

Subsidiary Legislation made under ss.98 and 118.

**GIBRALTAR MERCHANT SHIPPING (PREVENTION OF
POLLUTION FROM SHIPS) REGULATIONS 2009**

(LN. 2009/082)

Commencement **1.12.2009**

Amending enactments	Relevant current provisions	Commencement date
LN. 2011/024	rr. 2, 3(1)(b), (3)(a)(ii), 27(8)(a), (10), 63(7), 90(1)(a), 97(10), 110(4), 112(2)(b), 115(3), 117(12)(a), 120(1), 122(2A) & 122A	17.3.2011
2011/063	rr. 2, 76-90, 90A-90H, 98-110, 110A-110G, 113(4)(a), 117(4)(c)(iv), (5)(f), 120(1)(cc), 122(8)-(9), (11), Schs. 7A & 7B	12.5.2011

EU Legislation/International Agreements involved:

International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating to that Convention, including all its other Protocols, Annexes and Appendices, and amendments thereto adopted by the International Maritime Organisation in accordance with Article 16 of that Convention (the “MARPOL Convention”); and

Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements

Directive 2009/123/EC

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**GIBRALTAR MERCHANT SHIPPING (PREVENTION OF
POLLUTION FROM SHIPS) REGULATIONS 2009**

This version is out of date

In exercise of the powers conferred on it by sections 98 and 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993 and all other enabling powers, the Government, for the purposes of—

- (a) giving effect in Gibraltar to the detailed provisions of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating to that Convention, including all its other Protocols, Annexes and Appendices, and amendments thereto adopted by the International Maritime Organisation in accordance with Article 16 of that Convention (the “MARPOL Convention”); and*
- (b) transposing into the law of Gibraltar Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements,*

has made the following Regulations.

**PART 1
PRELIMINARY**

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Prevention of Pollution from Ships) Regulations 2009 and shall come into operation on the day of publication.

General Interpretation.

2. In these Regulations, unless the context otherwise requires—

“Administration” means the Maritime Administrator in the case of Gibraltar, and in other cases the person in the relevant flag State holding equivalent responsibilities;

“Annex-I” means Annex I of the MARPOL Convention as amended from time to time;

“Annex-II” means Annex II of the MARPOL Convention as amended from time to time;

“Annex-III” means Annex III of the MARPOL Convention as amended from time to time;

“Annex-IV” means Annex IV of the MARPOL Convention as amended from time to time;

“Annex-V” means Annex V of the MARPOL Convention as amended from time to time;

“Annex-VI” means Annex VI of the MARPOL Convention as amended from time to time;

“BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;

“Convention country” means a country that is a Party to the MARPOL Convention and includes a territory for whose external affairs a Convention country is responsible;

“corporate body” means a legal person or any legal entity in possession of that status under any law of Gibraltar, other than the Government, a public authority in the exercise of public functions or a public international organisation;

“discharge,” in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying but it does not include—

- (a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972;
- (b) release of harmful substances directly arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources; or
- (c) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control;

“domestic voyage” means a voyage in sea areas from a port of a Convention country to the same or another port within that country;

“Gibraltar ship” means a ship registered in Gibraltar under the provisions of the Gibraltar Merchant Shipping (Registration) Act 1993;

“harmful substance” means any substance that, if introduced into the sea, 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, and includes any substance subject to control by the MARPOL Convention;

“IMO” means the International Maritime Organisation;

“incident” means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance;

“instantaneous rate of discharge of oil content” means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant;

“international voyage” means a voyage from Gibraltar to a port outside Gibraltar, or conversely;

“Maritime Administrator” means the person appointed under section 3 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993;

“MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating to that Convention, including all its other Protocols, Annexes and Appendices, and amendments thereto adopted by the IMO in accordance with Article 16 of that Convention;

“Minister” means the minister with responsibility for the port and shipping;

“nautical mile” means an international nautical mile of 1,852 metres;

“polluting substances” means substances covered by Annex I (oil) or Annex II (noxious liquid substances in bulk) of the MARPOL Convention;

“port” means the port as defined by section 3 of the Port Operations (Registration and Licensing) Act 2005;

“port authority” means the Gibraltar Port Authority established by section 3 of the Gibraltar Port Authority Act 2005;

“port waters” means those waters, forming part of Admiralty Waters, defined as Port Waters in the Admiralty Waters (Gibraltar) Order, 1972;

“recognised organisation” means an organisation recognised or authorized in conformity with regulation 4 of the Gibraltar Merchant Shipping (Organisation for Inspection, Survey and Certification of Ships) Regulations, 2002;

“sea” includes any estuary or arm of the sea;

“ship” means a seagoing vessel irrespective of its flag of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms;

“Ship-source pollution Directive” means Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences, as the same may be amended from time to time;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, as amended or modified by its Protocols of 1978 and 1988, as amended from time to time.

Application of these Regulations.

3.(1) These Regulations apply to—

(a) all Gibraltar ships wherever they are; and

(b) all other ships whilst they are in BGTW.

(2) These Regulations do not apply to warships, naval auxiliary and government vessels not in commercial operation.

(3) The provisions of these Regulations, in so far as they transpose the Ship-source pollution Directive, shall apply—

- (a) in accordance with international law, to discharges of polluting substances in—
 - (i) the port waters, in so far as these Regulations apply;
 - (ii) BGTW;
 - (iii) the strait of Gibraltar in so far as it is used for international navigation subject to the regime of transit passage, as laid down in Part III, section 2, of the 1982 United Nations Convention on the Law of the Sea, to the extent that the Government exercise jurisdiction over the strait;
 - (iv) the exclusive economic zone or equivalent zone of Gibraltar, if and when established in accordance with international law; and
 - (v) the high seas; and
- (b) to discharges of polluting substances from any ship, irrespective of its flag, with the exception of any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

PART 2

PREVENTION OF POLLUTION BY OIL

Interpretations for Part 2.

4.(1) For the purposes of this Part—

“amidships” means amidships that is at the middle of the length (*L*);

“anniversary date” means the day and the month of each year, which will correspond to the date of expiry of the International Oil Pollution Prevention Certificate;

“breadth (B)” means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal

shell and to the outer surface of the hull in a ship with a shell of any other material. The breadth (*B*) shall be measured in metres;

“centre tank” means any tank inboard of a longitudinal bulkhead;

“clean ballast” means the ballast in a tank which since oil was last carried therein, has been so cleaned that effluent therefrom if it were discharged from a ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If the ballast is discharged through an oil discharge monitoring and control system approved by the Administration, evidence based on such a system to the effect that the oil content of the effluent did not exceed 15 parts per million shall be determinative that the ballast was clean, notwithstanding the presence of visible traces;

“combination carrier” means a ship designed to carry either oil or solid cargoes in bulk;

“constructed” means a ship the keel of which is laid or which is at a similar stage of construction;

“crude oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation and includes—

- (a) crude oil from which certain distillate fractions may have been removed; and
- (b) crude oil to which certain distillate fractions may have been added;

“crude oil tanker” means an oil tanker engaged in the trade of carrying crude oil;

“deadweight (DW)” means the difference in tonnes between the displacement of a ship in water of a relative density of 1.025 at the load waterline corresponding to the assigned summer freeboard and the lightweight of the ship;

“forward and after perpendiculars” shall be taken at the forward and after ends of the length (*L*). The forward perpendicular shall coincide

with the foreside of the stem on the waterline on which the length is measured;

“instantaneous rate of discharge of oil content” means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant;

“length (L)” means 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline. The length (*L*) shall be measured in metres;

“lightweight” means the displacement of a ship in metric tons without cargo, fuel, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores, and passengers and crew and their effects;

“major conversion” means a conversion of a ship—

- (a) which substantially alters the dimensions or carrying capacity of the ship;
- (b) which changes the type of the ship;
- (c) the intent of which in the opinion of the Administration is substantially to prolong its life; or
- (d) which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of the MARPOL Convention not applicable to it as an existing ship;

“Mediterranean Sea area” means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 005°36' W;

“nearest land” or “from the nearest land” shall have the meaning assigned to it by Regulation 1.10 of Annex I;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than those petrochemicals which are subject to the provisions of Annex II of the MARPOL Convention) and, without limiting the generality of the foregoing, includes the substances listed in Appendix I to Annex I as set out in Schedule 1;

“oily mixture” means a mixture with any oil content;

“oil fuel” means any oil used as fuel in connection with the propulsion and auxiliary machinery of the ship in which such oil is carried;

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers, any “NLS tanker” as defined in Annex II of the MARPOL Convention and any gas carrier as defined in Regulation 3.20 of chapter II-1 of the SOLAS Convention, when carrying a cargo or part cargo of oil in bulk;

“parts per million (ppm)” means parts of oil per million parts of water by volume;

“permeability of a space” means the ratio of the volume within that space which is assumed to be occupied by water to the total volume of that space;

“product carrier” means an oil tanker engaged in the trade of carrying oil other than crude oil;

“segregated ballast” means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances as variously defined in the Annexes of the MARPOL Convention;

“slop tank” means a tank specifically designated for the collection of tank drainings, tank washings and other oily mixtures;

“special area” means a sea area where for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by oil is required, and

in this regard the definitions used for special areas in paragraphs 11.1 to 11.9 of Regulation 1 of Annex I shall apply;

“tank” means an enclosed space which is formed by the permanent structure of a ship and which is designed for the carriage of liquid in bulk;

“volumes and areas” in a ship shall be calculated in all cases to moulded lines;

“wing tank” means any tank adjacent to the side shell plating.

(2) Ship delivered on or before 31 December 1979 means a ship—

- (a) for which the building contract is placed on or before 31 December 1975;
- (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or before 30 June 1976;
- (c) the delivery of which is on or before 31 December 1979; or
- (d) which has undergone a major conversion—
 - (i) for which the contract is placed on or before 31 December 1975;
 - (ii) in the absence of a contract, the construction work of which is begun on or before 30 June 1976; or
 - (iii) which is completed on or before 31 December 1979.

(3) Ship delivered after 31 December 1979 means a ship—

- (a) for which the building contract is placed after 31 December 1975;
- (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 30 June 1976;
- (c) the delivery of which is after 31 December 1979; or

- (d) which has undergone a major conversion—
 - (i) for which the contract is placed after 31 December 1975;
 - (ii) in the absence of a contract, the construction work of which is begun after 30 June 1976; or
 - (iii) which is completed after 31 December 1979.
- (4) Oil tanker delivered on or before 1 June 1982 means an oil tanker—
 - (a) for which the building contract is placed on or before 1 June 1979;
 - (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or before 1 January 1980;
 - (c) the delivery of which is on or before 1 June 1982; or
 - (d) which has undergone a major conversion—
 - (i) for which the contract is placed on or before 1 June 1979;
 - (ii) in the absence of a contract, the construction work of which is begun on or before 1 January 1980; or
 - (iii) which is completed on or before 1 June 1982.
- (5) Oil tanker delivered after 1 June 1982 means an oil tanker—
 - (a) for which the building contract is placed after 1 June 1979;
 - (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 1 January 1980;
 - (c) the delivery of which is after 1 June 1982; or
 - (d) which has undergone a major conversion—
 - (i) for which the contract is placed after 1 June 1979;

- (ii) in the absence of a contract, the construction work of which is begun after 1 January 1980; or
 - (iii) which is completed after 1 June 1982.
- (6) Oil tanker delivered before 6 July 1996 means an oil tanker—
 - (a) for which the building contract is placed before 6 July 1993;
 - (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction before 6 January 1994;
 - (c) the delivery of which is before 6 July 1996; or
 - (d) which has undergone a major conversion—
 - (i) for which the contract is placed before 6 July 1993;
 - (ii) in the absence of a contract, the construction work of which is begun before 6 January 1994; or
 - (iii) which is completed before 6 July 1996.
- (7) Oil tanker delivered on or after 6 July 1996 means an oil tanker—
 - (a) for which the building contract is placed on or after 6 July 1993;
 - (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 6 January 1994;
 - (c) the delivery of which is on or after 6 July 1996; or
 - (d) which has undergone a major conversion—
 - (i) for which the contract is placed on or after 6 July 1993;
 - (ii) in the absence of a contract, the construction work of which is begun on or after 6 January 1994; or
 - (iii) which is completed on or after 6 July 1996.

- (8) Oil tanker delivered on or after 1 February 2002 means an oil tanker—
- (a) for which the building contract is placed on or after 1 February 1999;
 - (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 1 August 1999;
 - (c) the delivery of which is on or after 1 February 2002; or
 - (d) which has undergone a major conversion—
 - (i) for which the contract is placed on or after 1 February 1999;
 - (ii) in the absence of a contract, the construction work of which is begun on or after 1 August 1999; or
 - (iii) which is completed on or after 1 February 2002.
- (9) Oil tanker delivered on or after 1 January 2010 means an oil tanker—
- (a) for which the building contract is placed on or after 1 January 2007;
 - (b) in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after 1 July 2007;
 - (c) the delivery of which is on or after 1 January 2010; or
 - (d) which has undergone a major conversion—
 - (i) for which the contract is placed on or after 1 January 2007;
 - (ii) in the absence of a contract, the construction work of which is begun on or after 1 July 2007; or
 - (iii) which is completed on or after 1 January 2010.
- (10) Ship delivered on or after 1 August 2010 means a ship—

- (a) for which the building contract is placed on or after 1 August 2007;
- (b) in the absence of a building contract, the keels of which are laid or which are at a similar stage of construction on or after 1 February 2008;
- (c) the delivery of which is on or after 1 August 2010; or
- (d) which have undergone a major conversion—
 - (i) for which the contract is placed on or after 1 August 2007;
 - (ii) in the absence of a contract, the construction work of which is begun after 1 February 2008; or
 - (iii) which is completed after 1 August 2010.

(11) Notwithstanding the provisions of the definition of “major conversion” in subregulation (1)–

- (a) conversion of an oil tanker of 20,000 tonnes deadweight and above delivered on or before 1 June 1982, as defined in subregulation (4), to meet the requirements of regulation 24 shall not be deemed to constitute a major conversion for the purpose of this Part; and
- (b) conversion of an oil tanker delivered before 6 July 1996, as defined in subregulation (6), to meet the requirements of regulation 25 or 26 shall not be deemed to constitute a major conversion for the purpose of this Part.

Application of Part 2.

5.(1) Annex I shall have effect in Gibraltar and unless expressly provided otherwise, the provisions of Part 2 shall apply to all ships.

(2) In ships other than oil tankers fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more, the requirements of regulations 22, 35, 36, 37, 38, 40 and 42 and paragraph 4 of Regulation 26 of Annex I for oil tankers shall also apply to the construction and operation of those spaces, except that where such aggregate capacity is less than 1,000 cubic metres, the

requirements of regulation 40 (6) may apply in lieu of regulations 35, 37 and 38.

(3) Where a cargo, subject to the provisions of Part 3, is carried in a cargo space of an oil tanker, the appropriate requirements of Part 3 shall also apply.

(4) The requirements of regulations 35, 37 and 38 shall not apply to oil tankers carrying asphalt or other products subject to the provisions of this Part, which through their physical properties inhibit effective product/water separation and monitoring, for which the control of discharge under regulation 40 shall be effected by the retention of residues on board with discharge of all contaminated washings to reception facilities.

(5) Subject to subregulation (6), the provisions of subregulations (2), (3) and (4) of regulation 24 shall not apply to an oil tanker delivered on or before 1 June 1982, as defined in regulation 4(4), solely engaged in specific trades—

- (a) in domestic voyages; or
- (b) between ports or terminals of other Convention countries, where—
 - (i) the voyage is entirely within a Special Area; or
 - (ii) the voyage is entirely within other limits designated by the IMO.

(6) The provisions of subregulation (5) shall only apply when the ports or terminals where cargo is loaded on such voyages are provided with reception facilities adequate for the reception and treatment of all the ballast and tank washing water from oil tankers using them and all the following conditions are complied with—

- (a) subject to the exceptions provided for in regulation 7, all ballast water, including clean ballast water, and tank washing residues are retained on board and transferred to the reception facilities and the appropriate entry in the Oil Record Book Part II referred to in regulation 42 is endorsed by the competent Port State Authority;
- (b) agreement has been reached between the Administration and the Governments of the Port States referred to in subregulation

- (5) concerning the use of an oil tanker delivered on or before 1 June 1982, as defined in regulation 4(4), for a specific trade;
- (c) the adequacy of the reception facilities in accordance with the relevant provisions of this Part at the port or terminal referred to above, for the purpose of this regulation, is approved by the Government; and
- (d) the International Oil Pollution Prevention Certificate is endorsed to the effect that the oil tanker is solely engaged in such specific trade.

Exemptions from application of Part 2 and waivers.

6.(1) Any ship such as hydrofoil, air-cushion vehicle, near-surface craft and submarine craft etc., whose constructional features are such as to render the application of any of the provisions of regulations 17 to 42 relating to construction and equipment unreasonable or impracticable may be exempted by the Administration from such provisions, if the construction and equipment of that ship provides equivalent protection against pollution by oil, having regard to the service for which it is intended.

(2) Particulars of any exemption granted by the Administration under subregulation (1) shall be indicated in the International Oil Pollution Prevention Certificate referred to in regulation 12.

(3) The Administration which allows any such exemption shall, as soon as possible, but not more than 90 days thereafter, communicate to the IMO particulars of same and the reasons therefor.

(4) The Administration may waive the requirements of regulations 34, 36 and 37, for any oil tanker which engages exclusively on voyages which are both of 72 hours or less in duration and within 50 nautical miles from the nearest land, if the oil tanker is engaged exclusively in trades between ports or terminals within a Convention country and any such waiver shall be subject to the requirement that the oil tanker shall retain on board all oily mixtures for subsequent discharge to reception facilities and to the determination by the Administration that facilities available to receive such oily mixtures are adequate.

(5) The Administration may waive the requirements of regulations 37 and 38 for oil tankers other than those referred to in subregulation (4) in cases where—

- (a) the tanker is an oil tanker delivered on or before 1 June 1982, as defined in regulation 4(4), of 40,000 tonnes deadweight or above, as referred to in regulation 5(5), solely engaged in specific trades, and the conditions specified in regulation 5(6) are complied with; or
- (b) the tanker is engaged exclusively in one or more of the following categories of voyages—
 - (i) voyages within special areas; or
 - (ii) voyages within 50 nautical miles from the nearest land outside special areas where the tanker is engaged—
 - (A) in trades between ports or terminals of a Convention country, or
 - (B) restricted voyages as determined by the Administration, and of 72 hours or less in duration,

where all the following conditions are complied—

- (iii) all oily mixtures are retained on board for subsequent discharge to reception facilities;
- (iv) for voyages specified in paragraph (b)(ii) of this subregulation, the Administration has determined that adequate reception facilities are available to receive such oily mixtures in those oil loading ports or terminals the tanker calls at;
- (v) the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged in one or more of the categories of voyages specified in paragraphs (b)(i) and (b)(ii)(B) of this subregulation; and
- (vi) the quantity, time and port of discharge are recorded in the Oil Record Book.

Exceptions for Part 2.

7.(1) Regulations 21 and 40 shall not apply to—

- (a) the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea;
- (b) the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment—
 - (i) where that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimising the discharge; and
 - (ii) except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or
- (c) the discharge into the sea of substances containing oil, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimise the damage from pollution and any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

(2) A discharge of polluting substances covered by regulation 21 or 40 into any of the areas referred to in regulation 3(3) shall not be regarded as criminal offence for the purposes of subregulation (2), (3) or (4) of regulation 122 if it satisfies the conditions set out in—

- (a) paragraph (a) or (c) of subregulation (1);
- (b) subregulation (2), (3) or (6) of regulation 21; or
- (b) subregulation (1) of regulation 40.

(3) A discharge of polluting substances covered by regulation 21 or 40 into the areas referred to in regulation 3(3)(a)(iii), (iv) or (v) shall not be regarded as a criminal offence for the purposes of subregulation (2), (3) or (4) of regulation 122 for the owner, the master or the crew when acting under the master's responsibility if it satisfies the condition set out in paragraph (b) of subregulation (1).

Equivalents permitted under Part 2.

8.(1) The Administration may allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Part if such fitting, material, appliance or apparatus is at least as effective as that required by this Part and this authority of the Administration shall not extend to substitution of operational methods to effect the control of discharge of oil as equivalent to those design and construction features which are prescribed by regulations in this Part.

(2) The Administration, which allows a fitting, material, appliance or apparatus to be fitted in a ship as an alternative to, that required by this Part shall communicate particulars thereof to the IMO.

Surveys under Part 2.

9.(1) Every oil tanker of 150 gross tonnage and above, and every other ship of 400 gross tonnage and above shall be subject to the following surveys–

- (a) an initial survey before the ship is put in service or before the International Oil Pollution Prevention Certificate required under regulation 12 is issued for the first time;
- (b) a renewal survey at intervals specified by the Administration, but not exceeding 5 years, except where regulation 16(3)(a), 16(6), 16(8) or 16(10) is applicable;
- (c) an intermediate survey within 3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the International Oil Pollution Prevention Certificate which shall take the place of one of the annual surveys specified in paragraph (d);
- (d) an annual survey within 3 months before or after each anniversary date of the International Oil Pollution Prevention Certificate, including a general inspection of the structure, equipment, systems, fittings, arrangements and material referred to in paragraph (a); and
- (e) an additional survey either general or partial, according to the circumstances.

(2) An initial survey referred to in subregulation (1)(a) shall–

- (a) include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Part; and
 - (b) be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Part.
- (3) The renewal survey referred to in subregulation (1)(b) shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with applicable requirements of this Part.
- (4) The intermediate survey referred to in subregulation (1)(c) shall be—
- (a) such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Part and are in good working order; and
 - (b) endorsed on the International Oil Pollution Prevention Certificate issued under regulation 12, 13 or 14.
- (5) An annual survey referred to in sub-regulation (1)(d) shall be carried out to ensure that the structure, equipment, systems, fittings, arrangements and material referred to in subregulation (1)(a) have been maintained in accordance with subregulations (1) and (2) of regulation 11 and that they remain satisfactory for the service for which the ship is intended and such annual surveys shall be endorsed on the International Oil Pollution Prevention Certificate issued under regulation 12, 13 or 14.
- (6) An additional survey referred to in subregulation (1)(d) shall be—
- (a) made after a repair resulting from investigations prescribed in regulation 11(3), or whenever any important repairs or renewals are made; and
 - (b) such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory and that the ship complies in all respects with the requirements of this Part.

(7) The Administration shall establish appropriate measures for ships, which are not subject to the provisions of subregulation (1) in order to ensure that the applicable provisions of this Part are complied with.

Procedure of surveys under Part 2.

10.(1) When a ship to which this Part applies requires surveys under regulation 9, and the enforcement of the provisions of this Part, the Administration shall nominate one or more surveyors or authorise a recognised organisation to carry out such surveys on its behalf and such organisation shall comply with the guidelines adopted by IMO Resolution A.739(18) and the specifications adopted by IMO by Resolution A.789(19) as amended from time to time.

(2) In the course of nominating a surveyor or authorising a recognised organisation to conduct surveys under regulation 9 shall, as a minimum, empower any nominated surveyor or recognised organisation to—

- (a) require repairs to a ship;
- (b) carry out surveys, if requested by an Administration of a port State; and
- (c) cause the IMO to be notified of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognised organisations.

(3) When a nominated surveyor or recognised organisation determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the International Oil Pollution Prevention Certificate or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or organisation shall—

- (a) immediately ensure that corrective action is taken; and
- (b) in due course notify the Administration.

(4) If corrective action is not taken in accordance with subregulation (3) within the time limit set by the nominated surveyor or the recognised organisation, and the ship is a Gibraltar ship, the International Oil Pollution Prevention Certificate shall be withdrawn and the Administration shall be notified immediately; and if the ship is in the port of a Convention country, the Administration of that country shall also be notified immediately.

(5) The nominated surveyor or the recognised organisation shall take such steps as will ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

(6) In every case, the Administration shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

Maintenance of the condition of the ship and its equipment after surveys under Part 2.

11.(1) The owner and the master of the ship shall maintain the condition of the ship and its equipment to conform with the provisions of the MARPOL Convention to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) After any survey of the ship under regulation 9 has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the approval of the Administration, other than the direct replacement of such equipment and fittings.

(3) Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by this Part, the master or owner of the ship shall, at the earliest opportunity, report to the Administration the recognised organisation or the nominated surveyor responsible for issuing the relevant certificate, who shall cause investigations to be initiated to determine whether a survey as required by regulation 9 is necessary.

(4) If the ship is in the port of another Convention country, the master or owner shall also report immediately to the Administration of that country and the nominated surveyor or recognised organisation shall ascertain that such report has been made.

Issue or endorsement of the International Oil Pollution Prevention Certificate.

12.(1) An International Oil Pollution Prevention Certificate shall be issued after an initial or renewal survey in accordance with the provisions of

regulation 9, to any oil tanker of 150 tons gross tonnage and above and any other ships of 400 tons gross tonnage and above which are engaged in international voyages.

(2) A Certificate referred to in subregulation (1) shall be issued or endorsed either by the Administration or by a recognised organisation and, in every case, the Administration assumes full responsibility for the International Oil Pollution Prevention Certificate.

Issue or endorsement of the International Oil Pollution Prevention Certificate by another Administration.

13. The Maritime Administrator may request any Administration of a Convention country to survey a Gibraltar ship and, if satisfied that the provisions of Annex I are complied with, issue or authorise the issue to the ship of an International Oil Pollution Prevention Certificate, and where appropriate, endorse or authorise the endorsement of that Certificate on the ship, in accordance with Annex I; and a certificate issued in accordance with such a request containing a statement that it has been so issued shall have the same effect as if it had been issued by the Administration in Gibraltar.

Issue or endorsement of the International Oil Pollution Prevention Certificate on request by another Administration.

14.(1) The Maritime Administrator may, if requested by an Administration of a Convention country, cause a ship to be surveyed and, if satisfied that the provisions of Annex I are complied with, issue or authorise the issue to the ship of an International Oil Pollution Prevention Certificate, and where appropriate, endorse or authorise the endorsement of that Certificate on the ship, in accordance with Annex I.

(2) A copy of the Certificate issued under this regulation and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(3) An International Oil Pollution Prevention Certificate issued under this regulation shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the Certificate issued under regulation 12.

(4) No International Oil Pollution Prevention Certificate shall be issued to a ship which is entitled to fly the flag of a State which is not a Convention country.

Form of the International Oil Pollution prevention Certificate.

15.(1) The International Oil Pollution Prevention Certificate shall be drawn up in a form corresponding to the model given in Appendix II to Annex I as set out in Schedule 2 which shall include the Supplement (containing Form A and Form B) provided for in the Appendix to that Annex.

(2) If the language used is not English, the text shall include a translation into English.

Duration and validity of the International Oil Pollution Prevention Certificate.

16.(1) An International Oil Pollution Prevention Certificate shall be issued for a period specified by the Administration, which shall not exceed five years.

(2) Notwithstanding the requirements of subregulation (1), when the renewal survey is completed within three months before the expiry date of the existing International Oil Pollution Prevention Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.

(3) When the renewal survey is completed—

- (a) after the expiry date of the existing International Oil Pollution Prevention Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate; and
- (b) more than three months before the expiry date of the existing International Oil Pollution Prevention Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

(4) Where the International Oil Pollution Prevention Certificate is issued for a period of less than five years, the Administration may extend the validity of the Certificate beyond the expiry date to the maximum period specified in subregulation (1) if the surveys referred to in regulation 9(1)(c) and 9(1)(d) are carried out, as appropriate, when the International Oil Pollution Prevention Certificate is issued for a period of five years.

(5) Where a renewal survey has been completed and a new International Oil Pollution Prevention Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the person or organisation authorised by the Administration may endorse the existing International Oil Pollution Prevention Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

(6) Where a ship is not in a port in which it is to be surveyed at the time when the International Oil Pollution Prevention Certificate expires, the Administration may extend the period of validity of the Certificate and such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so.

(7) No International Oil Pollution Prevention Certificate shall be extended for a period longer than three months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new International Oil Pollution Prevention Certificate.

(8) An International Oil Pollution Prevention Certificate issued to a ship engaged on short voyages which has not been extended under this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it.

(9) When the renewal survey is completed, the new International Oil Pollution Prevention Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.

(10) If there is any special circumstances as may be determined by the Administration, a new International Oil Pollution Prevention Certificate need not be dated from the date of expiry of the existing Certificate as required by subregulation (3)(a), (6), (7) or (8) and in these special circumstances, the new International Oil Pollution Prevention Certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.

(11) Where an annual or intermediate survey is completed before the period specified in regulation 9, then—

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- (a) the anniversary date shown on the International Oil Pollution Prevention Certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
- (b) the subsequent annual or intermediate survey required by regulation 9 shall be completed at the intervals prescribed by that regulation using the new anniversary date; and
- (c) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 9 are not exceeded.

(12) An International Oil Pollution Prevention Certificate issued under regulation 12, 13 or 14 shall cease to be valid in any of the following cases—

- (a) if the relevant surveys are not completed within the periods specified under regulation 9;
- (b) if the Certificate is not endorsed in accordance with regulation 9(4) or (5); or
- (c) upon transfer of the ship to the flag of another State.

(13) No new International Oil Pollution Prevention Certificate shall be issued unless the Administration is fully satisfied that the ship is in compliance with the requirements of sub-regulations (1) and (2) of regulation 11 and in the case of a transfer of a Gibraltar ship, if requested within three months after the transfer has taken place, the Maritime Administrator shall, as soon as possible, transmit the copies of the International Oil Pollution Prevention Certificate carried by the ship before the transfer and, if available, copies of the relevant survey reports to the Administration of the country whose flag the ship is entitled to fly after the transfer has taken place.

Tanks for oil residues (sludge).

17.(1) Every ship of 400 gross tonnage and above shall be provided with a tank or tanks of adequate capacity, having regard to the type of machinery and length of voyage, to receive the oil residues (sludge) which cannot be dealt with otherwise in accordance with the requirements of Annex I, such as those resulting from the purification of fuel and lubricating oils and oil leakages in the machinery spaces.

(2) Piping to and from sludge tanks shall have no direct connection overboard, other than the standard discharge connection referred to in regulation 19.

(3) In ships delivered after 31 December 1979, as defined in regulation 4(3), tanks for oil residues shall be designed and constructed so as to facilitate their cleaning and the discharge of residues to reception facilities and ships delivered on or before 31 December 1979, as defined in regulation 4(2), shall comply with this requirement as far as is reasonable and practicable.

Oil fuel tank protection.

18.(1) This regulation shall apply to all ships with an aggregate oil fuel capacity of 600 m³ and above which are delivered on or after 1 August 2010, as defined in regulation 4(10).

(2) The application of this regulation in determining the location of tanks used to carry oil fuel does not govern over the provisions of regulation 25.

(3) For the purpose of this regulation, the following definitions shall apply—

“oil fuel” means any oil used as fuel oil in connection with the propulsion and auxiliary machinery of the ship in which such oil is carried;

“load line draught (ds)” is the vertical distance, in metres, from the moulded baseline at mid-length to the waterline corresponding to the summer freeboard draught to be assigned to the ship;

“light ship draught” is the moulded draught amidships corresponding to the lightweight;

“partial load line draught (dp)” is the light ship draught plus 60% of the difference between the light ship draught and the load line draught ds. The partial load line draught (dp) shall be measured in metres;

“waterline (db)” is the vertical distance, in metres, from the moulded baseline at mid-length to the waterline corresponding to 30% of the depth D_s;

“breadth (Bs)” is the greatest moulded breadth of the ship, in metres, at or below the deepest load line draught (ds);

“breadth (BB)” is the greatest moulded breadth of the ship, in metres, at or below the waterline (dB);

“depth (DS)” is the moulded depth, in metres, measured at mid-length to the upper deck at side. For the purpose of the application, “upper deck” means the highest deck to which the watertight transverse bulkheads except aft peak bulkheads extend;

“length (L)” means 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline. The length (L) shall be measured in metres;

“breadth (B)” means the maximum breadth of the ship, in metres, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material;

“oil fuel tank” means a tank in which oil fuel is carried, but excludes those tanks, which would not contain oil fuel in normal operation, such as, overflow tanks;

“small oil fuel tank” is an oil fuel tank with a maximum individual capacity not greater than 30 m³;

“C” is the ship’s total volume of oil fuel, including that of the small oil fuel tanks, in m³, at 98% tank filling;

“oil fuel capacity” means the volume of a tank in m³, at 98% filling.

(4) The provisions of this regulation shall apply to all oil fuel tanks except small oil fuel tanks, if the aggregate capacity of such excluded tanks is not greater than 600 m³.

(5) Individual oil fuel tanks shall not have a capacity of over 2,500 m³.

(6) For ships, other than self-elevating drilling units, having an aggregate oil fuel capacity of 600 m³ and above, oil fuel tanks shall be located above the moulded line of the bottom shell plating nowhere less than the distance h as specified in paragraph 6 of Regulation 12A of Annex I.

(7) For ships having an aggregate oil fuel capacity of 600 m³ or more but less than 5,000 m³, oil fuel tanks shall be located inboard of the moulded line of the side shell plating, nowhere less than the distance w which, as shown in Figure 2 of Regulation 12A of Annex I, is measured at any cross-section at right angles to the side shell, as specified below—

$$w = 0.4 + 2.4 C/20,000 \text{ m}$$

The minimum value of $w = 1.0$ m, however for individual tanks with an oil fuel capacity of less than 500 m³ the minimum value is 0.76 m.

(8) For ships having an aggregate oil fuel capacity of 5,000 m³ and over, oil fuel tanks shall be located inboard of the moulded line of the side shell plating, nowhere less than the distance w which, as shown in Figure 2 of Regulation 12A of Annex I, is measured at any cross-section at right angles to the side shell, as specified in paragraph 8 of Regulation 12A of Annex I.

(9) Lines of oil fuel piping located at a distance from the ship's bottom of less than h , as defined in paragraph 6 of Regulation 12A of Annex I, or from the ship's side less than w , as defined in paragraphs 7 and 8 of Regulation 12A of Annex I shall be fitted with valves or similar closing devices within or immediately adjacent to the oil fuel tank. These valves shall be capable of being brought into operation from a readily accessible enclosed space the location of which is accessible from the navigation bridge or propulsion machinery control position without traversing exposed freeboard or superstructure decks. The valves shall close in case of remote control system failure (fail in a closed position) and shall be kept closed at sea at any time when the tank contains oil fuel except that they may be opened during oil fuel transfer operations.

(10) Suction wells in oil fuel tanks may protrude into the double bottom below the boundary line defined by the distance h provided that such wells are as small as practicable and the distance between the well bottom and the bottom shell plating is not less than 0.5 h .

(11) Alternatively to paragraphs 6 and either 7 or 8 of Regulation 12A of Annex I, ships shall comply with the accidental oil fuel outflow performance standard specified in paragraph 11 of Regulation 12A of Annex I.

(12) In approving the design and construction of ships to be built in accordance with this regulation, Administrations shall have due regard to the

general safety aspects, including the need for maintenance and inspection of wing and double bottom tanks or spaces.

Standard discharge connection.

19. In order to enable pipes of reception facilities to be connected with the ship's discharge pipeline for residues from machinery bilges and from sludge tanks, both lines shall be fitted with a standard discharge connection in accordance with the table shown in Regulation 13 of Annex I.

Oil filtering equipment.

20.(1) Except as specified in subregulation (3), any ship of 400 gross tonnage and above but less than 10,000 gross tonnage shall be fitted with oil filtering equipment complying with subregulation (6) and any such ship which may discharge into the sea ballast water retained in fuel oil tanks in accordance with regulation 22(2) shall comply with subregulation (2).

(2) Except as specified in subregulation (3), any ship of 10,000 gross tonnage and above shall be fitted with oil filtering equipment complying with subregulation (7).

(3) Ships, such as hotel ships, storage vessels, etc., which are stationary except for non-cargo-carrying relocation voyages—

- (a) need not be provided with oil filtering equipment; and
- (b) shall be provided with a holding tank having a volume adequate, to the satisfaction of the Administration, for the total retention on board of the oily bilge water, and

all oily bilge water shall be retained on board for subsequent discharge to reception facilities.

(4) The Administration shall ensure that ships of less than 400 gross tonnage are equipped, as far as practicable, to retain on board oil or oily mixtures or discharge them in accordance with the requirements of regulation 21(6).

(5) The Administration may waive the requirements of subregulations (1) and (2) for—

- (a) any ship engaged exclusively on voyages within special areas;
or

- (b) any ship certified under the International Code of Safety for High-Speed Craft (or otherwise within the scope of this Code with regard to size and design) engaged on a scheduled service with a turn-around time not exceeding 24 hours and covering also non-passenger/cargo-carrying relocation voyages for these ships; and
- (c) with regard to the provisions of paragraphs (a) and (b), the following conditions shall be complied with—
 - (i) the ship is fitted with a holding tank having a volume adequate, to the satisfaction of the Administration, for the total retention on board of the oily bilge water;
 - (ii) all oily bilge water is retained on board for subsequent discharge to reception facilities;
 - (iii) the Administration has determined that adequate reception facilities are available to receive such oily bilge water in a sufficient number of ports or terminals the ship calls at;
 - (iv) the International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged on the voyages within special areas or has been accepted as a high-speed craft for the purpose of this regulation and the service is identified; and
 - (v) the quantity, time, and port of the discharge are recorded in the Oil Record Book Part I.

(6) Oil filtering equipment referred to in subregulation (1) shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the system has an oil content not exceeding 15 parts per million and in considering the design of such equipment, the Administration shall have regard to the specification recommended by the IMO.

