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The following are published in this Supplement —

Maritime (Oil Pollution Preparedness, Response and Co-operation) (Amendment) Regulations 2026 (SR&O No 15 of 2026).

FALKLAND ISLANDS

Maritime (Oil Pollution Preparedness, Response and Co-operation) (Amendment) Regulations 2026

(No. 15 OF 2026)

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FALKLAND ISLANDS

Maritime (Oil Pollution Preparedness, Response and Co-operation) (Amendment) Regulations 2026

(assented to: 14 October 2026)
(commencement: on publication)
(published: 26 October 2026)

I make these regulations under sections 131(2), 132(2) and 308(1) of the Maritime Ordinance 2017 and on the advice of Executive Council.

1. Title

These Regulations are the Maritime (Oil Pollution Preparedness, Response and Co-operation) (Amendment) Regulations 2026.

2. Commencement

These Regulations come into force on publication in the *Gazette*.

3. Regulations amended

These Regulations amend the Maritime (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 2019.

4. Regulation 3 amended (objects of regulations)

Replace regulation 3 with —

"These Regulations —

(a) give effect in the law of the Falkland Islands to, and make associated provision for —

(i) the OPRC Convention;

(ii) Article 8, Protocol I and Regulation 37 of Annex I of MARPOL; and

(b) make further provision for the preparation and maintenance of oil pollution emergency plans in relation to offshore installations.".

5. Regulation 4 amended (interpretation)

In regulation 4 —

(a) insert the following definitions in their correct alphabetical order —

""**connected infrastructure**" means —

(a) any well or supplementary unit connected to an offshore installation; and

(b) within an offshore installation's safety zone —

(i) any associated structure or device which is connected to the installation;

(ii) any apparatus or works on, or affixed to, the main structure of the installation;

(iii) any connected pipeline; and

(iv) any other apparatus or works attached to the installation;";

""**connected pipeline**" means a pipeline —

(a) connected to one part of an offshore installation and another part of that installation; and

(b) connected to an offshore installation and another offshore installation;";

""**licensee**" means any person to whom a licence has been granted by the Governor under section 6 of the Offshore Minerals Ordinance 1994";

""**mobile offshore drilling unit**" means a vessel capable of engaging in drilling operations for the exploration for, or exploitation of, resources beneath the seabed such as liquid or gaseous hydrocarbons, sulphur or salt;";

""**non-production installation**" means an offshore installation other than a production installation;";

""**offshore installation's safety zone**" means a safety zone in relation to an offshore installation established under section 30 of the Offshore Minerals Ordinance 1994;";

""**oil and gas operations**" means all activities associated with an offshore installation or connected infrastructure relating to exploration and production of oil or gas, including construction, operation and decommissioning of the installation, but excluding the conveyance of oil and gas from one coast to another;";

""**production installation**" means an offshore installation used for the offshore extraction of oil and gas from the underground strata of the area covered by a production licence granted by the Governor under section 6 of the Offshore Minerals Ordinance 1994, including offshore processing of oil and gas and its conveyance through connected infrastructure;";

""**responsible person**" means in relation to —

(a) a production installation and its connected infrastructure, subject to paragraph (c) —

(i) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or

(ii) the licensee, where —

(aa) it is not clear to the Governor that one person has been appointed to perform the functions described in paragraph (i); or

(bb) in the opinion of the Governor, any person appointed to perform the functions described in paragraph (i) is incapable of performing those functions satisfactorily;

(b) a non-production installation and its connected infrastructure, subject to paragraph (c), the person entitled to control the operation of the installation; and

(c) well operations, the well operator,

and "**matters for which a responsible person is responsible**" are to be construed accordingly;";

""**Safety Case Regulations**" means the United Kingdom Offshore Installations (Safety Case) Regulations 2005 (S.I. 2005/3117) as they apply in the Falkland Islands;";

