DCPSO) and the MCA MRCC SAR Mission Co-ordinator determines as to whether or not the "trigger point" has been reached.

16.3 If any doubt exists they refer the matter to the SOSREP to make the final judgement. SOSREP may decide to intervene and to issue Directions where the public's interest is involved. Directions may be given to a vessel's Master or ship owner, to a salvor, a Harbour Master, or to other shipping.



OBST = On Board Salvage Team

Shipping Casualties and the Salvage Industry

16.4 If there is a threat of significant pollution from a vessel, the MRCC and/or DCPSO contacts the master and/or owner of the ship, and the harbour master if the incident is within a port area of jurisdiction, and offers assistance.

16.5 Where a salvage company has been appointed the DCPSO contacts the master. Ship owner, harbour master or salvor direct to request further information including:

- the Salvage company name and contact details
- the broad nature of the contract between owner and salvor;
- outline future intentions of the salvor; and
- any other important information that has not yet been gathered.

16.6 Where a salvor has not yet been appointed a Formal Caution may be given to a casualty, or its owners, stating that the powers of intervention may be exercised unless an appointment is made without further delay

16.7 It is for the SOSREP to decide whether the salvor has the capability to carry out the necessary salvage actions, in terms of experience, personnel, and material. If the threat of the incident merits the establishment of a Salvage Control Unit, the SOSREP mobilises to the scene at an appropriate time.

16.8 As part of any salvage operation, the SOSREP is expected to consult, as far as practicable, with affected local authorities and devolved administrations, as well as environmental bodies. The SOSREP is actively supported in this by the Counter Pollution and Salvage Environmental Science Officers who have ready access to the dedicated or specialist bodies able to deliver the information required. However, given the fast-developing nature of maritime emergencies, the SOSREP is not compelled to conduct extensive consultation or to accept the advice of those consulted.

16.9 If SOSREP intervenes and takes control of a salvage operation, all those involved must act on the Directions issued. In other cases, the salvors operate by agreement with, or with the tacit approval of the SOSREP, without the need to issue further Directions. SOSREP also considers what should happen if the current salvage plan goes wrong or the incident escalates in severity.

Access to the casualty

16.10 The SOSREP strictly monitors and, if necessary, controls access to the casualty, establishing any necessary protocols, through the appointed salvage master. The SOSREP may allow others with a clearly defined and beneficial role access to the casualty. For example, the SOSREP may grant a single special representative of hull and/or cargo owners and insurers, access to the casualty.

16.11 Similarly, as soon as it is judged that the situation is safe, the SOSREP grants access to one or more Inspectors of [the Marine Accident Investigation Branch](#)⁷⁰ or Flag State. This Branch 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.

16.12 In Scotland, as a pollution prevention measure, the MCA may task the Emergency Towing Vessel⁷¹ to proceed to the casualty.

17. Fishing Restrictions

17.1 Under [Part I of the Food and Environment Protection Act 1985](#)⁷², 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.

17.2 Food and Environment Protection Act orders can last until such time as it can be shown that there are no food safety issues. Once it is felt that restrictions can be lifted this is achieved through a revocation order. The revocation order might lift all restrictions or lift only some restrictions depending upon the circumstances.

18. Shoreline Response

18.1 It should be noted that the land based consequences of a maritime incident may well affect more than one local authority. Where geography, or the extent of the incident, makes this likely, standing arrangements must address the issue of co-ordination.

18.2 The introduction of the Civil Contingencies Act 2004 enabled the formation of a wide area, multi-agency, policy and planning body named the Local Resilience Forum in England and Wales (Scotland follows a similar response structure without these specific forums). Northern Ireland has a Civil Contingencies Framework. In emergency response these forums bring together strategic leadership from relevant organisations to form a Strategic Co-ordinating Group which takes overall responsibility for the multi-agency management of an emergency and establishes the policy and strategic framework for response and recovery.

18.3 Where a Strategic Co-ordinating Group has been established, a Government Liaison Officer is normally despatched immediately from

⁷⁰ <http://www.maib.gov.uk>

⁷¹ The vessel is stationed to cover the Northern and Western Isles of Scotland and it is unlikely that it would be tasked outside of this area.

⁷² <http://www.legislation.gov.uk/ukpga/1985/48>

Resilience and Emergencies Division (part of the Department for Communities and Local Government) in England. The Devolved Administrations will deploy their own liaison officers for incidents in their jurisdictions. The role of the Government Liaison Officer is to assist the exchange of information between responders and with central government.

Contracted Beach Clean-Up

18.5 The authority responsible for the incident may contract others to undertake shoreline clean-up. In this eventuality, a Strategic Co-ordinating Group and/or Tactical Co-ordinating Group may be activated to oversee its activities and ensure it is in accordance with local requirements and environmental considerations.

19. Wildlife Response

19.1 In the event that wildlife is affected by a pollution incident there needs to be a mechanism to take contaminated animals into captivity for cleaning and rehabilitation. It is imperative that actions taken in pursuit of wildlife welfare be compatible with wider environmental safeguard requirements.