(7) Oil filtering equipment referred to in subregulation (2) shall comply with subregulation (6) and in addition, it shall be provided with alarm arrangement to indicate when this level cannot be maintained and the system shall also be provided with arrangements to ensure that any discharge of oily

mixtures is automatically stopped when the oil content of the effluent exceeds 15 parts per million and in considering the design of such equipment and approvals, the Administration shall have regard to the specification recommended by the IMO.

Control of discharge of oil or oily mixtures from ships.

21.(1) Subject to the provisions of regulation 7 and subregulations (2), (3) and (6) of this regulation, no person shall discharge any oil or oily mixtures into the sea from ships.

(2) No person shall discharge any oil or oily mixtures into the sea outside special areas from ships of 400 gross tonnage and above except when all the following conditions are satisfied—

- (a) the ship is proceeding en route;
- (b) the oily mixture is processed through an oil filtering equipment meeting the requirements of regulation 20;
- (c) the oil content of the effluent without dilution does not exceed 15 parts per million;
- (d) the oily mixture does not originate from cargo pump room bilges on oil tankers; and
- (e) the oily mixture, in case of oil tankers, is not mixed with oil cargo residues.

(3) No person shall discharge any oil or oily mixtures into the sea in special areas from ships of 400 gross tonnage and above except when all of the following conditions are satisfied—

- (a) the ship is proceeding en route;
- (b) the oily mixture is processed through an oil filtering equipment meeting the requirements of regulation 20(7);
- (3) the oil content of the effluent without dilution does not exceed 15 parts per million;
- (4) the oily mixture does not originate from cargo pump room bilges on oil tankers; and

(5) the oily mixture, in case of oil tankers, is not mixed with oil cargo residues.

(4) No person shall discharge any oil or oily mixtures from any ship into the sea in respect of the Antarctic area.

(5) Nothing in this regulation shall prohibit a ship on a voyage only part of which is in a special area from discharging outside a special area in accordance with subregulation (2).

(6) In the case of a ship of less than 400 gross tonnage, oil and all oily mixtures shall either be retained on board for subsequent discharge to reception facilities or discharged into the sea in accordance with the following provisions—

- (a) the ship is proceeding en route;
- (b) the ship has in operation equipment of a design approved by the Administration that ensures that the oil content of the effluent without dilution does not exceed 15 parts per million;
- (c) the oily mixture does not originate from cargo pump room bilges on oil tankers; and
- (d) the oily mixture, in case of oil tankers, is not mixed with oil cargo residues.

(7) Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, the Government should, to the extent it is reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this regulation and the investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

(8) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations, which are hazardous to the marine environment or chemicals, or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.

(9) The oil residues, which cannot be discharged into the sea in compliance with this regulation, shall be retained on board for subsequent discharge to reception facilities.

Segregation of oil and water ballast and carriage of oil in forepeak tanks.

22.(1) Except as provided in subregulation (2), in ships delivered after 31 December 1979, as defined in regulation 4(3), of 4,000 gross tonnage and above other than oil tankers, and in oil tankers delivered after 31 December 1979, as defined in regulation 4(3), of 150 gross tonnage and above, no ballast water shall be carried in any oil fuel tank.

(2) Where the need to carry large quantities of oil fuel render it necessary to carry ballast water which is not a clean ballast in any oil fuel tank, such ballast water shall be discharged to reception facilities or into the sea in compliance with regulation 21 using the equipment specified in regulation 20(2), and an entry shall be made in the Oil Record Book to this effect.

(3) In a ship of 400 gross tonnage and above, for which the building contract is placed after 1 January 1982 or, in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after 1 July 1982, oil shall not be carried in a forepeak tank or a tank forward of the collision bulkhead.

(4) All ships other than those subject to subregulations (1) and (3) shall comply with the provisions of those subregulations as far as are reasonable and practicable.

Oil Record Book, Part I - Machinery space operations.

23.(1) Every oil tanker of 150 gross tonnage and above and every ship of 400 gross tonnage and above other than an oil tanker shall be provided with an Oil Record Book Part I (Machinery Space Operations) and the Oil Record Book, whether as a part of the ship's official log-book or otherwise, shall be drawn up in the Form specified in *Appendix III to Annex I* as set out in Schedule 3.

(2) The Oil Record Book Part I shall be completed on each occasion, on a tank-to-tank basis if appropriate, whenever any of the following machinery space operations takes place in the ship—

- (a) ballasting or cleaning of oil fuel tanks;
- (b) discharge of dirty ballast or cleaning water from oil fuel tanks;

- (c) collection and disposal of oil residues (sludge and other oil residues);
- (d) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces; and
- (e) bunkering of fuel or bulk lubricating oil.

(3) In the event of such discharge of oil or oily mixture as is referred to in regulation 7 or in the event of accidental or other exceptional discharge of oil not excepted by that regulation, a statement shall be made in the Oil Record Book Part I of the circumstances of, and the reasons for, the discharge.

(4) Each operation described in subregulation (2) shall be fully recorded without delay in the Oil Record Book Part I, so that all entries in the book appropriate to that operation are completed and each completed operation shall be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master of ship.

(5) The entries in the Oil Record Book Part I, for ships holding an International Oil Pollution Prevention Certificate, shall be at least in English and where entries in an official national language of the State whose flag the ship is entitled to fly are also used, this shall prevail in case of a dispute or discrepancy.

(6) Any failure of the oil filtering equipment shall be recorded in the Oil Record Book Part I.

(7) The Oil Record Book Part I, shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship and it shall be preserved for a period of three years after the last entry has been made.

(8) The Administration may inspect the Oil Record Book Part I on board any ship to which this Part applies while the ship is in the port of Gibraltar and may make a copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry and any copy so made which has been certified by the master of the ship as a true copy of an entry in the ship's Oil Record Book Part I shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry.

(9) The inspection of an Oil Record Book Part I and the taking of a certified copy by the Administration in accordance with subregulation (8) shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

Segregated Ballast Tanks.

24.(1) Every crude oil tanker of 20,000 tonnes deadweight and above and every product carrier of 30,000 tonnes deadweight and above delivered after 1 June 1982, as defined in regulation 4(5), shall be provided with segregated ballast tanks and shall comply with paragraphs 2, 3 and 4, or 5 as appropriate, of Regulation 18 of Annex I.

(2) Subject to the provisions of subregulation (3), every crude oil tanker of 40,000 tonnes deadweight and above delivered on or before 1 June 1982, as defined in regulation 4(4), shall be provided with segregated ballast tanks and shall comply with the requirements of paragraphs 2 and 3 of Regulation 18 of Annex I.

(3) Crude oil tankers referred to in subregulation (2) may, in lieu of being provided with segregated tanks operate with a cargo tank cleaning procedure using crude oil washing in accordance with regulation 39 and 41 unless the crude oil tanker is intended to carry crude oil which is not suitable for crude oil washing.

(4) Every product carrier of 40,000 tonnes deadweight and above delivered on or before 1 June 1982, as defined in regulation 4(4), shall be provided with segregated ballast tanks and shall comply with the requirements of paragraphs 2 and 3 of Regulation 18 of Annex I, or alternatively operate with dedicated clean ballast tanks in accordance with the following provisions—

- (a) the product carrier shall have adequate tank capacity, dedicated solely to the carriage of clean ballast as defined in regulation 4(1), to meet the requirements of paragraphs 2 and 3 of Regulation 18 of Annex I;
- (b) the arrangements and operational procedures for dedicated clean ballast tanks shall comply with the requirements established by the Administration and such requirements shall contain at least all the provisions of the revised Specifications for Oil Tankers with Dedicated Clean Ballast Tanks adopted by the IMO by Resolution A.495(XII);

- (c) the product carrier shall be equipped with an oil content meter, approved by the Administration on the basis of specifications recommended by the IMO, to enable supervision of the oil content in ballast water being discharged; and
 - (d) every product carrier operating with dedicated clean ballast tanks shall be provided with a Dedicated Clean Ballast Tank Operation Manual detailing the system and specifying operational procedures and such a Manual shall be to the satisfaction of the Administration and shall contain all the information set out in the Specifications referred to in paragraph (b) above and if an alteration affecting the dedicated clean ballast tank system is made, the Operation Manual shall be revised accordingly.
- (5) Any oil tanker which is not required to be provided with segregated ballast tanks in accordance with subregulation (1), (2) or (4) may, however be qualified as a segregated ballast tanker, if it complies with the requirements of paragraphs 2 and 3 or 5, as appropriate, of Regulation 18 of Annex I.
- (6) Where an oil tanker delivered on or before 1 June 1982, as defined in regulation 4(4), is so constructed or operates in such a manner that it complies at all times with the draught and trim requirements set out in paragraph 2 of Regulation 18 of Annex I without recourse to the use of ballast water, it shall be deemed to comply with the segregated ballast tank requirements referred to in subregulation (2), where all of the following conditions are complied with—
- (a) operational procedures and ballast arrangements are approved by the Administration;
 - (b) agreement is reached between the Administration and the Governments of the port States Parties concerned when the draught and trim requirements are achieved through an operational procedure; and
 - (c) the International Oil Pollution Prevention Certificate is endorsed to the effect that the oil tanker is operating with special ballast arrangements.
- (7) In no case shall ballast water be carried in oil tanks except on those rare voyages when weather conditions are so severe that, in the opinion of the master, it is necessary to carry additional ballast water in cargo tanks for

the safety of the ship and such additional ballast water shall be processed and discharged in compliance with regulation 40 and in accordance with the requirements of regulations 35, 37 and 38, and entry shall be made in the Oil Record Book referred to in regulation 42.

(8) An Administration which has endorsed an International Oil Pollution Prevention Certificate in accordance with subregulation (6)(c) shall communicate to the IMO the particulars thereof.

(9) Oil tankers of 70,000 tonnes deadweight and above delivered after 31 December 1979, as defined in regulation 4(3), shall be provided with segregated ballast tanks and shall comply with paragraphs 2, 3 and 4 or paragraph 5, as appropriate, of Regulation 18 of Annex I.

(10) In every crude oil tanker of 20,000 tonnes deadweight and above and every product carrier of 30,000 tonnes deadweight and above delivered after 1 June 1982, as defined in regulation 4(5), except those tankers that meet Regulation 19 of Annex I, the segregated ballast tanks required to provide the capacity to comply with the requirements of paragraph 2 of Regulation 18 of Annex I, which are located within the cargo tank length, shall be arranged in accordance with the requirements of paragraphs 13, 14 and 15 of Regulation 18 of Annex I to provide a measure of protection against oil outflow in the event of grounding or collision.

(11) Segregated ballast tanks and spaces other than oil tanks within the cargo tanks length (L_t) shall be so arranged as to comply with the requirements set out in paragraphs 13, 14 and 15 of Regulation 18 of Annex I.

Double hull and double bottom requirements for oil tankers delivered on or after 6 July 1996.

25.(1) In respect of oil tankers of 600 tonnes deadweight and above delivered on or after 6 July 1996, as defined in regulation 4(7), the provisions of this regulation shall apply.

(2) Every oil tanker of 5,000 tonnes deadweight and above shall-

- (a) in lieu of paragraphs 12 to 15 of Regulation 18 of Annex I, as applicable, comply with the requirements of paragraph 3 of Regulation 19 of Annex I unless it is subject to the provisions of paragraphs 4 and 5 of Regulation 19 of Annex I; and

- (b) comply, if applicable, with the requirements of regulation 34(6).
- (3) The entire cargo tank length shall be protected by ballast tanks or spaces other than tanks that carry oil as described in paragraph 3 of Regulation 19 of Annex I.
- (4) In respect of double bottom tanks or spaces, the provisions of paragraph 4 of Regulation 19 of Annex I shall apply.
- (5) Other methods of design and construction of oil tankers may also be accepted as alternatives to the requirements prescribed in paragraph 3 of Regulation 19 of Annex I, if such methods ensure at least the same level of protection against oil pollution in the event of collision or stranding and are approved in principle by the Marine Environment Protection Committee based on guidelines developed by the IMO.
- (6) Every oil tanker of less than 5,000 tonnes deadweight shall comply with paragraphs 3 and 4 or 6 of Regulation 19 of Annex I.
- (7) Oil shall not be carried in any space extending forward of a collision bulkhead located in accordance with Regulation II-1/11 of the SOLAS Convention and an oil tanker that is not required to have a collision bulkhead in accordance with that regulation shall not carry oil in any space extending forward of the transverse plane perpendicular to the centreline that is located as if it were a collision bulkhead located in accordance with that regulation.
- (8) In approving the design and construction of oil tankers to be built in accordance with the provisions of this regulation, the Administration shall have due regard to the general safety aspects including the need for the maintenance and inspections of wing and double bottom tanks or spaces.

Double hull and double bottom requirements for oil tankers delivered before 6 July 1996.

26.(1) This regulation, unless expressly provided otherwise, shall—

- (a) apply to oil tankers of 5,000 tonnes deadweight and above, which are delivered before 6 July 1996, as defined in regulation 4(6); and

- (b) not apply to oil tankers complying with regulations 25 and Regulation 28 of Annex I in respect of paragraph 6, which are delivered before 6 July 1996, as defined in regulation 4(6); and
- (c) not apply to oil tankers covered by paragraph (a) which comply with Regulation 19.3.1 and 19.3.2 or 19.4 or 19.5 of Annex I, except that the requirement for minimum distances between the cargo tank boundaries and the ship side and bottom plating need not be met in all respects and in that event, the side protection distances shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom protection distances at centreline shall comply with Regulation 18.15.2 of Annex I.

(2) For the purpose of this regulation—

“heavy diesel oil” means diesel oil other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested by the method acceptable to the IMO; and

“fuel oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the specification acceptable to the IMO.

(3) For the purpose of this regulation, oil tankers are divided into the following categories—

- (a) “Category 1 oil tanker” means an oil tanker of 20,000 tonnes deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tonnes deadweight and above carrying oil other than the above, which does not comply with the requirements for oil tankers delivered after 1 June 1982, as defined in regulation 4(5);
- (b) “Category 2 oil tanker” means an oil tanker of 20,000 tonnes deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tonnes deadweight and above carrying oil other than the above, which complies with the requirements for oil tankers delivered after 1 June 1982, as defined in regulation 4(5); and

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- (c) “Category 3 oil tanker” means an oil tanker of 5,000 tonnes deadweight and above but less than that specified in paragraph (a) or (b) of this subregulation.

(4) An oil tanker to which this regulation applies shall comply with the requirements of paragraphs 2 to 5, 7 and 8 of Regulation 19 of Annex I and Regulation 28 of Annex I in respect of paragraph 6 not later than 5 April 2005 or the anniversary of the date of delivery of the ship on the date or in the year specified in the following table:

Category of oil tanker	Date or year
Category 1	5 April 2005 for ships delivered on 5 April 1982 or earlier 2005 for ships delivered after 5 April 1982
Category 2 and Category 3	5 April 2005 for ships delivered on 5 April 1977 or earlier 2005 for ships delivered after 5 April 1977 but before 1 January 1978 2006 for ships delivered in 1978 and 1979 2007 for ships delivered in 1980 and 1981 2008 for ships delivered in 1982 2009 for ships delivered in 1983 2010 for ships delivered in 1984 or later

(5) Notwithstanding the provisions of subregulation (4), in the case of a Category 2 or 3 oil tanker fitted with only double bottoms or double sides not used for the carriage of oil and extending to the entire cargo tank length or double hull spaces which are not used for the carriage of oil and extend to the entire cargo tank length, but which does not fulfil conditions for being exempted from the provisions of subregulation (1)(c), the Administration may allow continued operation of such a ship beyond the date specified in subregulation (4) if–

- (a) the ship was in service on 1 July 2001;
- (b) the Administration is satisfied by verification of the official records that the ship complied with the conditions specified above;

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- (c) the conditions of the ship specified above remain unchanged; and
- (d) such continued operation does not go beyond the date on which the ship reaches 25 years after the date of its delivery.

(6) A Category 2 or 3 oil tanker of 15 years and over after the date of its delivery shall comply with the Condition Assessment Scheme adopted by the Marine Environment Protection Committee by Resolution MEPC.94(46), as amended.

(7) The Administration may allow continued operation of a Category 2 or 3 oil tanker beyond the date specified in subregulation (4), if satisfactory results of the Condition Assessment Scheme warrant that, in the opinion of the Administration, the ship is fit to continue such operation, if the operation shall not go beyond the anniversary of the date of delivery of the ship in 2015 or the date on which the ship reaches 25 years after the date of its delivery, whichever is the earlier date.

(8) Where the Administration allows the application of subregulation (5), or allows, suspends, withdraws or declines the application of subregulation (7), to a Gibraltar ship shall forthwith communicate to the IMO.

(9) The Administration may deny entry into the port of Gibraltar of oil tankers operating in accordance with the provisions of—

- (a) subregulation (5) beyond the anniversary of the date of delivery of the ship in 2015; or
- (b) subregulation (7) of this regulation,

and in such cases, that it shall communicate to the IMO.

Prevention of oil pollution from oil tankers carrying heavy grade oil as cargo.

27.(1) This regulation shall—

- (a) apply to oil tankers of 600 tonnes deadweight and above carrying heavy grade oil as cargo regardless of the date of delivery; and
- (b) not apply to oil tankers covered by paragraph (a) above which comply with Regulations 19.3.1 and 19.3.2 or 19.4 or 19.5 of

Annex I, except that the requirement for minimum distances between the cargo tank boundaries and the ship side and bottom plating need not be met in all respects and in that event, the side protection distances shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom protection distances at centreline shall comply with Regulation 18.15.2 of Annex I.

(2) For the purpose of this regulation “heavy grade oil” means any of the following–

- (a) crude oils having a density at 15°C higher than 900 kg/m³;
- (b) oils, other than crude oils, having either a density at 15°C higher than 900 kg/m³ or a kinematic viscosity at 50°C higher than 180 mm²/s; or
- (c) bitumen, tar and their emulsions.

(3) An oil tanker to which this regulation applies shall comply with the provisions of subregulations (4) to (8) in addition to complying with the applicable provisions of regulation 26.

(4) Subject to the provisions of subregulations (5), (6) and (7), an oil tanker to which this regulation applies shall–

- (a) if 5,000 tonnes deadweight and above, comply with the requirements of Regulation 19 of Annex I not later than 5 April 2005; or
- (b) if 600 tonnes deadweight and above but less than 5,000 tonnes deadweight, be fitted with both double bottom tanks or spaces complying with the provisions of Regulation 19.6.1 of Annex I, and wing tanks or spaces arranged in accordance with Regulation 19.3.1 of Annex I and complying with the requirement for distance *w* as referred to in Regulation 19.6.2 of Annex I, not later than the anniversary of the date of delivery of the ship in the year 2008.

(5) In the case of an oil tanker of 5,000 tonnes deadweight and above, carrying heavy grade oil as cargo fitted with only double bottoms or double sides not used for the carriage of oil and extending to the entire cargo tank length or double hull spaces which are not used for the carriage of oil and extend to the entire cargo tank length, but which does not fulfil conditions

for being exempted from the provisions of subregulation (1)(b), the Administration may allow continued operation of such a ship beyond the date specified in subregulation (4) if–

- (a) the ship was in service on 4 December 2003;
- (b) the Administration is satisfied by verification of the official records that the ship complied with the conditions specified above;
- (c) the conditions of the ship specified above remain unchanged; and
- (d) such continued operation does not go beyond the date on which the ship reaches 25 years after the date of its delivery.

(6) The Administration may allow continued operation of an oil tanker of 5,000 tonnes deadweight and above, carrying crude oil having a density at 15°C higher than 900 kg/m³ but lower than 945 kg/m³, beyond the date specified in subregulation (4)(a), if satisfactory results of the Condition Assessment Scheme referred to in regulation 26(6) warrant that, in the opinion of the Administration, the ship is fit to continue such operation, having regard to the size, age, operational area and structural conditions of the ship and if the operation shall not go beyond the date on which the ship reaches 25 years after the date of its delivery.

(7) The Administration may allow continued operation of an oil tanker of 600 tonnes deadweight and above but less than 5,000 tonnes deadweight, carrying heavy grade oil as cargo, beyond the date specified in subregulation (4)(b), if, in the opinion of the Administration, the ship is fit to continue such operation, having regard to the size, age, operational area and structural conditions of the ship, if the operation shall not go beyond the date on which the ship reaches 25 years after the date of its delivery.

(8) The Administration may exempt from the provisions of this regulation an oil tanker of 600 tonnes deadweight and above carrying heavy grade oil as cargo if the oil tanker is engaged in voyages exclusively within either–

- (a) BGTW, or operates as a floating storage unit of heavy grade oil located within an area under its jurisdiction; or
- (b) an area under the jurisdiction of another Convention country, or operates as a floating storage unit of heavy grade oil located within an area under the jurisdiction of another Convention

country, if that the Convention country within whose jurisdiction the oil tanker will be operating agrees to the operation of the oil tanker within an area under its jurisdiction.

(9) Where the Administration allows, suspends, withdraws or declines the application of subregulation (5), (6), (7) or (8) to a Gibraltar ship it shall forthwith communicate that decision to the IMO.

(10) Subject to the provisions of international law, the Administration may deny entry of oil tankers operating in accordance with the provisions of subregulation (5), (6) or (7) into the port of Gibraltar, or deny ship-to-ship transfer of heavy grade oil in BGTW except when this is necessary for the purpose of securing the safety of a ship or saving life at sea and in such cases, it shall communicate that decision to the IMO.

Pump-room bottom protection.

28.(1) This regulation applies to oil tankers of 5,000 tonnes deadweight and above constructed on or after 1 January 2007.

(2) The pump-room shall be provided with a double bottom such that at any cross-section the depth of each double bottom tank or space shall be such that the distance h between the bottom of the pump-room and the ship's base line measured at right angles to the ship's base line is not less than specified below—

$$h = B/15(\text{m}) ; \text{ or}$$

$$h = 2 \text{ m, whichever is the lesser.}$$

The minimum value of $h = 1 \text{ m}$.

(3) In the case of pump rooms whose bottom plate is located above the base line by at least the minimum height required in subregulation (2) (e.g. gondola stern designs), there will be no need for a double bottom construction in way of the pump-room.

(4) Ballast pumps shall be provided with suitable arrangements to ensure efficient suction from double bottom tanks.

(5) Notwithstanding the provisions of subregulations (2) and (3), where the flooding of the pump-room would not render the ballast or cargo pumping system inoperative, a double bottom need not be fitted.

Accidental oil outflow performance.

29.(1) This regulation shall apply to oil tankers delivered on or after 1 January 2010, as defined in regulation 4(9).

(2) In order to provide adequate protection against oil pollution in the event of collision or stranding, paragraph 3 of Regulation 23 of Annex I shall be complied with.

(3) When calculating the mean oil outflow parameter, the general assumptions set out in paragraph 4 of Regulation 23 of Annex I shall apply.

(4) When combining the oil outflow parameters, the assumptions set out in paragraph 5 of Regulation 23 of Annex I shall apply.

(5) The mean outflow for side damage O_{MS} shall be calculated in accordance with paragraph 6 of Regulation 23 of Annex I.

(6) The mean outflow for bottom damage shall be calculated in accordance with paragraph 7 of Regulation 23 of Annex I.

(7) The probability P_S of breaching a compartment from side damage shall be calculated in accordance with paragraph 8 of Regulation 23 of Annex I.

(8) The probability P_B of breaching a compartment from bottom damage shall be calculated in accordance with in paragraph 9 of Regulation 23 of Annex I.

(9) For the purposes of this regulation, the definitions provided in paragraph 2 of Regulation 23 of Annex I shall have effect.

Damage assumptions.

30. For the purpose of calculating hypothetical oil outflow from oil tankers in accordance with Regulations 25 and 26 of Annex I, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the ship are assumed in accordance with paragraph 1 of Regulation 24 of Annex I and in the case of bottom damages two conditions are set forth to be applied individually to the stated portions of the oil tanker.

Hypothetical outflow of oil.

31.(1) The hypothetical outflow of oil in the case of side damage (O_c) and bottom damage (O_s) shall be calculated by the formulae set out in paragraph

1 of Regulation 25 of Annex I with respect to compartments breached by damage to all conceivable locations along the length of the ship to the extent as defined in Regulation 24 and paragraphs 2, 3, 4 and 5 of Regulation 25 of Annex I shall be followed accordingly.

(2) This regulation does not apply to oil tankers delivered on or after 1 January 2010, as defined in regulation 4(9).

Limitations of size and arrangement of cargo tanks.

32.(1) 1 Except as provided in subregulation (2)–

- (a) every oil tanker of 150 gross tonnage and above delivered after 31 December 1979, as defined in regulation 4(3), and
- (b) = every oil tanker of 150 gross tonnage and above delivered on or before 31 December 1979, as defined in regulation 4(2), which falls into either of the following categories–
 - (i) a tanker, the delivery of which is after 1 January 1977, or
 - (ii) a tanker to which both the following conditions apply–
 - (aa) delivery is not later than 1 January 1977; and
 - (bb) the building contract is placed after 1 January 1974, or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction after 30 June 1974,

shall comply with the provisions of paragraphs 1 to 6 of Regulation 26 of Annex I.

(2) This regulation does not apply to oil tankers delivered on or after 1 January 2010, as defined in regulation 4(9).

Intact stability.

33.(1) Every oil tanker of 5,000 tonnes deadweight and above delivered on or after 1 February 2002, as defined in regulation 4(8), shall comply with the intact stability criteria specified in paragraphs 1.1 and 1.2 of Regulation 27 of Annex I, as appropriate, for any operating draught under the worst possible conditions of cargo and ballast loading, consistent with good

operational practice, including intermediate stages of liquid transfer operations and under all conditions the ballast tanks shall be assumed slack.

(2) The requirements of subregulation (1) shall be met through design measures and, for combination carriers, simple supplementary operational procedures may be allowed.

(3) Simple supplementary operational procedures for liquid transfer operations referred to in subregulation (2) shall mean written procedures made available to the master which—

- (a) are approved by the Administration;
- (b) indicate those cargo and ballast tanks which may, under any specific condition of liquid transfer and possible range of cargo densities, be slack and still allow the stability criteria to be met. The slack tanks may vary during the liquid transfer operations and be of any combination provided they satisfy the criteria;
- (c) will be readily understandable to the officer-in-charge of liquid transfer operations;
- (d) provide for planned sequences of cargo/ballast transfer operations;
- (e) allow comparisons of attained and required stability using stability performance criteria in graphical or tabular form;
- (f) require no extensive mathematical calculations by the officer-in-charge;
- (g) provide for corrective actions to be taken by the officer-in-charge in case of departure from recommended values and in case of emergency situations; and
- (h) are prominently displayed in the approved trim and stability booklet, at the cargo/ballast transfer control station and in any computer software by which stability calculations are performed.

Subdivision and damage stability.

34.(1) Every oil tanker delivered after 31 December 1979, as defined in regulation 4(3), of 150 gross tonnage and above, shall comply with the

subdivision and damage stability criteria as specified in subregulation (3), after the assumed side or bottom damage as specified in subregulation (2), for any operating draught reflecting actual partial or full load conditions consistent with trim and strength of the ship as well as relative densities of the cargo and such damage shall be applied to all conceivable locations along the length of the ship as follows—

- (a) in tankers of more than 225 metres in length, anywhere in the ship's length;
- (b) in tankers of more than 150 metres, but not exceeding 225 metres in length, anywhere in the ship's length except involving either after or forward bulkhead bounding the machinery space located aft; the machinery space shall be treated as a single floodable compartment; and
- (c) in tankers not exceeding 150 metres in length, anywhere in the ship's length between adjacent transverse bulkheads with the exception of the machinery space. For tankers of 100 metres or less in length where all requirements of paragraph 3 of Regulation 28 of Annex I cannot be fulfilled without materially impairing the operational qualities of the ship, Administrations may allow relaxations from these requirements.

Ballast conditions where the tanker is not carrying oil in cargo tanks, excluding any oil residues, shall not be considered.

(2) In respect of the extent and the character of the assumed damage, the provisions of paragraph 2 of Regulation 28 of Annex I shall apply.

(3) Oil tankers shall be regarded as complying with the damage stability criteria if the requirements set out in paragraph 3 of Regulation 28 of Annex I are met.

(4) The requirements of subregulation (1) shall be confirmed by calculations which take into consideration the design characteristics of the ship, the arrangements, configuration and contents of the damaged compartments; and the distribution, relative densities and the free surface effect of liquids and the calculations shall be based in accordance with paragraph 4 of Regulation 28 of Annex I.

(5) The master of every oil tanker to which this regulation applies and the person in charge of a non-self-propelled oil tanker to which this regulation applies, shall be supplied in an approved form with—

- (a) information relative to loading and distribution of cargo necessary to ensure compliance with the provisions of this regulation; and
- (b) data on the ability of the ship to comply with damage stability criteria as determined by this regulation, including the effect of relaxations that may have been allowed under subregulation (1)(c).

(6) For oil tankers of 20,000 tonnes deadweight and above delivered on or after 6 July 1996, as defined in regulation 4(7), the damage assumptions prescribed in paragraph 2.2 of Regulation 28 of Annex I shall be supplemented by the following assumed bottom raking damage—

- (a) longitudinal extent-
 - (i) ships of 75,000 tonnes deadweight and above: 0.6L measured from the forward perpendicular;
 - (ii) ships of less than 75,000 tonnes deadweight: 0.4L measured from the forward perpendicular;
- (b) transverse extent: B/3 anywhere in the bottom; and
- (c) vertical extent: breach of the outer hull.

Slop tanks.

35.(1) Subject to the provisions of regulation 6(4), oil tankers of 150 gross tonnage and above shall be provided with slop tank arrangements in accordance with the requirements of subregulations (2) and (3) and in oil tankers delivered on or before 31 December 1979, as defined in regulation 4(2), any cargo tank may be designated as a slop tank.

(2) Adequate means shall be provided for cleaning the cargo tanks and transferring the dirty ballast residue and tank washings from the cargo tanks into a slop tank approved by the Administration and in this system arrangements shall be provided to transfer the oily waste into a slop tank or combination of slop tanks in such a way that any effluent discharged into the sea will be such as to comply with the provisions of regulation 40.

(3) The arrangements of the slop tank or combination of slop tanks shall have a capacity necessary to retain the slop generated by tank washings, oil

residues and dirty ballast residues and the total capacity of the slop tank or tanks shall not be less than 3 per cent of the oil carrying capacity of the ship, other than that the Administration may accept—

- (a) 2 per cent for such oil tankers where the tank washing arrangement are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system;
- (b) 2 per cent where segregated ballast tanks or dedicated clean ballast tanks are provided in accordance with regulation 24, or where a cargo tank cleaning system using crude oil washing is fitted in accordance with regulation 39 and this capacity may be further reduced to 1.5 per cent for such oil tankers where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system; and
- (c) 1 per cent for combination carriers where oil cargo is only carried in tanks with smooth walls and this capacity may be further reduced to 0.8 per cent where the tank washing arrangements are such that once the slop tank or tanks are charged with washing water, this water is sufficient for tank washing and, where applicable, for providing the driving fluid for eductors, without the introduction of additional water into the system.

(4) Slop tanks shall be so designed particularly in respect of the position of inlets, outlets, baffles or weirs where fitted, so as to avoid excessive turbulence and entrainment of oil or emulsion with the water.

(5) Oil tankers of 70,000 tonnes deadweight and above delivered after 31 December 1979, as defined in regulation 4(3), shall be provided with at least two slop tanks.

Pumping, piping and discharge arrangement.

36.(1) In every oil tanker, a discharge manifold for connection to reception facilities for the discharge of dirty ballast water or oil-contaminated water shall be located on the open deck on both sides of the ship.

(2) In every oil tanker of 150 gross tonnage and above, pipelines for the discharge to the sea of ballast water or oil contaminated water from cargo tank areas which may be permitted under regulation 40 shall be led to the open deck or to the ship's side above the waterline in the deepest ballast condition and different piping arrangements to permit operation in the manner permitted under subregulation (6) may be accepted.

(3) In oil tankers of 150 gross tonnage and above delivered after 31 December 1979, as defined in regulation 4(3), means shall be provided for stopping the discharge into the sea of ballast water or oil contaminated water from cargo tank areas, other than those discharges below the waterline permitted under subregulation (6), from a position on the upper deck or above located so that the manifold in use referred to in subregulation (1) and the discharge to the sea from the pipelines referred to in subregulation (2) may be visually observed. Means for stopping the discharge need not be provided at the observation position if a positive communication system such as a telephone or radio system is provided between the observation position and the discharge control position.

(4) Every oil tanker delivered after 1 June 1982, as defined in regulation 4(5), required to be provided with segregated ballast tanks or fitted with a crude oil washing system, shall comply with the following requirements—

- (a) it shall be equipped with oil piping so designed and installed that oil retention in the lines is minimised; and
- (b) means shall be provided to drain all cargo pumps and all oil lines at the completion of cargo discharge, where necessary by connection to a stripping device. The line and pump draining shall be capable of being discharged both ashore and to a cargo tank or a slop tank. For discharge ashore a special small diameter line shall be provided and shall be connected outboard of the ship's manifold valves.

(5) Every crude oil tanker delivered on or before 1 June 1982, as defined in regulation 4(4), required to be provided with segregated ballast tanks, or to be fitted with a crude oil washing system, shall comply with the provisions of subregulation (4)(b).

(6) On every oil tanker the discharge of ballast water or oil contaminated water from cargo tank areas shall take place above the waterline, except as provided for in subparagraphs (1) to (5) of paragraph 6 of Regulation 30 of Annex I.

(7) Every oil tanker of 150 gross tonnage and above delivered on or after 1 January 2010, as defined in regulation 4(9), which has installed a sea chest that is permanently connected to the cargo pipeline system, shall be equipped with both a sea chest valve and an inboard isolation valve. In addition to these valves, the sea chest shall be capable of isolation from the cargo piping system whilst the tanker is loading, transporting, or discharging cargo by use of a positive means that is to the satisfaction of the Administration and such a positive means is a facility that is installed in the pipeline system in order to prevent, under all circumstances, the section of pipeline between the sea chest valve and the inboard valve being filled with cargo.

Oil discharge monitoring and control system.

37.(1) Subject to the provisions of subregulations (4) and (5) of regulation 6, oil tankers of 150 gross tonnage and above shall be equipped with an oil discharge monitoring and control system approved by the Administration.

(2) In considering the design of the oil content meter to be incorporated in the system, the Administration shall have regard to the specification recommended by the IMO.

(3) The system shall be fitted with a recording device to provide a continuous record of the discharge in litres per nautical mile and total quantity discharged, or the oil content and rate of discharge and this record shall be identifiable as to time and date and shall be kept for at least three years.

(4) The oil discharge monitoring and control system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the instantaneous rate of discharge of oil exceeds that permitted by regulation 40 and any failure of this monitoring and control system shall stop the discharge.

(5) In the event of failure of the oil discharge monitoring and control system a manually operated alternative method may be used, but the defective unit shall be made operable as soon as possible and subject to allowance by the Administration a tanker with a defective oil discharge monitoring and control system may undertake one ballast voyage before proceeding to a repair port.

(6) The oil discharge monitoring and control system shall be designed and installed in compliance with the guidelines and specifications for oil discharge monitoring and control system for oil tankers developed by the IMO and the Administrations may accept such specific arrangements as detailed in the Guidelines and Specifications.

(7) Instructions as to the operation of the system shall be in accordance with an operational manual approved by the Administration and they shall cover manual as well as automatic operations and shall be intended to ensure that at no time shall oil be discharged except in compliance with the conditions specified in regulation 40.

Oil/water interface detector.

38. Subject to the provisions of subregulations (4) and (5) of regulation 6, oil tankers of 150 gross tonnage and above shall be provided with effective oil/water interface detectors approved by the Administration for a rapid and accurate determination of the oil/water interface in slop tanks and shall be available for use in other tanks where the separation of oil and water is effected and from which it is intended to discharge effluent direct to the sea.

Crude oil washing requirements.

39.(1) Every crude oil tanker of 20,000 tonnes deadweight and above delivered after 1 June 1982, as defined in regulation 4(5), shall be fitted with a cargo tank cleaning system using crude oil washing.

(2) The Administration shall ensure that the system fully complies with the requirements of this regulation within one year after the tanker was first engaged in the trade of carrying crude oil or by the end of the third voyage carrying crude oil suitable for crude oil washing, whichever occurs later.

(3) Crude oil washing installation and associated equipment and arrangements shall comply with the requirements established by the Administration and such requirements shall contain at least all the provisions of the Specifications for the Design, Operation and Control of Crude Oil Washing Systems adopted by the IMO and when a ship is not required, in accordance with subregulation (1) to be, but is equipped with crude oil washing equipment, it shall comply with the safety aspects of the above-mentioned Specifications.

(4) Every crude oil washing system required to be provided in accordance with regulation 24(3) shall comply with the requirements of this regulation.

Control of discharge of oil or oily mixtures from the cargo area of any oil tanker.

40.(1) Subject to the provisions of regulation 7 and subregulation (2) of this regulation, no person shall discharge into the sea any oil or oily mixtures from the cargo area of an oil tanker, except when all the following conditions are satisfied—

- (a) the tanker is not within a special area;
- (b) the tanker is more than 50 nautical miles from the nearest land;
- (c) the tanker is proceeding en route;
- (d) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile;
- (e) the total quantity of oil discharged into the sea does not exceed for tankers delivered on or before 31 December 1979, as defined in regulation 4(2), 1/15,000 of the total quantity of the particular cargo of which the residue formed a part, and for tankers delivered after 31 December 1979, as defined in regulation 4(3), 1/30,000 of the total quantity of the particular cargo of which the residue formed a part; and
- (f) the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by regulations 35 and 37.

(2) The provisions of subregulation (1) shall not apply to the discharge of clean or segregated ballast.

(3) Subject to the provisions of subregulation (4), no person shall discharge into the sea any oil or oily mixture from the cargo area of an oil tanker while in a special area

(4) The provisions of subregulation (3) shall not apply to the discharge of clean or segregated ballast.