""**well**" means —

(a) a well made by drilling; and

(b) a borehole drilled with a view to the extraction of petroleum through it or another well,

and includes any device on it for containing the pressure in it;";

""**well-operation**" —

(a) the drilling of a well, including the recommencement of drilling after a well has been completed, suspended or abandoned by plugging at the seabed; and

(b) any operation in relation to a well which may result in an accidental release of fluids from that well which could give rise to the risk of a major accident;";

""**well operator**" —

(a) in relation to a well used for the injection of carbon dioxide for the purposes of storage or associated activities or for the storage of hydrogen and associated activities, means the person who holds an exploration licence or a production licence in relation to the well granted by the Governor under section 6 of the Offshore Minerals Ordinance 1994;

(b) in relation to all other uses, including a proposed well, means a person appointed to conduct the planning or execution of well operations.";

(b) replace —

(i) the definition of "**competent authority**" with —

""**competent authority**" means —

(a) in relation to the Falkland Islands —

(i) the authority, in relation to ships, harbours, ports and oil handling facilities; and

(ii) the Director of Mineral Resources, in relation to offshore installations; and

(b) in relation to any other State, any body designated as such by the State in relation to the relevant function or, if none, the government of the State;";

(ii) the definition of "**Falkland Islands contingency plan**" with —

""**Falkland Islands contingency plan**" means any plan that is prepared and maintained by the Governor under section 290(2)(a) of the Maritime Ordinance 2017, setting out arrangements for responding to incidents which cause or may cause marine pollution, with a view to preventing such pollution or reducing or minimising its effects;";

(iii) the definition of "**offshore installation**" with —

""**offshore installation**" means a stationary, fixed or mobile facility, or a combination of facilities permanently inter-connected by bridges or other structures, which is —

(a) in Falkland Islands controlled waters; and

(b) used for offshore oil and gas operations or in connection with such operations,

but only includes mobile offshore drilling units when they are stationed in Falkland Islands controlled waters for drilling, production or other activities associated with offshore oil and gas operations;";

(iv) the definition of "**oil handling facility**" with —

""**oil handling facility**" means a facility which presents a risk of an oil pollution incident and includes an oil terminal, pipeline (other than a connected pipeline) and any other facility handling oil but does not include an offshore installation or its connected infrastructure;".

6. Regulation 6 amended (application)

In regulation 6, after sub-regulation (1)(b), insert —

"(c) Parts 1, 3A and 5 apply to an offshore installation and its connected infrastructure in Falkland Islands controlled waters and to the responsible person in relation to that installation and infrastructure.".

7. Regulation 14 amended (oil pollution emergency plan: harbours, ports and oil handling facilities)

In regulation 14, after sub-regulation (8) insert —

"(8A) An operator of an oil handling facility must ensure that no activities that pose a risk of an oil pollution incident are carried out unless the facility is the subject of an oil pollution emergency plan approved by the authority under this Part.".

8. Part 3A inserted

After regulation 15 insert —

"**PART 3A - OFFSHORE INSTALLATIONS**

15A. Oil pollution emergency plans: offshore installations

(1) A responsible person must prepare and maintain an oil pollution emergency plan —

(a) in accordance with this Part; and

(b) which is approved by the Director of Mineral Resources.

(2) There must be a separate oil pollution emergency plan for each offshore installation, except that —

(a) the Director of Mineral Resources may approve joint plans in respect of a number of offshore installations and their connected infrastructure; and

(b) the authority and the Director of Mineral Resources may approve joint plans in respect of an offshore installation and its connected infrastructure and any related oil handling facility.

15B. Preparation of oil pollution emergency plans for offshore installations

(1) In preparing an oil pollution emergency plan, a responsible person must take into account any guidance issued by the Director of Mineral Resources.

(2) An oil pollution emergency plan required under this Part must comply with the requirements of the Schedule.