19.2 The lead agencies for wildlife welfare action and management will be the RSPCA (England & Wales) SSPCA (Scotland) and USPCA (Northern Ireland) except where special local arrangements are in place (e.g. Shetland). These organisations have well developed and high standards for capture, cleaning and rehabilitation. It is important that the EG direct the welfare efforts of third-parties toward the recognised welfare bodies to ensure the maximum benefit for wildlife conservation. The Royal Society for the Protection of Birds (RSPB) will be involved in co-ordination of response to oiled, polluted or contaminated wildlife

20. Waste Management

20.1 The handling of waste is carefully controlled and enforced in England by the Environment Agency, in Wales by Natural Resources Wales, in Scotland by the Scottish Environment Protection Agency, and in Northern Ireland by the Northern Ireland Environment Agency. These agencies have a range of responsibilities, including regulating waste management facilities, monitoring and enforcement issues, and licensing and monitoring waste movement. Local authorities are responsible for household and business waste collection services, waste disposal, enforcing waste legislation, dealing with fly-tipping, and encouraging good waste management in their areas. It is understood that during any major incident across agency co-operation would ensure that accelerated procedures were put in place to ensure that waste was handled, removed, re-used and recovered and where appropriate disposed of in a timely and efficient manner.

20.2 [A Court of Justice of the European Union ruling](#)⁷³ established that spilled oil, even though it is 'discarded involuntarily' is to be regarded as a waste and that the owner of the oil is the 'original owner' of the waste.

20.3 Clean-up operations in the UK must comply with the [EU Directive on Waste \(2008/98/EC\)](#)⁷⁴ which establishes a framework for the management of waste across the European Community. It defines terms, such as 'waste', 'recovery' and 'disposal', to ensure that a uniform approach is taken across the EU. The regulatory framework embraces the vast majority of actions and activities relating to the management and processing of oil spill waste and is therefore essential that those involved in the decision-making process are aware of the relevant legislation and consult with and liaise with the regulator's representatives.

20.4 [Article 14 of the Waste Framework Directive \(2008/98/EC\)](#)⁷⁵ states

1. In accordance with the polluter pays principle, the costs of waste management shall be borne by the original waste producer or by the current or previous waste holders.
2. Member States may decide that the costs of waste management are to be borne partly or wholly by the producer of the product from which the waste came and that the distributors of such product may share these costs.

20.5 This is reflected in UK legislation as the Duty of Care under which the producer of the waste should ensure that it is legally disposed of. Whilst the removal of waste following a shipping incident is normally covered by insurance, offshore operators should consider developing a Waste Management Plan as part of their response strategy.

20.6 A Waste Management Team may be established in a Tactical Co-ordinating Group and additional information on this team may be [viewed by clicking here](#)⁷⁶.

21. Communications

21.1 Good public communication is vital to the successful handling of any incident and should be incorporated in all contingency planning. When an incident occurs the key communications objective is to deliver accurate, clear, timely and up to date information and advice to the public.

21.2 The need for formal co-operation between all press officers of interested parties, i.e. a Lead Government Department; the operator (in the case of an offshore oil and gas installation), ship owner/salvor (for a shipping

⁷³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62007J0188:EN:NOT>

⁷⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:en:PDF>

⁷⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:en:PDF>

⁷⁶ http://www.dft.gov.uk/mca/stop_1_09_waste_july_2009.pdf

incident) and Devolved Administrations (depending on the location of the incident) is vital and a media handling protocol can be [viewed by clicking here](#).⁷⁷

21.3 Briefings should be established between all the Heads of the Response Cells. These briefings can be actual meetings attended by the Heads of the Response Cells, but due to the short durations of the meetings and cell location, are more likely to be by telephone/video conference calls. When involved, the SOSREP acts as Chair for these multi-agency briefings and determines the frequency and timings of these briefings on a daily basis. For incidents not involving the SOSREP, the Chair is determined by the Lead Government Department.

21.4 A suggested briefing format can be [viewed by clicking here](#).⁷⁸

Ministerial, other stakeholder briefings and SITREPs

Ships, ports, harbours and oil handling facilities

21.5 For **incidents involving ships** the MCA issues situation reports (SITREPs), but once triggered and established the SOSREP takes the lead in providing United Kingdom Government Ministers with strategic SITREPs. These SITREPs are compiled from information gathered from all the response cells that are formed, i.e. Marine Response Centre, Strategic Co-ordinating Group and Salvage Control Unit. The SOSREP or the MCA also give SITREPs to officials of the devolved administrations affected or potentially affected, so that they can similarly advise their Ministers.