(5) Nothing in this regulation shall prohibit a ship on a voyage only part of which is in a special area from discharging outside the special area in accordance with subregulation (1).

(6) The requirements of regulations 35, 37 and 38 shall not apply to oil tankers of less than 150 gross tonnage, for which the control of discharge of oil under this regulation shall be effected by the retention of oil on board with subsequent discharge of all contaminated washings to reception facilities. The total quantity of oil and water used for washing and returned to a storage tank shall be discharged to reception facilities unless adequate arrangements are made to ensure that any effluent which is allowed to be discharged into the sea is effectively monitored to ensure that the provisions of this regulation are complied with.

(7) Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, the Government shall, to the extent it is reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this regulation and the investigation shall include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

(8) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations, which are hazardous to the marine environment or chemicals, or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.

(9) The oil residues which cannot be discharged into the sea in compliance with subregulations (1) and (3) shall be retained on board for subsequent discharge to reception facilities.

Crude oil washing operations.

41.(1) Every oil tanker operating with crude oil washing systems shall be provided with an Operations and Equipment Manual detailing the system and equipment and specifying operational procedures and such a Manual shall be to the satisfaction of the Administration and shall contain all the information set out in the specifications referred to in regulation 39(3) and if an alteration affecting the crude oil washing system is made, the Operations and Equipment Manual shall be revised accordingly.

(2) With respect to the ballasting of cargo tanks, sufficient cargo tanks shall be crude oil washed prior to each ballast voyage in order that, taking into account the tanker's trading pattern and expected weather conditions, ballast water is put only into cargo tanks which have been crude oil washed.

(3) Unless an oil tanker carries crude oil, which is not suitable for crude oil washing, the oil tanker shall operate the crude oil washing system in accordance with the Operations and Equipment Manual.

Oil Record Book, Part II - Cargo/ballast operations.

42.(1) Every oil tanker of 150 gross tonnage and above shall be provided with an Oil Record Book Part II (Cargo/Ballast Operations) and the Oil Record Book Part II, whether as a part of the ship's official logbook or otherwise, shall be in the Form specified in Schedule 3.

(2) The Oil Record Book Part II shall be completed on each occasion, on a tank-to-tank basis if appropriate, whenever any of the following cargo/ballast operations take place in the ship—

- (a) loading of oil cargo;
- (b) internal transfer of oil cargo during voyage;
- (c) unloading of oil cargo;
- (d) ballasting of cargo tanks and dedicated clean ballast tanks;
- (e) cleaning of cargo tanks including crude oil washing;
- (f) discharge of ballast except from segregated ballast tanks;
- (g) discharge of water from slop tanks;
- (h) closing of all applicable valves or similar devices after slop tank discharge operations;
- (i) closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations; and
- (j) disposal of residues.

(3) For oil tankers referred to in regulation 40(6), the total quantity of oil and water used for washing and returned to a storage tank shall be recorded in the Oil Record Book Part II.

(4) In the event of such discharge of oil or oily mixture as is referred to in regulation 7 or in the event of accidental or other exceptional discharge of

oil not excepted by that regulation, a statement shall be made in the Oil Record Book Part II of the circumstances of, and the reasons for, the discharge.

(5) Each operation described in subregulation (2) shall be fully recorded without delay in the Oil Record Book Part II so that all entries in the book appropriate to that operation are completed and each completed operation shall be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master of ship and the entries in the Oil Record Book Part II shall be in English.

(6) Any failure of the oil discharge monitoring and control system shall be noted in the Oil Record Book Part II.

(7) The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship and it shall be preserved for a period of three years after the last entry has been made.

(8) The Administration may inspect the Oil Record Book Part II on board any ship to which this Part applies while the ship is in the port of Gibraltar and may make a copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry and any copy so made which has been certified by the master of the ship as a true copy of an entry in the ship's Oil Record Book Part II shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry.

(9) The inspection of an Oil Record Book Part II and the taking of a certified copy by the Administration under subregulation (8) shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

(10) For oil tankers of less than 150 gross tonnage operating in accordance with regulation 40(6), an appropriate Oil Record Book should be developed by the Administration.

Shipboard oil pollution emergency plan.

43.(1) Every oil tanker of 150 gross tonnage and above and every ship other than an oil tanker of 400 gross tonnage and above shall carry on board a shipboard oil pollution emergency plan approved by the Administration.

(2) The shipboard oil pollution emergency plan shall be prepared based on guidelines developed by the IMO and written in the working language of the master and officers.

(3) The shipboard oil pollution emergency plan shall consist at least of—

- (a) the procedure to be followed by the master or other persons having charge of the ship to report an oil pollution incident, as required in Article 8 and Protocol I of the MARPOL Convention, based on the guidelines developed by the IMO;
- (c) the list of authorities or persons to be contacted in the event of an oil pollution incident;
- (d) a detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of oil following the incident; and
- (e) the procedures and point of contact on the ship for coordinating shipboard action with national and local authorities in combating the pollution.

(4) In the case of ships to which Regulation 17 of Annex II also apply, a shipboard oil pollution emergency plan may be combined with the shipboard marine pollution emergency plan for noxious liquid substances required under Regulation 17 of Annex II and in this case, the title of such a plan shall be “Shipboard marine pollution emergency plan”.

(5) All oil tankers of 5,000 tons deadweight or more shall have prompt access to computerised, shore-based damage stability and residual structural strength calculation programs.

Reception facilities.

44.(1) The Government shall ensure the provision at oil loading terminals, repair areas, and in other parts of the port in which ships have oily residues to discharge, of facilities for the reception of such residues and oily mixtures as remain from oil tankers and other ships adequate to meet the needs of the ships using them without causing undue delay to ships.

(2) Reception facilities in accordance with subregulation (1) shall be provided in—

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- (a) the port and terminals in which crude oil is loaded into oil tankers where such tankers have immediately prior to arrival completed a ballast voyage of not more than 72 hours or not more than 1,200 nautical miles;
 - (b) the port and terminals in which oil other than crude oil in bulk is loaded at an average quantity of more than 1,000 tonnes per day;
 - (c) the ship repair yards or tank cleaning facilities of the port;
 - (d) the port and terminals where they handle ships provided with the sludge tank(s) required by regulation 17;
 - (e) the port in respect of oily bilge waters and other residues, which cannot be discharged in accordance with regulation 21; and
 - (f) the port where loading for bulk cargoes in respect of oil residues from combination carriers takes place and which cannot be discharged in accordance with regulation 40.
- (3) The capacity for the reception facilities shall be as follows—
- (a) crude oil loading terminals shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of regulation 40(1) from all oil tankers on voyages as described in subregulation (2)(a);
 - (b) loading areas of the port and terminals referred to in subregulation (2)(b) shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with the provisions of regulation 40(1) from oil tankers which load oil other than crude oil in bulk;
 - (c) the ship repair yards or tank cleaning facilities of the port shall have sufficient reception facilities to receive all residues and oily mixtures which remain on board for disposal from ships prior to entering such yards or facilities;
 - (d) all facilities provided in the port and terminals under subregulation (2)(d) shall be sufficient to receive all residues

retained according to regulation 17 from all ships that may reasonably be expected to call at the port and those terminals;

- (e) all facilities provided in the port and terminals under this regulation shall be sufficient to receive oily bilge waters and other residues which cannot be discharged in accordance with regulation 21; and
- (f) the facilities provided in the loading areas of the port for bulk cargoes shall take into account the special problems of combination carriers as appropriate.

(4) The Government shall ensure that all oil loading terminals and repair areas of the port within the special area are provided with facilities adequate for the reception and treatment of all the dirty ballast and tank washing water from oil tankers. In addition the part of the port within the special area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships and such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.

(5) The Administration shall notify the IMO for transmission to the Parties concerned of all cases where the facilities provided under this regulation are alleged to be inadequate.

Special requirements for fixed or floating platforms.

45.(1) This regulation applies to fixed or floating platforms including drilling rigs, floating production, storage and offloading facilities (FPSOs) used for the offshore production and storage of oil, and floating storage units (FSUs) used for the offshore storage of produced oil.

(2) Fixed or floating platforms when engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources and other platforms shall comply with the requirements of this Part applicable to ships of 400 gross tonnage and above other than oil tankers, except that—

- (a) they shall be equipped as far as practicable with the installations required in regulations 17 and 20;
- (b) they shall keep a record of all operations involving oil or oily mixture discharges, in a form approved by the Administration; and

- (c) subject to the provisions of regulation 7, the discharge into the sea of oil or oily mixture shall be prohibited except when the oil content of the discharge without dilution does not exceed 15 parts per million.

(3) In verifying compliance with this Part in relation to platforms configured as FPSOs or FSUs, in addition to the requirements of subregulation (2), Administrations should take account of the Guidelines developed by the IMO.

PART 3

CONTROL OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK

Interpretations for Part 3.

46. For the purposes of this Part—

“anniversary date” means the day and the month of each year, which will correspond to the date of expiry of the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;

“associated piping” means the pipeline from the suction point in a cargo tank to the shore connection used for unloading the cargo and includes all ship’s piping, pumps and filters which are in open connection with the cargo unloading line;

“Bulk Chemical Code” means the Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.20(22), as amended by the IMO;

“chemical tanker” means a ship constructed or adapted for the carriage in bulk of any liquid product listed in chapter 17 of the International Bulk Chemical Code;

“clean ballast” means ballast water carried in a tank which, since it was last used to carry a cargo containing a substance in Category X, Y or Z, has been thoroughly cleaned and the residues resulting there from have been discharged and the tank emptied in accordance with the appropriate requirements of this Part;

“depth of water” means the charted depth;

“en route” means that the ship is under way at sea on a course or courses, including deviation from the shortest direct route, which as far as practicable for navigational purposes, will cause any discharge to be spread over as great an area of the sea as is reasonable and practicable;

“International Bulk Chemical Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.19(22), as amended by the IMO;

“liquid substances” are those having a vapour pressure not exceeding 0.28 MPa absolute at a temperature of 37.8°C;

“Manual” means Procedures and Arrangements Manual in accordance with the model given in appendix 6 of Annex II.

“nearest land” or the term “from the nearest land” shall have the meaning assigned to it by Regulation 1.9 of Annex II;

“Noxious Liquid Substance” means any substance indicated in the Pollution Category column of chapter 17 or 18 of the International Bulk Chemical Code or provisionally assessed under the provisions of regulation 6.3 as falling into Category X, Y or Z;

“PPM” means ml/m³;

“residue” means any noxious liquid substance which remains for disposal;

“residue/water mixture” means residue to which water has been added for any purpose (e.g. tank cleaning, ballasting, bilge slops);

“segregated ballast” means ballast water introduced into a tank permanently allocated to the carriage of ballast or cargoes other than oil or Noxious Liquid Substances as variously defined in the Annexes of the MARPOL Convention, and which is completely separated from the cargo and oil fuel system;

“ship constructed” means a ship the keel of which is laid or which is at a similar stage of construction and a ship converted to a chemical tanker, irrespective of the date of construction, shall be treated as a

chemical tanker constructed on the date on which such conversion commenced. This conversion provision shall not apply to the modification of a ship, which complies with all of the following conditions—

- (a) the ship is constructed before 1 July 1986; and
- (b) the ship is certified under the Bulk Chemical Code to carry only those products identified by the Code as substances with pollution hazards only;

“similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tons or one per cent of the estimated mass of all structural material, whichever is less;

“Solidifying Substance” means a noxious liquid substance which—

- (a) in the case of a substance with a melting point of less than 15°C which is at a temperature of less than 5°C above its melting point at the time of unloading; or
- (b) in the case of a substances with a melting point of equal to or greater than 15°C which is at a temperature of less than 10°C above its melting point at the time of unloading;

“Non-solidifying Substance” means a noxious liquid substance, which is not a Solidifying Substance;

“NLS tanker” means a ship constructed or adapted to carry a cargo of Noxious Liquid Substances in bulk and includes an oil tanker as defined in Part 2 when certified to carry a cargo or part cargo of Noxious Liquid Substances in bulk;

“High-Viscosity Substance” means a noxious liquid substance in Category X or Y with a viscosity equal to or greater than 50 mPa.s at the unloading temperature;

“Low-Viscosity Substance” means a noxious liquid substance, which is not a High-Viscosity Substance.

Application of Part 3.

47.(1) Unless expressly provided otherwise, the provisions of this Part shall apply to all ships certified to carry Noxious Liquid Substances in bulk.

(2) Where a cargo subject to the provisions of Part 2 is carried in a cargo space of an NLS tanker, the appropriate requirements of Part 2 shall also apply.

Exceptions for Part 3.

48.(1) The discharge requirements of this Part shall not apply to the discharge into the sea of Noxious Liquid substances or mixtures containing such substances when such a discharge—

- (a) is necessary for the purpose of securing the safety of a ship or saving life at sea; or
- (b) results from damage to a ship or its equipment—
 - (i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and
 - (ii) except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or
- (c) is approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimise the damage from pollution. Any such discharge shall be subject to the approval of any Government in whose jurisdiction it is contemplated the discharge will occur.

(2) A discharge of polluting substances covered by regulation 63 into any of the areas referred to in regulation 3(3) shall not be regarded as criminal offence for the purposes of subregulation (2), (3) or (4) of regulation 122 if it satisfies the conditions set out in—

- (a) paragraph (a) or (c) of subregulation (1); or
- (b) subregulation (2) of regulation 63.

(3) A discharge of polluting substances covered by regulation 63 into the areas referred to in regulation 3(3)(a)(iii), (iv) or (v) shall not be regarded as criminal offence for the purposes of subregulation (2), (3) or (4) of regulation 122 for the owner, the master or the crew when acting under the master's responsibility if it satisfies the condition set out in paragraph (b) of subregulation (1).

Exemptions under Part 3.

49.(1) With respect to amendments to carriage requirements due to the upgrading of the categorization of a substance, the following shall apply—

- (a) where an amendment to Annex II and the International Bulk Chemical Code and Bulk Chemical Code involves changes to the structure or equipment and fittings due to the upgrading of the requirements for the carriage of certain substances, the Administration may modify or delay for a specified period the application of such an amendment to ships constructed before the date of entry into force of that amendment, if the immediate application of such an amendment is considered unreasonable or impracticable. Such relaxation shall be determined with respect to each substance;
- (b) the Administration allowing a relaxation of the application of an amendment under this subregulation shall submit to the IMO a report giving details of the ship or ships concerned, the cargoes certified to carry, the trade in which each ship is engaged and the justification for the relaxation, and reflect the exemption on the Certificate as referred to in regulation 52 or, 56, 57 or 58;

(2) Notwithstanding subregulation (1), the Administration may exempt ships from the carriage requirements under regulation 61 for ships certified to carry individually identified vegetable oils identified by the relevant footnote in chapter 17 of the IBC Code, provided the ship complies with the following conditions—

- (a) subject to this regulation, the NLS tanker shall meet all requirements for ship type 3 as identified in the IBC Code except for cargo tank location;
- (b) under this regulation, cargo tanks shall be located at the following distances inboard and the entire cargo tank length

shall be protected by ballast tanks or spaces other than tanks that carry oil as follows—

- (i) wing tanks or spaces shall be arranged such that cargo tanks are located inboard of the moulded line of the side shell plating nowhere less than 760 mm;
- (ii) double bottom tanks or spaces shall be arranged such that the distance between the bottom of the cargo tanks and the moulded line of the bottom shell plating measured at right angles to the bottom shell plating is not less than $B/15$ (m) or 2.0 m at the centreline, whichever is the lesser. The minimum distance shall be 1.0 metre; and
- (iii) the relevant certificate shall indicate the exemption granted.

(3) Subject to the provisions of paragraph 3 of this regulation, the provisions of regulation 12.1 need not apply to a ship constructed before 1 July 1986 which is engaged in restricted voyages as determined by the Administration between—

- (a) ports or terminals within a Convention country; or
- (b) ports or terminals of more than one Convention countries.

(4) The provisions of subregulation (3) shall only apply to a ship constructed before 1 July 1986 if—

- (a) each time a tank containing Category X, Y or Z substances or mixtures is to be washed or ballasted, the tank is washed in accordance with a prewash procedure approved by the Administration in compliance with Appendix 6 to Annex II and the tank washings are discharged to a reception facility;
- (b) subsequent washings or ballast water are discharged to a reception facility or at sea in accordance with other provisions of this Part;
- (c) the adequacy of the reception facilities at the ports or terminals referred to above, for the purpose of this subregulation, is approved by the Government;

- (d) in the case of ships engaged in voyages to ports or terminals under the jurisdiction of other States Parties to the MARPOL Convention, the Administration communicates to the IMO particulars of the exemption; and
- (e) the certificate required under this Part is endorsed to the effect that the ship is solely engaged in such restricted voyages.

(5) For a ship whose constructional and operational features are such that ballasting of cargo tanks is not required and cargo tank washing is only required for repair or dry-docking, the Administration may allow exemption from the provisions of regulation 62, if all of the following conditions are complied with—

- (a) the design, construction and equipment of the ship are approved by the Administration, having regard to the service for which it is intended;
- (b) any effluent from tank washings which may be carried out before a repair or dry-docking is discharged to a reception facility, the adequacy of which is ascertained by the Administration;
- (c) the certificate required under this Part indicates—
 - (i) that each cargo tank is certified for the carriage of a restricted number of substances which are comparable and can be carried alternately in the same tank without intermediate cleaning; and
 - (ii) the particulars of the exemption;
- (d) the ship carries a Manual approved by the Administration; and
- (e) in the case of ships engaged in voyages to ports or terminals under the jurisdiction of other Convention countries, the Administration communicates to the IMO particulars of the exemption.

Equivalents under Part 3.

50.(1) The Administration may allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Part if such fitting, material, appliance or apparatus is at least as effective as that

required by this Part and this authority of the Administration shall not extend to the substitution of operational methods to effect the control of discharge of Noxious Liquid Substances as equivalent to those design and construction features which are prescribed by any regulation in this Part.

(2) Where the Administration allows a fitting, material, appliance or apparatus as alternative to that required by this Part, under subregulation (1), shall communicate to the IMO.

(3) Notwithstanding the provisions of subregulations (1) and (2), the construction and equipment of liquefied gas carriers certified to carry Noxious Liquid Substances listed in the applicable Gas Carrier Code, shall be deemed to be equivalent to the construction and equipment requirements contained in regulations 61 and 62 if the gas carrier meets all following conditions—

- (a) hold a Certificate of Fitness in accordance with the appropriate Gas Carrier Code for ships certified to carry liquefied gases in bulk;
- (b) hold an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk, in which it is certified that the gas carrier may carry only those Noxious Liquid Substances identified and listed in the appropriate Gas Carrier Code;
- (c) be provided with segregated ballast arrangements;
- (d) be provided with pumping and piping arrangements, which, to the satisfaction of the Administration, ensure that the quantity of cargo residue remaining in the tank and its associated piping after unloading does not exceed the applicable quantity of residue as required by regulation 62(1), (2) or (3); and
- (e) be provided with a Manual, approved by the Administration, ensuring that no operational mixing of cargo residues and water will occur and that no cargo residues will remain in the tank after applying the ventilation procedures prescribed in the Manual.

Categorization and listing of Noxious Liquid Substances and other substances.

51.(1) For the purpose of this Part, Noxious Liquid Substances shall be divided into four categories as follows—

- (a) Category X: Noxious Liquid Substances which, if discharged into the sea from tank cleaning or deballasting operations, are deemed to present a major hazard to either marine resources or human health and, therefore, justify the prohibition of the discharge into the marine environment;
- (b) Category Y: Noxious Liquid Substances which, if discharged into the sea from tank cleaning or deballasting operations, are deemed to present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify a limitation on the quality and quantity of the discharge into the marine environment;
- (c) Category Z: Noxious Liquid Substances which, if discharged into the sea from tank cleaning or deballasting operations, are deemed to present a minor hazard to either marine resources or human health and therefore justify less stringent restrictions on the quality and quantity of the discharge into the marine environment;
- (d) Other Substances: substances indicated as OS (Other Substances) in the pollution category column of chapter 18 of the International Bulk Chemical Code which have been evaluated and found to fall outside Category X, Y or Z as defined in regulation 6.1 of Annex II because they are, at present, considered to present no harm to marine resources, human health, amenities or other legitimate uses of the sea when discharged into the sea from tank cleaning or deballasting operations. The discharge of bilge or ballast water or other residues or mixtures containing only substances referred to as Other Substances shall not be subject to any requirements of Annex II.

(2) Guidelines for use in the categorization of Noxious Liquid Substances are given in Appendix 1 to Annex II.

(3) Where it is proposed to carry a liquid substance in bulk which has not been categorised under subregulation (1), the Government shall establish and agree on a provisional assessment for the proposed operation on the basis of the guidelines referred to in subregulation (2) and until full

agreement with the other Government involved in the proposed operation has been reached, the substance shall not be carried.

(4) Where Gibraltar is the producing or shipping country initiating the agreement concerned, the Government shall, as soon as possible, but not later than 30 days after the agreement has been reached, notify the IMO and provide details of the substance and the provisional assessment.

Survey and certification of chemical tankers.

52. Notwithstanding the provisions of regulations 53 to 60, chemical tankers which have been surveyed and certified by a Convention country in accordance with the provisions of the International Bulk Chemical Code or the Bulk Chemical Code, as applicable, shall be deemed to have complied with the provisions of the said regulations, and the certificate issued under that Code shall have the same force and receive the same recognition as the certificate issued under regulation 56, 57 or 58.

Surveys under Part 3.

53.(1) Ships carrying Noxious Liquid Substances in bulk shall be subject to the following surveys–

- (a) an initial survey before the ship is put in service or before the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk required under regulation 56, 57 or 58 is issued for the first time;
- (b) a renewal survey at intervals specified by the Administration, but not exceeding 5 years, except where subregulation (2), (5) (6) or (7) of regulation 60 is applicable;
- (c) an intermediate survey within 3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk which shall take the place of one of the annual surveys specified in paragraph (d) of this subregulation;
- (d) an annual survey within 3 months before or after each anniversary date of the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk including a general inspection of the structure, equipment,

systems, fittings, arrangements and material referred to in subregulation (2); and

- (e) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 55 or whenever any important repairs or renewals are made.

(2) An initial survey referred to in subregulation (1)(a) shall—

- (a) include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Part; and
- (b) be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Part.

(3) A renewal survey referred to in subregulation (1)(b) shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with applicable requirements of this Part.

(4) An intermediate survey referred to in subregulation (1)(c) shall be such as to ensure that the equipment and associated pump and piping systems fully comply with the applicable requirements of this Part and are in good working order and such intermediate surveys shall be endorsed on the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk issued under regulation 56, 57 or 58.

(5) An annual survey referred to in subregulation (1)(d) shall be to ensure that they have been maintained in accordance with regulation 55 and that they remain satisfactory for the service for which the ship is intended and such annual surveys shall be endorsed on the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk issued under regulation 56, 57 or 58.

(6) An additional survey referred to in subregulation (1)(e) shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory and that the ship complies in all respects with the requirements of this Part.

Procedure of surveys under Part 3.

54.(1) When a ship to which this Part applies, requires surveys under regulation 53 and the enforcement of the provisions of this Part, the

Administration shall nominate one or more surveyors or authorise a recognised organisation to carry out such surveys on its behalf.

(2) Where a recognised organisation is authorised under subregulation (1), it shall comply with the Guidelines adopted by the IMO by Resolution A.739(18), as amended, and the specification adopted by the IMO by Resolution A.789(19), as amended.

(3) In the course of nominating a surveyor or authorising a recognised organisation to conduct surveys under subregulation (1), the Administration shall, as a minimum, empower the surveyor or the recognised organisation to—

- (a) require repairs to a ship;
- (b) carry out surveys, if requested by an Administration of a Convention country; and
- (c) cause the IMO to be notified of the specific responsibilities and conditions of the authority delegated to the surveyor or recognised organisation.

(4) When a nominated surveyor or recognised organisation determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, such surveyor or organisation shall—

- (a) immediately ensure that corrective action is taken by the owner and the master of the ship; and
- (b) in due course notify the Administration.

(5) If corrective action is not taken under subregulation (4) within the time limit set by the nominated surveyor or the recognised organisation, and the ship is a Gibraltar ship, the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk shall be withdrawn and the Administration shall be notified immediately, and if the ship is in the port of another Convention country, the Administration of that country shall also be notified immediately.

(6) The nominated surveyor or the recognised organisation shall take such steps as will ensure that the ship shall not sail until it can proceed to sea or

leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

(7) In every case, the Administration shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

Maintenance of the condition of the ship and its equipment after surveys under Part 3.

55.(1) The owner and the master of the ship shall maintain the condition of the ship and its equipment to conform with the provisions of the MARPOL Convention to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) After any survey of the ship under regulation 53 has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the approval of the Administration, other than the direct replacement of such equipment and fittings.

(3) Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by this Part, the master or owner of the ship shall report at the earliest opportunity to the Administration, the recognised organisation or the nominated surveyor responsible for issuing the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk, who shall cause investigations to be initiated to determine whether a survey as required by regulations 53 and 54 is necessary.

(4) If the ship is in the port of another Convention country, the master or owner shall also report immediately to the Administration of that country and the nominated surveyor or recognised organisation shall ascertain that such report has been made.

Issue or endorsement of International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk by or on behalf of the Administration.

56.(1) An International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk shall be issued after an initial or renewal

survey in accordance with the provisions of regulations 53 and 54, to any ship carrying noxious liquid substances in bulk which is engaged in international voyages.

(2) A Certificate referred to in subregulation (1) shall be issued or endorsed either by the Administration or by a recognised organisation and in every case, the Administration assumes full responsibility for the Certificate.

Issue or endorsement of an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk by another Administration.

57. The Administration in Gibraltar may request any Administration of a Convention country to survey a Gibraltar ship and, if satisfied that the provisions of Annex II are complied with, issue or authorise the issue to the ship of an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk, and where appropriate, endorse or authorise the endorsement of that Certificate on the ship, in accordance with Annex II and an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk issued in accordance with such a request containing a statement that it has been so issued shall have the same effect as if it had been issued by the Administration in Gibraltar.

Issue or endorsement of an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk on request by another Administration.

58.(1) The Administration in Gibraltar may, if requested by an Administration of a Convention country, cause a ship to be surveyed and, if satisfied that the provisions of Annex II are complied with, issue or authorise the issue to the ship of an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk, and where appropriate, endorse or authorise the endorsement of that Certificate on the ship, in accordance with Annex II.

(2) A copy of the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(3) A Certificate issued under this regulation shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as the

International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in bulk Certificate issued under regulation 56(1).

(4) No International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in bulk shall be issued to a ship, which is entitled to fly the flag of a State, which is not a Convention country.

Form of an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in bulk .

59.(1) The International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in bulk shall be drawn up in a form corresponding to the model given in Appendix 3 to Annex II as set out in Schedule 5 and shall be drawn. up in English.

(2) If the language used in the Certificate is the official language of the flag State but that language is not English, the text shall include a translation into English and the official language shall prevail in the case of a dispute or discrepancy.

Duration and validity of the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk.

60.(1) An International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk shall be issued for a period specified by the Administration, which shall not exceed five years.

(2) Notwithstanding the requirements of subregulation (1), when the renewal survey is completed within three months before the expiry date of the existing Certificate, the new International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate.

(3) When the renewal survey is completed—

- (a) after the expiry date of the existing International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk , the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate; and

- (b) more than three months before the expiry date of the existing International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

(4) Where an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk is issued for a period of less than five years, the Administration may extend the validity of the Certificate beyond the expiry date to the maximum period specified in subregulation (1) if the surveys referred to in regulation 53(1)(c) and 53(1)(d) are carried out as appropriate when an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk is issued for a period of five years.

(5) Where a renewal survey has been completed and a new International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the person or organisation authorised by the Administration may endorse the existing International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk and such a Certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

(6) Where a ship is not in a port in which it is to be surveyed at the time when an International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk expires, the Administration may extend the period of validity of the Certificate and such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so.

(7) No International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk shall be extended for a period longer than three months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk.

(8) An International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk issued to a ship engaged on short voyages which has not been extended under this regulation may be extended

by the Administration for a period of grace of up to one month from the date of expiry stated on it and when the renewal survey is completed, the new International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.

(9) If there are any special circumstances as may be determined by the Administration, a new International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk need not be dated from the date of expiry of the existing Certificate as required by sub-regulation (3), (6), (7) or (8) and, in these special circumstances, the new International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk shall be valid until a date not exceeding five years from the date of completion of the renewal survey.

(10) Where an annual or intermediate survey is completed before the period specified in regulation 53, then—

- (a) the anniversary date shown on the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
- (b) the subsequent annual or intermediate survey required by regulation 53 shall be completed at the intervals prescribed by that regulation using the new anniversary date; and
- (c) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 53 are not exceeded.

(11) A International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk issued under regulation 56, 57 or 58 shall cease to be valid in any of the following cases—

- (a) if the relevant surveys are not completed within the periods specified under regulation 53;
- (b) if the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk is not endorsed in accordance with regulation 53(4)(b) or 53(5); and

- (c) upon transfer of the ship to the flag of another Convention country.

(12) No new International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk shall be issued unless the Administration is fully satisfied that the ship is in compliance with the requirements of subregulation (1) or (2) of regulation 55 and in the case of a transfer of a Gibraltar ship, if requested within three months after the transfer has taken place, the Maritime Administrator shall, as soon as possible, transmit the copies of the Certificate carried by the ship before the transfer and, if available, copies of the relevant survey reports to the Administration of the country whose flag the ship is entitled to fly after the transfer has taken place.

Design, construction, equipment and operations.

61.(1) The design, construction, equipment and operation of ships certified to carry Noxious Liquid Substances in bulk identified in chapter 17 of the International Bulk Chemical Code, shall be in compliance with the following provisions to minimise the uncontrolled discharge into the sea of such substances—

- (a) the International Bulk Chemical Code when the chemical tanker is constructed on or after 1 July 1986; or
- (b) the Bulk Chemical Code as referred to in paragraph 1.7.2 of that Code for—
 - (i) ships for which the building contract is placed on or after 2 November 1973 but constructed before 1 July 1986, and which are engaged on international voyages; and
 - (ii) ships constructed on or after 1 July 1983 but before 1 July 1986, which are engaged solely on domestic voyages;
- (b) the Bulk Chemical Code as referred to in paragraph 1.7.3 of that Code for—
 - (i) ships for which the building contract is placed before 2 November 1973 and which are engaged on international voyages; and

- (ii) ships constructed before 1 July 1983, which are solely engaged on domestic.

(2) In respect of ships other than chemical tankers or liquefied gas carriers certified to carry Noxious Liquid Substances in bulk identified in chapter 17 of the International Bulk Chemical Code, the Administration shall establish appropriate measures based on the Guidelines developed by the IMO in order to ensure that the provisions shall be such as to minimise the uncontrolled discharge into the sea of such substances.

Pumping, piping, unloading arrangements and slop tanks.

62.(1) Every ship constructed before 1 July 1986 shall be provided with a pumping and piping arrangement to ensure that each tank certified for the carriage of substances in Category X or Y does not retain a quantity of residue in excess of 300 litres in the tank and its associated piping and that each tank certified for the carriage of substances in Category Z does not retain a quantity of residue in excess of 900 litres in the tank and its associated piping and a performance test shall be carried out in accordance with *Appendix 5 to Annex II*.

(2) Every ship constructed on or after 1 July 1986 but before 1 January 2007 shall be provided with a pumping and piping arrangement to ensure that each tank certified for the carriage of substances in Category X or Y does not retain a quantity of residue in excess of 100 litres in the tank and its associated piping and that each tank certified for the carriage of substances in Category Z does not retain a quantity of residue in excess of 300 litres in the tank and its associated piping and a performance test shall be carried out in accordance with Appendix 5 to Annex II.

(3) Every ship constructed on or after 1 January 2007 shall be provided with a pumping and piping arrangement to ensure that each tank certified for the carriage of substances in Category X, Y or Z does not retain a quantity of residue in excess of 75 litres in the tank and its associated piping. A performance test shall be carried out in accordance with Appendix 5 to Annex II.

(4) For a ship other than a chemical tanker constructed before 1 January 2007 which cannot meet the requirements for the pumping and piping arrangements for substances in Category Z referred to in subregulations (1) and (2) of this regulation no quantity requirement shall apply. Compliance is deemed to be reached if the tank is emptied to the most practicable extent.

(5) Pumping performance tests referred to in subregulations (1), (2) and (3) of this regulation shall be approved by the Administration and pumping performance tests shall use water as the test medium.

(6) Ships certified to carry substances of Category X, Y or Z shall have an underwater discharge outlet (or outlets).

(7) For ships constructed before 1 January 2007 and certified to carry substances in Category Z an underwater discharge outlet as required under subregulation (6) of this regulation is not mandatory.

(8) The underwater discharge outlet (or outlets) shall be located within the cargo area in the vicinity of the turn of the bilge and shall be so arranged as to avoid the re-intake of residue/water mixtures by the ship's seawater intakes.

(9) The underwater discharge outlet arrangement shall be such that the residue/water mixture discharged into the sea will not pass through the ship's boundary layer and to this end, when the discharge is made normal to the ship's shell plating, the minimum diameter of the discharge outlet is governed by the equation provided for in paragraph 9 of Regulation 12 of Annex II.

(10) When the discharge is directed at an angle to the ship's shell plating, the above relationship shall be modified by substituting for Q_d the component of Q_d which is normal to the ship's shell plating.

(11) Although this Part does not require the fitting of dedicated slop tanks, slop tanks may be needed for certain washing procedures and cargo tanks may be used as slop tanks.

Control of discharges of residues of Noxious Liquid Substances.

63.(1) Subject to the provisions of regulation 48 the control of discharges of residues of Noxious Liquid Substances or ballast water, tank washings or other mixtures containing such substances shall be in compliance with the requirements of this regulation.

(2) No person shall discharge any residues of substances assigned to Category X, Y or Z or of those provisionally assessed as such or ballast water, tank washings or other mixtures containing such substances into the sea unless such discharges are made in full compliance with the applicable operational requirements contained in this Part.

(3) Before any prewash or discharge procedure is carried out in accordance with this regulation, the relevant tank shall be emptied to the maximum extent in accordance with the procedures prescribed in the Manual.

(4) The carriage of substances which have not been categorised, provisionally assessed or evaluated as referred to in regulation 51 or of ballast water, tank washings or other mixtures containing such residues is prohibited along with any consequential discharge of such substances into the sea.

(5) Where the provisions in this regulation allow the discharge into the sea of residues of substances in Category X, Y or Z or of those provisionally assessed as such or ballast water, tank washings or other mixtures containing such substances, the following discharge standards shall apply—

- (a) the ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships, which are not self-propelled;
- (b) the discharge is made below the waterline through the underwater discharge outlet(s) not exceeding the maximum rate for which the underwater discharge outlet(s) is (are) designed; and
- (c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 metres.

(6) For ships constructed before 1 January 2007 the discharge into the sea of residues of substances in Category Z or of those provisionally assessed as such or ballast water, tank washings or other mixtures containing such substances below the waterline is not mandatory.

(7) The Administration may waive the requirements of subregulation (5)(c) for substances in Category Z, regarding the distance of not less than 12 nautical miles from the nearest land for ships solely engaged in voyages within BGTW. In addition, the Administration may waive the same requirement regarding the discharge distance of not less than 12 nautical miles from the nearest land for a particular Gibraltar ship when engaged in voyages within waters subject to the sovereignty or jurisdiction of one adjacent state after the establishment of an agreement, in writing, of a waiver between the two coastal States involved provided that no third party will be affected. Information on such agreement shall be communicated to the IMO within 30 days.

(8) Ventilation procedures approved by the Administration may be used to remove cargo residues from a tank and such procedures shall be in accordance with Appendix 7 to Annex II and any water subsequently introduced into the tank shall be regarded as clean and shall not be subject to the discharge requirements in this Part.

(9) On request of the ship's master an exemption for a prewash may be granted by the Government where it is satisfied that—

- (a) the unloaded tank is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed or ballasted prior to loading; or
- (b) the unloaded tank is neither washed nor ballasted at sea. The prewash in accordance with the applicable paragraph of this regulation shall be carried out at another port provided that it has been confirmed in writing that a reception facility at that port is available and is adequate for such a purpose; or
- (c) the cargo residues will be removed by a ventilation procedure approved by the Administration in accordance with Appendix 7 to Annex II.

(10) When a washing medium other than water, such as mineral oil or chlorinated solvent, is used instead of water to wash a tank, its discharge shall be governed by the provisions of either Part 2 or Part 3, which would apply to the medium had it been carried as cargo. Tank washing procedures involving the use of such a medium shall be set out in the Manual and be approved by the Administration.

(11) When small amounts of cleaning additives (detergent products) are added to water in order to facilitate tank washing, no additives containing Pollution Category X components shall be used except those components that are readily biodegradable and present in a total concentration of less than 10% of the cleaning additive. No restrictions additional to those applicable to the tank due to the previous cargo shall apply.

(12) Subject to the provision of subregulation (1), in respect of discharge of residues of Category X, the following provisions shall apply—

- (a) a tank from which a substance in Category X has been unloaded, shall be prewashed before the ship leaves the port of unloading. The resulting residues shall be discharged to a

reception facility until the concentration of the substance in the effluent to such facility, as indicated by analyses of samples of the effluent taken by the surveyor, is at or below 0.1% by weight. When the required concentration level has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty. Appropriate entries of these operations shall be made in the Cargo Record Book and endorsed by the surveyor referred to in regulation 61(1);

- (b) any water subsequently introduced into the tank may be discharged into the sea in accordance with the discharge standards in Regulation 13.2 of Annex II;
- (c) where the Administration is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, it may accept an alternative procedure as being equivalent to obtain the required concentration in Regulation 13.6.1.1 of Annex II if-
 - (i) the tank is prewashed in accordance with a procedure approved by the Administration in compliance with Appendix 6 to Annex II; and
 - (ii) appropriate entries shall be made in the Cargo Record Book and endorsed by the surveyor referred to in regulation 66(1).