15C. Procedure for approving oil pollution emergency plans for offshore installations

(1) Where it is proposed that oil and gas operations relating to an offshore installation, its connected infrastructure or well operations are to be commenced, the responsible person must submit an oil pollution emergency plan relating to the offshore installation and its connected infrastructure and well operations to the Director of Mineral Resources for approval at least six months before the earlier of —

(a) oil and gas operations relating to the offshore installation or connected infrastructure; or

(b) well operations,

are to be commenced.

(2) Where an oil pollution emergency plan is submitted in accordance with this regulation, any approval by the Director of Mineral Resources of that plan is valid only when the offshore installation is in Falkland Islands controlled waters.

15D. Review and amendments to oil pollution emergency plans for offshore installations

(1) A responsible person who has prepared and maintains an oil pollution emergency plan approved by the Director of Mineral Resources under regulation 15A must carry out a full review of that oil pollution emergency plan and resubmit the plan to the Director of Mineral Resources for approval —

(a) within 5 years of the date on which the Director of Mineral Resources first approved the plan; and

(b) thereafter at intervals of no more than 5 years after the last date on which the Director of Mineral Resources previously approved the plan after the conduct of a full review of the plan under this regulation.

(2) A responsible person must submit a new oil pollution emergency plan, or amendments to the existing plan, to the Director of Mineral Resources within 3 months of the occurrence of a major change which affects or could affect the validity or effectiveness of the oil pollution emergency plan to a material extent becoming known to the responsible person.

(3) Where there has been a material change to —

(a) the safety case submitted under regulation 7(1), 8 or 11(1) of the Safety Case Regulations which is associated with an offshore installation and its connected infrastructure; or

(b) a document associated with an offshore installation and its connected infrastructure required to be prepared or submitted to the Director of Mineral Resources by or by virtue of —

(i) regulation 6(1), 6(2), 9(1), 10(1), 17(1) or 17(2) of the Safety Case Regulations; or

(ii) regulation 8(1) of the United Kingdom Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Regulations 1995 (S.I. 1995/743) as they apply in the Falkland Islands,

the responsible person must submit to the Director of Mineral Resources a new oil pollution emergency plan, or amendments to the existing plan, within 3 months of such change becoming known to the responsible person.

(4) The Director of Mineral Resources may, by written notice, at any time require a responsible person to review and, if appropriate, amend an oil pollution emergency plan which has been approved in respect of any matters for which that person is responsible.

(5) A notice under sub-regulation (4) must include the date by which an amended plan must be submitted to the Director of Mineral Resources for approval in accordance with sub-

regulation (6) and may impose requirements on the responsible person relating to the carrying out of that review including —

(a) the manner in which the review is to be carried out; and

(b) specific matters that must be included within the review.

(6) Where the Director of Mineral Resources requires a review under sub-regulation (4) the responsible person required to carry out that review must —

(a) review the oil pollution emergency plan in accordance with the requirements of the Director of Mineral Resources; and

(b) submit to the Director of Mineral Resources an amended plan for approval.

(7) Where an oil pollution emergency plan in respect of an offshore installation or its connected infrastructure must be amended by reason of the particular nature or location of a well, the well operator for that well must —

(a) submit to the Director of Mineral Resources for approval an amended plan or an adequate description of the amendment to be made to the plan; and

(b) make that submission together with the relevant notification of well operations required by regulation 17(1) or 17(2) of the Safety Case Regulations.

(8) Sub-regulation (9) applies where a non-production installation is to be used for carrying out combined operations for which a notification needs to be submitted in accordance with regulation 10(1) of the Safety Case Regulations.

(9) At the same time as the relevant notification of combined operations is submitted, the responsible person in relation to the production installation and the responsible person in relation to the non-production installation involved in those combined operations must submit an amended oil pollution emergency plan for the installations which covers the combined operations to the Director of Mineral Resources for approval.

(10) In this regulation, "**combined operations**" means an operation carried out from an installation with another installation or installations for purposes related to the other installation or installations which materially affects the risks to the safety of persons or the protection of the environment on any or all of the installations.

