



Protection of the Sea Legislation Amendment Act 1986

Act No. 167 of 1986 as amended

This compilation was prepared on 8 December 2010
taking into account amendments up to Act No. 8 of 2007

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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**An Act to amend the *Navigation Act 1912*, the
*Protection of the Sea (Prevention of Pollution from
Ships) Act 1983* and certain other Acts in relation to
the protection of the sea from pollution**

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the *Protection of the Sea Legislation
Amendment Act 1986*.

2 Commencement [see Note 1]

- (1) Sections 1, 2, 3, 13, 16, 30, 31 and 32 and Part V shall come into operation on the day on which this Act receives the Royal Assent.
- (2) Sections 5, 6 and 7, subsections 12(1), 15(1) and 17(1), sections 18 and 19 and subsections 20(1), 29(1) and 33(1) shall come into operation on the day on which Part II of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* comes into operation.
- (3) Sections 8, 9 and 10, subsections 12(2), 15(2), 17(2) and 20(2), sections 21, 22, 23, 24 and 25 and subsections 29(2), 33(2) and 34(1) and (2) shall come into operation on the day on which Part III of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* comes into operation.
- (4) The remaining provisions of this Act shall come into operation on such respective days as are fixed by Proclamation.
- (5) The day fixed under subsection (4) for the coming into operation of a provision of Part IV, shall not be a day earlier than the day on which the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 comes into force for Australia.

Part II—Amendments (Marpol Convention) of the Navigation Act 1912

3 Principal Act

The *Navigation Act 1912* is in this Part referred to as the Principal Act.

4 Powers of owner or master as to dangerous goods

Section 250 of the Principal Act is amended;

- (a) by adding at the end of paragraph (a) “and”;
- (b) by omitting from paragraph (b) “; and”; and
- (c) by omitting paragraph (c).

5 Application of Division

Section 267 of the Principal Act is amended;

- (a) by omitting from subsection (2) “the Northern Territory” and substituting “a Territory”; and
- (b) by omitting from subsection (3) “in pursuance of” and substituting “pursuant to”.

6 Alteration, &c., of construction of ships and cancellation of certificates

Section 267D of the Principal Act is amended by omitting subsections (3) and (4).

7 Directions in relation to foreign ships

Section 267K of the Principal Act is amended;

- (a) by omitting from subsection (4) “or not complied with”;
- (b) by omitting from subsection (5) “, or failure to comply with,” ; and
- (c) by omitting from paragraph (5)(a) “, or non-compliance with,”.

8 Application of Division

Section 267N of the Principal Act is amended;

- (a) by omitting from subsection (2) “the Northern Territory” and substituting “a Territory”; and
- (b) by omitting from subsection (3) “in pursuance of” and substituting “pursuant to”.

9 Alteration, &c., of construction of ships and cancellation of certificates

Section 267S of the Principal Act is amended;

- (a) by inserting after subsection (1) the following subsection:
“(1A) Without limiting the generality of subsection (1), an Australian ship in respect of which a chemical tanker construction certificate is in force shall, for the purposes of that subsection, be taken to be damaged if the ship becomes unfit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.”; and
- (b) by omitting subsections (3) and (4).

10 Directions in relation to foreign ships

Section 267Y of the Principal Act is amended;

- (a) by omitting from subsection (4) “or not complied with”;
- (b) by omitting from subsection (5) “, or failure to comply with,”; and
- (c) by omitting from paragraph (5)(a) “, or non-compliance with,”.

11 After Division 12A of Part IV of the Principal Act the following Divisions are inserted:

Division 12B—Ships Carrying Packaged Harmful Substances

267ZA Interpretation

- (1) In this Division, unless the contrary intention appears;

Section 11

Annex III means Annex III to the Prevention of Pollution from Ships Convention;

Australian ship means;

- (a) a ship registered in Australia; or
- (b) an unregistered ship having Australian nationality;

foreign ship means a ship that is not an Australian ship.

- (2) Except in so far as the contrary intention appears, an expression that is used in this Division and in the Prevention of Pollution from Ships Convention, including Annex III but not including any other Annex to that Convention, (whether or not a particular meaning is assigned to it by that Convention) has, in this Division, the same meaning as in that Convention.
- (3) For the purposes of this Division, a ship shall not be taken to comply with the provisions of Annex III if it does not comply with the regulations and orders referred to in section 267ZC.

