

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3849 of 12 May, 2011

LEGAL NOTICE NO. 63 OF 2011.

GIBRALTAR MERCHANT SHIPPING (SAFETY, ETC.) ACT 1995

**GIBRALTAR MERCHANT SHIPPING (PREVENTION OF
POLLUTION FROM SHIPS) (AMENDMENT)
(NO. 2) REGULATIONS 2011**

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, and for the purposes of completing the implementation of Annex IV and Annex VI of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating to that Convention, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Prevention of Pollution from Ships) (Amendment) (No. 2) Regulations 2011 and shall come into operation on the day of publication.

Amendments to the Gibraltar Merchant Shipping (Prevention of Pollution from Ships) Regulations 2009.

2. The Gibraltar Merchant Shipping (Prevention of Pollution from Ships) Regulations 2009 (the Principal Regulations) are amended in accordance with regulations 3 to 10.

Amendments to regulation 2.

3. The principal Regulations are amended in regulation 2(1) by inserting—

(a) the following definition after the definition of “Minister”—

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

(b) the following definition after the definition of “ recognised organisation”—

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

Substitution of Part 5.

4. The principal Regulations are amended by substituting the following Part for Part 5–

**“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.”.

Substitution of regulations 98 to 110.

- 5. The principal Regulations are amended by substituting the following regulations for regulations 98 to 110–

“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;

“NOx 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—
 - (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—

- (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 tanker 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.”.

Amendment to regulation 113.

6. Regulation 113 of the principal Regulations is amended in subregulation (4)(a) by substituting “ not exceed 1.5% m/m and from 1st July 2010 1% m/m” for “not exceed 4.5% m/m”.

Amendments to regulation 117.

7. Regulation 117 of the principal Regulations is amended by substituting “contributes” for “causes” in subregulations (4)(c)(iv) and (5)(f) where it appears twice.

Amendments to regulation 120.

8. Regulation 120 of the principal Regulations is amended in subregulation (1) by inserting the following paragraph after paragraph (c)–

“(cc) pollution by sewage as specified in Part 5 of these Regulations;”.

Amendments to regulation 122.

9. Regulation 122 of the principal Regulations is amended–

- (a) by substituting the following subregulation for subregulation (8)–

“(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.”;

- (b) in subregulation (9) by substituting “ regulation 90C(1)” for “regulation 89”; and

- (c) by substituting the following subregulation for subregulation (11)–

“(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 mater 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.”.

Insertion of Schedules 7A and 7B.

10. The principal Regulations are amended by inserting the following Schedules after Schedule 7–

“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 or 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 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:

$$DR_{max} = 0.00926 V D B$$

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
 - 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

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.

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 |

.”

Dated 12th May, 2011.

P R CARUANA,
Chief Minister,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations make provision in order to complete the implementation of Annexes IV and VI of the MARPOL Convention and in order to update and make consequential amendments to the Gibraltar Merchant Shipping (Prevention of Pollution from Ships) Regulations 2009.