(13) Subject to the provision of subregulation (1), in respect of discharge of residues of Category Y and Z the following provisions shall apply–

- (a) with respect to the residue discharge procedures for substances in Category Y or Z the discharge standards in Regulation 13.2 of Annex II shall apply;
- (b) if the unloading of a substance of Category Y or Z is not carried out in accordance shall be carried out before the ship leaves the port of unloading, unless alternative measures are taken to the satisfaction of the surveyor referred to in regulation 66(1) to remove the cargo residues from the ship to quantities specified in this Part and the resulting tank washings of the prewash shall be discharged to a reception facility at the port of unloading or another port with a suitable reception facility if it

has been confirmed in writing that a reception facility at that port is available and is adequate for such a purpose;

- (c) for High-Viscosity or Solidifying Substances in Category Y the following shall apply—
 - (i) a prewash procedure as specified in appendix 6 shall be applied;
 - (ii) the residue/water mixture generated during the prewash shall be discharged to a reception facility until the tank is empty; and
 - (iii) any water subsequently introduced into the tank may be discharged into the sea in accordance with the discharge standards in Regulation 13.2 of Annex II.

(14) In respect of operational requirements for ballasting and deballasting the provisions of paragraph 7.2 of Regulation 13 of Annex II shall apply.

(15) In the Antarctic area any discharge into the sea of Noxious Liquid Substances or mixtures containing such substances is prohibited and for the purposes of this subregulation, “Antarctic Area” means the sea area south of latitude 60°S.

Procedures and Arrangements Manual.

64.(1) Every ship certified to carry substances of Category X, Y or Z shall have on board a Manual approved by the Administration and that Manual shall have a standard format in compliance with Appendix 4 to Annex II.

(2) In the case of a ship engaged in international voyages on which the language used is not English, the text of the Manual shall include a translation into English.

(3) The main purpose of the Manual is to identify for the ship’s officers the physical arrangements and all the operational procedures with respect to cargo handling, tank cleaning, slops handling and cargo tank ballasting and deballasting which must be followed in order to comply with the requirements of this Part.

Cargo Record Book.

65.(1) Every ship to which this Part applies shall be provided with a Cargo Record Book, whether as part of the ship's official logbook or otherwise, in the form specified in Appendix 2 to Annex II as set out in Schedule 4 and after completion of any operation specified in Appendix 2 to Annex II as set out in Schedule 4 the operation shall be promptly recorded in the Cargo Record Book.

(2) In the event of an accidental discharge of a noxious liquid substance or a mixture containing such a substance or a discharge under the provisions of regulation 48, an entry shall be made in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

(3) Each entry shall be signed by the officer or officers in charge of the operation concerned and each page shall be signed by the master of the ship. The entries in the Cargo Record Book, for ships holding an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk or a certificate referred to in regulation 52 shall be in English.

(4) The Cargo Record Book shall be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship and it shall be retained for a period of three years after the last entry has been made.

(5) The Administration may inspect the Cargo Record Book on board any ship to which this Part applies while the ship is in the port of Gibraltar, and may make a copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry and any copy so made which has been certified by the master of the ship as a true copy of an entry in the ship's Cargo Record Book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry.

(6) The inspection of a Cargo Record Book and the taking of a certified copy by the Administration under subregulation 9(5) shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

Measures of control.

66.(1) The Administration shall authorise surveyors for the purpose of implementing this regulation and the surveyors shall execute control in accordance with control procedures developed by the IMO.

(2) When an authorised surveyor has verified that an operation has been carried out in accordance with the requirements of the Manual, or has

granted an exemption for a prewash, then that surveyor shall make an appropriate entry in the Cargo Record Book.

(3) The master of a ship certified to carry Noxious Liquid Substances in bulk shall ensure that the provisions of Regulation 13 of Annex II and of this regulation have been complied with and that the Cargo Record Book is completed in accordance with regulation 65 whenever operations as referred to in that regulation take place.

(4) A tank which has carried a Category X substance shall be prewashed in accordance with Regulation 13.6 of Annex II and the appropriate entries of these operations shall be made in the Cargo Record Book and endorsed by the surveyor referred to under subregulation (1).

(5) Where the Administration is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, then it may accept the alternative procedure referred to in Regulation 13.6.3 of Annex II if the surveyor referred to in subregulation (1) certifies in the Cargo Record Book that—

- (a) the tank, its pump and piping systems have been emptied; and
- (b) the prewash has been carried out in accordance with the provisions of Appendix 6 to Annex II; and
- (c) the tank washing resulting from such prewash have been discharged to a reception facility and the tank is empty.

(6) At the request of the ship's master, the Administration may exempt the ship from the requirements for a prewash referred to in the applicable paragraphs of Regulation 13 of Annex II when one of the conditions of Regulation 13.4 of Annex II is met.

(7) An exemption referred to in subregulation (6) may only be granted by the Administration to a ship engaged in international voyages and when such an exemption has been granted, the appropriate entry made in the Cargo Record Book shall be endorsed by the surveyor referred to in subregulation (1).

(8) If the unloading is not carried out in accordance with the pumping conditions for the tank approved by the Administrations and based on Appendix 5 to Annex II, alternative measures may be taken to the satisfaction of the surveyor referred to in subregulation (1) to remove the cargo residues from the ship to quantities specified in regulation 62 as

applicable and the appropriate entries shall be made in the Cargo Record Book.

(9) When a ship of another Convention country is in the port of Gibraltar and there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by Noxious Liquid Substances, that ship shall be subject to inspection by surveyors duly authorised by the Administration concerning operational requirements under this Part.

(10) In the circumstances given in subregulation (9), the Administration shall take such steps as will ensure that the ship shall not sail until the situation has been brought to order in accordance with the requirements of this Part and the procedures relating to the port State control prescribed by the Gibraltar Merchant Shipping (Port State Control) Regulations 2003 shall apply.

(11) Nothing in this regulation shall be construed to limit the rights and obligations of the Administration carrying out control over operational requirements specifically provided for in the MARPOL Convention.

Shipboard marine pollution emergency plan for Noxious Liquid Substances.

67.(1) Every ship of 150 gross tonnage and above certified to carry Noxious Liquid Substances in bulk shall carry on board a shipboard marine pollution emergency plan for Noxious Liquid Substances approved by the Administration.

(2) A shipboard marine pollution emergency plan for Noxious Liquid Substances shall be based on the Guidelines developed by the IMO and written in a working language understood by the master and officers and if the language used is not English, a translation of it in English shall be provided.

(3) The shipboard marine pollution emergency plan for Noxious Liquid Substances plan shall consist at least of—

- (a) the procedure to be followed by the master or other persons having charge of the ship to report a Noxious Liquid Substances pollution incident, as required in Article 8 and Protocol I of the MARPOL Convention, based on the Guidelines developed by the IMO;

- (b) the list of authorities or persons to be contacted in the event of a Noxious Liquid Substances pollution incident;
- (c) a detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of Noxious Liquid Substances following the incident; and
- (d) the procedures and point of contact on the ship for co-ordinating shipboard action with national and local authorities in combating the pollution.

(4) In the case of ships to which Regulation 37 of Annex I also applies, such a plan may be combined with the shipboard oil pollution emergency plan required under Regulation 37 of Annex I and in this case, the title of such a plan shall be “Shipboard Marine Pollution Emergency Plan”.

Reception facilities and cargo unloading terminal arrangements.

68.(1) The Government shall ensure the provision of reception facilities according to the needs of ships using the port of Gibraltar as follows—

- (a) the port and terminals involved in ships cargo handling shall have adequate facilities for the reception of residues and mixtures containing such residues of Noxious Liquid Substances resulting from compliance with this Part, without undue delay for the ships involved; and
- (b) ship repair areas of the port undertaking repairs to NLS tankers shall provide facilities adequate for the reception of residues and mixtures containing Noxious Liquid Substances for ships calling at the port.

(2) The Government shall determine the types of facilities provided for the purpose of subregulation (1) at each cargo loading and unloading areas of the port, terminal and ship repair areas of the port and notify the IMO thereof.

(3) The Government shall ensure that cargo-unloading terminals shall provide arrangements to facilitate stripping of cargo tanks of ships unloading Noxious Liquid Substances at these terminals. Cargo hoses and piping systems of the terminal, containing Noxious Liquid Substances received from ships unloading these substances at the terminal, shall not be drained back to the ship.

(4) The Government shall ensure that the IMO is notified of any case where facilities required under subregulation (1) or arrangements required under paragraph 3 of Regulation 18 of Annex II are alleged to be inadequate.

PART 4

PREVENTION OF POLLUTION BY HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED FORM

Application of Part 4.

69.(1) Part 4 shall apply to all ships carrying harmful substances in packaged form, unless expressly provided otherwise elsewhere in these Regulations.

(2) The carriage of harmful substances is prohibited, except in accordance with the provisions of this Part.

(3) In order to supplement the provisions of this Part, the Government shall issue, or caused to be issued, detailed requirements on packing, marking, labelling, documentation, stowage, quantity limitations and exceptions for preventing or minimising pollution of the marine environment by harmful substances.

(4) For the purposes of this Part, empty packaging, which has been used previously for the carriage of harmful substances, shall themselves be treated as harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is harmful to the marine environment.

(5) The requirements of this Part do not apply to ship's stores and equipment.

(6) For the purposes of this Part—

“harmful substances” are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code) or which meet the criteria provided in the Appendix to Annex III as set out in Schedule 6; and

“packaged form” is defined as the forms of containment specified for harmful substances in the IMDG Code.

Packing.

70. Packages shall be adequate to minimise the hazard to the marine environment, having regard to their specific contents.

Marking and labeling.

71.(1) Packages containing a harmful substance shall be durably marked with the correct technical name (trade names alone shall not be used) and, further, shall be durably marked or labelled to indicate that the substance is a marine pollutant and such identification shall be supplemented where possible by any other means, for example, by use of the relevant United Nations number.

(2) The method of marking the correct technical name and of affixing labels on packages containing a harmful substance shall be such that this information will still be identifiable on packages surviving at least three months' immersion in the sea and in considering suitable marking and labelling, account shall be taken of the durability of the materials used and of the surface of the package.

(3) Packages containing small quantities of harmful substances may be exempted from the marking requirements.

Documentation.

72.(1) In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of each such substance shall be used (trade names alone shall not be used) and the substance further identified by the addition of the words "MARINE POLLUTANT".

(2) The shipping documents supplied by the shipper shall include, or be accompanied by, a signed certificate or declaration that the shipment offered for carriage is properly packaged and marked, labelled or placarded as appropriate and in proper condition for carriage to minimise the hazard to the marine environment.

(3) Every ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof and a detailed stowage plan which sets out the location of the harmful substances on board may be used in place of such special list or manifest and copies of such documents shall also be retained on shore by the owner of the ship or his representative until the harmful substances are unloaded.

(4) A copy of one of the documents required by this regulation shall be made available before departure to the Captain of the Port.

(5) At any stopover, where any loading or unloading operations, even partial, are carried out, a revision of the documents listing the harmful substances taken on board, indicating their location on board or showing a detailed stowage plan shall be made available before departure to the Captain of the Port.

(6) When the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the SOLAS Convention, the documents required by this regulation may be combined with those for dangerous goods and where documents are combined, a clear distinction shall be made between dangerous goods and harmful substances covered by this Part.

Stowage.

73. Harmful substances shall be properly stowed and secured so as to minimise the hazards to the marine environment without impairing the safety of the ship and persons on board.

Quantity limitations.

74. The Administration—

- (a) may, for sound scientific and technical reasons, prohibit certain harmful substances for carriage or may limit as to the quantity which may be carried aboard any one ship; and
- (b) shall, in limiting the quantity and in doing so, give due consideration to size, construction and equipment of the ship, as well as the packaging and the inherent nature of the substances.

Exceptions for Part 4.

75.(1) Jettisoning of harmful substances carried in packaged form is prohibited, except where necessary for the purpose of securing the safety of the ship or saving life at sea.

(2) Subject to the provisions of these Regulations, appropriate measures based on the physical, chemical and biological properties of harmful substances shall be taken to regulate the washing of leakages overboard,

provided that compliance with such measures would not impair the safety of the ship and persons on board.

PART 5

PREVENTION OF POLLUTION BY SEWAGE FROM SHIPS

Interpretation of Part 5.

76.(1) For the purposes of this Part—

“additional survey” has the meaning given to it by regulation 81(4);

“Certifying Authority” means the Administration or any organisation which is a recognised organisation for the purposes of the Gibraltar Merchant Shipping (Organisation for Inspection, Survey and Certification of Ships) Regulations 2002;

“date of expiry”, in relation to a Sewage Certificate held in respect of a ship, means the last day of the period specified in that Sewage Certificate as the period for which that Certificate is valid;

“flag State”, in relation to a ship, means the State whose flag the ship is entitled to fly;

“infrastructure”, in relation to a ship, means the structure, equipment, systems, fittings, arrangements and material of that ship, which are the subject of requirements in Annex IV;

“initial survey” has the meaning given to it by regulation 78(3);

“international voyage” means a voyage from a country to which the MARPOL Convention applies to a port outside that country, or conversely;

“offshore terminal” means an installation situated away from the shore, where bulk, fluid or gas cargo, or more than one of these, is—

- (a) transferred between ships;
- (b) loaded onto a ship after having been transported from the shoreline; or
- (c) unloaded from a ship for transporting to the shoreline;

“renewal survey” has the meaning given to it by regulation 79(3);

“Sewage Certificate” means an International Sewage Pollution Prevention Certificate referred to in Regulation 5 of Annex IV;

“ship in dedicated trades” means a ship which is on a scheduled service on a regular route;

“short voyage” means a voyage which—

- (a) does not exceed 1000 nautical miles between the last port of call in the country in which the voyage begins and the last port of call in the voyage before beginning any return voyage; and
- (b) on any return voyage does not exceed 1000 nautical miles between the port of call in which the ship begins its return voyage and the first port of call in the country in which the voyage began,

and for the purposes of this definition, no account is to be taken of any deviation by a ship from its intended voyage due solely to stress of weather or any other circumstances that neither the master, the owner or the charterer (if any) of the ship could have prevented or forestalled;

“survey” means a survey carried out by a surveyor;

“surveyor” means a surveyor of ships, or any other person appointed by the Certifying Authority to be a surveyor;

“sewage” means—

- (a) drainage and other wastes from any form of toilets and urinals;
 - (b) drainage from medical premises (including, for example, a dispensary or sick bay) via wash basins, wash tubs and scuppers located in such premises;
 - (c) drainage from spaces containing living animals; or
 - (d) other waste waters when mixed with any drainage referred to in paragraph (a), (b) or (c).
- (2) For the purposes of this Part, a “discharge” does not include—

- (a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, signed at London on 13 November 1972, as amended by the 1996 Protocol; or
- (b) the release of sewage for the purposes of legitimate scientific research into pollution abatement or control.

(3) For the purposes of this Part, an “old ship” means a ship whose date of construction is before 2 October 1983, and the date of construction of a ship is the date on which the keel of the ship is laid or on which the ship is at a stage of construction at which—

- (a) construction identifiable with a specific ship has begun; and
- (b) assembly of that ship has incorporated at least 50 tonnes of structural material or one percent of the estimated mass of all structural material, whichever is less.

Application of Part 5.

77.(1) Regulations 78 to 83, 85, 86, 87(1) to (5) and 88(1) and (2) apply to a Gibraltar ship, wherever it may be, which is engaged in international voyages and is—

- (a) of 400 GT or above; or
- (b) certified to carry more than 15 persons.

(2) Regulations 84 and 89(1) apply to a ship which is—

- (a) not a Gibraltar ship;
- (b) registered in, or is not registered but is entitled to fly the flag of, a Convention country;
- (c) engaged in international voyages;
- (d) of 400 GT or above, or certified to carry more than 15 persons; and
- (e) in BGTW.

- (3) Regulation 87(1) and (2) also apply to a ship which—
- (a) is not a Gibraltar ship;
 - (b) is engaged in international voyages;
 - (c) is of 400 GT or above, or certified to carry more than 15 persons; and
 - (d) is—
 - (i) in the port of Gibraltar,
 - (ii) at an offshore terminal in BGTW, or
 - (iii) a floating platform in BGTW, other than a floating platform which is in transit;

and regulation 87(6) has effect in relation to the application of regulation 87 (1) and (2) to such a ship.

- (4) Regulation 88(3) and (4) apply in relation to a ship which is—
- (a) a Gibraltar ship, wherever it may be, which is engaged in international voyages and is—
 - (i) of 400 GT or above, or
 - (ii) certified to carry more than 15 persons; or
 - (b) not a Gibraltar ship, but is—
 - (i) engaged in international voyages,
 - (ii) of 400 GT or above, or certified to carry more than 15 persons, and
 - (iii) in BGTW.

(5) Regulation 89(2) applies to a ship which satisfies all the criteria set out in subregulation (2) except for the criterion in paragraph (b) of that subregulation.

- (6) Regulation 90 applies to a ship which is a Gibraltar ship but which does not satisfy all the other criteria set out in subregulation (1).
- (7) Regulations 90A to 90E apply to a ship which is—
- (a) a Gibraltar ship, wherever it may be, which is engaged in international voyages and is—
 - (i) of 400 GT or above, or
 - (ii) certified to carry more than 15 persons; or
 - (b) not a Gibraltar ship, but is—
 - (i) engaged in international voyages,
 - (ii) of 400 GT or above, or certified to carry more than 15 persons, and
 - (iii) in BGTW.
- (8) This Part does not apply to any warship, naval auxiliary or other ship owned or operated by a Convention country or Gibraltar and used, for the time being, only on government, non-commercial service.
- (9) Regulation 90A(2) does not apply to a ship other than an old ship.
- (10) Regulations 90C to 90E do not apply to—
- (a) the discharge of sewage which is necessary for the purpose of—
 - (i) securing the safety of the ship,
 - (ii) securing the safety of those on board the ship, or
 - (iii) saving life at sea; or
 - (b) the discharge of sewage which results from damage to a ship or its equipment, except to the extent that the discharge is due to a failure to take all reasonable precautions before and after the occurrence of the damage, for the purpose of preventing or minimising the discharge.

Requirement for Sewage Certificate: initial survey.

78.(1) A ship to which this regulation applies shall not—

- (a) be put into service; or
- (b) (if it is already in service) continue in service,

unless the requirements set out in subregulation (2) are met.

(2) The requirements are that—

- (a) a survey has been carried out in respect of the ship;
- (b) at the date of the survey the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of regulations 90A and 90B; and
- (c) a Sewage Certificate has been issued in respect of that ship and is still valid.

(3) A survey carried out under subregulation (2) is referred to in this Part as an “initial survey”.

Renewal of Sewage Certificate: renewal survey.

79.(1) A ship to which this regulation applies shall not—

- (a) proceed to sea; or
- (b) (if it is already at sea) remain at sea,

after the date of expiry of a Sewage Certificate issued in respect of that ship unless the requirements set out in subregulation (2) are met.

(2) The requirements are that—

- (a) a survey has been carried out in respect of the ship;
- (b) at the date of the survey the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of regulations 90A and 90B; and

- (c) in consequence a Sewage Certificate has been issued in respect of that ship and is still valid.

(3) A survey carried out under subregulation (2) is referred to in this Part as a “renewal survey”.

Responsibilities of the owner and master of a ship.

80.(1) The owner and the master of a ship to which this regulation applies shall ensure that the condition of the ship and its equipment are maintained to conform with the provisions of regulations 90A and 90B so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) The owner and the master of a ship to which this regulation applies shall ensure that after any survey of the ship required by this Part has been completed, no change, except by way of direct replacement, is made to the infrastructure of that ship covered by the survey without the approval of—

- (a) the Certifying Authority who appointed the surveyor to carry out the survey; or
- (b) the Maritime Administrator, where the Sewage Certificate was issued by the Administration of a Convention country following a request made pursuant to regulation 83, as the case may be.

(3) Whenever—

- (a) an accident occurs to a ship; or
- (b) a defect is discovered in a ship,

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under regulations 90A and 90B, the owner and the master of the ship must ensure that the requirements of subregulation (4) are complied with.

(4) The requirements are that—

- (a) the accident or defect, as the case may be, is reported at the earliest opportunity to the Certifying Authority who issued the Sewage Certificate in respect of the ship; and

- (b) in the case of a ship in a port outside Gibraltar, the accident or the defect, as the case may be, is also immediately reported to the appropriate maritime authorities in the country in which the port is situated.

(5) Whenever an accident or defect is reported to a Certifying Authority in accordance with subregulation (4)(a), the Certifying Authority—

- (a) must cause an investigation to be initiated to determine whether or not an additional survey is necessary; and
- (b) if it considers that an additional survey is necessary, must cause that survey to be carried out.

(6) Whenever an accident or defect is reported to the Certifying Authority in accordance with subregulation (4)(a) and the ship in question is in a port outside Gibraltar, the Certifying Authority must take all appropriate steps to ascertain that the requirement in subregulation (4)(b) has been complied with.

Additional surveys.

81.(1) This regulation applies to a ship where—

- (a) a repair resulting from an investigation referred to in regulation 80(5) has been made to the ship; or
- (b) an important repair or renewal has been made to the ship.

(2) A ship to which this regulation applies shall not—

- (a) proceed to sea; or
- (b) (it is already at sea) remain at sea,

unless the requirements set out in subregulation (3) are met.

(3) The requirements are that—

- (a) a survey has been carried out in respect of the ship;
- (b) at the date of the survey the surveyor is satisfied that—
 - (i) the repair or renewal has been made effectively,

- (ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects, and
 - (iii) the ship complies in all respects with the requirements of regulations 90A and 90B; and
 - (c) the surveyor has issued a survey report expressing the satisfaction required by paragraph (b).
- (4) A survey carried out under subregulation (3) is referred to in this Part as an “additional survey”.

Issue of Sewage Certificates by a Certifying Authority.

82.(1) Subject to the payment of any fee due under the Gibraltar Merchant Shipping (Fees, Charges and Taxes) Regulations 2009, on being notified by a surveyor that the surveyor—

- (a) has carried out an initial survey or a renewal survey in respect of a ship to which this regulation applies; and
- (b) is satisfied at the date of the survey that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of regulations 90A and 90B,

a Certifying Authority must issue a Sewage Certificate in respect of that ship.

(2) Where a ship becomes a ship to which this regulation applies on transfer from the flag of another Administration of a Convention country, a Certifying Authority must issue a Sewage Certificate in respect of that ship where—

- (a) a Sewage Certificate has been issued in respect of the ship and was still valid immediately before the date of the transfer;
- (b) the Certifying Authority has caused a survey to be carried out in respect of the ship; and
- (c) the Certifying Authority is satisfied that—

- (i) the condition of the ship and its equipment is maintained to conform with the provisions of Annex IV, so as to ensure that the ship is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, and
 - (ii) no change, other than a change referred to in subregulation (3), has been made to the structure, equipment, systems, fittings, arrangements or materials of the ship covered by the last survey carried out under Regulation 4.1 of Annex IV without the approval of the Administration of the Convention country in question.
- (3) The changes referred to in subregulation (2)(c)(ii) are the direct replacement of equipment and fittings.
- (4) A Sewage Certificate issued under this regulation must be in English and in the form set out in Schedule 7.

Issue of Sewage Certificates by another Administration in respect of Gibraltar ships.

83.(1) The Maritime Administrator may request the Administration of a Convention country—

- (a) to survey a ship to which this regulation applies; and
 - (b) to issue, or authorise the issue of, a Sewage Certificate in respect of that ship, if the Administration of Convention country is satisfied that the ship complies with the requirements of Annex IV.
- (2) Where a Sewage Certificate is issued pursuant to subregulation (1)—
- (a) the Maritime Administrator is to be treated as the Certifying Authority in relation to it; and
 - (b) any reference in this Part to the Certifying Authority who issued the Certificate is to be treated as a reference to the Maritime Administrator.

Issue of Sewage Certificates in respect of ships which are not Gibraltar ships.

84.(1) When requested to do so by the Administration of a Convention country, the Maritime Administrator—

- (a) may cause a survey to be carried out in respect of a ship to which this regulation applies; and
- (b) must, subject to the payment of any fee due under the Gibraltar Merchant Shipping (Fees, Charges and Taxes) Regulations 2009, issue in respect of that ship a Sewage Certificate if the Maritime Administrator is satisfied that the requirements of Annex IV are complied with.

(2) A Sewage Certificate issued pursuant to subregulation (1) is to—

- (a) be in English and in the form set out in Schedule 7;
- (b) contain a statement that it has been so issued; and
- (c) have the same effect as if it had been issued by the Administration of the Convention country who made the request referred to in subregulation (1) and not by the Maritime Administrator.

(3) The Maritime Administrator must send as soon as possible to the Administration of the Convention country who made the request referred to in subregulation (1) a copy of—

- (a) the Sewage Certificate issued pursuant to that subregulation; and
- (b) the survey report.

(4) The Maritime Administrator must not issue a Sewage Certificate in respect of a ship which is—

- (a) registered in a State which is not a Convention country; or
- (b) is not registered, but is entitled to fly the flag of a State which is not a Convention country.

Duration and validity of Sewage Certificates.

85.(1) Subject to subregulations (2) to (5) and to regulations 87(3) and 88(1), a Sewage Certificate which is issued in respect of a ship to which this

regulation applies is valid for such period as is specified in the certificate, not exceeding five years, beginning with the date of the completion of the relevant initial or renewal survey.

(2) Subject to subregulation (3) and regulation 86(9), where a renewal survey is completed—

- (a) within the final three month period; or
- (b) after the date of expiry of the latest Sewage Certificate,

the new Sewage Certificate is valid for such period as is specified in the Certificate, beginning with the date of the completion of the renewal survey and ending with a date not exceeding five years from the date of expiry of the latest Sewage Certificate.

(3) A Sewage Certificate issued in respect of a ship ceases to be valid upon whichever is the earliest of the following—

- (a) upon the ship being transferred to the flag of another State;
- (b) upon a ship proceeding to sea where—
 - (i) a repair or renewal referred to in regulation 81(1) has been made; and
 - (ii) the requirements set out in regulation 81(3) have not been complied with;
- (c) upon a new Sewage Certificate being issued in respect of the ship; or
- (d) upon the date of expiry of the Certificate.

(4) Where a ship is transferred to the flag of another State which is a Convention country, and within three months after the date of transfer the Administration of that country so requests, the Maritime Administrator must send that Administration a copy of—

- (a) the Sewage Certificate issued in respect of the ship; and
- (b) if available, the survey report.

(5) In this regulation, the “final three month period” means the period of three months ending on the date of expiry of the Sewage Certificate in question.

Extension of periods of validity of Sewage Certificates.

86.(1) Where the period of the validity of a Sewage Certificate in respect of a ship to which this regulation applies is less than five years, the Certifying Authority who issued the Sewage Certificate may extend its period of validity to a maximum period of five years.

(2) Where—

- (a) a renewal survey has been completed by a surveyor; but
- (b) the new Sewage Certificate cannot be issued or placed on board the ship before the date of expiry of the latest Sewage Certificate,

the surveyor may endorse the latest Sewage Certificate.

(3) Where a Sewage Certificate has been endorsed under subregulation (2), that Certificate is valid for such further period as is specified in the Certificate, not exceeding five months beginning with the original date of expiry of the Certificate.

(4) Where—

- (a) a renewal survey has not been completed before the date of expiry of the latest Sewage Certificate in question; and
- (b) at that date of expiry the ship is not in the port in which the survey is to be carried out,

the Certifying Authority who issued the latest Sewage Certificate may extend the period of validity of that Sewage Certificate for a period not exceeding three months, if it appears to the Certifying Authority that it is proper and reasonable to do so solely for the purpose of allowing the ship to complete its voyage to its port of survey.

(5) Where the period of validity of a Sewage Certificate has been extended pursuant to subregulation (4), the ship in question shall not leave its port of survey until a new Sewage Certificate has been issued in respect of that ship.

(6) Subject to subregulation (7), the Certifying Authority who issued the latest Sewage Certificate in respect of a ship engaged solely on short international voyages may extend the period of validity of that Sewage Certificate for a period not exceeding one month.

(7) A Certifying Authority must not extend the period of validity of a Sewage Certificate under subregulation (6) if the period of validity of that Sewage Certificate has already been extended under subregulation (1), (3) or (4).

(8) Subject to subregulation (9) and to regulations 87(3) and 88(1), where a renewal survey has been completed and a new Sewage Certificate has been issued in respect of a ship referred to in subregulation (5) or (6), that new Certificate is valid for such period as is specified in the Certificate, not exceeding five years beginning with the original date of expiry of the previous Sewage Certificate.

(9) In the special circumstances set out in subregulations (13) to (16), the period of validity of a new Sewage Certificate which is—

- (a) issued in respect of a ship referred to in subregulation (5) or (6); or
- (b) referred to in regulation 85(2) and issued where the renewal survey is completed after the date of expiry of the latest Sewage Certificate,

is such period as is specified in the new Certificate, not exceeding five years beginning with the date of the completion of the renewal survey in question.

(10) Where the period of validity of a Sewage Certificate is extended under subregulation (1), (4) or (6), the Certifying Authority in question must endorse the Sewage Certificate in accordance with the relevant form set out in Schedule 7.

(11) An endorsement issued pursuant to subregulation (2) must be in the relevant form set out in Schedule 7.

(12) In this regulation, “the original date of expiry” means the date on which a Sewage Certificate would have expired but for any extension of its period of validity.

(13) For the purposes of subregulation (9), “special circumstances” are where the owner of the ship—

- (a) requests the change of date;
- (b) satisfies the Administration that the owner has a very good reason for making the request; and
- (c) complies with any reasonable additional survey requirements which the Administration may impose.

(14) The examples of an owner having “very good reason” may include—

- (a) where a ship has been laid up for an extended period; or
- (b) where the nature of a ship's business would make a different date much more convenient (such as in the case of a passenger ferry constructed in the summer and whose main trade is in the summer, where the owner may want to have all the refit and survey work done in the winter months).

(15) In the case mentioned in subregulation (14)(b) of a request to change the anniversary date for the sake of convenience, the request shall only be considered if such a request has not been made before for the ship in question, and the owner confirms in writing to the Administration that this is a one-off request for that ship.

(16) If the ship in question fails a survey the surveyor must advise the owner or master of the corrective action which is required, and the surveyor may take such steps as are necessary to ensure that the ship does not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

Procedure to be adopted when a ship is deficient.

87.(1) This regulation applies where a surveyor determines that—

- (a) the condition of a ship or its equipment does not correspond substantially with the particulars of the International Sewage Pollution Prevention Certificate, if any, issued in respect of the ship; or
- (b) a ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

- (2) The surveyor must—
- (a) advise the owner or master of the corrective action which, in the opinion of the surveyor, is required; and
 - (b) where a Sewage Certificate has been issued in respect of the ship and is still valid, notify the Certifying Authority who issued the Certificate—
 - (i) that the surveyor has so advised the owner or master, and
 - (ii) if that corrective action is not taken.
- (3) Where a Sewage Certificate has been issued in respect of the ship and is still valid, the Certifying Authority may suspend the validity of that Certificate until the corrective action has been taken.
- (4) Where the Certifying Authority suspends the validity of a Sewage Certificate issued in respect of a ship, it must immediately give notice of such suspension—
- (a) to the owner of the ship; and
 - (b) where the ship is in a port outside Gibraltar, to the appropriate maritime authorities of the country in which the port is situated.
- (5) Where the owner of a ship is given notice of suspension, that owner must notify the master of the ship in question of the suspension.
- (6) In the application of subregulations (1) and (2) to a ship of the kind specified in regulation 77(3)—
- (a) “the Certifying Authority” means the Administration of the State where the ship is registered, or if the ship is not registered, the Administration of the flag State; and
 - (b) “surveyor” includes a person authorised by that Administration to survey the ship.

Miscellaneous provisions relating to Sewage Certificates.

88.(1) The Maritime Administrator may cancel a Sewage Certificate issued in respect of a ship to which this subregulation applies, where the Maritime Administrator has reason to believe that—

- (a) the Sewage Certificate was issued on false or erroneous information; or
- (b) since the completion of any survey required by this Part, the structure, equipment or machinery of the ship has sustained damage or is otherwise deficient.

(2) The Maritime Administrator may require that a Sewage Certificate, issued in respect of a ship to which this subregulation applies, and which has expired or has been suspended or cancelled, is to be surrendered within such time and in such manner as the Maritime Administrator may in writing direct.

(3) In relation to a ship to which this subregulation applies, no person shall—

- (a) intentionally alter a Sewage Certificate;
- (b) intentionally make a false Sewage Certificate;
- (c) knowingly or recklessly provide false information in connection with a survey required under this Part;
- (d) with intent to deceive, use or lend a Sewage Certificate or permit a Sewage Certificate to be used by another person; or
- (e) fail to surrender a Sewage Certificate when required to do so pursuant to subregulation (2).

(4) The owner and master of a ship, in respect of which a Sewage Certificate has been issued and in relation to which this subregulation applies, shall ensure that the Certificate is readily available on board the ship for examination at all times.

Prohibition on non-Gibraltar ships proceeding to sea without a Sewage Certificate.

89.(1) A ship to which this subregulation applies shall not proceed to sea from the port of Gibraltar unless—

- (a) a Sewage Certificate has been issued pursuant to Annex IV in respect of that ship and is still valid;
- (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
- (c) a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.

(2) A ship to which this subregulation applies shall not proceed to sea from the port of Gibraltar unless documentation has been issued in respect of that ship which is still valid and shows that—

- (a) a survey has been carried out in respect of the ship as if regulation 78 applied to the ship; and
- (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment, or a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.

Survey and certification of ships to which regulations 78, 79 and 81 do not apply.

90.(1) When requested by the owner of a ship to which this regulation applies, a surveyor may carry out a survey equivalent to one carried out under regulation 78, 79 or 81 in respect of that ship.

(2) In the following subregulations, a “relevant ship” means a ship to which this regulation applies and in respect of which such a survey is carried out.

- (3) The provisions referred to in subregulation (4) have effect—
 - (a) in relation to a relevant ship as they have effect in relation to a ship to which regulations 78, 79 and 81 apply;
 - (b) in relation to a Sewage Certificate issued in respect of a relevant ship as they have effect in relation to a Sewage Certificate issued in respect of a ship to which those regulations apply;

- (c) as if any reference in those provisions to a ship to which one of those provisions applies included a reference to a relevant ship; and
 - (d) as if any reference in those provisions to a Sewage Certificate included a reference to a Sewage Certificate issued in respect of a relevant ship.
- (4) The provisions are—
- (a) regulation 80;
 - (b) regulation 82;
 - (c) regulation 85;
 - (d) regulation 86 other than subregulation (5);
 - (e) regulation 87 other than subregulation (6); and
 - (f) regulation 88.

Sewage systems.

90A.(1) A ship to which this subregulation applies, other than an old ship, must be equipped with at least one of the following—

- (a) a sewage treatment plant which complies with such requirements of the Gibraltar Merchant Shipping (Marine Equipment) Regulations 2002 as apply to the plant;
- (b) a sewage comminuting and disinfecting system which complies with the requirements set out in subregulation (3) in the case of a Gibraltar ship, or subregulation (4) in the case of a ship which is not a Gibraltar ship; or
- (c) a holding tank which complies with the requirements set out in subregulation (5) in the case of a Gibraltar ship, or subregulation (6) in the case of a ship which is not a Gibraltar ship.

(2) The owner of an old ship shall ensure that the ship is equipped, as far as is practicable, to discharge sewage in accordance with regulation 90D or 90E.

(3) In the case of a Gibraltar ship, the requirements for a sewage comminuting and disinfecting system are that it is approved by the Government as meeting the standards for such systems which are set out in subregulations (7) to (15) and is fitted with appropriate facilities for the temporary storage of sewage when the ship is less than three nautical miles from the nearest land; and “appropriate facilities” means facilities which meet the standards for such facilities which are set out in those subregulations.

(4) In the case of a ship which is not a Gibraltar ship, the requirement for a sewage comminuting and disinfecting system is that it is approved by the Government of the ship’s flag State.

(5) In the case of a Gibraltar ship, the requirements for a holding tank are that—

- (a) the construction of the holding tank meets the standard for holding tanks which is set out in subregulation (15);
- (b) the capacity of the holding tank is sufficient, having regard to the operation of the ship, the number of persons the ship is certified to carry and any other relevant factors; and
- (c) the holding tank is capable of indicating visually the amount of its contents.

(6) In the case of a ship which is not a Gibraltar ship, the requirements for a holding tank are that—

- (a) the construction of the holding tank is approved by the Government of the ship’s flag State;
- (b) the capacity of the holding tank is sufficient, having regard to the operation of the ship, the number of persons the ship is certified to carry and any other relevant factors; and
- (c) the holding tank is capable of indicating visually the amount of its contents.

(7) The standard for the construction for a sewage holding tank as referred to in subregulation (5)(a) is that the tank must be constructed to prevent leakage of its contents under the normal operation of the ship and in all likely weather conditions until such times as it can be discharged in accordance with this Part.

(8) A ship to which this regulation applies must be equipped with at least one of the following—

- (a) a type approved sewage treatment plant or an approved comminuting and disinfecting system; or
- (b) an approved holding tank.

(9) Sewage treatment plants must meet the international standard on ‘the implementation of effluent standards and performance tests’ to be able to obtain type approval in line with the Gibraltar Merchant Shipping (Marine Equipment) Regulations 2002, as amended.