15E. Consequences of failure to review oil pollution emergency plans or submit amendments

(1) This regulation applies where a responsible person fails to comply with —

(a) any obligation in regulation 15D to submit either an amended oil pollution emergency plan or an adequate description of such a plan; or

(b) a requirement in a notice under regulation 15D(4) issued by the Director of Mineral Resources relating to the carrying out of a review.

(2) Where this regulation applies, the oil pollution emergency plan in respect of which the amendment or adequate description should have been submitted ceases to be approved for the purposes of these Regulations on the date by which the amended oil pollution emergency plan

or adequate description, as the case may be, was required to be submitted to the Director of Mineral Resources for approval.

15F. Power of Director of Mineral Resources to direct alteration of oil pollution emergency plan

(1) Sub-regulation (2) applies where the Director of Mineral Resources considers that any oil pollution emergency plan, adequate description or amendments submitted under this Part is —

(a) not compatible with the Falkland Islands contingency plan for the time being in force; or

(b) not appropriate for dealing with oil pollution incidents which may occur in the area in which the responsible person has jurisdiction or exercises responsibility.

(2) Where this sub-regulation applies, the Director of Mineral Resources may, after consultation with the responsible person, direct that the plan be amended in such manner as the Director of Mineral Resources considers necessary.

(3) Where the Director of Mineral Resources so directs, the responsible person must amend the plan in accordance with the direction.

15G. Duties of responsible persons

(1) A responsible person must ensure that no oil or gas operations relating to an offshore installation, its connected infrastructure or well operations for which that person is responsible are carried out unless they are the subject of an oil pollution emergency plan approved by the Director of Mineral Resources under this Part.

(2) A responsible person must —

(a) maintain equipment and expertise relevant to the oil pollution emergency plan which is approved in respect of matters for which the person is responsible;

(b) ensure that such equipment and expertise is available for use at all times;

(c) make such equipment and expertise available to the authorities responsible for the execution of the Falkland Islands contingency plan;

(d) undertake exercises to maintain relevant expertise for the implementation of the plan, including interaction with the Falkland Islands contingency plan;

(e) retain evidence of those exercises; and

(f) provide such evidence to the Director of Mineral Resources, if so required by the Director by written notice.

(3) In the event of an oil pollution incident involving an offshore installation, its connected infrastructure or well operations, the responsible person must implement the oil pollution emergency plan for the time being in force for that installation which is approved by the Director of Mineral Resources.

15H. Duties of licensee

A licensee must —

(a) ensure that any person appointed by the licensee as a responsible person is capable of satisfactorily carrying out the functions and discharging the duties of the responsible person under these Regulations;

(b) ensure that a responsible person in respect of an offshore installation, its connected infrastructure or well operations within an area for which the licensee is licensed has access to adequate financial resources to enable the responsible person to satisfactorily carry out the functions and discharge the duties of the responsible person under these Regulations; and

(c) take all reasonable steps to ensure that any responsible person appointed by the licensee or acting in respect of such an offshore installation, its connected infrastructure or well operations carries out the functions and discharges the duties of the responsible person under these Regulations.

15I. Reporting of observed incidents: offshore installations

(1) A responsible person who observes or is made aware of any event involving a discharge of, or probable discharge of, oil or the presence of oil in Falkland Islands controlled waters must without delay report the event, probable event or the presence of oil, as the case may be, to the Director of Mineral Resources.

(2) A report under this regulation must —

(a) so far as appropriate comply with the standard reporting requirements; and

(b) be made by the fastest telecommunications channels available with the highest possible priority.".

9. Regulation 17 amended (action on receipt of an oil pollution incident)

Replace regulation 17 with —

"(1) This regulation applies where a report is received —

(a) under regulations 9, 10, 12 or 15 by the authority; or

(b) under regulation 15I by the Director of Mineral Resources.