267ZB Application of Division

- (1) Section 2 does not have effect in relation to the provisions of this Division.
- (2) The provisions of this Division do not apply in relation to a ship referred to in subsection 2(1) to the extent that a law of a State or Territory makes provision giving effect to Regulations 1 to 6 (inclusive) of Annex III in relation to that ship.
- (3) A reference in this section to the provisions of this Division shall be read as including a reference to the provisions of any regulations made for the purposes of subsection 267ZC(1) and of any orders made pursuant to any such regulations.

267ZC Regulations to give effect to Regulations 1 to 6 (inclusive) of Annex III

- (1) The regulations may make provision for and in relation to giving effect to Regulations 1 to 6 (inclusive) of Annex III.
- (2) Without limiting the generality of subsection (1), regulations made for the purposes of that subsection may empower the Minister to

make orders with respect to any matter for or in relation to which provision may be made by the regulations by virtue of this section.

- (3) Section 426 applies to orders made pursuant to regulations made by virtue of subsection (1) of this section.

Division 12C—Sewage

267ZD Interpretation

- (1) In this Division, unless the contrary intention appears;

Annex IV means Annex IV to the Prevention of Pollution from Ships Convention;

Australian ship means;

- (a) a ship registered in Australia; or
(b) an unregistered ship having Australian nationality;

foreign ship means a ship that is not an Australian ship;

sewage certificate means an International Sewage Pollution Prevention Certificate (1973) issued under section 267ZG or 267ZH.

- (2) Except in so far as the contrary intention appears, an expression that is used in this Division and in the Prevention of Pollution from Ships Convention, including Annex IV but not including any other Annex to that Convention, (whether or not a particular meaning is assigned to it by that Convention) has, in this Division, the same meaning as in that Convention.
- (3) For the purposes of this Division, a ship shall not be taken to comply with the provisions of Annex IV if it does not comply with the regulations and orders referred to in section 267ZF.

267ZE Application of Division

- (1) Section 2 does not have effect in relation to the provisions of this Division.
- (2) Subject to subsection (3), the provisions of this Division apply to a ship included in a prescribed class of ships.

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- (3) The provisions of this Division do not apply to a ship referred to in subsection 2(1) to the extent that a law of a State or of a Territory makes provision giving effect to Regulations 3, 4, 6, 7 and 11 of Annex IV in relation to that ship.
- (4) A reference in this section to the provisions in this Division shall be read as including a reference to the provisions of any regulations made for the purposes of subsection 267ZF and of any orders made pursuant to any such regulations.

267ZF Regulations to give effect to Regulations 3 and 11 of Annex IV

- (1) The regulations may make provision for and in relation to giving effect to Regulations 3 and 11 of Annex IV.
- (2) Without limiting the generality of subsection (1), regulations made for the purposes of that subsection may empower the Minister to make orders with respect to any matter for or in relation to which provision may be made by the regulations by virtue of this section.
- (3) Section 426 applies to orders made pursuant to regulations made by virtue of subsection (1) of this section.

267ZG International Sewage Pollution Prevention Certificates (1973) for Australian ships

- (1) Where, on receipt of declarations of survey in respect of an Australian ship, the Minister is satisfied that the ship is constructed in accordance with the provisions of Annex IV, the Minister may, whether or not the ship is required by Annex IV to be constructed in accordance with those provisions, issue in respect of the ship an International Sewage Pollution Prevention Certificate (1973) in the prescribed form attesting such compliance.
- (2) Where an Australian ship in respect of which a sewage certificate has been issued is not in a port, or at an off-shore terminal, in Australia at the time when the certificate expires, the Minister may, if he or she considers it appropriate and reasonable to extend the certificate for the purpose of allowing the ship to complete its voyage to the place where it is to be surveyed again for the purpose of subsection (1), extend the certificate for a period not exceeding 5 months but, when the ship reaches that place, the certificate shall,

for the purposes of section 267ZM, be taken to have ceased to be in force.

267ZH International Sewage Pollution Prevention Certificates (1973) for foreign ships

Where;

- (a) at the request of the Government of the State under whose authority a foreign ship is operating (not being a ship which is entitled to fly the flag of a State which is not a Party to the Prevention of Pollution from Ships Convention), the Minister has caused that ship to be surveyed; and
- (b) the Minister, on receipt of declarations of survey in respect of that ship, is satisfied that the ship is constructed in accordance with the provisions of Annex IV,

the Minister may, whether or not the ship is required by Annex IV to be constructed in accordance with those provisions, issue in respect of the ship an International Sewage Pollution Prevention Certificate (1973) in the prescribed form attesting such compliance.