(10) For Gibraltar ships, the standards for sewage comminuting and disinfecting systems referred to in subregulation (3) are as follows—

- (a) Faecal Coliform Standard¹: Faecal coliform bacteria in the effluent should not exceed 1000/100 cm³ Most Probable Number (M.P.N.);
- (b) Chlorine residual level to be no more than 0.5mg/l, (by test) post maceration;
- (c) Comminuting Standard: A sample of 1 litre is passed through a US Sieve No.12 (with openings of 1.68 mm). The weight of the material retained on the screen after it has been dried to a constant weight in an oven at 103°C must not exceed 10% of the total suspended solids and shall not be more than 50mg; and
- (d) Temporary storage of sewage will be by holding tank and the standard for the construction of a holding tank is set out in 5.4.1.

(11) The owner of the ship must confirm to the Administration that the chlorine residual levels are tested on a regular basis, and that this testing is included in the ship’s operating procedures.

(12) Where a Gibraltar ship has a sewage comminuting and disinfecting system, and a surveyor is carrying out a survey prior to the issue of a Sewage Certificate, the surveyor must be satisfied that the system does meet these standards.

(13) The owner of the ship must apply to the Administration for a letter of approval confirming the system meets these standards.

(14) When making an application under subregulation (13), the owner of the ship must submit—

- (a) a schematic drawing of the intended system, together with the technical specifications of the dosing unit and maceration pump; and
- (b) a covering letter explaining how the system meets the standards set in this regulation.

(15) Comminuting and disinfecting systems which meet the standards and requirements under this regulation shall be issued with an officially stamped Acceptance Form.

Discharge connections.

90B.(1) Subject to subregulation (2), the sewage discharge pipeline of a ship to which this regulation applies must be fitted with a standard discharge connection in accordance with Schedule 7A to enable that pipeline to be connected to a pipe of a facility for the reception of sewage.

(2) In the case of a ship in dedicated trades, the sewage discharge pipeline may alternatively be fitted with a quick-connection coupling or other discharge connection, if the Administration is satisfied that that discharge connection is at least as effective as the standard discharge connection.

Prohibition against discharging sewage from a ship into the sea.

90C.(1) Subject to subregulation (3) and regulations 90D and 90E, the discharge of sewage into the sea from a ship to which this regulation applies is prohibited.

(2) Where the sewage is mixed with wastes or waste water covered by an Annex to the MARPOL Convention other than Annex IV, subregulation (1) applies in addition to any statutory prohibition or requirement which

relates to those wastes or waste waters and which implements that other Annex.

(3) This regulation does not apply to an old ship if it complies with regulation 90A (2).

Exception for a ship equipped with a sewage treatment plant.

90D. Sewage may be discharged from a ship into the sea if—

- (a) the sewage is discharged through, and treated by, a sewage treatment plant operating on the ship, which plant complies with regulation 90A (1)(a);
- (b) the Sewage Certificate in respect of that ship contains the test results of the sewage treatment plant; and
- (c) as a result of the discharge—
 - (i) there are no visible floating solids, and
 - (ii) there is no discoloration of the water into which the sewage is discharged.

Exception for other ships.

90E.(1) Subject to subregulation (3), treated sewage may be discharged from a ship into the sea if—

- (a) the system used complies with regulation 90A (1)(b); and
- (b) the sewage is discharged at a distance of more than three nautical miles from the nearest land.

(2) Subject to subregulation (3), sewage which is not treated may be discharged from a ship into the sea if the sewage is discharged at a distance of more than 12 nautical miles from the nearest land.

- (3) Where—
- (a) treated sewage; or
 - (b) sewage which is not treated,

has been stored in a holding tank, or originates from spaces containing living animals, the sewage must not be discharged instantaneously but must be discharged at a rate which is no greater than the rate specified for these purposes in Schedule 7B whilst the ship is en route and proceeding at not less than four knots.

- (4) For the purposes of this regulation—
- (a) a ship is en route if it is under way at sea on a course which so far as practicable for navigational purposes will cause any discharge to be spread over as great an area of the sea as is reasonably practicable; and
 - (b) “treated sewage” means sewage which is both comminuted and disinfected, and “sewage which is not treated” is to be construed accordingly.

Inspection of ships under Part 5.

90F.(1) Where a ship is a ship to which this Part applies and the ship is in the port, the Administration may cause the ship to be inspected by a surveyor for the purpose of—

- (a) verifying whether a Sewage Certificate has been issued in respect of the ship and is still valid;
- (b) verifying whether the documentation referred to in regulation 89(2) (“appropriate documentation”) has been issued in respect of the ship and is still valid;
- (c) investigating any operation regulated by this Part, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage; and
- (d) verifying whether the ship has discharged any sewage in violation of this Part,

except where there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the Sewage Certificate or other appropriate documentation referred to in paragraph (a) or (b).

(2) Where the ship is inspected for the purposes of subregulation (1)(d) and it is not a Gibraltar ship, the person exercising the powers of inspection must ensure that the report of the inspection is sent to—

- (a) the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State; and
- (b) any other Party to the Convention who requested the inspection.

Investigation of alleged violations of Part 5 by a Gibraltar ship.

90G. Upon receiving evidence that a Gibraltar ship has discharged any sewage in violation of this Part, the Maritime Administrator must—

- (a) cause the matter to be investigated;
- (b) inform the IMO of the action taken; and
- (c) where another State has reported the violation, inform that State of the action taken.

General provisions on detention under Part 5.

90H.(1) Subject to subregulation (2), where regulation 87(1) has effect in relation to a ship, or a surveyor of ships has clear grounds for believing that—

- (a) a Sewage Certificate is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;
- (b) documentation referred to in regulation 19(2) (“appropriate documentation”) is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;
- (c) the condition of a ship or its equipment does not correspond substantially with the particulars of that Certificate or other appropriate documentation;
- (d) the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage; or

(e) an offence under regulation 122(8) is being committed in respect of a ship,

the ship is liable to be detained until a surveyor of ships is satisfied that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) A person having powers to detain a ship may permit a ship which is liable to be detained under subregulation (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master of the ship a detention notice which—

- (a) states the grounds for the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by the Administration.

PART 6

PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Application of Part 6.

91.(1) Part 6 shall apply to all ships, unless expressly provided otherwise in these Regulations.

(2) In this Part—

“garbage” means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances that are defined or listed elsewhere in these Regulations;

“nearest land” or “from the nearest land” shall have the meaning assigned to it by Regulation 1(2) of Annex V;

“special area” means a sea area where for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required

and special areas shall include those defined in Regulation 5(1) of Annex V.

Disposal of garbage outside special areas.

92.(1) Subject to the provisions of regulations 93 to 95–

- (a) the disposal into the sea outside special areas of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products which may contain toxic or heavy metal residues, is prohibited;
- (b) the disposal into the sea outside special areas of the following garbage shall be made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than–
 - (i) 25 nautical miles for dunnage, lining and packing materials which will float;
 - (ii) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse; and
- (c) disposal into the sea outside special areas of garbage specified in paragraph(b)(ii) may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles and such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 mm.

(2) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

Special requirements for disposal of garbage.

93.(1) Subject to subregulation (2), the disposal of any materials regulated by this Part is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and from all other ships when alongside or within 500m of such platforms.

(2) The disposal into the sea of food wastes may be permitted when they have been passed through a comminuter or grinder from such fixed or floating platforms located more than 12 nautical miles from land and all other ships when alongside or within 500 m of such platforms and such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

Disposal of garbage within special areas.

94.(1) For the purposes of this Part the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the “Gulfs area”, the North Sea area, the Antarctic area and the Wider Caribbean Region, including the Gulf of Mexico and the Caribbean Sea, which are defined in Regulation 5(1) of Annex V.

(2) Subject to regulation 95–

- (a) disposal into the sea within special areas of the following is prohibited–
 - (i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products which may contain toxic or heavy metal residues; and
 - (ii) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;
- (b) except as provided in paragraph (c), disposal into the sea within special areas of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land; and
- (c) disposal into the Wider Caribbean Region of food wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land, but in any case not less than 3 nautical miles from the nearest land and such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

(3) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

(4) The Government shall ensure that as soon as possible adequate reception facilities are provided in accordance with regulation 96, taking into account the special needs of ships operating in the special areas where the coastline of Gibraltar borders that area.

(5) The Government shall cause the IMO to be notified of the measures taken pursuant to subregulation (4).

Exceptions for regulations 92 to 94.

95. Regulations 92 to 94 shall not apply to—

- (a) the disposal of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea;
- (b) the escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimising the escape; or
- (c) the accidental loss of synthetic fishing nets, if all reasonable precautions have been taken to prevent such loss.

Reception facilities for garbage.

96.(1) The Government shall ensure the provision of facilities at the port for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.

(2) The Government shall cause the IMO to be notified of all cases where the facilities provided under this regulation are alleged to be inadequate.

Placards, garbage management plans and garbage record-keeping.

97.(1) Every ship of 12 m or more in length overall shall display placards which notify the crew and passengers of the disposal requirements of regulations 92 and 94, as applicable.

(2) The placards shall be written in English and if the working language of the ship's personnel is not English, a translation of the text into English shall be accompanied.

(3) Every ship of 400 tons gross tonnage and above, and every ship which is certified to carry 15 persons or more, shall carry a garbage management plan which the crew shall follow and that plan shall provide written procedures for collecting, storing, processing and disposing of garbage, including the use of the equipment on board and the plan shall also designate the person in charge of carrying out the plan and such a plan shall be in accordance with the guidelines developed by the IMO and written in the working language of the crew and if the working language of the ship's crew is not English, a translation of the text into English shall be accompanied.

(4) Every ship of 400 tons gross tonnage and above and every ship which is certified to carry 15 persons or more engaged in international voyages and every fixed and floating platform engaged in exploration and exploitation of the sea-bed shall be provided with a Garbage Record Book and that the Garbage Record Book, whether as a part of the ship's official log-book or otherwise, shall be drawn up in the form specified in the Appendix to Annex V as set out in Schedule 8.

(5) Every discharge operation, or completed incineration, shall be recorded in the Garbage Record Book and signed for on the date of the incineration or discharge by the officer in charge and each completed page of the Garbage Record Book shall be signed by the master of the ship and the entries in the Garbage Record Book shall be in English and if the working language of the ship's personnel is not English, a translation of the text into English shall be accompanied.

(6) The entry for each incineration or discharge shall include date and time, position of the ship, description of the garbage and the estimated amount incinerated or discharged.

(7) The Garbage Record Book shall be kept on board the ship and in such a place as to be available for inspection in a reasonable time and this document shall be preserved for a period of two years after the last entry is made on the record.

(8) In the event of discharge, escape or accidental loss referred to in regulation 95 an entry shall be made in the Garbage Record Book of the circumstances of, and the reasons for, the loss.

(9) The Administration may waive the requirements for Garbage Record Books for—

- (a) any ship engaged on voyages of 1 hour or less in duration which is certified to carry 15 persons or more; or
- (b) fixed or floating platforms while engaged in exploration and exploitation of the sea-bed.

(10) The Administration may inspect the Garbage Record Book on board any ship to which this regulation applies while the ship is in BGTW and may make a copy of any entry in that book, and may require the master of the ship to certify that the copy is a true copy of such an entry.

(11) Any copy made under subregulation (10), which has been certified by the master of the ship as a true copy of an entry in the ship's Garbage Record Book, shall be admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of a Garbage Record Book and the taking of a certified copy by the Administration under this regulation shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

PART 7

PREVENTION OF AIR POLLUTION FROM SHIPS

Interpretation of Part 7.

98.(1) For the purposes of this Part—

“additional survey” means a survey carried out under regulation 106(3);

“anniversary date” means the day and month of each year which will correspond to the date of expiry of the latest IAPP Certificate which has been issued and which is still valid in respect of the ship in question;

“annual survey” means a survey carried out under regulation 101(3);

“annual survey period” means the period specified in regulation 103(5);

“Certifying Authority” means the Maritime Administrator or any organisation which is a recognised organisation for the purposes of the Gibraltar Merchant Shipping (Organisation for Inspection, Survey and Certification of Ships) Regulations 2002;

“date of expiry”, in relation to an IAPP certificate held in respect of a ship, means the last day of the period specified in that certificate as the period for which the certificate is valid;

“emission” means any release of a substance subject to control by this Part from a ship into the atmosphere or sea;

“flag State”, in relation to a ship, means the State whose flag the ship is entitled to fly;

“GT” means gross tonnage;

“IAPP Certificate” means a certificate entitled “International Air Pollution Prevention Certificate” issued in accordance with the MARPOL Convention;

“intermediate survey period” means the period specified in regulation 104(4);

“marine fuel” means any petroleum based liquid fuel intended for use or in use on board a vessel including those fuels defined in ISO 8217 (2005);

“new installation” means the installation of systems, equipment, including new portable fire extinguishing units, insulation, or other material on a ship, but excludes repair or recharge of previously installed systems, equipment, insulation or other material, and excludes recharge of portable fire extinguishing units;

“noxious liquid substance” has the meaning given in regulation 1.10 of Annex II;

“NO_x Technical Code” means the Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines adopted by Conference Resolution 2, as the same may be amended from time to time by the IMO;

“offshore terminal” means an installation situated away from the shore, where bulk, fluid or gas cargo (or more than one of these) is—

- (a) transferred between ships;

- (b) loaded onto a ship after having been transported from the shoreline; or
- (c) unloaded from a ship for transporting to the shoreline;

“Ozone-depleting substance” means a controlled substance defined in paragraph 4 of Article 1 of the Montreal Protocol on Substances that Deplete the Ozone Layer 1987, listed in Annexes A, B, C or E to the said Protocol in the version in force at the time of application or interpretation of Annex VI; Ozone-depleting substances that may be found on board a ship include, but are not limited to—

Halon 1211	Bromochlorodifluoromethane
Halon 1301	Bromotrifluoromethane
Halon 2402	1,2-Dibromo-1,1, 2, 2-Tetrafluoroethane (also known as Halon 114B2)
CFC-11	Trichlorofluoromethane
CFC-12	Dichlorodifluoromethane
CFC-113	1,1,2-Trichloro-1,2,2-trifluoroethane
CFC-114	1,2-Dichloro-1,1,2,2-tetrafluoroethane
CFC-115	Chloropentafluoroethane;

“platform” includes fixed and floating platforms and drilling rigs;

“Protocol of 1997” means the Protocol, dated 26 September 1997, to amend the Marpol Convention;

“renewal survey” means a survey carried out under regulation 102(3);

“shipboard incineration” means the incineration on board a ship of wastes or other matter generated during the normal operation of the ship;

“shipboard incinerator” means a shipboard facility designed for the primary purpose of incineration;

“ships constructed” means ships the keels of which are laid or which are at a similar stage of construction;

“short voyage” means a voyage which—

- (a) does not exceed 1000 nautical miles between the last port of call in the country in which the voyage begins and the last port of call in the voyage before beginning any return voyage; and
- (b) on any return voyage does not exceed 1000 nautical miles between the port of call in which the ship begins its return voyage and the first port of call in the country in which the voyage began,

and for the purposes of this definition, no account is to be taken of any deviation by a ship from its intended voyage due solely to stress of weather or any other circumstances that neither the master, owner or charterer (if any) of the ship could have prevented or forestalled;

“sludge oil” means sludge from fuel or lubricating oil separators, waste lubricating oil from main or auxiliary machinery, or waste oil from bilge water separators, oil filtering equipment or drip trays;

“SOx emission control area” means an area where the adoption of special mandatory measures for SOx emissions from ships is required to prevent, reduce and control air pollution from SOx and its attendant adverse impacts on land and sea areas. SOx emission control areas shall include those listed in regulation 113;

“tanker” means—

- (a) an oil tanker as defined in regulation 1(5) of Annex I; or
- (b) a chemical tanker as defined in regulation 1.16.1 of Annex II.

(2) Any reference in this Part to the date of construction of a ship is a reference to the date on which the keel of the ship is laid or on which the ship is at a stage of construction at which—

- (a) construction identifiable with a specific ship has begun; and

- (b) assembly of that ship has incorporated at least 50 tonnes of structural material or one per cent of the estimated mass of all structural material, whichever is less.
- (3) In the application of this Part to—
- (a) an air-cushion vehicle, a reference to the master of a ship includes a reference to the captain of that air-cushion vehicle; and
 - (b) a platform, a reference to the master of a ship includes a reference to the manager of that platform.

Application and exemptions.

99.(1) Subject to subregulations (2) to (12) and regulation 110C, this Part applies to—

- (a) a Gibraltar ship wherever it may be;
 - (b) any other ship while it is in BGTW.
- (2) Regulations 101 to 107 apply to—
- (a) a platform, other than one that is registered in, or is not registered in but is entitled to fly the flag of, a Convention country; and
 - (b) any other Gibraltar ship of 400 GT or above, wherever it may be.
- (3) Regulation 108 applies to—
- (a) a platform engaged in voyages to waters under the sovereignty or jurisdiction of a Convention country; and
 - (b) any Gibraltar ship of 400 GT or above engaged in voyages to ports or offshore terminals under the jurisdiction of a Convention country.
- (4) Regulations 109 and 110D(1) apply to a ship which is—
- (a) not a Gibraltar ship;

- (b) registered in, or is not registered in but is entitled to fly the flag of, a Convention country;
 - (c) engaged in voyages to ports or offshore terminals under the jurisdiction of a Convention country, of 400 GT or above, unless it is a drilling rig, and
 - (d) in BGTW.
- (5) Regulations 110, 110A, 110B(1) to (5) and 110C(1) and (2) apply to—
- (a) a platform other than one that is registered in, or is not registered in but is entitled to fly the flag of, a Convention country; and
 - (b) any other Gibraltar ship of 400 GT or above, wherever it may be.
- (6) Regulation 110B(1) and (2) also apply to a ship which—
- (a) is not a Gibraltar ship;
 - (b) is engaged in voyages to ports or offshore terminals under the jurisdiction of a Convention country;
 - (c) is of 400 GT or above, unless it is a drilling rig; and
 - (d) is—
 - (i) in the port of Gibraltar or in an offshore terminal in BGTW, or
 - (ii) a floating platform in BGTW other than a floating platform which is in transit;

and regulation 110B(6) has effect in relation to the application of regulation 110B(1) and (2) to such a ship.

- (7) Regulation 110C(3) and (4) apply in relation to a ship which is—
- (a) a platform engaged in voyages to waters under the sovereignty or jurisdiction of a Convention country;

- (b) a Gibraltar ship of 400 GT or above, wherever it may be, which is engaged in voyages to ports or offshore terminals under the jurisdiction of a Convention country;
 - (c) any other ship of 400 GT or above while it is in BGTW which is not a Gibraltar ship.
- (8) Regulation 110D(2) applies to a ship which satisfies all the criteria set out in subregulation (4) except for the criterion in subregulation (4)(b).
- (9) This Part shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used for the time being on government, non-commercial service.
- (10) This Part shall not apply to any emission—
- (a) necessary for the purpose of securing the safety of a ship or saving life at sea;
 - (b) resulting from damage to a ship or its equipment, except to the extent that the emission is due to—
 - (i) a failure to take all reasonable precautions after the occurrence of the damage or discovery of the emission for the purpose of preventing or minimising the emission, or
 - (ii) damage caused in consequence of the owner or master acting either intending to cause damage, or recklessly and with knowledge that damage would probably result;
 - (c) from any platform resulting from the incineration of substances that are solely and directly the result of exploration, exploitation and associated offshore processing of seabed mineral resources, including but not limited to—
 - (i) the flaring of hydrocarbons and the burning of cuttings, muds and stimulation fluids during well completion and testing operations,
 - (ii) flaring arising from upset conditions, and
 - (iii) the release of gases and volatile compounds entrained in drilling fluids and cuttings;

- (d) associated solely and directly with the treatment, handling or storage of a sea-bed mineral;
- (e) from a diesel engine that is solely dedicated to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

Equivalents.

100. The Maritime Administrator may permit any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by this Part if that fitting, material, appliance or apparatus is at least as effective as that required by this Part.

Requirement for IAPP Certificate: initial survey.

101.(1) A ship to which this regulation applies shall not—

- (a) be put into service; or
- (b) (if it is already in service) continue in service,

on or at any time after the date applicable to that ship specified in subregulation (2) unless the requirements set out in subregulation (3) are met.

- (2) The date applicable to—
 - (a) a ship which was constructed before 19 May 2005 is 18 May 2008 or, if earlier, the date of its first scheduled dry-docking after the day before this Part comes into force;
 - (b) any other ship is the date on which this Part comes into force.
- (3) The requirements referred to in subregulation (1) are that—
 - (a) a survey has been carried out in respect of the ship;
 - (b) at the date of the survey the surveyor is satisfied that the equipment, systems, fittings, arrangements and materials fully comply with the requirements of regulations 111 to 117, or an

alternative that has been permitted pursuant to regulation 100;
and

- (c) an IAPP Certificate has been issued in respect of that ship and is still valid.

(4) A survey carried out under subregulation (3) is referred to in this Part as an “initial survey”.

Renewal of IAPP Certificate: renewal survey.

102.(1) A ship to which this regulation applies shall not—

- (a) proceed to sea; or
- (b) (if it is already at sea) remain at sea, after the date of expiry of an IAPP Certificate in respect of that ship unless the requirements set out in subregulation (2) are met.

(2) The requirements referred to in subregulation (1) are that—

- (a) a survey has been carried out in respect of the ship;
- (b) at the date of the survey the surveyor is satisfied that the equipment, systems, fittings, arrangements and materials fully comply with the requirements of regulations 111 to 117, or an alternative that has been permitted pursuant to regulation 100; and
- (c) in consequence an IAPP Certificate has been issued in respect of that ship and is still valid.

(3) A survey carried out under subregulation (2) is referred to in this Part as a “renewal survey”.

Annual survey.

103.(1) Subject to subregulation (3), a ship to which this regulation applies shall not—

- (a) proceed to sea; or
- (b) (if it is already at sea) remain at sea,

after the end of any annual survey period for that ship unless the requirements set out in subregulation (2) are met.

- (2) The requirements referred to in subregulation (1) are that—
- (a) a survey has been carried out in respect of the ship; and
 - (b) the surveyor—
 - (i) at the date of that survey is satisfied that the equipment, systems, fittings, arrangements and materials of that ship have been maintained in accordance with regulations 111 to 117 and remain satisfactory for the service for which the ship is intended, and
 - (ii) has endorsed the IAPP Certificate to that effect.

(3) Subregulation (1) does not apply if the requirements of regulation 102(2) or 104(2) have been met during the annual survey period in question.

(4) An endorsement referred to in subregulation (2)(b)(ii) must be in the form set out in Schedule 9 where the certificate is an IAPP Certificate.

(5) In this regulation, “annual survey period” means the period of six months beginning three months before each anniversary date.

Intermediate surveys.

104.(1) Subject to subregulation (3), a ship to which this regulation applies shall not—

- (a) proceed to sea; or
- (b) (if it is already at sea) remain at sea,

after the third anniversary date, unless the requirements set out in subregulation (2) are met.

- (2) The requirements referred to in subregulation (1) are that—
- (a) a survey has been carried out in respect of the ship during an intermediate survey period; and
 - (b) the surveyor—

- (i) at the date of that survey is satisfied that the equipment and arrangements of that ship fully comply with the requirements of regulations 111 to 117, or an alternative that has been permitted pursuant to regulation 100, and are at the time of the survey in good working order, and
 - (ii) has endorsed the IAPP Certificate to that effect.
- (3) An endorsement referred to in subregulation (2)(b)(ii) must be in the form set out in Schedule 9 where the certificate is an IAPP Certificate.
- (4) In this regulation, “intermediate survey period” means a period of six months beginning three months before the second or third anniversary date.

Responsibilities of the owner and master of a ship.

105.(1) The owner and the master of a ship to which this regulation applies shall ensure that the condition of the ship and its equipment are maintained to conform with the provisions of regulations 111 to 117 so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

- (2) The owner and the master of a ship to which this regulation applies shall ensure that after any survey of the ship required by this Part has been completed, no change, except by way of direct replacement, is made to the equipment, systems, fittings, arrangements and materials of that ship covered by the survey without the approval of—
- (a) the Certifying Authority who appointed the surveyor to carry out the survey; or
 - (b) the Maritime Administrator, where the IAPP Certificate was issued by a Convention country following a request made pursuant to regulation 108,

as the case may be.

- (3) Whenever—
- (a) an accident occurs to a ship; or
 - (b) a defect is discovered in a ship,

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under regulations 111 to 117, the owner and the master of the ship must ensure that the requirements of subregulation (4) are complied with.

(4) The requirements referred to in subregulation (3) are that—

- (a) the accident or defect, as the case may be, is reported at the earliest opportunity to the Certifying Authority that issued the IAPP Certificate in respect of the ship; and
- (b) in the case of a ship in a port outside Gibraltar, the accident or the defect, as the case may be, is also immediately reported to the appropriate maritime authorities in the country in which the port is situated.

(5) Whenever an accident or defect is reported to a Certifying Authority in accordance with subregulation (4)(a), the Certifying Authority—

- (a) must cause an investigation to be initiated to determine whether or not an additional survey is necessary; and
- (b) if it considers that an additional survey is necessary, must cause that survey to be carried out.

(6) Whenever an accident or defect is reported to a Certifying Authority in accordance with subregulation (4)(a) and the ship in question is in a port outside Gibraltar, the Certifying Authority must take all appropriate steps to ascertain that the requirement in subregulation (4)(b) has been complied with.

(7) In subregulation (2) “direct replacement” means the direct replacement of equipment and fittings with equipment and fittings that conform with the provisions of Annex VI.

Additional surveys.

106.(1) This regulation applies to a ship where—

- (a) a repair resulting from an investigation referred to in regulation 105 (5) has been made to the ship; or
- (b) an important repair or renewal has been made to the ship.

- (2) A ship to which this regulation applies shall not—
 - (a) proceed to sea; or
 - (b) (if it is already at sea) remain at sea,

unless the requirements set out in subregulation (3) are met.

- (3) The requirements referred to in subregulation (2) are that—
 - (a) a survey has been carried out in respect of the ship;
 - (b) at the date of the survey the surveyor is satisfied that—
 - (i) the repair or renewal has been made effectively,
 - (ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects, and
 - (iii) the ship complies in all respects with the requirements of regulations 111 to 117, and
 - (c) the surveyor has issued a survey report expressing the satisfaction required by subregulation (b).

(4) A survey carried out under subregulation (3) is referred to in this Part as an “additional survey”.

Issue of IAPP certificate by the Certifying Authority.

107.(1) Subject to the payment of any fee due under the Gibraltar Merchant Shipping (Fees, Charges and Taxes) Regulations 2009, on being notified by a surveyor that the surveyor—

- (a) has carried out an initial survey or a renewal survey in respect of a ship to which this regulation applies; and
- (b) is satisfied at the date of the survey that the equipment, systems, fittings, arrangements and materials fully comply with the requirements of regulations 111 to 117 or an alternative that has been permitted pursuant to regulation 100,

the Certifying Authority must issue an IAPP Certificate in respect of that ship.

(2) Where a ship becomes a ship to which this regulation applies on transfer from the flag of another Convention country, the Certifying Authority must issue an IAPP Certificate in respect of that ship where—

- (a) an IAPP Certificate has been issued in respect of the ship and was still valid immediately before the date of transfer;
- (b) the Certifying Authority has caused a survey to be carried out in respect of the ship; and
- (c) the Certifying Authority is satisfied that—
 - (i) the condition of the ship and its equipment is maintained to conform with the provisions of Annex VI, so as to ensure that the ship is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, and
 - (ii) no change, other than a change referred to in subregulation (3) has been made to the equipment, systems, fittings, arrangements or material covered by the last survey carried out under Regulation 5(1) of Annex VI without the approval of the Administration of the Convention country in question.

(3) The changes referred to in subregulation (2)(c)(ii) are the direct replacement of equipment and fittings with equipment and fittings that conform with the provisions of Annex VI.

(4) An IAPP Certificate issued under this regulation must be in English and in the form set out in Schedule 9.

Issue of IAPP Certificates by another Administration in respect of Gibraltar ships.

108.(1)The Maritime Administrator may request the Administration of a Convention country—

- (a) to survey a ship to which this regulation applies; and
- (b) to—
 - (i) issue, or authorise the issue of, or

(ii) endorse, or authorise the endorsement of,

an IAPP Certificate, in accordance with the requirements of Annex VI, in respect of that ship if the Administration of the Convention country is satisfied that the ship complies with the requirements of Annex VI.

- (2) Where an IAPP Certificate is issued pursuant to subregulation (1)–
- (a) the Maritime Administrator is to be treated as the Certifying Authority in relation to it; and
 - (b) any reference in this Part to the Certifying Authority that issued the certificate is to be treated as a reference to the Maritime Administrator.

Issue of IAPP Certificates in respect of ships which are not Gibraltar ships.

109.(1) When requested to do so by an Administration of a Convention country, the Maritime Administrator–

- (a) may cause a survey to be carried out in respect of a ship to which this regulation applies; and
 - (b) must, subject to the payment of any fee due under the Gibraltar Merchant Shipping (Fees, Charges and Taxes) Regulations 2009, issue in respect of that ship an IAPP certificate, or endorse the IAPP Certificate, in accordance with the requirements of Annex VI, if the Maritime Administrator is satisfied that the requirements of Annex VI are complied with.
- (2) An IAPP Certificate issued pursuant to subregulation (1) must–
- (a) be in English in the form set out in Schedule 9;
 - (b) contain a statement that it has been so issued; and
 - (c) have the same effect as if it had been issued by the Administration of the Convention country who made the request referred to in subregulation (1) and not by the Maritime Administrator.

(3) The Maritime Administrator must send as soon as possible to the Administration of the Convention country who made the request referred to in subregulation (1) a copy of—

- (a) the IAPP Certificate issued pursuant to that subregulation; and
- (b) the survey report.

(4) The Maritime Administrator must not issue an IAPP Certificate in respect of a ship which—

- (a) is registered in a country which is not a Convention country; or
- (b) is not registered, but is entitled to fly the flag of a country which is not a Convention country.

Duration and validity of IAPP Certificates.

110.(1) Subject to subregulations (2) to (5) and to regulations 110B(3) and 110C(1), an IAPP Certificate issued in respect of a ship to which this regulation applies is valid for such period as is specified in the certificate, not exceeding five years beginning with the date of completion of the relevant initial or renewal survey.

(2) Subject to subregulation (3) and regulation 110A(9), where a renewal survey is completed—

- (a) within the final three month period; or
- (b) after the date of expiry of the latest IAPP Certificate,

the new IAPP Certificate is valid for such period as is specified in the certificate, beginning with the date of the completion of the renewal survey and ending with a date not exceeding five years from the date of expiry of the latest IAPP Certificate.

(3) An IAPP Certificate issued in respect of a ship ceases to be valid—

- (a) upon whichever is the earlier of the following—
 - (i) the ship being transferred to the flag of another State,
 - (ii) the ship proceeding to sea where—

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- (aa) a repair or renewal referred to in regulation 106 (1) has been made, and
- (bb) the requirements set out in regulation 106 (3) have not been complied with;
- (b) if a survey under regulations 101, 102, 103 or 104 is not completed in accordance with the requirements of this Part;
- (c) if an IAPP Certificate is not endorsed in accordance with the requirements of this Part;
- (d) upon a new IAPP Certificate being issued in respect of the ship; or
- (e) upon the date of expiry of the certificate.

(4) Where a ship is transferred to the flag of another State which is a Convention country, and within three months after the date of transfer that the Administration so requests, the Maritime Administrator must send the Administration a copy of—

- (a) the IAPP certificate issued in respect of that ship; and
- (b) if available, the survey report.

(5) In this regulation, the “final three month period” means the period of three months ending on the date of expiry of the certificate in question.

Extension of periods of validity of IAPP Certificates.

110A.(1) Where the period of validity of an IAPP Certificate issued in respect of a ship to which this regulation applies is less than five years, the Certifying Authority that issued the certificate may extend its period of validity to a maximum period of five years provided that any survey required under regulation 103 or 104 has been carried out.

- (2) Where—
 - (a) a renewal survey has been completed by a surveyor, but
 - (b) a new IAPP Certificate cannot be issued or placed on board the ship before the date of expiry of the latest IAPP Certificate,

the surveyor may endorse the latest IAPP Certificate.

(3) Where an IAPP Certificate has been endorsed under subregulation (2), that certificate is valid for such further period as is specified in the certificate, not exceeding five months beginning with the original date of expiry of the certificate.

(4) Where—

- (a) a renewal survey has not been completed before the date of expiry of the latest IAPP Certificate in question; and
- (b) at the date of expiry the ship is not in the port in which the survey is to be carried out,

the Certifying Authority that issued the latest IAPP Certificate may extend the period of validity of that certificate for a period not exceeding three months, if it appears to the Certifying Authority that it is proper and reasonable to do so solely for the purpose of allowing the ship to complete its voyage to its port of survey.

(5) Where the period of validity of an IAPP Certificate has been extended pursuant to subregulation (4), the ship in question shall not leave its port of survey until a new IAPP Certificate has been issued in respect of that ship.

(6) Subject to subregulation (7), the Certifying Authority that issued the latest IAPP Certificate in respect of a ship engaged solely on short voyages may extend the period of validity of that certificate for a period not exceeding one month.

(7) A Certifying Authority must not extend the period of validity of an IAPP Certificate under subregulation (6) if the period of validity of that certificate has already been extended under subregulation (1), (3) or (4).

(8) Subject to subregulation (9) and to regulations 110B(3) and 110C(1), where a renewal survey has been completed and a new IAPP Certificate has been issued in respect of a ship referred to in subregulation (5) or (6), the new IAPP Certificate is valid for such period as is specified in the certificate, not exceeding five years beginning with the original date of expiry of the previous IAPP Certificate.

(9) In the special circumstances set out in subregulation (17), the period of validity of a new IAPP Certificate which is—

- (a) issued in respect of a ship referred to in subregulation (5) or (6); or
- (b) referred to in regulation 110 (2) (b) and issued where the renewal survey is completed after the date of expiry of the latest IAPP Certificate,

is such period as is specified in the new certificate, not exceeding five years beginning with the date of the completion of the renewal survey in question.

(10) Where the period of validity of an IAPP Certificate is extended under subregulation (1), (4) or (6), or an endorsement is to be made pursuant to subregulation (2), the Certifying Authority in question must endorse the IAPP Certificate in accordance with subregulation (11).

(11) An endorsement referred to in subregulation (10) must be in the form set out in Schedule 9 where the certificate is an IAPP certificate.

(12) Where—

- (a) a survey is completed under regulation 103 before the annual survey period; or
- (b) a survey is completed under regulation 104 before the intermediate survey period,

the anniversary date shown on the IAPP Certificate shall be amended by an endorsement on the IAPP Certificate to a date which shall not be more than three months later than the date on which the survey referred to in subregulation (a) or (b) was completed.

(13) Where the anniversary date on an IAPP Certificate is amended in accordance with subregulation (12) any subsequent annual or intermediate survey required under this Part shall be completed at the intervals prescribed by this Part using the new anniversary date.

(14) Where—

- (a) a survey is completed under regulation 103 before the annual survey period; or
- (b) a survey is completed under regulation 104 before the intermediate survey period,

the date of expiry of the IAPP Certificate may remain unchanged provided that any surveys required by regulation 103 or 104 are carried out so that the maximum intervals between the surveys as required by this Part are not exceeded.

(15) In this regulation—

- (a) “annual survey period” has the same meaning as in regulation 103;
- (b) “intermediate survey period” has the same meaning as in regulation 104; and
- (c) “the original date of expiry” means the date on which an IAPP Certificate would have expired but for any extension of its period of validity.

(16) In special circumstances a new Certificate need not be dated from the date of expiry of the existing IAPP Certificate, but from the date of completion of the survey and it will then be valid for a period not exceeding 5 years, beginning with the date of completion of the survey.

(17) For the purposes of subregulations (9) and (16), these special circumstances are where the owner of the ship—

- (a) requests the change of date;
- (b) satisfies the Certifying Authority that the owner has a very good reason for making the request; and
- (c) complies with any reasonable additional survey requirements which the Certifying Authority may impose.

(18) The examples of an owner having “very good reason” may include—

- (a) where a ship has been laid up for an extended period; or
- (b) where the nature of a ship's business would make a different date much more convenient (such as in the case of a passenger ferry constructed in the summer and whose main trade is in the summer, where the owner may want to have all the refit and survey work done in the winter months),

and in the latter case of a request to change the anniversary date for the sake of convenience, the request will only be considered if such a request has not been made previously for the ship in question, and the owner confirms in writing to the Certifying Authority that this is a one-off request for that ship.

Procedure to be adopted when a ship is deficient.

110B.(1) This regulation applies where a surveyor determines that—

- (a) the condition of a ship or its equipment does not correspond substantially with the particulars of the IAPP Certificate, if any, issued in respect of the ship; or
- (b) a ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) The surveyor must—

- (a) advise the owner or master of the corrective action which in the opinion of the surveyor is required; and
- (b) where an IAPP Certificate has been issued in respect of the ship and is still valid, notify the Certifying Authority that issued the IAPP Certificate—
 - (i) that the surveyor has so advised the owner and master, and
 - (ii) if that corrective action is not taken.

(3) Where an IAPP Certificate has been issued in respect of the ship and is still valid, the Certifying Authority may suspend the validity of that certificate until the corrective action has been taken.

(4) Where the Certifying Authority suspends the validity of an IAPP Certificate issued in respect of a ship, it must immediately give notice of such suspension—

- (a) to the owner of the ship; and
- (b) where the ship is in a port outside Gibraltar, to the appropriate maritime authorities of the country in which the port is situated.

(5) Where the owner of the ship is given notice of suspension, that owner must notify the master of the ship in question of the suspension.