21.6 The DfT's Maritime Safety and Environment division takes the lead in providing policy advice, consulting departmental colleagues, other government departments and the devolved administrations as appropriate. In particular, it will contact [Community and Local Government's Resilience and Emergencies Division](#)⁷⁹ which is responsible for the Government liaison function on resilience issues below the national level in England (formerly provided by the Government Offices for the Regions). For incidents in Devolved Administration waters, it contacts the relevant responders.

Offshore Incident

21.7 For incidents involving offshore installations DECC takes the lead with issuing SITREPs until the SOSREP assumes responsibility and an Operations Control Unit is established. Any subsequent SITREP prepared by the SOSREP is similarly used to provide the DECC Ministers with information on

⁷⁷ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/public_web-cp-ncp-cpman.htm

⁷⁸ http://www.dft.gov.uk/mca/mcga07-home/emergencyresponse/mcga-dops_cp_environmental-counter-pollution_and_response/public_web-cp-ncp-cpman.htm

⁷⁹ <https://www.gov.uk/emergency-response-and-recovery>

the circumstances of the incident. The department itself provides policy advice as required. The SOSREP, the MCA or DECC, as appropriate, also give SITREPs to officials of the devolved administrations affected or potentially affected, so that they can similarly advise their Ministers⁸⁰ e.g. Marine Scotland for incidents in Scottish waters.

Unattributed Marine Pollution

21.8 In relation to an incident involving pollution in the marine environment from an unknown source, the MCA takes the lead in providing United Kingdom government ministers and other pre-agreed recipients, depending on the location of the incident, with situation reports (SITREPs). These SITREPs are compiled from information gathered from all the response cells that are formed.

22. Liability, compensation, cost recovery and record keeping

22.1 Dealing with marine pollution incidents can be protracted and expensive. Initially the costs of such operations fall on those undertaking them. Under current legislation, those incurring expenses as part of the response operation later seek to recover them from those responsible. A brief summary of compensation regimes that may assist in the recovery of those costs can be [viewed by clicking here](#)⁸¹.

22.2 Guidance on the procedure that should be followed when claiming compensation can be [viewed by clicking here](#)⁸². It is essential that, from the outset, a Financial Controller is appointed and that all participants keep records of how, when and why, they respond. These records are needed to support claims for cost recovery and to show that the actions taken were proportionate and reasonable for the threat from pollution and the risks to safety. This guidance also covers the level and type of records that should be retained. It is vitally important that financial systems are in place, as part of contingency plans, in advance of an incident.

22.3 The route by which compensation is available for a pollution incident inside the United Kingdom Pollution Control Zone and the United Kingdom sector of the continental shelf is dependent upon the source and the type of

⁸⁰ [Directive 2013/30/EU](#)⁸⁰ of the European Parliament and of the Council on safety of offshore oil and gas operations is to be implemented in the UK by 19 July 2015. In relation to marine pollution, the objective of the Directive is to reduce as far as possible the occurrence of major accidents related to offshore oil and gas operations and to limit their consequences, thus increasing the protection of the marine environment and coastal economies against pollution. Implementing the Directive will impact on both oil and gas operators who will have to prepare an Internal Emergency Response Plan and the MCA and DECC will have to prepare an External Emergency Response Plan.

⁸¹ http://www.dft.gov.uk/mca/130715_liability_and_compensation_for_pollution_damage.pdf

⁸² http://www.dft.gov.uk/mca/130715_cost_recovery_and_record_keeping.pdf

the pollutant involved. Some [MCA guidance](#)⁸³ on a possible route to recover costs is available.

Joint Claims

22.4 For smaller incidents, the MCA is prepared to lead on cost recovery action across the public sector and specifically for bodies identified in this Plan. The decision for the MCA to lead is taken on a case by case basis and subject to agreement by all parties at the time.

23. Testing the National Contingency Plan

23.1 The ultimate test of any contingency plan is measured by performance in a real emergency, and the effectiveness of the Plan should be examined in the light of any actual emergency response. It may be that activation of the plan to a real event may negate the requirement for a subsequent exercise of the plan. However, notwithstanding such events, the plan must be tested regularly, through a programme of realistic credible exercises.

23.2 The MCA and DECC in their respective guidance to ports and harbours and the offshore installations requires that their contingency plans are exercised regularly.

23.3 The frequency of the National Contingency Plan offshore industry related exercises has been increased to at least every three years (previously five years) to ensure a high level of response preparedness by all parties.

23.4 The MCA will initiate Marine Response Centre exercises annually to test communications with other response cells including the shoreline response structure, Offshore Operators Emergency Response Centres, Operations Control Unit, environmental groups and the MRCCs.

23.5 Equal priority needs to be given to both offshore industry and shipping related national exercises, and an inter-exercise period of around 18 months needs to be planned for. A programme of exercise frequency is as follows:

Exercise Type	Frequency
Tier 3 – NCP – Shipping	1 in a three year cycle
Tier 3 – NCP – Offshore	1 in a three year cycle
MRC	Two per annum

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http://www.dft.gov.uk/mca/130715_pollution_damage_liability_and_compensation_scheme_flow.pdf