(2) Where such a report is received, the authority or the Director of Mineral Resources, as the case may be, must —

(a) assess the event to determine whether it is an oil pollution incident;

(b) assess the nature, extent and possible consequences of the oil pollution incident; and

(c) promptly report to the Governor any oil pollution incident, details of the authority's or Director of Mineral Resources' assessment of it and any action that the authority or Director of Mineral Resources has taken, or intends to take, to deal with that incident, and provide such further information in respect of the same as may be appropriate from time to time.

(3) Where an oil pollution incident has been reported to the Governor under sub-regulation (2)(c), the Governor must, without delay, inform all states whose interests are affected or likely to be affected by the incident and, where the severity of the incident so justifies, the IMO, together with —

(a) details of the authority's or Director of Mineral Resources' assessments of it and any action that the authority or Director of Mineral Resources has taken, or intends to take, to deal with the incident; and

(b) further information as appropriate, until the action taken to respond to the incident has been concluded or until joint action has been decided by such states.".

10. Regulation 18 amended (power to inspect)

Replace regulation 18 with —

"(1) A ship to which Part 2 applies may be subject in any Falkland Islands' harbour, port or offshore installation to inspections by a Maritime Ordinance inspector for the purpose of verifying that an approved shipboard oil pollution emergency plan as required by these Regulations is carried on the ship.

(2) For the purposes of sub-regulation (1), a Maritime Ordinance inspector has the powers of an inspector contained in sections 239 to 242 of the Maritime Ordinance 2017.

(3) A harbour, port, or oil handling facility to which Part 3 applies may be subject to inspection by a Maritime Ordinance inspector for the purpose of determining whether —

(a) the harbour, port, or oil handling facility; or

(b) the operator of the harbour, port, or oil handling facility,

complies with the requirements of these Regulations.

(4) For the purposes of sub-regulation (3), a Maritime Ordinance inspector has the powers of an inspector contained in sections 239, 241 and 242 of the Maritime Ordinance 2017, subject to the following modifications —

(a) a reference to premises includes a reference to any part of a harbour, port, or oil handling facility or any associated premises or infrastructure; and

(b) a reference to any log-book or document includes a reference to any plan or document which by virtue of any provision of these Regulations are required to be kept.

(5) An offshore installation, its connected infrastructure or well operations to which Part 3A applies may be subject to inspection by an offshore inspector for the purposes of determining whether —

(a) the offshore installation, its connected infrastructure or well operations; or

(b) the licensee or responsible person in relation to the offshore installation, its connected infrastructure or well operations,

complies with the requirements of these Regulations.

(6) For the purposes of sub-regulation (5), an offshore inspector has the powers of an inspector contained in sections 20 to 23 of the Health and Safety at Work etc Act 1974, subject to the modification that a reference to a relevant statutory provision includes a reference to a provision in these Regulations.

(7) In this regulation —

"**Health and Safety at Work etc Act 1974**" means the United Kingdom Health and Safety at Work etc Act 1974, as it applies in the Falkland Islands;

"**Maritime Ordinance inspector**" means a person appointed as an inspector by the Governor under section 238 of the Maritime Ordinance 2017;

"**offshore inspector**" means a person appointed by the Governor under section 19 of the Health and Safety at Work etc Act 1974.".

11. Regulation 19 amended (offences)

In regulation 19 —

(a) after sub-regulation (2) insert —

"(2A) A responsible person who —

(a) does not maintain an oil pollution emergency plan as approved (including any amendments or alterations directed by the Director of Mineral Resources) under regulation 15A(1);

(b) fails to submit or resubmit an oil pollution emergency plan in accordance with regulation 15C(1) or 15D(1), (2), (3), (6) or (9);

(c) fails to comply with a duty under regulation 15G(1) or (2); or

(d) fails to implement its oil pollution emergency plan in accordance with regulation 15G(3),

commits an offence and is liable on conviction to a fine not exceeding level 7 on the scale set out in Schedule 7 to the Maritime Ordinance 2017.