(6) In the application of subregulations (1) and (2) to a ship of the kind specified in regulation 99(6)–

- (a) “the Certifying Authority” means the Administration of the country where the ship is registered (or if the ship is not registered, the Administration of the flag State); and
- (b) “surveyor” includes a person authorised by the Administration of that country to survey the ship.

Miscellaneous provisions relating to IAPP Certificates.

110C.(1) The Maritime Administrator may cancel an IAPP Certificate issued in respect of a ship to which this subregulation applies, where the Maritime Administrator has reason to believe that–

- (a) the IAPP Certificate was issued on false or erroneous information; or
- (b) since the completion of any survey required by this Part, the equipment or machinery of the ship has sustained damage or is otherwise deficient.

(2) The Maritime Administrator may require that an IAPP Certificate issued in respect of a ship to which this subregulation applies, and which has expired or which has been cancelled, is to be surrendered within such time and in such manner as he may in writing direct.

(3) In relation to a ship to which this subregulation applies, no person shall–

- (a) intentionally alter an IAPP Certificate;
- (b) intentionally make a false IAPP Certificate;
- (c) knowingly or recklessly provide false information in connection with a survey required under this Part;
- (d) with intent to deceive, use or lend an IAPP Certificate or permit an IAPP Certificate to be used by another person; or

- (e) fail to surrender an IAPP Certificate where required to do so pursuant to subregulation (2).

(4) The owner and the master of a ship, in respect of which an IAPP Certificate has been issued and to which this subregulation applies, must ensure that the certificate is readily available on board the ship for inspection at all times.

Prohibition on non-Gibraltar ships proceeding to sea without an IAPP Certificate.

110D.(1) A ship to which this subregulation applies shall not proceed to sea from the port of Gibraltar unless—

- (a) an IAPP certificate has been issued pursuant to Annex VI in respect of that ship and is still valid;
- (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
- (c) a person having power to detain the ship has permitted the ship to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(2) A ship to which this subregulation applies shall not proceed to sea from the port of Gibraltar unless documentation has been issued in respect of that ship which is still valid and shows that—

- (a) a survey has been carried out in respect of the ship as if regulation 101 applied to the ship; and
- (b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment, or a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.

Inspection of ships under Part 7.

110E.(1) Where a ship is a ship to which this Part applies and the ship is in BGTW, the Administration may cause the ship to be inspected by a surveyor for the purpose of—

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- (a) verifying whether an IAPP Certificate has been issued in respect of the ship and is still valid;
- (b) verifying whether documentation referred to in regulation 110D(2) (“appropriate documentation”) has been issued in respect of the ship and is still valid;
- (c) investigating any operation regulated by this Part, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures relating to the prevention of air pollution; and
- (d) verifying whether the ship has emitted any substances in violation of this Part; or
- (e) inspecting banker delivery notes that are to be available for inspection under regulation 117(8),

except where there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the IAPP Certificate or other appropriate documentation referred to in paragraph (b).

(2) Where the ship is inspected for the purposes of subregulation (1)(d) and the ship is not a Gibraltar ship, the person exercising the powers of inspection must ensure that the report of the inspection is sent to—

- (a) the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State; and
- (b) any other Party to the MARPOL Convention who requested the inspection.

Investigation of alleged violations of Part 7 by a Gibraltar ship.

110F. Upon receiving evidence that a Gibraltar ship has emitted a substance in violation of this Part, the Maritime Administrator must—

- (a) cause the matter to be investigated;
- (b) inform the IMO of the action taken; and

- (c) where another State has reported the violation, inform that State of the action taken.

General provisions on detention under Part 7.

110G.(1) Subject to subregulation (2), where regulation 110B(1) has effect in relation to a ship, or a surveyor of ships has clear grounds for believing that—

- (a) an IAPP Certificate is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;
- (b) documentation referred to in regulation 110D(2) (“appropriate documentation”) is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;
- (c) the condition of a ship or its equipment does not correspond substantially with the particulars of that Certificate or other appropriate documentation;
- (d) the master or crew are not familiar with essential shipboard procedures relating to the prevention of air pollution; or
- (e) an offence under regulation 122(11) is being committed in respect of a ship,

the ship is liable to be detained until a surveyor of ships is satisfied that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) A person having powers to detain a ship may permit a ship which is liable to be detained under subregulation (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master of the ship a detention notice which—

- (a) states the grounds for the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by the Administration.

Ozone-depleting substances.

111.(1) Subject to the provisions of regulation 100, any deliberate emissions of ozone-depleting substances is prohibited.

(2) “Deliberate emissions” include emissions occurring in the course of maintaining, servicing, repairing or disposing of systems or equipment, except that deliberate emissions do not include minimal releases associated with the recapture or recycling of an ozone-depleting substance and emissions arising from leaks of an ozone-depleting substance, whether or not the leaks are deliberate, may be regulated by Parties to the Protocol of 1997.

(3) New installations, which contain ozone-depleting substances, are prohibited on all ships, except that new installations containing hydrochlorofluorocarbons (HCFCs) are permitted until 1 January 2020.

(4) The substances referred to in this regulation, and equipment containing such substances, shall be delivered to appropriate reception facilities when removed from ships.

Nitrogen oxides (NO_x).

112.(1) This regulation shall apply to—

- (a) each diesel engine with a power output of more than 130 kW which is installed on a ship constructed on or after 1 January 2000; and
- (b) each diesel engine with a power output of more than 130 kW, which undergoes a major conversion on or after 1 January 2000.

(2) This regulation does not apply to—

- (a) emergency diesel engines, engines installed in lifeboats and any device or equipment intended to be used solely in case of emergency; and
- (b) engines installed on ships solely engaged in voyages within BGTW if such engines are subject to an alternative NO_x control measure established by the Administration.

(3) For the purpose of this regulation, “major conversion” means a modification of an engine where—

- (a) the engine is replaced by a new engine built on or after 1 January 2000;
- (b) any substantial modification, as defined in the NO_x Technical Code, is made to the engine; or
- (c) the maximum continuous rating of the engine is increased by more than 10%.

(4) The NO_x emission resulting from modifications referred to in the subregulation (1) shall be documented in accordance with the NO_x Technical Code for approval by the Administration.

(5) Subject to the provision of regulation 100, the operation of each diesel engine to which this regulation applies is prohibited, except when the emission of nitrogen oxides (calculated as the total weighted emission of NO₂) from the engine is within the limits specified in paragraph (3)(a) of Regulation 13 of Annex VI.

(6) When using fuel composed of blends from hydrocarbons derived from petroleum refining, test procedure and measurement methods shall be in accordance with the NO_x Technical Code, taking into consideration the test cycles and weighting factors outlined in Appendix II to Annex V that has been reproduced in Schedule 10.

(7) Notwithstanding the provisions of subregulation (5), the operation of a diesel engine is permitted when—

- (a) an exhaust gas cleaning system, approved by the Administration in accordance with the NO_x Technical Code, is applied to the engine to reduce onboard NO_x emissions at least to the limits specified in paragraph (3)(a) of Regulation 13 of Annex VI; or
- (b) any other equivalent method, approved by the Administration taking into account relevant guidelines to be developed by the IMO, is applied to reduce onboard NO_x emissions at least to the limit specified in paragraph (3)(a) of Regulation 13 of Annex VI.

Sulphur oxides (SO_x).

113.(1) The sulphur content of any fuel oil used on board ships shall not exceed 4.5% m/m.

(2) The worldwide average sulphur content of residual fuel oil supplied for use on board ships shall be monitored taking into account guidelines to be developed by the IMO.

(3) For the purpose of this regulation, SO_x emission control areas shall include—

- (a) the Baltic Sea area as defined in paragraph (1)(b) of Regulation 10 of Annex I;
- (b) the North Sea area as defined in Regulation 5(1)(f) of Annex V; and
- (c) any other sea area, including port areas, designated by the IMO in accordance with criteria and procedures for designation of SO_x emission control areas with respect to the prevention of air pollution from ships contained in Appendix III to Annex VI that has been reproduced in Schedule 11.

(4) While ships are within SO_x emission control areas, at least one of the following conditions shall be fulfilled—

- (a) the sulphur content of fuel oil used on board ships in a SO_x emission control area does not exceed 1.5% m/m and from 1st July 2010 1% m/m;
- (b) an exhaust gas cleaning system, approved by the Administration taking into account guidelines to be developed by the IMO, is applied to reduce the total emission of sulphur oxides from ships, including both auxiliary and main propulsion engines, to 6.0g SO_x/kW.h or less calculated as the total weight of sulphur dioxide emission. Waste streams from the use of such equipment shall not be discharged into enclosed ports, harbours and estuaries unless it can be thoroughly documented by the ship that such waste streams have no adverse impact on the ecosystems of such enclosed ports, harbours and estuaries, based upon criteria communicated by the Administration of the port State to the IMO;

(c) any other technological method that is verifiable and enforceable to limit SO_x emissions to a level equivalent to that described in paragraph (b) is applied and these methods shall be approved by the Administration taking into account guidelines to be developed by the IMO.

(5) The sulphur content of fuel oil referred to in subregulations (1) and (4)(a) shall be documented by the supplier as required by regulation 117.

(6) Those ships using separate fuel oils to comply with subregulation (4)(a) shall allow sufficient time for the fuel oil service system to be fully flushed of all fuels exceeding 1.5% m/m sulphur content prior to entry into a SO_x emission control area and the volume of low sulphur fuel oils (less than or equal to 1.5% sulphur content) in each tank as well as the date, time, and position of the ship when any fuel changeover operation is completed, shall be recorded in such logbook as prescribed by the Administration.

(7) During the first twelve months immediately following entry into force of the Protocol of 1997, or of an amendment to that Protocol designating a specific SO_x Emission Control Area under subregulation (3)(b), ships entering a SO_x Emission Control Area referred to in subregulation (3)(a) or designated under subregulation (3)(b) are exempted from the requirements in subregulations (4) and (6) and from the requirements of subregulation paragraph (5) insofar as they relate to subregulation (4)(a).

(8) For the purposes of subregulation (1) or (4)(a), the 4.5% limit should be applied to all ships starting from the 19 May 2005 even if the International Air Pollution Prevention Certificate was not already issued for the ships concerned and the same applies for the 1.5% limit starting from 19 May 2006 for the Baltic Sea SO_x emission control area and the corresponding entry into effect dates for other designated SO_x emission control areas.

Volatile organic compounds.

114.(1) The port authority shall regulate emissions of volatile organic compounds (VOCs) from tankers in the port in accordance with the provisions of this regulation.

(2) In order to regulate VOCs emissions in the port of Gibraltar, the port authority shall cause a notification to be submitted to the IMO and this notification shall include information on the size of tankers to be controlled, on cargoes requiring vapour emission control systems, and the effective date

of such control which shall be submitted at least six months before the effective date.

(3) The port authority shall, in order to regulate VOCs emissions from tankers in the port, ensure that vapour emission control systems, approved by the Government taking into account the safety standards developed by the IMO are provided in the port and are operated safely and in a manner so as to avoid undue delay to the ship.

(4) All tankers which are subject to vapour emission control in accordance with the provisions of subregulation (2) shall be provided with a vapour collection system approved by the Administration taking into account the safety standards developed by the IMO and shall use such system during the loading of such cargoes.

(5) This regulation shall only apply to gas carriers when the type of loading and containment systems allow safe retention of non-methane VOCs on board, or their safe return ashore.

Shipboard incineration.

115.(1) Except as provided in subregulation (5), shipboard incineration shall be allowed only in a shipboard incinerator.

(2) Each incinerator installed on board a ship on or after 1 January 2000 shall meet the requirements contained in Appendix IV to Annex VI that has been reproduced in Schedule 12 and each incinerator shall be approved by the Administration taking into account the standard specifications for shipboard incinerators developed by the IMO.

(3) The Administration may allow exclusion from the application of subregulation (2) to any incinerator which is installed on board a ship before 19 May 2005, the date of entry into force of the Protocol of 1997 if the ship is solely engaged in voyages within BGTW.

(4) Nothing in this regulation affects the prohibition in, or other requirements of, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended, and the 1996 Protocol thereto.

(5) Shipboard incineration of the following substances is prohibited—

- (a) Annex I, Annex II and Annex III cargo residues of the MARPOL Convention and related contaminated packing materials;
- (b) polychlorinated biphenyls (PCBs);
- (c) garbage, as defined in Annex V of the MARPOL Convention, containing more than traces of heavy metals; and
- (d) refined petroleum products containing halogen compounds.

(6) Shipboard incineration of sewage sludge and sludge oil generated during the normal operation of a ship may also take place in the main or auxiliary power plant or boilers, but in those cases, shall not take place inside ports, harbours and estuaries.

(7) Shipboard incineration of polyvinyl chlorides (PVCs) is prohibited, except in shipboard incinerators for which IMO Type Approval Certificates have been issued.

(8) All ships with incinerators subject to this regulation shall possess a manufacturer's operating manual which shall specify how to operate the incinerator within the limits described in paragraph (2) of Appendix IV to Annex VI.

(9) Personnel responsible for operation of any incinerator shall be trained and capable of implementing the guidance provided in the manufacturer's operating manual.

(10) Monitoring of combustion flue gas outlet temperature shall be required at all times and waste shall not be fed into a continuous-feed shipboard incinerator when the temperature is below the minimum allowed temperature of 850°C and for batch-loaded shipboard incinerators, the unit shall be designed so that the temperature in the combustion chamber shall reach 600°C within five minutes after start-up.

(11) Nothing in this regulation precludes the development, installation and operation of alternative design shipboard thermal waste treatment devices that meet or exceed the requirements of this regulation.

Reception facilities for the purposes of Annex VI.

116.(1) The Government shall ensure the provision of facilities adequate to meet the—

- (a) needs of ships using its repair ports for the reception of ozone-depleting substances and equipment containing such substances when removed from ships;
- (b) needs of ships using its ports, terminals or repair ports for the reception of exhaust gas cleaning residues from an approved exhaust gas cleaning system when discharge into the marine environment of these residues is not permitted under regulation 113; and
- (c) needs in ship breaking facilities for the reception of ozone-depleting substances and equipment containing such substances when removed from ships.

(2) The Government shall cause the IMO to be notified, for transmission to the Members of the IMO, of all cases where the facilities provided under this regulation are unavailable or alleged to be inadequate.

(3) The Government shall ensure that the needs of ships referred to in subregulation (1) (a) and (b) are met without causing undue delay to the ships.

Fuel oil quality.

117.(1) This regulation does not apply to—

- (a) coal in its solid form; and
- (b) nuclear fuels.

(2) A fuel oil supplier shall ensure that fuel oil for combustion purposes delivered to a relevant ship for use on board that ship meets the requirements in subregulation (4) or (5) as applicable.

(3) The master of a relevant ship shall ensure that fuel oil for combustion purposes used on board that ship meets the requirements of subregulation (4) or (5).

(4) Where the fuel oil consists of blends of hydrocarbons derived from petroleum refining, it shall not—

- (a) incorporate more than a small amount of additives intended to improve some aspects of performance;

- (b) contain inorganic acid;
 - (c) include any added substance or chemical waste which—
 - (i) jeopardises the safety of the relevant ship;
 - (ii) adversely affects the performance of the machinery;
 - (iii) is harmful to personnel; or
 - (iv) contributes increased air pollution.
- (5) Fuel oil for combustion purposes derived by methods other than petroleum refining shall not—
- (a) exceed the appropriate sulphur content limit;
 - (b) cause an engine to exceed the nitrogen oxide emission limits in regulation 112(5);
 - (c) contain any inorganic acid;
 - (d) jeopardise the safety of the relevant ship or adversely affect the performance of the machinery;
 - (e) be harmful to personnel; or
 - (f) include any added substance or chemical which contributes additional air pollution.
- (6) For the purposes of subregulation (5), the appropriate sulphur content limit means—
- (a) in the case fuel oil intended to be used in a sulphur oxide emission control area, not more than 1.5%,
 - (b) in the case of fuel oil not intended to be used in a sulphur oxide emission control area, not more than 4.5%.
- (7) A local supplier of fuel oil for combustion purposes delivered to and used on board a relevant ship shall—
- (a) register with the Captain of the Port;

- (b) provide the master of the relevant ship with a bunker delivery note containing the information specified in Appendix V to Annex VI as set out in Schedule 13;
- (c) provide a declaration in the bunker delivery note that is signed by the fuel oil supplier's representative that the fuel oil supplied conforms with regulations 113(1) or 113(4)(a) (as applicable) and subregulations (2) and (4) of this regulation;
- (d) retain a copy of the bunker delivery note for three years from the date of delivery; and
- (e) not contaminate or blend the fuel so that it no longer conforms with the declaration required by paragraph (c).

(8) The master of a relevant ship shall—

- (a) ensure that the bunker delivery note is kept on board the ship in a place so as to be readily available for inspection at all reasonable times;
- (b) when requested by a duly authorised officer to do so, certify whether any copy of the bunker delivery note is a true copy of the original; and
- (c) ensure that the bunker delivery note is retained for a period of three years from the day on which the fuel oil has been delivered on board.

(9) The local supplier's representative shall provide a representative sample of the fuel oil delivered to accompany the bunker delivery note, and that sample shall—

- (a) on completion of bunkering operations be sealed and signed by the local supplier's representative and the master or officer in charge of the bunkering operation; and
- (b) be retained under the control of the master or owner of the ship for not less than twelve months starting with the day of delivery or until the fuel oil is substantially consumed if the fuel oil is not consumed in less than twelve months.

(10) The bunker delivery note and the sample of fuel oil required under subregulations (7), (8) and (9) must be available for inspection and verification at all reasonable times.

(11) The bunker delivery note required under subregulations (7) and (8) must be available for copies to be made at all reasonable times.

(12) An inspector appointed by the Maritime Administrator may—

- (a) inspect the bunker delivery notes on board any ship to which this Part applies while the ship is in BGTW;
- (b) make a copy of each delivery note; and
- (c) also verify the contents of each note through consultations with the port where the note was issued.

(13) The inspection of the bunker delivery notes and the taking of certified copies by an inspector under subregulation (12) shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

(14) The Captain of the Port shall maintain a register of local suppliers of fuel oil.

(15) The Maritime Administrator shall—

- (a) take action as appropriate against fuel oil suppliers that have been found to deliver fuel oil that does not comply with that stated on the bunker delivery note;
- (b) receive information of any ship receiving fuel oil found to be non-compliant with the requirements of regulation 113 and this regulation; and
- (c) inform the Government in order to notify the IMO of all cases where fuel oil suppliers have failed to meet the requirements specified in regulations 113 and this regulation.

(16) In this regulation—

- (a) “Captain of the Port” shall have the meaning assigned to it by section 2(1) of the Port Act;

- (b) “fuel oil supplier” means a person who is responsible for the final blend of fuel oil supplied to a local supplier of fuel oil;
- (c) “fuel oil supplier’s representative” means a person appointed by a fuel oil supplier to provide a declaration on the bunker delivery note that the fuel supplied complies with regulations 113(1) or 113(4)(a) (as applicable) and subregulations (2) and (4) of this regulations ;
- (d) “local supplier of fuel oil” means a person who receives fuel oil with a view to its delivery to and use on board a relevant ship; and
- (e) “local supplier’s representative” means a person who delivers fuel oil to a relevant ship on behalf of a local supplier of fuel oil; and
- (f) “relevant ship” means–
 - (i) a platform; or
 - (ii) a ship, other than a platform, of 400GT or above.

Requirements for platforms and drilling rigs.

118.(1) Subject to the provisions of sub-regulations (2) and (3), fixed and floating platforms and drilling rigs shall comply with the requirements of this Part.

(2) Emissions directly arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources are, consistent with Article 2(3)(b)(ii) of the MARPOL Convention, exempt from the provisions of this Part and such emissions include the following–

- (a) emissions resulting from the incineration of substances that are solely and directly the result of exploration, exploitation and associated offshore processing of sea-bed mineral resources, including but not limited to the flaring of hydrocarbons burning of cuttings, muds, and stimulation fluids during well completion and testing operations, and flaring arising from upset conditions;
- (b) the release of gases and volatile compounds entrained in drilling fluids and cuttings;

- (c) emissions associated solely and directly with the treatment, handling, or storage of sea-bed minerals; and
- (d) emissions from diesel engines that are solely dedicated to the exploration, exploitation and associated offshore processing of sea-bed mineral resources.

(3) The requirements of regulation 117 shall not apply to the use of hydrocarbons, which are produced and subsequently used on site as fuel, when approved by the Administration.

PART 8 MISCELLANEOUS

Reporting on incident.

119.(1) The master or other person having charge of any ship involved in an incident shall report the particulars of such incident without delay and to the fullest extent possible to the Administration.

(2) In the event of the ship referred to in subregulation (1) being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agent shall, to the fullest extent possible, assume the obligations placed upon the master under the provisions of this regulation.

(3) A report required by this regulation shall be made when an incident involves—

- (a) a discharge above the permitted level or probable discharge of oil or of noxious liquid substances for whatever reason including those for the purpose of securing the safety of the ship or for saving life at sea;
- (b) a discharge or probable discharge of harmful substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges; or
- (c) damage, failure or breakdown of a ship of 15 metres in length or above which—

- (i) affects the safety of the ship; including but not limited to collision, grounding, fire, explosion, structural failure, flooding and cargo shifting; or
 - (ii) results in impairment of the safety of navigation, including but not limited to, failure or breakdown of steering gear, propulsion plant, electrical generating system, and essential shipborne navigational aids; or
 - (d) a discharge during the operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under these Regulations.
- (4) A report required by this regulation shall in any case include the—
- (a) identity of ships involved;
 - (b) time, type and location of incident;
 - (c) quantity and type of harmful substance involved; and
 - (d) assistance and salvage measures.
- (5) Any person who is obliged under this regulation to send a report shall, when possible—
- (a) supplement the initial report, as necessary, and provide information concerning further developments; and
 - (b) comply as fully as possible with requests from affected States for additional information.
- (6) In respect of reports on incidents involving harmful substances, the report shall be made by the fastest telecommunications channels available with the highest possible priority to the nearest coastal State and the instructions on the procedures in reporting incidents involving harmful substances, based on guidelines developed by the IMO shall be followed.

Port state control on operational requirements.

120.(1) When a ship to which the provisions of these Regulations or the MARPOL Convention apply and that ship is in BGTW, the Maritime Administrator may direct a surveyor or an inspector to inspect the ship to

check whether the master or crew are familiar with essential shipboard procedures relating to the prevention of—

- (a) pollution by oil as specified in Part 2 of these Regulations;
- (b) pollution by noxious liquid substances in bulk as specified in Part 3 of these Regulations;
- (c) pollution by harmful substances as specified in Part 4 of these Regulations;
- (cc) pollution by sewage as specified in Part 5 of these Regulations;
- (d) pollution by garbage as specified in Part 6 of these Regulations; and
- (e) air pollution from ships as specified in Part 7 of these Regulations.

(2) Where an inspection carried out under subregulation (1) reveals that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution as required by these Regulations, the Administration shall detain the ship by order and prevent the ship from proceeding to sea or leaving the port until the ship can proceed to sea or leave the port for the purpose of proceeding to an appropriate repair yard without danger to the ship or persons on board.

(3) When the Administration acts under this regulation, it shall—

- (a) prepare a report addressed to the Government of the State in which the ship is registered;
- (b) take all possible efforts to avoid a ship being unduly delayed or detained; and
- (c) fully guarantee the completeness and efficiency of the inspection and survey.

(4) Where a ship has been detained from proceeding to sea under subregulation (2), the Administration shall immediately notify in writing—

- (a) the Gibraltar Port Authority;

- (b) the Government's Immigration authority and the Customs Department;
 - (c) the master, the owner or operator of the ship;
 - (d) the Administration of the flag State or the State where the ship is registered or its diplomatic representative in Gibraltar or the United Kingdom; and
 - (e) the surveyor or recognised organisation responsible for the issue of the certificates.
- (5) The notification referred to in subregulation (4) shall contain—
- (a) the result of the inspection with a list of deficiencies;
 - (b) any decision taken by the inspector or the surveyor;
 - (c) information on the right of appeal against the order for detention.
- (6) If in the event of a control under this regulation, a ship is detained, the Administration shall, in addition to the steps taken under subregulation (4)—
- (a) cause the facts concerning the detention of the ship to be reported to the IMO; and
 - (b) notify all relevant information about the ship to the authorities of the next port of call.
- (7) When a ship is unduly detained or delayed in carrying out any inspection under this regulation or under any other provisions of these Regulations, that ship shall be entitled to compensation for any loss or damage suffered.

Enforcement measures for prevention of ship-source pollution.

121.(1) Where irregularities or information obtained by the Administration give rise to a suspicion that a ship which is voluntarily within the port has been engaged, or is engaging, in a discharge of polluting substances into any of the areas referred to in regulation 3(3)(a), the Administration shall direct a surveyor or an inspector to inspect the ship; and such surveyor or inspector shall, as far as possible, follow the provisions of the Gibraltar Merchant

Shipping (Port State Control) Regulations 2003 when carrying out that inspection.

(2) Where the inspection reveals facts that could indicate a contravention of regulation 21, 40 or 63, the surveyor or the inspector shall inform the Administration.

(3) If the suspected discharge of polluting substances takes place in the areas referred to in regulation 3(3)(a)(ii), (iii), (iv) or (v) and the ship which is suspected of the discharge does not call at the port of Gibraltar, the Administration shall—

- (a) if the next port of call of the ship is in a Member State, take the necessary measures to ensure that the competent authority in that Member State is informed about the suspected discharge and closely cooperate with the authority in that Member State in—
 - (i) any inspection similar to that referred to in subregulation (1), and
 - (ii) deciding on the appropriate measures in respect of any such discharge; or
- (b) if the next port of call of the ship is in a State which is not a Member State—
 - (i) take the necessary measures to ensure that the competent authority in the State of the next port of call of the ship is informed about the suspected discharge, and
 - (ii) request the competent authority of the State of the next port of call of the ship to take the appropriate measures in respect of any such discharge.

(4) Where the Administration has clear and objective evidence that a ship navigating in the areas referred to in regulation 3(3)(a)(ii) or (iv) has committed, in the area referred to in regulation 3(3)(a)(iv), an offence under subregulation (2), (3), (4), (5) or (6) of regulation 122 resulting in a discharge causing major damage or a threat of major damage to Gibraltar's coastline, to any related interests of Gibraltar or to any resources in the areas referred to in regulation 3(3)(a)(ii) or (iv), the Administration shall, subject to Part XII, section 7 of the 1982 United Nations Convention on the Law of the Sea, and if the evidence so warrants, arrange for legal action, including

detention of the ship, to be instituted in accordance with the law of Gibraltar.

(5) In any event, the Administration in Gibraltar shall keep the Administration of the flag State informed of any action taken pursuant to this regulation.

Offences and penalties.

122.(1) Where a ship, to which regulation 11 applies, fails to comply with any of the requirements of that regulation, the Administration may withdraw, suspend or cancel the International Oil Pollution Prevention Certificate issued to that ship and, in addition, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(2) Where a person contravenes subregulation (1), (2), (3) or (4) of regulation 21, subregulation (1), (3) or (8) of regulation 40 or subregulation (2) or (15) of regulation 63, and the act committed does not cause a deterioration of the quality of the water, that person commits an offence and is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale, or on conviction on indictment to imprisonment for a term between 1 to 3 years, or to both.

(2A) Where an act that leads to an offence referred to in subregulation (2) is repeated and each act is committed with intent, recklessly or with serious negligence and in conjunction result in deterioration in the quality of water, the owner and the master of the ship shall each be guilty of an offence and liable on conviction on indictment to imprisonment for a term between 2 to 5 years and to fine.

(3) Where the offence referred to in subregulation (2) is committed with intent or recklessly, and caused significant and widespread damage—

- (a) to water quality, to animal or vegetable species or to parts of them, the owner and the master of the ship shall each be guilty of the offence and liable on conviction on indictment to imprisonment for a term between 2 to 5 years and to fine; or
- (b) to water quality, to animal or vegetable species or to parts of them, and the death or serious injury of persons, the owner and the master of the ship shall each be guilty of the offence and liable on conviction on indictment to imprisonment for a term between 5 to 10 years and to fine.

(4) Where the offence referred to in subsection (2) is committed with serious negligence, and caused significant and widespread damage—

- (a) to water quality, to animal or vegetable species or to parts of them, the owner and the master of the ship shall each be guilty of the offence and liable on conviction on indictment to imprisonment for a term between 1 to 3 years and to fine; or
- (b) to water quality, to animal or vegetable species or to parts of them and the death or serious injury of persons, the owner and the master of the ship shall each be guilty of the offence and liable on conviction on indictment to imprisonment for a term between 2 to 5 years and to fine.

(5) Where a ship, to which Part 3 applies, fails to comply with any of the requirements of regulation 55, the Administration may withdraw, suspend or cancel the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued to that ship and, in addition, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(6) Where a ship, to which Part 3 applies, fails to comply with any of the requirements of regulation 61, 62, 63, 64, 65, 66 or 67, the Administration may withdraw, suspend or cancel the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued to that ship and, in addition, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(7) Where a ship, to which Part 4 applies, contravenes regulation 69(2), the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding 2 years, to both.

(8) Where a ship to which Part 5 applies, contravenes regulation 78(1), 79(1), 80(1), (2) or (3), 81(2), 86(5), 88(3) or (4) or 89(1) or (2), the Certifying Authority may withdraw, suspend or cancel the International Sewage Pollution Prevention Certificate issued to that ship and, in addition, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(9) Where a ship, to which Part 5 applies, fails to comply with any of the requirements of regulation 90C(1), the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(10) Where a ship, to which Part 6 applies, fails to comply with any of the requirements of regulation 92, 93(1), or 94(2), the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 4 on the standard scale or on conviction on indictment, to imprisonment for a term not exceeding 1 year or to both.

(11) Where a ship to which Part 7 applies, contravenes regulation 101(1), 102(1), 103(1), 104(1), 105(1), (2) or (3), 106(2), 110A(5), 110C(3) or (4), 110D (1) or (2) or 111(1), the Certifying Authority may withdraw, suspend or cancel the International Air Pollution Prevention Certificate issued to that ship and, in addition, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(12) Where a ship, to which Part 7 applies, fails to comply with the requirement of regulation 111(1) or 112(5), the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 4 on the standard scale or on conviction on indictment, to imprisonment for a term not exceeding 1 year or to both.

(13) Where a ship, to which Part 7 applies, fails to comply with the requirement of subregulation (5), (6) or (7) of regulation 115, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 4 on the standard scale or on conviction on indictment, to imprisonment for a term not exceeding 1 year or to both.

(14) Where a ship, to which Part 7 applies, is in contravention of subregulation (2), (7) or 9(a) of regulation 117 is an offence by the fuel oil supplier in question or by the local supplier of fuel oil in question and such offence is punishable on summary conviction, to a fine at level 4 on the standard scale or on conviction on indictment, to imprisonment for a term not exceeding 1 year or to both.

(15) A fuel oil supplier's representative who makes a false declaration in a bunker delivery note under regulation 117 in relation to a ship to which Part 7 applies, is guilty of an offence and punishable on summary conviction to a

fine at level 4 on the standard scale or on conviction on indictment, to imprisonment for a term not exceeding 1 year, or to both.

(16) Where a ship fails to report to the Administration as required by regulation 119, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 2 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding 3 months, or to both.

(17) Where a ship proceeds or attempts to proceed to sea without having any relevant certificate in force as may be issued in accordance with these Regulations, the owner and master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 5 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding 2 years, or to both.

(18) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure that the Regulations were complied with.

(19) In respect of aiding or abetting of an offence under this regulation, section 17 of the Criminal Offences Act shall apply.

Liability of, and penalties for, corporate body.

122A.(1) A corporate body may be made liable for an offence under subregulation (2), (2A), (3) or (4) of regulation 122 committed by a person acting either individually or as part of an organ of the corporate body, who has a leading position within the corporate body, and based on—

- (a) a power of representation of the corporate body;
- (b) an authority to take decisions on behalf of the corporate body;
or
- (c) an authority to exercise control within the corporate body,

where the offence is committed for its benefit.

(2) A corporate body may be made liable for an offence under subregulation (2), (2A), (3) or (4) of regulation 122 committed by a person referred to in subregulation (1) where lack of supervision or control by that person has made possible the commission of the offence for the benefit of the corporate body by a person under its authority.

(3) Where a corporate body is guilty of an offence under this regulation and that offence is committed with the consent or connivance of, or by involvement as an accessory or instigator of, a director, manager, secretary or other similar officer of the corporate body or a person who was purporting to act in any such capacity, any such natural person shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Reporting to the European Commission.

123. The Government shall ensure that, every three years, a report is transmitted to the European Commission on the application of the provisions of these Regulations in so far as they implement the Ship-source pollution Directive.

Appeals.

124.(1) In the case of any dispute or complaint with regard to any decision made by the Administration in carrying out its duties under these Regulations, the owner or operator of a ship or his representative in Gibraltar or the company may, within 7 days, make an appeal to the Minister with responsibility for the Port and shipping and the Minister shall dispose of the appeal as soon as possible in writing by giving reasons for his decision.

(2) On an appeal under subregulation (1), the Minister shall either—

- (a) confirm the decision made by the Administration or confirm it with such modifications as he thinks fit; or
- (b) cancel it.

(3) A second appeal may be made to the Supreme Court and only on a point of law.

(4) An appeal under subregulation (3) shall be made within 21 days from the decision made under subregulation (1) and the Court shall give an expedited hearing to that appeal.

(5) An appeal to the Minister or to the Court shall not suspend the operation of a notice of detention of a ship.

SCHEDULE 1

Regulation 4(1) (Definition of “oil”)

List of oils

Asphalt solutions Blending stocks Roofers flux Straight run residue	Gasoline blending stocks Alkylates – fuel Reformates Polymer – fuel
Oils Clarified Crude oil Mixtures containing crude oil Diesel oil Fuel oil no. 4 Fuel oil no. 5 Fuel oil no. 6 Residual fuel oil Road oil Transformer oil Aromatic oil (excluding vegetable oil) Lubricating oils and blending stocks Mineral oil Motor oil Penetrating oil Spindle oil Turbine oil	Gasolines Casinghead (natural) Automotive Aviation Straight run Fuel oil no. 1 (kerosene) Fuel oil no. 1-D Fuel oil no. 2 Fuel oil no. 2-D
Distillates Straight run Flashed feed stocks	Jet fuels JP-1 (kerosene) JP-3 JP-4 JP-5 (kerosene, heavy) Turbo fuel Kerosene Mineral spirit
Gas oil Cracked	Naphtha Solvent Petroleum Heartcut distillate oil

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SCHEDULE 2

Regulation 15(1)

Form of IOPP Certificate and Supplements*

INTERNATIONAL OIL POLLUTION PREVENTION
CERTIFICATE

(Note: This Certificate shall be supplemented by a Record
of Construction and Equipment)

Issued under the provisions of the International Convention for the
Prevention of Pollution from Ships, 1973, as modified by the Protocol of
1978 relating thereto, and as amended, (hereinafter referred to as “the
MARPOL Convention”) under the authority of the Government of Gibraltar

.....

(full designation of the Administration)

by.....

*(full designation of the competent person or organisation
authorised under the provisions of the MARPOL Convention)*

Particulars of ship*

Name of ship

Distinctive number or letters

Port of registry

Gross tonnage

Deadweight of ship (metric tons)^φ

IMO Number[♥]

* The IOPP certificate shall be at least in English. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

* Alternatively, the particulars of the ship may be placed horizontally in boxes.

^φ For oil tankers.

Type of ship[▲]:

Oil tanker

Ship other than an oil tanker with cargo tanks coming under Regulation 2.2 of Annex I of the MARPOL Convention

Ship other than any of the above

THIS IS TO CERTIFY:

- 1. That the ship has been surveyed in accordance with Regulation 6 of Annex I of the MARPOL Convention.
2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the MARPOL Convention.

This certificate is valid until (dd/mm/yyyy):∞ subject to surveys in accordance with Regulation 6 of Annex I of the MARPOL Convention.

Issued at. (Place of issue of certificate)

(dd/mm/yyyy) (Date of issue) (Signature of duly authorised official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by Regulation 6 of Annex I of the MARPOL Convention the ship was found to comply with the relevant provisions of the Convention:

▼ Refer to the IMO Ship Identification Number Scheme adopted by the Organisation by Resolution A. 600(15).
▲ Delete as appropriate.
∞ Insert the date of expiry as specified by the Administration in accordance with Regulation 10.1 of Annex I of the MARPOL Convention.

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Annual survey: Signed
(Signature of duly authorised official)

Place

Date (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate* survey: Signed
(Signature of duly authorised official)

Place

Date (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate* survey: Signed
(Signature of duly authorised official)

Place

Date(dd/mm/yyyy).

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed
(Signature of duly authorised official)

Place

Date(dd/mm/yyyy).

(Seal or stamp of the authority, as appropriate)

**ANNUAL/INTERMEDIATE* SURVEY IN ACCORDANCE WITH
REGULATION 10.8.3 OF ANNEX I**

* Delete as appropriate.
* Delete as appropriate
* Delete as appropriate.

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THIS IS TO CERTIFY that, at an annual/intermediate* survey in accordance with Regulation 10.8.3 of Annex I of the MARPOL Convention, the ship was found to comply with the relevant provisions of the Convention:

Signed (Signature of authorised official)

Place

Date(dd/mm/yyyy) (Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN 5 YEARS WHERE REGULATION 10.3 OF ANNEX I APPLIES

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with Regulation 10.3 of Annex I of the MARPOL Convention, be accepted as valid until

Signed (Signature of authorised official)

Place

Date(dd/mm/yyyy) (Seal or stamp of the authority, as appropriate)

ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND REGULATION 10.4 OF ANNEX I APPLIES

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with Regulation 10.4 of Annex I of the MARPOL Convention, be accepted as valid until.....

