



Maritime &
Coastguard
Agency

Stan Woznicki
Head of Counter Pollution and
Salvage
Bay 2/2
Spring Place
105 Commercial Road
Southampton
SO15 1EG

COPY

Orkney Island Council Harbour Authority
Harbour Authority Building
Scapa
KW15 1EG

Tel: +44 (0)23 8032 9525
Fax: +44 (0)23 8032 9485
E-mail: Stan.Woznicki@mcga.gov.uk

Your ref: Application for a Ship-to-Ship Oil Transfer Licence for Scapa Flow
P1861_RN3534_Rev1
20 February 2015

Our ref: The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended

12 March 2015

OIL TRANSFER LICENCE - CONSENT

I refer to your application for an Oil Transfer Licence, which seeks to establish a transfer capability for oil cargoes from one ship (known as the mother vessel) to another ship (known as the daughter vessel) within Scapa Flow.

The MCA has considered the application under the terms of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended ('the 2010 Regulations'), and has regarded the application as being made by you, for the purposes of the 2010 Regulations, as the competent Harbour Authority¹ for the area designated as Scapa Flow.

The application has been assessed as fully compliant with the requirements noted in the 2010 Regulations. Accordingly, the application for an Oil Transfer Licence is granted in accordance with Schedule 2 paragraph 5 of the 2010 Regulations, with the following conditions:

- Ballast operations should be undertaken in compliance with the Orkney Island Council (OIC) Harbour Authority - Ballast Water Management Policy for Scapa

¹ The 2010 MSA(StS) Regulations define 'Harbour Authority' by reference to the definition in s 57(1) of the Harbours Act 1964 as: "any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour;



HM Coastguard



SUPPORTING



Flow (dated 10 December 2013) with the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, Regulation D1 standard an acceptable control method, unless there is capability to meet the Regulation D2 standard, in which case such operations should be undertaken to meet the D2 requirements.

- Upon entry into force of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, ballast operations should be undertaken to ensure compliance with the Convention, whilst applying the highest standard of management (D1 or D2) available on board the ship.
- Throughout all oil cargo transfer operations the Harbour Authority must ensure that the most appropriate Tier 1 response capability, as declared in the OIC's Oil Spill Contingency Plan (OSCP) and in the OTL Application, can be deployed to the incident scene within 1 hour of any spill. Further, when needed, arrangements must be in place to ensure that the phased on-scene deployment of Tier 2 capability is achievable not more than 2 hours after any spill occurring.

You are to note the requirement at regulation 5, paragraph 2 through 5 of the 2010 Regulations that requires you to inform the Maritime and Coastguard Agency should any of the circumstances noted in this application change, such that a re-assessment of this licence approval may need to be undertaken.

You are to note that should the Scapa Flow dSPA be progressed to a pSPA by the Scottish Government, a review of the Appropriate Assessment may be required.

Yours sincerely



Stan Woznicki

Head of Counter Pollution and Salvage
Maritime and Coastguard Agency



cc.

Intertek Energy & Water Consultancy Services