(2B) A well operator who fails to submit an amended oil pollution emergency plan in accordance with regulation 15D(7) commits an offence and is liable on conviction to a fine not exceeding level 7 on the scale set out in Schedule 7 to the Maritime Ordinance 2017.

(2C) A licensee who fails to comply with regulation 15H(a), (b) or (c) commits an offence and is liable on conviction to a fine not exceeding level 7 on the scale set out in Schedule 7 to the Maritime Ordinance 2017.";

(b) after sub-regulation (4) insert —

"(4A) A responsible person required to make a report under regulation 15I(1) who fails to comply with that requirement commits an offence and is liable on conviction to a fine not exceeding level 12 on the scale set out in Schedule 7 to the Maritime Ordinance 2017.".

12. Regulation 20 inserted

After regulation 19 insert —

"**20. Information sharing**

(1) The Governor, authority, and Director of Mineral Resources and any person authorised to act on their behalf, may disclose to the persons listed in sub-regulation (2) any information which is acquired by the Governor, authority or Director (as the case may be) in the exercise of their functions under these Regulations, to the extent that the disclosure is necessary or expedient for the purposes of the exercise of the functions of the recipient under these Regulations or any other enactment.

(2) The persons are —

(a) the Secretary of State;

(b) a contractor of the Governor, authority, or Director of Mineral Resources;

(c) any other person authorised in writing by the Governor who in the opinion of the Governor should receive the information; and

(d) any person acting on behalf of a person in (a) to (c).".

13. Schedule inserted

After regulation 20 insert —

"**SCHEDULE**

Requirements for an oil pollution emergency plan in respect of an offshore installation

1. The oil pollution emergency plan must take into account —

(a) the risk assessment undertaken during preparation of the most recent safety case submitted under regulation 7(1), 8(1) or 11(1) of the Safety Case Regulations; and

(b) where a mobile non-production installation is to be used for carrying out well operations, the risk assessment undertaken as part of the preparation of the notification of well operations, required by regulation 17(1) or 17(2) of the Safety Case Regulations.

2. The oil pollution emergency plan must include the following information —

(a) positions of persons authorised to initiate emergency response procedures and the positions of persons directing the emergency response to an oil pollution incident;

(b) positions of persons responsible for liaising with the authority, the Director of Mineral Resources and other authorities responsible for the Falkland Islands contingency plan;

(c) arrangements for training personnel in the duties they will be expected to carry out in the event of any incident, where necessary co-ordinating the training with the Falkland Islands contingency plan;

(d) a description of the potential worst case release of oil to the sea from the installation or connected infrastructure, arising from the scenarios identified in the safety case in respect of that installation or infrastructure (as required by Safety Case Regulations). This must include any relevant details when two or more installations operate in combination in a way that affects the major hazard potential;

(e) arrangements for limiting risks to the environment, including a description of equipment and arrangements for the protection of the environment from an incipient major accident and how warnings are to be given and the actions persons are expected to take on receipt of a warning;

(f) a description of the equipment and resources available to respond to a release of oil to the sea, including the equipment and resources available for the capping of any potential release from a well, including —

(i) a complete and up-to-date inventory of emergency response equipment pertinent to those operations; and

(ii) details of the ownership, the storage location, the arrangements for transport to, and mode of deployment at, the incident location of the equipment and resources;

(g) the measures in place to ensure that the response equipment and procedures are maintained in an operable condition;

(h) an estimate of the oil spill response effectiveness, including consideration of the following environmental conditions —

(i) weather, including wind, visibility, precipitation and temperature;

(ii) sea states, tides and currents;

(iii) presence of ice and debris;

(iv) hours of daylight; and

(v) other known environmental conditions that might influence the efficiency of the response equipment or the overall effectiveness of a response effort;

(i) evidence that prior assessment of any relevant chemical dispersants has been carried out to minimise public health implications and any environmental damage;

(j) an assessment of the identified potential environmental effects resulting from a release of oil and a description of the technical and non-technical measures envisaged to prevent, reduce or offset them, including monitoring; and

(k) arrangements for providing early warning of a major environmental incident arising from a major accident to the authority or authorities responsible for initiating the Falkland Islands contingency plan, including —

(i) details of the type of information that should be contained in any warning; and

(ii) the arrangements for the provision of more detailed information as it becomes available.