Signed (Signature of authorised official)

Place

* Delete as appropriate.

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Date (dd/mm/yyyy)
(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE REGULATION 10.5 OR 10.6 OF ANNEX I APPLIES

This Certificate shall, in accordance with Regulation 10.5 or 10.6* of Annex I of the MARPOL Convention, be accepted as valid until

Signed
(Signature of authorised official)
Place

Date (dd/mm/yyyy)
(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ADVANCEMENT OF ANNIVERSARY DATE WHERE REGULATION 10.8 OF ANNEX I APPLIES

In accordance with Regulation 10.8 of Annex I of the MARPOL Convention, the new anniversary date is

Signed
(Signature of authorised official)
Place

Date(dd/mm/yyyy)
(Seal or stamp of the authority, as appropriate)

In accordance with Regulation 10.8 of Annex I of the MARPOL Convention, the new anniversary date is

Signed
(Signature of authorized official)
Place

Date (dd/mm/yyyy)
(Seal or stamp of the authority, as appropriate)

* Delete as appropriate.

Appendix

FORM A

Supplement to the International Oil Pollution Prevention Certificate (IOPP Certificate)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS OTHER THAN OIL TANKERS

In respect of the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the MARPOL Convention").

- Notes:
1. This form is to be used for the third type of ships as categorised in the IOPP Certificate, i.e. "ships other than any of the above".
2. This Record shall be permanently attached to the IOPP Certificate.
3. The language of the original Record shall be in English.
4. Entries in boxes shall be made by inserting either a cross (X) for the answers "yes" and "applicable" or a dash (-) for the answers "no" and "not applicable".
5. Regulations mentioned in this Record refer to Regulations of Annex I of the MARPOL Convention and resolutions refer to those adopted by the IMO.

1 Particulars of ship

- 1.1 Name of ship
1.2 Distinctive number or letters

- 1.3 Port of registry.
- 1.4 Gross tonnage
- 1.5 Date of build:
 - 1.5.1 Date of building contract
 - 1.5.2 Date on which keel was laid or ship was at a similar stage of construction
 - 1.5.3 Date of delivery
- 1.6 Major conversion (if applicable):
 - 1.6.1 Date of conversion contract
 - 1.6.2 Date on which conversion was commenced
 - 1.6.3 Date of completion of conversion.
- 1.7 The ship has been accepted by the Administration as a “ship delivered on or before 31 December 1979” under Regulation 1.28.1 of Annex I due to unforeseen delay in delivery
- 2 Equipment for the control of oil discharge from machinery space bilges and oil fuel tanks (Regulations 16 and 14 of Annex I of the MARPOL Convention)**
 - 2.1 Carriage of ballast water in oil fuel tanks:
 - 2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks.
 - 2.2 Type of oil filtering equipment fitted:
 - 2.2.1 Oil filtering (15ppm) equipment (Regulation 14.6 of Annex I of the MARPOL Convention)
 - 2.2.2 Oil filtering (15 ppm) equipment with alarm and automatic stopping device (Regulation 15.7 of Annex I of the MARPOL Convention)

2.3 Approval standards*:

2.3.1 The separating/filtering equipment:

- .1 has been approved in accordance with Resolution A. 393(X);
- .2 has been approved in accordance with Resolution MEPC. 60(33);
- .3 has been approved in accordance with Resolution MEPC. 107(49);
- .4 has been approved in accordance with Resolution A.233(VII);
- .5 has been approved in accordance with national standards not based upon Resolution A. 393(X) or A. 233(VII);
- .6 has not been approved

2.3.2 The process unit has been approved in accordance with Resolution A.444(XI).

2.3.3 The oil content meter:

- .1 has been approved in accordance with Resolution A.393(X);
- .2 has been approved in accordance with Resolution MEPC.60(33).

* Refer to the Recommendation on international performance and test specifications of oily-water separating equipment and oil content meters adopted by the Organization on 14 November 1977 by resolution A.393(X), which superseded resolution A.233(VII). Further reference is made to the Guidelines and specifications for pollution prevention equipment for machinery space bilges adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.60(33), which, effective on 6 July 1993, superseded resolutions A.393(X) and A.444(XI) and the revised Guidelines and specifications for pollution prevention equipment for machinery spaces of ships **adopted** by the Marine Environment Protection Committee of the Organization by **resolution** MEPC.107(49) which, effective from 1 January 2005, superseded resolutions MEPC.60(33), A.393(X) and A.444(XI).

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.3 has been approved in accordance with Resolution MEPC.107(49).

2.4 Maximum throughput of the system is m³/h.

2.5 Waiver of Regulation 14 of Annex I:

2.5.1 The requirements of Regulation 14.1 or 14.2 of Annex I are waived in respect of the ship in accordance with Regulation 14.5 of Annex I.

2.5.1.1 The ship is engaged exclusively on voyages within special area(s):

2.5.1.2 The ship is certified under the International Code of Safety for High-Speed Craft and engaged on a Schedule service with a turn-around time not exceeding 24 hours.

2.5.2 The ship is fitted with holding tank(s) for the total retention on board of all oily bilge water as follows:

Tank Identification	Tank location		Volume (m ³)
	Frames (from) – (to)	Lateral position	
Total Volume.			
. (m ³)			

2A.

2A.1 The ship is required to be constructed according to Regulation 12A of Annex I and complies with the requirements of:

paragraph 6 and either 7 or 8 (double hull construction)

paragraph 11 (accidental oil fuel outflow performance)

2A.2 The ship is not required to comply with the requirements of Regulation 12A of.....

3. Means for retention and disposal of oil residues (sludge) (Regulation 12 of Annex I) and bilge water holding tank(s)*

3.1 The ship is provided with oil residue (sludge) tanks as follows:

Tank Identification	Tank location		Volume (m3)
	Frames (from) – (to)	Lateral position	
Total Volume. .			(m3)

3.2 Means for the disposal of residues in addition to the provisions of sludge tanks:

3.2.1 Incinerator for oil residues, capacityl/h

3.2.2 Auxiliary boiler suitable for burning oil residues

3.2.3 Tank for mixing oil residues with fuel oil, capacity .m3

3.2.4 Other acceptable means:.....

3.3 The ship is fitted with holding tank(s) for the retention on board of oily bilge water as follows:

Tank Identification	Tank location		Volume (m3)
	Frames (from) – (to)	Lateral position	
Total Volume. (m3)

4 Standard discharge connection (Regulation 13 of Annex I)

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges and sludges to reception facilities, fitted with a standard discharge connection in accordance with Regulation 13 of Annex I of the MARPOL Convention

* Bilge water holding tanks are not required by the MARPOL Convention, entries in the table under paragraph 3.3 are voluntary.

5 Shipboard oil / marine pollution emergency plan (Regulation 37 of Annex I)

5.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with Regulation 37 of Annex I. .

5.2 The ship is provided with a shipboard marine pollution emergency plan in compliance with Regulation 37.3 of Annex I

6 Exemption

6.1 Exemptions have been granted by the Administration from the requirements of chapter 3 of Annex I of the MARPOL Convention in accordance with Regulation 3.1 on those items listed under paragraph(s) of this Record

7 Equivalentents (Regulation 5 of Annex I)

7.1 Equivalentents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s)of this Record

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at.

(Place of issue of the Record)

.....

(Signature of duly authorized officer issuing the Record)

(Seal or stamp of the issuing authority, as appropriate)

FORM B

Supplement to International Oil Pollution Prevention Certificate (IOPP Certificate)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR OIL TANKERS

In respect of the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of

1978 relating thereto (hereinafter referred to as “the MARPOL Convention”).

Notes:

1 This form is to be used for the first two types of ships as categorized in the IOPP Certificate, i.e. “oil tankers” and “ships other than oil tankers with cargo tanks coming under Regulation 2.2 of Annex I of the MARPOL Convention”. For the third type of ships as categorized in the IOPP Certificate, Form A shall be used.

2 This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.

3. The language of the original Record shall be in English. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.

4 Entries in boxes shall be made by inserting either a cross (X) for the answers “yes” and “applicable” or a dash (-) for the answers “no” and “not applicable” as appropriate.

5 Unless otherwise stated, regulations mentioned in this Record refer to Regulations of Annex I of the MARPOL Convention and Resolutions refer to those adopted by the IMO.

1 Particulars of ship

- 1.1 Name of ship
- 1.2 Distinctive number or letters
- 1.3 Port of registry.
- 1.4 Gross tonnage
- 1.5 Carrying capacity of ship (m3)
- 1.6 Deadweight of ship (tonnes) (Regulation 1.23of Annex I).

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- 1.7 Length of ship (m) (Regulation 1.19 of Annex I).
- 1.8 Date of build:
- 1.8.1 Date of building contract
- 1.8.2 Date on which keel was laid or ship was at a similar stage of construction
- 1.8.3 Date of delivery
- 1.9 Major conversion (if applicable):
- 1.9.1 Date of conversion contract
- 1.9.2 Date on which conversion was commenced
- 1.9.3 Date of completion of conversion.
- 1.10 Status of ship:
- 1.10.1 The ship has been accepted by the Administration as a “ship delivered on or before 31 December 1979” under Regulation 1.28.1 of Annex I due to unforeseen delay in delivery
- 1.10.2 The ship has been accepted by the Administration as an “oil tanker delivered on or before 1 June 1982” under Regulation 1.28.3 of Annex I due to unforeseen delay in delivery
- 1.10.3 The ship is not required to comply with the provisions of Regulation 26 of Annex I due to unforeseen delay in delivery
- 1.11 Type of ship:
- 1.11.1 Crude oil tanker
- 1.11.2 Product carrier
- 1.11.3 Product carrier not carrying fuel oil or heavy diesel oil as referred to in Regulation 20.2 of Annex I or lubricating oil

- 1.11.4 Crude oil/product carrier
- 1.11.5 Combination carrier
- 1.11.6 Ship, other than an oil tanker, with cargo tanks coming under Regulation 2.2 of Annex I
- 1.11.7 Oil tanker dedicated to the carriage of products referred to in Regulation 2.4 of Annex I
- 1.11.8 The ship, being designated as a “crude oil tanker” operating with COW, is also designated as a “product carrier” operating with CBT, for which a separate IOPP Certificate has also been issued
- 1.11.9 The ship, being designated as a “product carrier” operating with CBT, is also designated as a “crude oil tanker” operating with COW, for which a separate IOPP Certificate has also been issued

2 Equipment for the control of oil discharge from machinery space bilges and oil fuel tanks (Regulations 16 and 14 of Annex I of the MARPOL Convention)”

- 2.1 Carriage of ballast water in oil fuel tanks:
- 2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks
- 2.2 Type of oil filtering equipment fitted:
- 2.2.1 Oil filtering (15 ppm) equipment (Regulation 14.6 of Annex I)
- 2.2.2 Oil filtering (15ppm) equipment with alarm and automatic stopping device (Regulation 14.7 of Annex I)

2.3 Approval standards*:

* . Refer to the Recommendation on international performance and test specifications of oily-water separating equipment and oil content meters adopted by the Organization on 14 November 1977 by resolution A.393(X), which superseded resolution A.233(VII). Further reference is made to the Guidelines and specifications for pollution prevention equipment for machinery space bilges adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.60(33), which, effective on 6 July 1993, superseded resolutions A.393(X) and A.444(XI) and the revised Guidelines and specifications for pollution prevention

2.3.1 The separating/filtering equipment:

- .1 has been approved in accordance with Resolution A.393(X)
- .2 has been approved in accordance with Resolution MEPC.60(33)
- .3 has been approved in accordance with Resolution MEPC.107(49)
- .4 has been approved in accordance with Resolution A.233(VII);
- .5 has been approved in accordance with national standards not based upon Resolution A.393(X) or A.233(VII)
- .6 has not been approved

2.3.2 The process unit has been approved in accordance with Resolution A.444(XI)

2.3.3 The oil content meter:

- .1 has been approved in accordance with Resolution A.393(X);
- .2 has been approved in accordance with Resolution MEPC.60(33);
- .3 has been approved in accordance with Resolution MEPC.107(49);

2.4 Maximum throughput of the system is m3/h.

2.5 Waiver of Regulation 14 of Annex I of the MARPOL Convention:

equipment for machinery spaces of ships adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.107(49) which, effective from 1 January 2005, superseded resolutions MEPC.60(33), A.393(X) and A.444(XI).

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2.5.1 The requirements of Regulation 14.1 or 14.2 of Annex I of the MARPOL Convention are waived in respect of the ship in accordance with Regulation 14.5 of Annex I.

The ship is engaged exclusively on voyages within special area(s):.....

2.5.2 The ship is fitted with holding tank(s) for the total retention on board of all oily bilge water as follows:

Tank Identification	Tank location		Volume (m3)
	Frames (from) – (to)	Lateral position	
Total Volume.			
. . (m3)			

2.5.3 In lieu of the holding tank(s) the ship is provided with arrangements to transfer bilge water to the slop tank.

2A.

2A.1 The ship is required to be constructed according to Regulation 12A of Annex I and complies with the requirements of:

paragraphs 6 and either 7 or 8 (double hull construction)

paragraph 11 (accidental oil fuel outflow performance)

2A.2 The ship is not required to comply with the requirements of Regulation 12A of Annex I.

3 Means for retention and disposal of oil residues (sludge) (Regulation 12 of Annex I) and bilge water holding tank(s)*

3.1 The ship is provided with oil residue (sludge) tanks as follows:

* Bilge water holding tanks are not required by the MARPOL Convention, entries in the table under paragraph 3.3 are voluntary.

Tank Identification	Tank location		Volume (m3)
	Frames (from) – (to)	Lateral position	
Total Volume. (m3)

3.2 Means for the disposal of residues in addition to the provisions of sludge tanks:

3.2.1 Incinerator for oil residues, capacity l/h

3.2.2 Auxiliary boiler suitable for burning oil residues

3.2.3 Tank for mixing oil residues with fuel oil, capacity m3

3.2.4 Other acceptable means:

3.3 The ship is fitted with holding tank(s) for the retention on board of oily bilge water as follows:

Tank Identification	Tank location		Volume (m3)
	Frames (from) – (to)	Lateral position	
Total Volume. (m3)

4 Standard discharge connection (Regulation 13 of Annex I)

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in compliance with Regulation 13 of Annex I

5 Construction (Regulations 18, 19, 20, 23, 26, 27 and 28 of Annex I of the MARPOL Convention)

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5.1 In accordance with the requirements of Regulation 18 of Annex I, the ship is:

5.1.1 Required to be provided with SBT, PL and COW

5.1.2 Required to be provided with SBT and PL

5.1.3 Required to be provided with SBT

5.1.4 Required to be provided with SBT or COW

5.1.5 Required to be provided with SBT or CBT

5.1.6 Not required to comply with the requirements of Regulation 18 of Annex I

5.2 Segregated ballast tanks (SBT):

5.2.1 The ship is provided with SBT in compliance with Regulation 18 of Annex I

5.2.2 The ship is provided with SBT, in compliance with Regulation 18 of Annex I, which are arranged in protective locations (PL) in compliance Regulations 18.12 to 18.15 of Annex I

5.2.3 SBT are distributed as follows:

Tank	Volume (m3)	Tank	Volume (m3)
		Total volume m3	

5.3 Dedicated clean ballast tanks (CBT):

5.3.1 The ship is provided with CBT in compliance with Regulation 18.8 of Annex I and may operate as a product carrier

5.3.2 CBT are distributed as follows:

Tank	Volume (m3)	Tank	Volume (m3)

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		Total volume m3	

5.3.3 The ship has been supplied with a valid Dedicated Clean Ballast Tank Operation Manual, which is dated

5.3.4 The ship has common piping and pumping arrangements for ballasting the CBT and handling cargo oil

5.3.5 The ship has separate independent piping and pumping arrangements for ballasting the CBT

5.4 Crude oil washing (COW):

5.4.1 The ship is equipped with a COW system in compliance with Regulation 33 of Annex I

5.4.2 The ship is equipped with a COW system in compliance with Regulation 33 of Annex I except that the effectiveness of the system has not been confirmed in accordance with Regulations 33.1 and paragraph 4.2.10 of the Revised COW Specifications (Resolution A.446(XI)) as amended by Resolution A. 497(XII) and A. 897(21))

5.4.3 The ship has been supplied with a valid Crude Oil Washing Operations and Equipment Manual, which is dated .

5.4.4 The ship is not required to be but is equipped with COW in compliance with the safety aspects of the Revised COW Specifications (Resolution A.446(XI)) as amended by Resolution A. 497(XII) and A. 897(21))

5.5 Exemption from Regulation 18 of Annex I of the MARPOL Convention):

5.5.1 The ship is solely engaged in trade between
. in accordance with
Regulation 2.5 of Annex I and is therefore exempted from the
requirements of Regulation 18 of Annex I

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5.5.2 The ship is operating with special ballast arrangements in accordance with Regulation 18.10 of Annex I, and is therefore exempted from the requirements of Regulation 18 of Annex I

5.6 Limitation of size and arrangements of cargo tanks (Regulation 26 of Annex I):

5.6.1 The ship is required to be constructed according to, and complies with, the requirements of Regulation 26 of Annex I

5.6.2 The ship is required to be constructed according to, and complies with, the requirements of Regulation 26.4 of Annex I (see Regulation 2.2 of Annex I)

5.7 Subdivision and stability (Regulation 28 of Annex I of the MARPOL Convention):

5.7.1 The ship is required to be constructed according to, and complies with, the requirements of Regulation 28 of Annex I

5.7.2 Information and data required under Regulation 28.5 of Annex I have been supplied to the ship in an approved form

5.7.3 The ship is required to be constructed according to, and complies with the requirements of Regulation 27 of Annex I

5.7.4 Information and data required under Regulation 27 of Annex I for combination carriers have been supplied to the ship in a written procedure approved by the Administration

5.8 Double-hull construction:

5.8.1 The ship is required to be constructed according to Regulation 19 of Annex I and complies with the requirements of:

.1 paragraph (3) (double-hull construction)

.2 paragraph (4) (mid-height deck tankers with double side construction)

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- .3 paragraph (5) (alternative method approved by the Marine Environment Protection Committee)
- 5.8.2 The ship is required to be constructed according to and complies with the requirements of Regulation 19(6) of Annex I (double bottom requirements)
- 5.8.3 The ship is not required to comply with the requirements of Regulation 19 of Annex I
- 5.8.4 The ship is subject to Regulation 20 of Annex I and:
- .1 is required to comply with paragraphs 2 to 5, 7 and 8 of Regulation 19 and Regulation 28 of Annex I in respect of paragraph 28.6 not later than
 - .2 is allowed to continue operation in accordance with Regulation 20.5 of Annex I until.....
 - .3 is allowed to continue operation in accordance with Regulation 20.7 of Annex I until.....
- 5.8.5 The ship is not subject to Regulation 20 of Annex I
- 5.8.6 The ship is subject to Regulation 21 of Annex I and:
- .1 is required to comply Regulation 21.4 of Annex I not later than
 - .2 is allowed to continue operation in accordance with Regulation 21.5 of Annex I until.
 - .3 is allowed to continue operation in accordance with Regulation 21.6.1 of Annex I until. . .
 - .4 is allowed to continue operation in accordance with Regulation 21.6.2 of Annex I until. . .
 - .5 is exempted from the provisions of Regulation 21 of Annex I in accordance with Regulation 21.7.2 of Annex I
- 5.8.7 The ship is not subject to Regulation 21 of Annex I

5.8.8 The ship is subject to Regulation 22 of Annex I and:

- .1 complies with the requirements of Regulation 22.2 of Annex I.
- .2 complies with the requirements of Regulation 22.3 of Annex I.
- .3 complies with the requirements of Regulation 22.5 of Annex I.

5.8.9 The ship is not subject to Regulation 22 of Annex I

5.9 Accidental oil outflow performance:

5.9.1 The ship complies with the requirements of Regulation 23 of Annex I.

6 Retention of oil on board (Regulations 29, 31 and 32 of Annex I)

6.1 Oil discharge monitoring and control system:

6.1.1 The ship comes under category oil tanker as defined in Resolution A.496(XII) or A.586(14)* (*delete as appropriate*)

6.1.2 The oil discharge monitoring and control system has been approved in accordance with Resolution MECP.108(49) .

6.1.3 The system comprises:

- .1 control unit
- .2 computing unit
- .3 calculating unit

6.1.4 The system is:

- .1 fitted with a starting interlock

* Oil tankers the keel of which are laid, or which are at a similar stage of construction, on or after 2 October 1986 should be fitted with a system approved under Resolution A. 586(14).

.2 fitted with automatic stopping device

6.1.5 The oil content meter is approved under the terms of Resolution A.393(X) or A.586(14) or MECP.108(49)* (*delete as appropriate*) suitable for:

.1 crude oil

.2 black products

.3 white products

.4 oil-like noxious liquid substances as listed in the attachment to the certificate

6.1.6 The ship has been supplied with an operations manual for the oil discharge monitoring and control system

6.2 Slop tanks:

6.2.1 The ship is provided with dedicated slop tank(s) with the total capacity of m3, which is % of the oil carrying capacity, in accordance with:

.1 Regulation 29.2.3 of Annex I

.2 Regulation 29.2.3.1 of Annex I

.3 Regulation 29.2.3.2 of Annex I

.4 Regulation 29.2.3.3 of Annex I

6.2.2 Cargo tanks have been designated as slop tanks

6.3 Oil/water interface detectors:

* For oil content meters installed on tankers built prior to 2 October 1986, refer to the Recommendation on international performance and test specifications for oil-water separating equipment and oil content meters adopted by the Organization by resolution A.393(X). For oil contents meters as part of discharge monitoring and control systems installed on tankers built on or after 2 October 1986, refer to the Guidelines and specifications for oil discharge monitoring and control systems for oil tankers adopted by the Organization by resolution A.586(14). For oil content meters as part of discharge monitoring and control systems installed on tankers built on or after 1 January 2005, refer to the revised Guidelines and specifications for oil discharge monitoring and control systems for oil tankers adopted by the Organization by resolution MEPC.108(49).

6.3.1 The ship is provided with oil/water interface detectors approved under the terms of Resolution MEPC.5(XIII)*

6.4 Exemptions from Regulations 29, 31 and 32 of Annex I):

6.4.1 The ship is exempted from Regulations 29, 31 and 32 of Annex in accordance with Regulation 2.4 of Annex I

6.4.2 The ship is exempted from Regulations 29, 31 and 32 of Annex in accordance with Regulation 2.2 of Annex I

6.5 Waiver of Regulations 31 and 32 of Annex I:

6.5.1 The requirements of Regulations 31 and 32 are waived in respect of the ship in accordance with Regulation 3.5 of Annex I. The ship is engaged exclusively on:

.1 specific trade under Regulation 2.5 of Annex I

.2 voyages within special area(s):

.3 voyages within 50 nautical miles of the nearest land outside special area(s) of 72 hours or less in duration restricted to:

7 Pumping, piping and discharge arrangements (Regulation 30 of Annex I)

7.1 The overboard discharge outlets for segregated ballast are located:

7.1.1 Above the waterline

7.1.2 Below the waterline

7.2 The overboard discharge outlets, other than the discharge manifold, for clean ballast are located*:

* Refer to the Specification for oil/water interface detectors adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.5(XIII).

* Only those outlets which can be monitored are to be indicated.

7.2.1 Above the waterline

7.2.2 Below the waterline

7.3 The overboard discharge outlets, other than the discharge manifold, for dirty ballast water or oil-contaminated water from cargo tank areas are located:

7.3.1 Above the waterline

7.3.2 Below the waterline in conjunction with the part flow arrangements in compliance with Regulation 30.6.5 of Annex I

7.3.3 Below the waterline

7.4 Discharge of oil from cargo pumps and oil lines (Regulations 30.4 and 30.5 of Annex I):

7.4.1 Means to drain all cargo pumps and oil lines at the completion of cargo discharge:

.1 drainings capable of being discharged to a cargo tank or slop tank

.2 for discharge ashore a special small-diameter line is provided

8 Shipboard oil/marine pollution emergency plan (Regulation 37 of Annex I)

8.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with Regulation 37 of Annex I)

8.2 The ship is provided with a shipboard marine pollution emergency plan in compliance with Regulation 37.3 of Annex I)

9 Exemption

9.1 Exemptions have been granted by the Administration from the requirements of chapter 3 of Annex I of the MARPOL Convention in accordance with Regulation 3.1 of Annex I on

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those items listed under paragraph(s) of this Record

10 Equivalents (Regulation 5 of Annex I)

10.1 Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s) of this Record

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at

(Place of issue of the Record)

(dd/mm/yyyy) (Date of issue).

.....

*(Signature of duly authorised officer
issuing the Record)*

(Seal or stamp of the issuing authority, as appropriate)

SCHEDULE 3

Regulation 23(1)

Form of Oil Record Book

OIL RECORD BOOK

PART I – Machinery space operations (*All ships*)

Name of ship:

Distinctive number or letters:

Gross tonnage:

Period from: to:

Note: Oil Record Book Part I shall be provided to every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above, other than oil tankers, to record relevant machinery space operations. For oil tankers, Oil Record Book Part II shall also be provided to record relevant cargo/ballast operations.

INTRODUCTION

The following pages of this section show a comprehensive list of items of machinery space operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with Regulation 17 of Annex I of the MARPOL Convention. The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book Part I, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. The master of the ship shall sign each completed page.

The Oil Record Book Part I contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and

clinging will affect the accuracy of these readings. The entries in the Oil Record Book Part I should be considered accordingly.

In the event of accidental or other exceptional discharge of oil statement shall be made in the Oil Record Book Part I of the circumstances of, and the reasons for, the discharge.

Any failure of the oil filtering equipment shall be noted in the Oil Record Book Part I.

The entries in the Oil Record Book Part I, for ships holding an IOPP Certificate, shall be drawn up in English. Where entries in official language of the State whose flag the ship is entitled to fly are also used, this shall prevail in case of a dispute or discrepancy.

The Oil Record Book Part I shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be preserved for a period of three years after the last entry has been made.

The competent authority may inspect the Oil Record Book Part I on board any ship to which Annex I applies while the ship is in the port or offshore terminals and may make a copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which has been certified by the master of the ship as a true copy of an entry in the Oil Record Book Part I shall be made admissible in any juridical proceedings as evidence of the facts stated in the entry. The inspection of an Oil Record Book Part I and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

LIST OF ITEMS TO BE RECORDED

(A) Ballasting or cleaning of oil fuel tanks

1. Identity of tank(s) ballasted.
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried.
3. Cleaning process:
 - .1 position of ship and time at the start and completion of cleaning;

- .2 identify tank(s) in which one or another method has been employed (rinsing through, steaming, cleaning with chemicals; type and quantity of chemicals used, in cubic metres);
 - .3 identity of tank(s) into which cleaning water was transferred.
4. Ballasting:
 - .1 position of ship and time at start and end of ballasting;
 - .2 quantity of ballast if tanks are not cleaned, in cubic metres.

(B) Discharge of dirty ballast or cleaning water from oil fuel tanks referred to under section (A)

5. Identity of tank(s).
6. Position of ship at start of discharge.
7. Position of ship on completion of discharge.
8. Ship's speed(s) during discharge.
9. Method of discharge:
 - .1 through 15 ppm equipment;
 - .2 to reception facilities.
10. Quantity discharged, in cubic metres.

(C) Collection and disposal of oil residues (sludge and other residues)

11. Collection of oil residues.

Quantities of oil residues (sludge and other oil residues) retained on board. The quantity should be recorded weekly*:

* Tanks listed in item 3.1 of form A and B of the Supplement in the IOPP Certificates used for sludge.

(This means that the quantity must be recorded once a week even if the voyage lasts more than one week).

- .1 identity of tank(s) m3
- .2 capacity of tank(s) m3
- .3 total quantity of retention m3;

12. Methods of disposal of residue.

State quantity of oil residues disposed of, the tank(s) emptied and the quantity of contents retained in cubic metres:

- .1 to reception facilities (identify port)*;
- .2 transferred to another (other) tank(s) (indicate tank(s) and the total content of tank(s));
- .3 incinerated (indicate total time of operation);
- .4 other method (state which).

(D) Non-automatic discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces

- 13. Quantity discharged or disposed of, in cubic metres*.
- 14. Time of discharge or disposal (start and stop).
- 15. Method of discharge or disposal:
 - .1 through 15 ppm equipment (state position at start and end);
 - .2 to reception facilities (identify port)*;

* Ships' masters should obtain from the operator of the reception facilities, which includes barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book Part I, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book Part I.

* In case of discharge or disposal of bilge water from holding tank(s), state identity and capacity of holding tank(s) and quantity retained in holding tank.

- .3 transfer to slop tank or holding tank (indicate tank(s); state quantity retained in tank(s)) in cubic metres.

(E) Automatic discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces

16. Time and position of ship at which the system has been put into automatic mode of operation for discharge overboard, through 15 ppm equipment.
17. Time when the system has been put into automatic mode of operation for transfer of bilge water to holding tank (identify tank).
18. Time when the system has been put into manual operation.

(F) Condition of the oil filtering equipment

19. Time of system failure*.
20. Time when system has been made operational.
21. Reasons for failure.

(G) Accidental or other exceptional discharges of oil

22. Time of occurrence.
23. Place or position of ship at time of occurrence.
24. Approximate quantity and type of oil.
25. Circumstances of discharge or escape, the reasons therefore and general remarks.

(H) Bunkering of fuel or bulk lubricating oil

* Ships' masters should obtain from the operator of the reception facilities, which includes barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book Part I, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book Part I.

* The condition of the oil filtering equipment covers also the alarm and automatic stopping devices, if applicable.

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Name of ship:

Distinctive number or letters:

Gross tonnage:

Period from:

to:

Note: Every oil tanker of 150 tons gross tonnage and above shall be provided with Oil Record Book Part II to record relevant cargo/ballast operations. Such a tanker shall also be provided with Oil Record Book Part I to record relevant machinery space operations.

Each completed operation shall be signed for and dated by the officer or officers in charge. The master of the ship shall countersign each completed page.

In respect of the oil tankers engaged in specific trades in accordance with Regulation 2.5 of Annex I of the MARPOL Convention, the competent authority shall endorse appropriate entry in the Oil Record Book Part II*.

The Oil Record Book Part II contains many references to oil quantity. The limited accuracy of tank Measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book Part II should be considered accordingly.

In the event of accidental or other exceptional discharge of oil a statement shall be made in the Oil Record Book Part II of the circumstances of, and the reasons for, the discharge.

Any failure of the oil discharge monitoring and control system shall be noted in the Oil Record Book Part II.

The entries in the Oil Record Book Part II, for ships holding an IOPP Certificate, shall be in English. Where entries in an official language of the State whose flag the ship is entitled to fly are also used, this shall prevail in case of a dispute or discrepancy.

The Oil Record Book Part II shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned Ships under tow, shall be kept on board the Ship. It shall be preserved for a period of three years after the last entry has been made.

The competent authority may inspect the Oil Record Book Part II on board any Ship to which Annex I applies while the Ship is in the port or offshore terminals and may make a copy of any entry in that book and may require the master of the Ship to certify that the copy is a true copy of such entry. Any copy so made which has been certified by the master of the Ship as a true copy of an entry in the Oil Record Book Part II shall be made admissible in any juridical proceedings as evidence of the facts stated in the entry. The inspection of an Oil Record Book Part II and taking of a certified

* This sentence should only be inserted for the Oil Record Book of a tanker engaged in a specific trade.

copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

LIST OF ITEMS TO BE RECORDED

(A) Loading of oil cargo

1. Place of loading.
2. Type of oil loaded and identity of tank(s).
3. Total quantity of oil loaded (state quantity added, in cubic metres, at 15°C and the total content of tank(s)), in cubic metres.

(B) Internal transfer of oil cargo during voyage

4. Identity of tank(s):
 - .1 from:
 - .2 to: (state quantity transferred and total quantity of tank(s))
5. Was (were) the tank(s) in 4.1 emptied? (If not, state quantity retained, in cubic metres.)

(C) Unloading of oil cargo

6. Place of unloading.
7. Identity of tank(s) unloaded.
8. Was (were) the tank(s) emptied? (If not, state quantity retained, in cubic metres.)

(D) Crude oil washing (COW tankers only)

(To be completed for each tank being crude oil washed)

9. Port where crude oil washing was carried out or ship's position if carried out between two discharge ports

10. Identity of tank(s) washed¹.
11. Number of machines in use.
12. Time of start of washing.
13. Washing pattern employed.²
14. Washing line pressure.
15. Time washing was completed or stopped.
16. State method of establishing that tank(s) was (were) dry.
17. Remarks.³

(E) Ballasting of cargo tanks

18. Position of ship at start and end of ballasting.
19. Ballasting process:
 - .1 identity of tank(s) ballasted;
 - .2 time of start and end;
 - .3 quantity of ballast received. Indicate total quantity of ballast for each tank involved in the operation, in cubic metres.

(F) Ballasting of dedicated clean ballast tanks (CBT tankers only)

20. Identity of tank(s) ballasted.

¹ When an individual tank has more machines than can be operated simultaneously, as described in the Operations and Equipment Manual, then the section being crude oil washed should be identified, e.g. No. 2 centre, forward section.

² In accordance with the Operations and Equipment Manual, enter whether single-stage or multistage method of washing is employed. If multi-stage method is used, give the vertical arc covered by the machines and the number of times that arc is covered for that particular stage of the programme.

³ If the programmes given in the Operations and Equipment Manual are not followed, then the reasons must be given under Remarks.

21. Position of ship when water intended for flushing, or port ballast was taken to dedicated clean ballast tank(s).
22. Position of ship when pump(s) and lines were flushed to slop tank.
23. Quantity of the oily water which, after line flushing, is transferred to the slop tank(s) or cargo tank(s) in which slop is preliminarily stored (identify tank(s)). State the total quantity, in cubic metres.
24. Position of ship when additional ballast water was taken to dedicated clean ballast tank(s).
25. Time and position of ship when valves separating the dedicated clean ballast tanks from cargo and stripping lines were closed.
26. Quantity of clean ballast taken on board.

(G) Cleaning of cargo tanks

27. Identity of tank(s) cleaned.
28. Port or ship's position.
29. Duration of cleaning.
30. Method of cleaning⁴.
31. Tank washings transferred to:
 - .1 reception facilities (state port and quantity)⁵;
 - .2 slop tank(s) or cargo tank(s) designated as slop tank(s) identify tank(s); state quantity transferred and total quantity, in cubic metres).

⁴ Hand-hosing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and amount used should be stated.

⁵ Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

(H) Discharge of dirty ballast

32. Identity of tank(s).
33. Time and position of ship at start of discharge into the sea.
34. Time and position of ship on completion of discharge into the sea.
35. Quantity discharged into the sea, in cubic metres.
36. Ship's speed(s) during discharge.
37. Was the discharge monitoring and control system in operation during the discharge?
38. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?
39. Quantity of oily water transferred to slop tank(s) (identify slop tank(s)). State total quantity, in cubic metres.
40. Discharged to shore reception facilities (identify port and quantity involved, in cubic metres)⁶.

(I) Discharge of water from slop tanks into the sea

41. Identity of slop tanks.
42. Time of settling from last entry of residues, or
43. Time of settling from last discharge.
44. Time and position of ship at start of discharge.
45. Volume of total contents at start of discharge.
46. Volume of oil/water interface at start of discharge.

⁶ Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book Part II, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book Part II.

47. Bulk quantity discharged in cubic metres and rate of discharge in m³/hour.
48. Final quantity discharged in cubic metres and rate of discharge in m³/hour.
49. Time and position of ship on completion of discharge.
50. Was the discharge monitoring and control system in operation during the discharge?
51. Location of oil/water interface on completion of discharge in cubic metres.
52. Ship's speed(s) during discharge.
53. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?
54. Confirm that all applicable valves in the ship's piping system have been closed on completion of discharge from the slop tanks.

(J) Disposal of residues and oily mixtures not otherwise dealt with

55. Identity of tank(s).
56. Quantity disposed of from each tank. (State the quantity retained, in cubic metres.)
57. Method of disposal:
 - .1 to reception facilities (identify port and quantity involved);⁷
 - .2 mixed with cargo (state quantity);

⁷ Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book Part II, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book Part II.

- .3 transferred to (an)other tank(s) (identify tank(s); state quantity transferred and total quantity in tank(s)), in cubic metres;
- .4 other method (state which); state quantity disposed of, in cubic metres.

(K) Discharge of clean ballast contained in cargo tanks

- 58. Position of ship at start of discharge of clean ballast.
- 59. Identity of tank(s) discharged.
- 60. Was (were) the tank(s) empty on completion?
- 61. Position of ship on completion if different from 58.
- 62. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

**(L) Discharge of ballast from dedicated clean ballast tanks
(CBT tankers only)**

- 63. Identity of tank(s) discharged.
- 64. Time and position of ship at start of discharge of clean ballast into the sea.
- 65. Time and position of ship on completion of discharge into the sea.
- 66. Quantity discharged:
 - .1 into the sea; or
 - .2 to reception facility (identify port)⁸.
- 67. Was there any indication of oil contamination of the ballast water before or during discharge into the sea?

⁸ Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book Part II, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book Part II.

- 68. Was the discharge monitored by an oil content meter?
- 69. Time and position of ship when valves separating dedicated clean ballast tanks from the cargo and stripping lines were closed on completion of deballasting.

(M) Condition of oil discharge monitoring and control system

- 70. Time of system failure.
- 71. Time when system has been made operational.
- 72. Reasons for failure.

(N) Accidental or other exceptional discharges of oil

- 73. Time of occurrence.
- 74. Port or ship's position at time of occurrence.
- 75. Approximate quantity, in cubic metres and type of oil.
- 76. Circumstances of discharge or escape, the reasons therefore and general remarks.

(O) Additional operational procedures and general remarks

TANKERS ENGAGED IN SPECIFIC TRADES

(P) Loading of ballast water

- 77. Identity of tank(s) ballasted.
- 78. Position of ship when ballasted.
- 79. Total quantity of ballast loaded in cubic metres.
- 80. Remarks.

(Q) Re-allocation of ballast water within the ship

- 81. Reasons for re-allocation.

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SCHEDULE 4

Regulation 65(1)

PART I

**Form of Cargo Record Book for ships carrying noxious liquid
substances in bulk**

CARGO RECORD BOOK FOR SHIPS CARRYING NOXIOUS LIQUID
SUBSTANCES IN BULK

Name of ship

Distinctive number or letters

IMO Number

Gross tonnage

Period from to

When making entries in the Cargo Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge and, if applicable, by a surveyor authorized by the competent authority of the State in which the ship is unloading. The master of the ship shall countersign each completed page.

LIST OF ITEMS TO BE RECORDED

Entries are required only for operations involving all categories of substances.

(A) Loading of cargo

1. Place of loading.
2. Identify tank(s), name of substance(s) and category (ies).

(B) Internal transfer of cargo

3. Name and category of cargo(es) transferred.
4. Identity of tanks:
 - .1 from:
 - .2 to:
5. Was (were) tank(s) in 4.1 emptied?
6. If not, quantity remaining in tank(s).

(C) Unloading of cargo

7. Place of unloading.
8. Identity of tank(s) unloaded.
9. Was (were) tank(s) emptied?
 - .1 If yes, confirm that the procedure for emptying and stripping has been performed in accordance with the

ship's Procedures and Arrangements Manual (i.e. list, trim, stripping temperature).

.2 If not, quantity remaining in tank(s).

10. Does the ship's Procedures and Arrangements Manual require a prewash with subsequent disposal to reception facilities?

11. Failure of pumping and/or stripping system:

.1 time and nature of failure;

.2 reasons for failure;

.3 time when system has been made operational.

(D) Mandatory prewash in accordance with the ship's Procedures and Arrangements Manual

12.I identify tank(s), substance(s) and category(ies).

13. Washing method:

.1 number of washing machines per tank;

.2 duration of wash/washing cycles;

.3 hot/cold wash.

14. Prewash slops transferred to:

.1 reception facility in unloading port (identify port¹);

.2 reception facility otherwise (identify port).

(E) Cleaning of cargo tanks except mandatory prewash (other prewash operations, final wash, ventilation etc.)

15. State time, identify tank(s), substance(s) and category(ies) and state:

¹ Ships' masters should obtain from the operator of the reception facilities, which includes barges and tank trucks, a receipt or certificate specifying the quantity of tank washings transferred, together with the time and date of the transfer. The receipt or certificate should be kept together with the Cargo Record Book.

- .1 washing procedure used;
 - .2 cleaning agent(s) (identify agent(s) and quantities);
 - .3 ventilation procedure used (state number of fans used, duration of ventilation).
16. Tank washings transferred:
- .1 into the sea;
 - .2 to reception facility (identify port²);
 - .3 to slops collecting tank (identify tank).

(F) Discharge into the sea of tank washings

17. Identify tank(s):
- .1 Were tank washings discharged during cleaning of tank(s)? If so at what rate?
 - .2 Were tank washing(s) discharged from a slops collecting tank? If so, state quantity and rate of discharge.
18. Time pumping commenced and stopped.
19. Ship's speed during discharge.

(G) Ballasting of cargo tanks

20. Identity of tank(s) ballasted.
21. Time at start of ballasting.

(H) Discharge of ballast water from cargo tanks

22. Identity of tank(s).

² Ships' masters should obtain from the operator of the reception facilities, which includes barges and tank trucks, a receipt or certificate specifying the quantity of tank washings transferred, together with the time and date of the transfer. The receipt or certificate should be kept together with the Cargo Record Book.

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23. Discharge of ballast:
 - .1 into the sea;
 - .2 to reception facilities (identify port³).
24. Time ballast discharge commenced and stopped.
25. Ship's speed during discharge.

(I) Accidental or other exceptional discharge

26. Time of occurrence.
27. Approximate quantity, substance(s) and category(ies).
28. Circumstances of discharge or escape and general remarks.

(J) Control by authorised surveyors

29. Identify port.
30. Identify tank(s), substance(s), category(ies) discharged ashore.
31. Have tank(s), pump(s), and piping system(s) been emptied?
32. Has a prewash in accordance with the ship's Procedures and Arrangements Manual been carried out?
33. Have tank washings resulting from the prewash been discharged ashore and is the tank empty?
34. An exemption has been granted from mandatory prewash.
35. Reasons for exemption.
36. Name and signature of authorised surveyor.
37. Organisation, company, government agency for which surveyor works.

³ Ships' masters should obtain from the operator of the reception facilities, which includes barges and tank trucks, a receipt or certificate specifying the quantity of tank washings transferred, together with the time and date of the transfer. The receipt or certificate should be kept together with the Cargo Record Book.

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(K) Additional operational procedures and remarks

Name of ship

Distinctive number or letters

IMO number

CARGO/BALLAST OPERATIONS

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge/name of and signature of authorised surveyor

Signature of master

SCHEDULE 5

Regulation 59(1)

Form of International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk¹

INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as amended, (hereinafter referred to as "the MARPOL Convention") under the authority of the Government of Gibraltar:

..... (full designation of the country)

by..... (full designation of the competent person or organisation authorised under the provisions of the Convention)

Particulars of ship

Name of ship

Distinctive number or letters

IMO number²

Port of registry

Gross tonnage

THIS IS TO CERTIFY:

¹ The NLS Certificate shall be at least in English, French or Spanish. Where entries in an official national language of the State whose flag the ship is entitled to fly are also used, this shall prevail in case of a dispute or discrepancy.

² Refer to the IMO Ship Identification Number Scheme adopted by the Organization by resolution A.600(15).

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1. That the ship has been surveyed in accordance with Regulation 8 of Annex II of the MARPOL Convention.
2. That the survey showed that the structure, equipment, systems, fitting, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex II of the MARPOL Convention.
3. That the ship has been provided with a Manual in accordance with the Standards for Procedures and Arrangements as required by Regulation 14 of Annex II of the MARPOL Convention, and that the arrangements and equipment of the ship prescribed in the Manual are in all respects satisfactory.
4. That the ship complies with the requirements of Annex II of the MARPOL Convention for the carriage in bulk of the following noxious liquid substances, provided that all relevant provisions of Annex II of the MARPOL Convention are observed.

Noxious liquid substances	Conditions of carriage (tank numbers etc.)	Pollution category
Continued on additional signed and dated sheets		

This certificate is valid until(dd/mm/yyyy).
subject to surveys in accordance with regulation 8 of Annex II of the MARPOL Convention.

Completion date of the survey on which this certificate is based (dd/mm/yyyy).

Issued at.

(Place of issue of certificate)

(Date of issue).

(Signature of authorised official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

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THIS IS TO CERTIFY that, at a survey required by Regulation 8 of Annex II of the MARPOL Convention, the ship was found to comply with the relevant provisions of the Convention:

Annual survey: Signed
(Signature of authorised official)
Place

Date (dd/mm/yyyy).

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate* survey: Signed
(Signature of authorised official)

Place

Date (dd/mm/yyyy).

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate* survey: Signed
(Signature of authorised official)

Place

Date (dd/mm/yyyy).

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed
(Signature of authorised official)

Place

Date (dd/mm/yyyy).

(Seal or stamp of the authority, as appropriate)

ANNUAL/INTERMEDIATE SURVEY IN ACCORDANCE WITH REGULATION 10.8.3 OF ANNEX II OF THE MARPOL CONVENTION

* Delete as appropriate.

* Delete as appropriate.

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This version is out of date

THIS IS TO CERTIFY that, at an annual/intermediate* survey in accordance with Regulation 1.8.3 of Annex II of the MARPOL Convention, the ship was found to comply with the relevant provisions of the Convention:

Signed (Signature of authorised official)

Place

Date(dd/mm/yyyy).

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN 5 YEARS WHERE REGULATION 10.3 OF ANNEX II OF THE MARPOL CONVENTION APPLIES

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with Regulation 10.3 of Annex II of the MARPOL Convention, be accepted as valid until (dd/mm/yyyy).

Signed (Signature of authorised official)

Place

Date (dd/mm/yyyy).

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND REGULATION 10.4 ANNEX II OF THE MARPOL CONVENTION APPLIES

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with Regulation 10.4 of Annex II of the MARPOL Convention, be accepted as valid until (dd/mm/yyyy).

Signed (Signature of authorized official)

* Delete as appropriate.

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Place

Date (dd/mm/yyyy).....
(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE
CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR
FOR A PERIOD OF GRACE WHERE REGULATION 10.5 OR 10.6
OF ANNEX II OF THE MARPOL CONVENTION APPLIES**

This Certificate shall, in accordance with Regulation 10.5 or 10.6 of Annex II of the MARPOL Convention, be accepted as valid until (dd/mm/yyyy).

Signed.....
(Signature of authorised official)

Place

Date (dd/mm/yyyy).....

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT FOR ADVANCEMENT OF ANNIVERSARY
DATE
WHERE REGULATION 10.8 OF ANNEX II OF THE MARPOL
CONVENTION APPLIES**

In accordance with Regulation 10.8 of Annex II of the MARPOL Convention, the new anniversary date is (dd/mm/yyyy).

Signed.....
(Signature of authorised official)

Place

Date (dd/mm/yyyy).....

(Seal or stamp of the authority, as appropriate)

In accordance with Regulation 10.8 of Annex II of the MARPOL Convention, the new anniversary date is (dd/mm/yyyy).

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This version is out of date

Signed

(Signature of authorised official)

Place

Date *(dd/mm/yyyy)*

(Seal or stamp of the authority, as appropriate)

SCHEDULE 6

Regulation 69(6)

Guidelines for the identification of harmful substances in packaged form

For the purposes of this Annex, substances identified by any one of the following criteria are harmful substances:

- bioaccumulated to a significant extent and known to produce a hazard to aquatic life or to human health (Hazard Rating “+” in column A*); or
- bioaccumulated with attendant risk to aquatic organisms or to human health with a short retention of the order of one week or less (Hazard Rating “Z” in column A*); or
- highly toxic to aquatic life, defined by a LC50/96 hour** less than 1 ppm (Hazard Rating “4” in column B*).

* Refer to the Composite List of Hazard Profiles prepared by the IMO/FAO/UNESCO/WMO/WHO/IAEA/UN/UNEP Joint Group Experts on the Scientific Aspects of Marine Pollution (GESAMP), which is circulated annually by the IMO by means of BLG circulars to all IMO Member States.

** The concentration of a substance which will, within the specified time (generally 96 hours), kill 50% of the exposed group of test organisms. Also referred to as “96 h LC50”. LC50 is often specified in milligrams per litre (mg/l) or parts per million (ppm).

SCHEDULE 7

Regulation 85(1)

Form of International Sewage pollution Prevention Certificate

INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as amended, (hereinafter referred to as "the MARPOL Convention") under the authority of the Government of Gibraltar:

..... (full designation of the country)

by.....

(full designation of the competent person or organisation authorisid under the provisions of the Convention)

Particulars of ship¹

Name of ship

Distinctive number or letters

Port of registry

Gross tonnage

Number of persons which the ship is certified to carry

IMO Number²

New/existing ship*

¹ Alternatively, the particulars of the ship may be placed horizontally in box. ² Refer to the IMO Ship Identification Number Scheme adopted by the IMO Resolution A.600915).

* Delete as appropriate.

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Date on which keel was laid or ship was at a similar stage of construction or, where applicable, date on which work for a conversion or an alteration or modification of a major character was commenced.

THIS IS TO CERTIFY:

1. That the ship is equipped with a sewage treatment plant/ comminuter/ holding tank* and a discharge pipeline in compliance with Regulations 9 and 10 of Annex IV of the MARPOL Convention as follows:

*1.1 Description of the sewage treatment plant:

Type of sewage treatment plant

Name of manufacturer

The sewage treatment plant is certified by the Administration to meet the effluent standards as provided for in Resolution MEPC.2(VI).

*1.2 Description of comminuter

Type of comminuter

Name of manufacturer

Standard of sewage after disinfection

*1.3 Description of holding tank equipment

Total capacity of the holding tank m3

Location

1.4 A pipeline for the discharge of sewage to a reception facility, fitted with a standard connection.

2. The ship has been surveyed in accordance with Regulation 4 of Annex IV of the MARPOL Convention.

* Delete as appropriate.
* Delete as appropriate.
* Delete as appropriate.
* Delete as appropriate.

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3. That the survey shows that the structure, equipment, systems, fittings, arrangements and materials of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex IV of the MARPOL Convention.

This Certificate is valid until³ subject to surveys in accordance with Regulation 4 of Annex IV of the MARPOL Convention.

Completion date of survey on which this Certificate is based. (dd/mm/yyyy)

Issued at. (place of issue of Certificate)

dd/mm/yyyy (date of issue) (signature of authorised official issuing the Certificate)

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the Certificate if valid for less than 5 years where Regulation 8.3 of Annex IV of the MARPOL Convention applies

The ship complies with the relevant provisions of the MARPOL Convention, and this Certificate shall, in accordance with Regulation 8.3 of Annex IV of the MARPOL Convention, be accepted as valid until (dd/mm/yyyy)

Signed (signature of authorised official)

Place

Date (dd/mm/yyyy).

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and Regulation 8.4 of Annex IV of the MARPOL Convention applies

³ Insert the date of expiry as may be specified by the Administration in accordance with Regulation 8.1 of Annex IV of the MARPOL Convention. The day and the month of this date correspond to the anniversary date as defined in Regulation 1.8 of Annex IV.

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The ship complies with the relevant provisions of the MARPOL Convention, and this Certificate shall, in accordance with Regulation 8.4 of Annex IV of the MARPOL Convention, be accepted as valid until (dd/mm/yyyy).....

Signed
(signature of authorised official)

Place

Date dd/mm/yyyy

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the Certificate until reaching the port of survey or for a period of grace where Regulation 8.5 or 8.6 of Annex IV of the MARPOL Convention applies

This Certificate shall, in accordance with Regulation 8.5 or 8.6* of Annex IV of the MARPOL Convention, be accepted as valid until dd/mm/yyyy.

Signed
(signature of authorised official)

Place

Date dd/mm/yyyy

(Seal or stamp of the authority, as appropriate)

* Delete as appropriate.

SCHEDULE 7A

Regulation 90B

Standard Discharge Connections

To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with the following table:

Standard dimensions of flanges for discharge connections

Description	Dimension
Outside diameter	210mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	170mm
Slots in flange	4 Holes, 18mm in diameter, equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18mm
Flange thickness	16mm
Bolts and nuts: quantity and diameter	4, each of 16mm in diameter and of suitable length
The flange is designed to accept pipes up to a maximum internal diameter of 100mm and shall be of steel of other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 600kPa	

For ships having a moulded depth 5m and less, the inner diameter of the discharge connection may be 38mm.

For ships in dedicated trades (the Administration understands this to mean ships on a scheduled service on a regular route), Part 5 allows for alternative connections. Applications should be made on a case by case basis to the

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Administration for the ship, if it is intended that the ship's discharge pipeline should be fitted with an alternative discharge connection such as quick-connection couplings.

SCHEDULE 7B

Regulation 90E(3)

RECOMMENDATION ON STANDARDS FOR THE RATE OF
DISCHARGE OF UNTREATED SEWAGE FROM SHIPS

1 INTRODUCTION

- 1.1 Regulation 11.1.1 of the revised Annex IV of MARPOL 73/78 requires that untreated sewage, which may be discharged at more than 12 nautical miles from the nearest land, should not be discharged instantaneously but at a moderate rate of discharge when the ship is en route and proceeding at a speed not less than 4 knots, while the rate should be approved by the Administration based upon standards developed by the Organization. This Recommendation provides the standard and guidance for the approval and calculation of a moderate rate of discharge.
- 1.2 A moderate rate of discharge applies to the discharge of untreated sewage that has been stored in holding tanks.
- 1.3 This standard does not incorporate the dilution of sewage with water or grey-water into calculations of the discharge rate. Therefore the rate is a conservative estimate and it is recognised that discharges of sewage in accordance with this standard will present a higher level of protection to the marine environment due to mixing prior to the actual discharge in addition to the mixing action of the ship's wake.

2 DEFINITIONS

- 2.1 *Swept volume* means ship breadth x draft x distance travelled.
- 2.2 *Untreated sewage* means sewage that has not been treated by a type approved sewage treatment plant, or that has not been comminuted and disinfected.

3 DISCHARGE RATE

- 3.1 The maximum permissible discharge rate is 1/200,000 (or one 200,000th part) of swept volume as follows:

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$$DR_{\max} = 0.00926 V D B$$

Where:

DR_{max} is maximum permissible discharge rate (m³/h)

V is ship's average speed (knots) over the period

D is Draft (m)

B is Breadth (m)

- 3.2 The maximum permissible discharge rate specified in 3.1 refers to the average rate as calculated over any 24 hour period, or the period of discharge if that is less, and may be exceeded by no more than 20% when measured on an hourly basis.

4 APPROVAL OF RATE BY ADMINISTRATION

- 4.1 The Administration should approve the rate of discharge specified in 3.1 based upon the ship's maximum summer draft and maximum service speed¹. Where sewage is to be discharged at a different combination of draft and speed one or more secondary discharge rates may also be approved².

5 METHOD OF CALCULATION

- 5.1 The calculated swept volume of the ship is to be determined for drafts up to and including the summer draft assigned in accordance with Article 3 of International Convention on Load Lines, 1966.
- 5.2 Where a ship is to discharge sewage from a holding tank using a pump calibrated at a fixed rate, the pump can either be:

- calibrated at the rate permitted at 4 knots; or

¹ The attention of ship operators and personnel is drawn to the reduction in permissible rate of discharge at reduced draft and/or speed.

² Presentation may be tabular, refer to table below. For ships other than those having a high requirement for untreated sewage discharge, such as passenger ships and livestock carriers, the discharge rate criterion will generally not be exceeded at ship speed of 4 knots.

- calibrated for a specific minimum ship's speed in excess of 4 knots.

5.3 Where the intended actual discharge rate exceeds that permissible at 4 knots, the actual discharge rate may need to be reduced or the speed increased. The rate and speed is to be detailed in the approval issued by the Administration.

6 COMPLIANCE WITH THE RATE

6.1 Before undertaking a sewage discharge in accordance with this standard, the crewmember responsible for sewage operations should ensure that the ship is en route, is more than 12 nautical miles from the nearest land and the navigation speed is consistent with the discharge rate that has been approved by the Administration. Ships with high discharge requirements are encouraged to keep notes of calculations of the actual discharges to demonstrate compliance with the approved rate.

DISCHARGE RATE (M³/h)					
SPEED (kt)	4	6	8	10	12
DRAFT(m)					
5	4.63	6.94	9.26	11.57	13.89
6	5.56	8.33	11.11	13.89	16.67
7	6.48	9.72	12.96	16.20	19.45
8	7.41	11.11	14.82	18.52	22.22
9	8.33	12.50	16.67	20.83	25.00

SCHEDULE 8

Regulation 97(4)

Form of Garbage Record Book

GARBAGE RECORD BOOK

Name of ship: _____

Distinctive number or letters: _____

IMO No.: _____

Period: _____ From: _____ To: _____

1. Introduction

In accordance with Regulation 9 of Annex V of the MARPOL Convention, a record is to be kept of each discharge operation or completed incineration. This includes discharges at sea, to reception facilities, or to other ships.

2. Garbage and garbage management

Garbage includes all kinds of food, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the vessel and liable to be disposed of continuously or periodically except those substances which are defined or listed in other annexes to MARPOL Convention (such as oil, sewage or noxious liquid substances).

The Guidelines for the Implementation of Annex V of the MARPOL Convention* should also be referred to for relevant information.

3. Description of the garbage

The garbage is to be grouped into categories for the purposes of this record book as follows:

1. Plastics

2. Floating dunnage, lining, or packing material

* Refer to the Guidelines for the implementation of Annex V of the MARPOL Convention as amended by Resolution MEPC.92(45).

3. Ground-down paper products, rags, glass, metal, bottles, crockery, etc.

4. Cargo residues, paper products, rags, glass, metal, bottles, crockery, etc.

5. Food waste

6. Incinerator ash.

4. Entries in the Garbage Record Book

4.1 Entries in the Garbage Record Book shall be made on each of the following occasions:

- (a) When garbage is discharged into the sea:
 - (i) Date and time of discharge;
 - (ii) Position of the ship (latitude and longitude). Note: for cargo residue discharges, include discharge start and stop positions;
 - (iii) Category of garbage discharged;
 - (iv) Estimated amount discharged for each category in cubic metres;
 - (v) Signature of the officer in charge of the operation.
- (b) When garbage is discharged to reception facilities ashore or to other ships:
 - (i) Date and time of discharge;
 - (ii) Port or facility, or name of ship;
 - (iii) Category of garbage discharged;
 - (iv) Estimated amount discharged for each category in cubic metres;
 - (v) Signature of officer in charge of the operation.

- (c) When garbage is incinerated:
 - (i) Date and time of start and stop of incineration;
 - (ii) Position of the ship (latitude and longitude);
 - (iii) Estimated amount incinerated in cubic metres;
 - (iv) Signature of the officer in charge of the operation.

- (d) Accidental or other exceptional discharges of garbage:
 - (i) Time of occurrence;
 - (ii) Port or position of the ship at time of occurrence;
 - (iii) Estimated amount and category of garbage;
 - (iv) Circumstances of disposal, escape or loss, the reason therefor and general remarks.

4.2 Receipts

The master should obtain from the operator of port reception facilities, or from the master of the ship receiving the garbage, a receipt or certificate specifying the estimated amount of garbage transferred. The receipts or certificates must be kept on board the ship with the Garbage Record Book for two years.

4.3 Amount of garbage

The amount of garbage on board should be estimated in cubic metres, if possible separately according to category. The Garbage Record Book contains many references to estimated amount of garbage. It is recognised that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, e.g. the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.

SCHEDULE 9

Regulation 108(1)

Form of IAPP Certificate

INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATE

Issued under the provisions of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as amended by Resolution MECP.132(53), (hereinafter referred to as “the MARPOL Convention”) (hereinafter referred to as “the MARPOL Convention” under the authority of the Government of Gibraltar:

.....
(full designation of the country)

by
(full designation of the competent person or organisation authorised under the provisions of the Convention)

Particulars of ship*

Name of ship.....

Distinctive number or letters.....

Port of registry.....

Gross tonnage.....

IMO Number*.....

Type of ship:

tanker

ship other than a tanker

* Alternatively, the particulars of the ship may be placed horizontally in boxes.

* In accordance with IMO ship identification number scheme adopted by the Organization by resolution A.600(15).

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THIS IS TO CERTIFY:

- 1. That the ship has been surveyed in accordance with Regulation 5 of Annex VI of the MARPOL Convention; and
2. That the survey shows that the equipment, systems, fittings, arrangements and materials fully comply with the applicable requirements of Annex VI of the MARPOL Convention.

Completion date of survey on which this Certificate is based.....(dd/mm/yyyy)

This certificate is valid until* subject to surveys in accordance with Regulation 5 of Annex VI of the Convention.

Issued at (Place of issue of certificate)

(dd/mm/yyyy)..... (Date of issue) (Signature of duly authorised official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by Regulation 5 of Annex VI of the MARPOL Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey: Signed (Signature of duly authorised official)

Place

Date(dd/mm/yyyy)

* Insert the date of expiry as specified by the Administration in accordance with regulation 9(1) of Annex VI of the Convention. The day and the month of this date correspond to the anniversary date as defined in regulation 2(14) of Annex VI of the Convention, unless amended in accordance with regulation 9(8) of Annex VI of the Convention.

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(Seal or stamp of the authority, as appropriate)

Annual/Intermediate* survey: Signed:.....
(Signature of duly authorised official)

Place

Date(dd/mm/yyyy).....

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate* survey: Signed.....
(Signature of duly authorised official)

Place

Date(dd/mm/yyyy).....

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed.....
(Signature of duly authorised official)

Place

Date(dd/mm/yyyy).....

(Seal or stamp of the authority, as appropriate)

**ANNUAL/INTERMEDIATE SURVEY IN ACCORDANCE WITH
REGULATION 9(8)(c) OF ANNEX VI**

THIS IS TO CERTIFY that, at an annual/intermediate* survey in accordance with Regulation 9(8)(c) of Annex VI of the MARPOL Convention, the ship was found to comply with the relevant provisions of the Convention:

Signed.....
(Signature of authorised official)

Place.....

* Delete as appropriate.
* Delete as appropriate.
* Delete as appropriate.

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Date (dd/mm/yyyy).....
(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR LESS THAN 5 YEARS WHERE REGULATION 9(3) OF ANNEX VI APPLIES

The ship complies with the relevant provisions of the Convention, and this certificate shall, in accordance with Regulation 9(3) of Annex VI of the Convention, be accepted as valid until (dd/mm/yyyy).....

Signed.....
(Signature of authorised official)

Place

Date (dd/mm/yyyy).....
(Seal or stamp of the authority, as appropriate)

ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED AND REGULATION 9(4) OF ANNEX VI APPLIES

The ship complies with the relevant provisions of the Convention, and this certificate shall, in accordance with Regulation 9(4) of Annex VI of the Convention, be accepted as valid until (dd/mm/yyyy).....

Signed
(Signature of authorised official)

Place

Date (dd/mm/yyyy).....
(Seal or stamp of the authority, as appropriate)

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF SURVEY OR FOR A PERIOD OF GRACE WHERE REGULATION 9(5) OR 9(6) OF ANNEX VI APPLIES

This certificate shall, in accordance with Regulation 9(5) or 9(6)* of Annex VI of the Convention, be accepted as valid until (dd/mm/yyyy).....

* Delete as appropriate.

Signed
(Signature of authorized official)

Place

Date (dd/mm/yyyy).....
(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT FOR ADVANCEMENT OF ANNIVERSARY
DATE
WHERE REGULATION 9(8) OF ANNEX VI APPLIES**

In accordance with Regulation 9(8) of Annex VI of the Convention, the new anniversary date is (dd/mm/yyyy).....

Signed
(Signature of authorised official)

Place

Date (dd/mm/yyyy).....
(Seal or stamp of the authority, as appropriate)

In accordance with Regulation 9(8) of Annex VI of the Convention, the new anniversary date is (dd/mm/yyyy)...

Signed
(Signature of authorized official)

Place

Date
(Seal or stamp of the authority, as appropriate)

**SUPPLEMENT TO
INTERNATIONAL AIR POLLUTION PREVENTION
CERTIFICATE
(IAPP CERTIFICATE)**

RECORD OF CONSTRUCTION AND EQUIPMENT

In respect of the provisions of Annex VI of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of

1978 relating thereto, (hereinafter referred to as ‘the MARPOL Convention’).

Notes:

- 1 This Record shall be permanently attached to the IAPP Certificate. The IAPP Certificate shall be available on board the ship at all times.
- 2 The Record shall be in English. If an official language of the issuing country is also used, this shall prevail in case of a dispute or discrepancy.
- 3 Entries in boxes shall be made by inserting either a cross (x) for the answer ‘yes’ and ‘applicable’ or a (-) for the answers ‘no’ and ‘not applicable’ as appropriate.
- 4 Unless otherwise stated, regulations mentioned in this Record refer to Regulations of Annex VI of the MARPOL Convention and resolutions or circulars refer to those adopted by the International Maritime Organization.

1 Particulars of ship

- 1.1 Name of ship
- 1.2 Distinctive number or letters
- 1.3 IMO number.....
- 1.4 Port of registry.....
- 1.5 Gross tonnage
- 1.6 Date on which keel was laid or ship was at a similar stage of construction.....

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1.7 Date of commencement of major engine conversion (if applicable) (Regulation 13 of Annex VI of the MARPOL Convention):

2 Control of emissions from ships

2.1 Ozone-depleting substances (Regulation 12 of the MARPOL Convention)

2.1.1 The following fire-extinguishing systems and equipment containing halons may continue in service:.....

System equipment	Location on board

2.1.2 The following systems and equipment containing CFCs may continue in service:.....

System equipment	Location on board

2.1.3 The following systems containing hydro-chlorofluorocarbons (HCFCs) installed before 1 January 2020 may continue in service:.....

System equipment	Location on board

2.2 Nitrogen oxides (NOx) (Regulation 13 of the MARPOL Convention)

2.2.1 The following diesel engines with power output greater than 130 kW, and installed on a ship constructed on or after 1 January 2000, comply with the emission standards of Regulation 13(3)(a) of Annex VI of the MARPOL Convention in accordance with the NOx Technical Code:

Manufacturer and model	Serial number	Use	Power output (kW)	Rated speed (rpm)

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2.2.2 The following diesel engines with power output greater than 130 kW, and which underwent major conversion per Regulation 13(2) of Annex VI of the MARPOL Convention on or after 1 January 2000, comply with the emission standards of Regulation 13(3)(a) of Annex VI in accordance with the NOx Technical Code:

Manufacturer and model	Serial number	Use	Power output (kW)	Rated speed (rpm)

2.2.3 The following diesel engines with a power output greater than 130 kW and installed on a ship constructed on or after 1 January 2000, or with a power output greater than 130 kW and which underwent major conversion per Regulation 13(2) of the MARPOL Convention on or after 1 January 2000, are fitted with an exhaust gas cleaning system or other equivalent methods in accordance with Regulation 13(3) of Annex VI, and the NOx Technical Code:

Manufacturer and model	Serial number	Use	Power output (kW)	Rated speed (rpm)

2.2.4 The following diesel engines from 2.2.1, 2.2.2 and 2.2.3 above are fitted with NOx emission monitoring and recording devices in accordance with the NOx Technical Code:

Manufacturer and model	Serial number	Use	Power output (kW)	Rated speed (rpm)

2.3 Sulphur oxides (SOx) (Regulation 14 of the MARPOL Convention)

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2.3.1 When the ship operates within an SOx emission control area specified in Regulation 14(3) of Annex VI of the MARPOL Convention, the ship uses:

- .1 fuel oil with a sulphur content that does not exceed 1.5% m/m as documented by bunker delivery notes; or
- .2 an approved exhaust gas cleaning system to reduce SOx emissions below 6.0 g SOx/kW.h; or
- .3 other approved technology to reduce SOx emissions below 6.0 g SOx/kW.h

2.4 *Volatile organic compounds (VOCs) (Regulation 15 of Annex VI of the MARPOL Convention)*

2.4.1 The tanker has a vapour collection system installed and approved in accordance with MSC/Circ.585

2.5 The ship has an incinerator:

- .1 which complies with Resolution MEPC.76(40) as amended.
- .2 installed before 1 January 2000 which does not comply with Resolution MEPC.76(40) as amended.

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at

(Place of issue of the Record)

(dd/mm/yyyy).....

Date of issue (Signature of duly authorised official

issuing the Record)

(Seal or stamp of the authority, as appropriate)

SCHEDULE 10

Regulation 112(6)

Test cycles and weighting factors (Regulation 13 of Annex VI the MARPOL Convention)

The following test cycles and weighting factors should be applied for verification of compliance of marine diesel engines with the NOx limits in accordance with Regulation 13 of Annex VI of the MARPOL Convention using the test procedure and calculation method as specified in the NOx Technical Code.

- .1 For constant-speed marine engines for ship main propulsion, including diesel-electric drive, test cycle E2 should be applied.
- .2 For variable-pitch propeller sets test cycle E2 should be applied.
- .3 For propeller-law-operated main and propeller-law-operated auxiliary engines the test cycle E3 should be applied.
- .4 For constant-speed auxiliary engines test cycle D2 should be applied.
- .5 For variable-speed, variable-load auxiliary engines, not included above, test cycle C1 should be applied.

Test cycle for *constant-speed main propulsion* application (including diesel-electric drive or variable-pitch propeller installations)

Test cycle type E2	Speed	100%	100%	100%	100%
	Power	100%	75%	50%	25%
	Weighting factor	0.2	0.5	0.15	0.15

Test cycle for *propeller-law-operated main and propeller-law-operated auxiliary engine* application

Test cycle type E3	Speed	100%	91%	80%	63%
	Power	100%	75%	50%	25%

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	Weighting factor	0.2	0.5	0.15	0.15
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Test cycle for *constant-speed auxiliary engine* application

Test cycle type D2	Speed	100%	100%	100%	100%	100%
	Power	100%	75%	50%	25%	10%
	Weighting factor	0.05	0.25	0.3	0.3	0.1

Test cycle for *variable-speed and -load auxiliary engine* application

Test cycle

Test cycle type C1	Speed	Rated				Intermediate			Idle
	Torque	100%	75%	50%	10%	100%	75%	50%	0%
	Weighting factor	0.15	0.15	0.15	0.1	0.1	0.1	0.1	0.15

SCHEDULE 11

Regulation 113(3)(b)

**Criteria and procedures for designation of SO_x emission control areas
(Regulation 14 of Annex VI of the MARPOL Convention)***1 Objectives*

- 1.1 The purpose of this appendix is to provide the criteria and procedures 0.15 for the designation of SO_x emission control areas. The objective of SO_x emission control areas is to prevent, reduce, and control air pollution from SO_x emissions from ships and their attendant adverse impacts on land and sea areas.
- 1.2 A SO_x emission control area should be considered for adoption by the IMO if supported by a demonstrated need to prevent, reduce, and control air pollution from SO_x emissions from ships.

2 Proposal criteria for designation of a SO_x emission control area

- 2.1 A proposal to the IMO for designation of a SO_x emission control area may be submitted only by Contracting States to the Protocol of 1997. Where two or more Contracting States have a common interest in a particular area, they should formulate a co-ordinated proposal.
- 2.2 The proposal shall include:
 - .1 a clear delineation of the proposed area of application of controls on SO_x emissions from ships, along with a reference chart on which the area is marked;
 - .2 a description of the land and sea areas at risk from the impacts of ship SO_x emissions;
 - .3 an assessment that SO_x emissions from ships operating in the proposed area of application of the SO_x emission controls are contributing to air pollution from SO_x, including SO_x deposition, and their attendant adverse impacts on the land and sea areas under consideration. Such assessment shall include a description of the

impacts of SOx emissions on terrestrial and aquatic ecosystems, areas of natural productivity, critical habitats, water quality, human health, and areas of cultural and scientific significance, if applicable. The sources of relevant data, including methodologies used, shall be identified;

- .4 relevant information pertaining to the meteorological conditions in the proposed area of application of the SOx emission controls and the land and sea areas at risk, in particular prevailing wind patterns, or to topographical, geological, oceanographic, morphological, or other conditions that may lead to an increased probability of higher localised air pollution or levels of acidification;
 - .5 the nature of the ship traffic in the proposed SOx emission control area, including the patterns and density of such traffic; and
 - .6 a description of the control measures taken by the proposing Contracting State or Contracting States addressing land-based sources of SOx emissions affecting the area at risk that are in place and operating concurrent with the consideration of measures to be adopted in relation to provisions of Regulation 14 of Annex VI the MARPOL Convention.
- 2.3 The geographical limits of an SOx emission control area will be based on the relevant criteria outlined above, including SOx emission and deposition from ships navigating in the proposed area, traffic patterns and density, and wind conditions.
- 2.4 A proposal to designate a given area as an SOx emission control area should be submitted to the IMO in accordance with the rules and procedures established by the IMO.

SCHEDULE 12

Regulation 115(2)

**Type approval and operating limits for shipboard incinerators
(Regulation 16 of Annex VI the MARPOL Convention)**

(1) Shipboard incinerators described in Regulation 16(2) of Annex VI the MARPOL Convention shall possess an IMO type approval certificate for each incinerator. In order to obtain such certificate, the incinerator shall be designed and built to an approved standard as described in Regulation 16(2) of Annex VI the MARPOL Convention. Each model shall be subject to a specified type approval test operation at the factory or an approved test facility, and under the responsibility of the Administration, using the following standard fuel/waste specification for the type approval test for determining whether the incinerator operates within the limits specified in paragraph (2) of this Schedule:

Sludge oil consisting of:	75% sludge oil from HFO; 5% waste lubricating oil; and 20% emulsified water
Solid waste consisting of:	50% food waste 50% rubbish containing approx. 30% paper, approx. 40% cardboard, approx. 10% rags, approx. 20% plastic The mixture will have up to 50% moisture and 7% incombustible solids.

(2) Incinerators described in Regulation 16(2) of Annex VI the MARPOL Convention shall operate within the following limits:

O ² in combustion chamber:	6–12%
CO in flue gas maximum average:	200 mg/MJ
Soot number maximum	Bacharach 3 or Ringelman

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average:	1 (20% opacity) (A higher soot number is acceptable only during very short periods such as starting up)
Unburned components in ash residues:	maximum 10% by weight
Combustion chamber flue gas outlet temperature range:	850–1200°C

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SCHEDULE 13

Regulation 117(7)

**Information to be included in the bunker delivery note (Regulation
18(3) of Annex VI the MARPOL Convention)**

Name and IMO number of receiving ship

Port

Date of commencement of delivery

Name, address, and telephone number of marine fuel oil supplier

Product name(s)

Quantity (metric tons)

Density at 15°C (kg/m³)¹

Sulphur content (% m/m)²

A declaration signed and certified by the fuel oil supplier's representative that the fuel oil supplied is in conformity with Regulation 14(1) or (4)(a) and Regulation 18(1) of Annex VI of the MARPOL Convention.

¹ Fuel oil should be tested in accordance with ISO 3675.

² Fuel oil should be tested in accordance with ISO 8754.