3. The oil pollution emergency plan must be consistent with the Falkland Islands contingency plan.

4. In this Schedule —

"**major environmental incident arising from a major accident**" means an incident which results, or is likely to result, in significant adverse effects on the environment which is caused by or results from —

(a) an event involving a fire, explosion, loss of well control or the release of a dangerous substance causing, or with a significant potential to cause, death or serious personal injury;

(b) an event involving major damage to the structure of an offshore installation or plant affixed to it or any loss in the stability of the offshore installation;

(c) the collision of a helicopter with the offshore installation;

(d) the failure of life support systems for diving operations in connection with the offshore installation, the detachment of a diving bell used for such operations or the trapping of a diver in a diving bell or other subsea chamber used for such operations; or

(e) any other event arising from a work activity involving death or serious personal injury to five or more persons on the offshore installation or engaged in an activity in connection with it,

and for the purposes of determining whether an event constitutes a major accident under paragraphs (a) and (b), an offshore installation that is normally unattended is to be treated as if it were attended.".

14. Transitional provision

(1) This regulation applies to an oil pollution emergency or contingency plan which has, before the commencement date, been —

(a) prepared by the licensee or duty holder; and

(b) submitted to, and approved by, the Governor,

in accordance with the conditions of a licence issued under section 6 of the 1994 Ordinance ("**an existing oil pollution emergency or contingency plan**").

(2) An existing oil pollution emergency or contingency plan —

(a) continues to have effect, subject to regulation 15D(2) to (9) of the 2019 Regulations, on and after the commencement date as if it were an oil pollution emergency plan prepared and maintained under Part 3A of the 2019 Regulations;

(b) must be subject to a full review by the responsible person and be resubmitted to the Director of Mineral Resources in accordance with regulation 15D(1) of the 2019 Regulations —

(i) within 5 years of the date on which the Governor first approved the existing oil pollution emergency or contingency plan; or

(ii) such other earlier date as may be specified by the Director of Mineral Resources.

(3) In this regulation —

"**the 1994 Ordinance**" means the Offshore Minerals Ordinance 1994;

"**the 2019 Regulations**" means the Maritime (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 2019;

"**commencement date**" means the date these Regulations come into force;

"**duty holder**" has the same meaning as given by regulation 2 of the United Kingdom Offshore Installations (Safety Case) Regulations 2005 (S.I. 2005/3117) as they apply in the Falkland Islands.

Made 14 October 2026

C. MARTIN-REYNOLDS C.M.G.,
Governor.

EXPLANATORY NOTE
(*not part of these Regulations*)

These Regulations amend the Maritime (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 2019 ("the OPRC Regulations") to make provision for the preparation and maintenance of oil pollution emergency plans in relation to offshore installations and to require the persons responsible for offshore installations to report oil incidents where oil is discharged into the sea.

Regulations 1 and *2* provide for the title and commencement of the Regulations.

Regulation 3 provides that these Regulations amend the OPRC Regulations and the following regulations provide for specific amendments to be made to those Regulations.

Regulation 4 amends regulation 3 of the OPRC Regulations, which sets out the objects of those Regulations, to include making provision for the preparation and maintenance of oil pollution emergency plans in relation to offshore installations.

Regulation 5 amends regulation 4 of the OPRC Regulations which contains definitions of words and phrases used in those Regulations. It adds new definitions for words and phrases used in the

amended provisions and replaces the definitions of "competent authority" – with the effect that in relation to ships, ports, harbours and oil handling facilities the Falkland Islands Maritime Authority (FIMA) is the competent authority, but in relation to offshore installations, the Director of Mineral Resources will be the competent authority – "Falkland Islands contingency plan" and "offshore installations" used in the OPRC Regulations.

Regulation 6 amends regulation 6 of the OPRC Regulations which is the application provision, to provide that the OPRC Regulations will apply to offshore installations.

Regulation 7 amends regulation 14 of the OPRC Regulations to require an operator of an oil handling facility to ensure that no activities that pose a risk of an oil pollution incident are undertaken unless the facility has an oil pollution emergency plan approved by the authority.

Regulation 8 inserts a new Part 3A into the OPRC Regulations which makes specific provision for the preparation and maintenance of oil pollution emergency plans in relation to offshore installations.

New regulation 15A requires the responsible person for an offshore installation to prepare and maintain an oil pollution emergency plan for each offshore installation for which they are responsible, although the Director of Mineral Resources may permit joint plans in specified circumstances.

New regulation 15B requires the person preparing an oil pollution emergency plan for an offshore installation to take into account guidance issued by the Director of Mineral Resources and for the plan to comply with the requirements contained in the new Schedule to the OPRC Regulations, which is inserted by *regulation 13*.

New regulation 15C sets out the procedure for the submission of an oil pollution emergency plan for an offshore installation to the Director of Mineral Resources for approval and the dates by which an application must be submitted.

New regulation 15D provides that an approved oil pollution emergency plan must be reviewed every five years or before then if specified events occur. The Director of Mineral Resources may require an oil pollution emergency plan to be reviewed at any time.

New regulation 15E sets out the consequences if a responsible person for an offshore installation fails to review, submit or amend an oil pollution emergency plan. These are that an oil pollution emergency plan ceases to be approved for an offshore installation and, as a result of new regulation 15G(1), this will mean that no oil or gas operations can be carried out.

New regulation 15F gives the Director of Mineral Resources power to direct, after consultation with a responsible person, that an oil pollution emergency plan be amended if it is not compatible with the Falkland Islands contingency plan or is not appropriate for dealing with oil pollution incidents in the area of the offshore installation.

New regulation 15G sets out the duties imposed on a responsible person for an offshore installation. These include: ensuring that no oil or gas operations are carried out unless the offshore installation is subject to an oil pollution emergency plan approved by the Director of Mineral Resources; maintaining relevant equipment; and undertaking exercises. In the event of an oil pollution incident, the oil pollution emergency plan must be implemented (new regulation 15G(3)).

New regulation 15H imposes duties on the licensee (defined as a person to whom a licence has been granted by the Governor under section 6 of the Offshore Minerals Ordinance 1994) to ensure that where it appoints responsible persons, those persons are capable of satisfactorily carrying out

the functions and discharging their duties and that they have access to adequate financial resources to discharge their duties.

New regulation 15I requires a responsible person for an offshore installation who observes or is made aware of any event involving a discharge of oil, or probable discharge of oil, or the presence of oil in the sea to report it to the Director of Mineral Resources.

Regulation 9 amends regulation 17 of the OPRC Regulations to set out the steps FIMA and the Director of Mineral Resources must take in response to a report of a discharge etc of oil.

Regulation 10 amends regulation 18 of the OPRC Regulations to now contain provision for the inspection of ships, harbours, ports, oil handling facilities and offshore installations and the powers under which the respective inspectors may operate.

Regulation 11 amends regulation 19 of the OPRC Regulations to introduce offences where a person fails to comply with or perform duties introduced by these Regulations.

Regulation 12 introduces a new regulation 20 in the OPRC Regulations which empowers the Director of Mineral Resources, FIMA and Governor to share information obtained for the purposes of the OPRC Regulations with other agencies.

Regulation 13 inserts a Schedule in the OPRC Regulations that sets out the requirements for an oil pollution emergency plan in respect of offshore installations.

Regulation 14 makes transitional provision.

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