267ZJ Alteration, &c., of construction of ships and cancellation of certificates

- (1) Where the construction of an Australian ship in respect of which a sewage certificate is in force is altered, or such a ship is damaged, in a manner which affects its compliance with the provisions of Annex IV, the master or owner of the ship shall, within 7 days after the construction of the ship is altered or the ship is damaged, as the case may be, give a notice in writing of the alteration or damage to such person, and in such form, as are prescribed and, if the notice is not so given, the master and the owner of the ship are each guilty of an offence punishable upon conviction by a fine not exceeding:
 - (a) if the offender is a natural person—\$1,000; or
 - (b) if the offender is a body corporate—\$5,000.
- (2) Where a notice required to be given under subsection (1) is not given within the period referred to in that subsection, the following provisions of this subsection have effect:
 - (a) the obligation to give the notice continues, notwithstanding that that period has expired, until the notice is given;

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- (b) the master and the owner of the ship are each guilty of a separate and further offence in respect of each day during which the notice is not given, being a day after the expiration of that period;
 - (c) the penalty applicable to each such separate and further offence is a fine not exceeding:
 - (i) if the offender is a natural person—\$1,000; or
 - (ii) if the offender is a body corporate—\$5,000.
- (3) Where the Minister has reason to believe that:
 - (a) the report of a surveyor in respect of an Australian ship in respect of which a sewage certificate is in force was fraudulently or erroneously made or obtained;
 - (b) a sewage certificate has been issued in respect of an Australian ship upon false or erroneous information;
 - (c) the construction of an Australian ship in respect of which a sewage certificate is in force has been altered, or such a ship has been damaged, in a manner which affects its compliance with the provisions of Annex IV; or
 - (d) the owner of an Australian ship in respect of which a sewage certificate is in force has failed to comply with subsection 267ZK(1) in respect of the ship,the Minister may, by instrument in writing under the Minister's hand, cancel the certificate.
- (4) Where the Minister cancels a sewage certificate issued in respect of an Australian ship, the certificate is of no force or effect after the Minister has given notice in writing of the cancellation addressed to the owner, agent or master of the ship and served in accordance with the regulations.
- (5) Where a sewage certificate issued in respect of an Australian ship is cancelled under this section, the Minister may, by notice in writing addressed to the owner, agent or master of the ship and served in accordance with the regulations, require the certificate to be delivered up to the Minister or to such other person as the Minister specifies, and the Minister may detain the ship until the requirement is complied with.

267ZK Ships to be surveyed periodically

- (1) The owner of an Australian ship in respect of which a sewage certificate is in force shall, at least once during each period that is a prescribed period in relation to the ship for the purposes of this section, cause the ship to be surveyed for the purpose of ensuring its compliance with the provisions of Annex IV.
- (2) Where the owner of an Australian ship in respect of which a sewage certificate is in force fails to comply with subsection (1) in relation to the ship and to a period that is a prescribed period in relation to the ship, the owner is guilty of an offence punishable upon conviction by a fine not exceeding:
 - (a) if the owner is a natural person:—\$2,000; or
 - (b) if the owner is a body corporate:—\$10,000.

267ZL Cancellation of Certificate if ship ceases to be an Australian ship

- (1) Subject to subsection (2), a sewage certificate issued in respect of an Australian ship ceases to have effect if the ship in respect of which it was issued ceases to be an Australian ship.
- (2) If an Australian ship becomes entitled to fly the flag of another State which is a Party to the Prevention of Pollution from Ships Convention, a sewage certificate issued in respect of the ship shall continue to have effect until:
 - (a) the expiration of a period of 5 months after the ship became so entitled;
 - (b) the certificate would, but for this section, have ceased to have effect; or
 - (c) another International Sewage Pollution Prevention Certificate (1973) is issued in respect of the ship,whichever occurs first.

267ZM Certificates required for Australian ships

- (1) The master of an Australian ship to which this Division applies shall not take that ship to sea unless a sewage certificate is in force in respect of that ship.

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- (2) The owner of an Australian ship to which this Division applies shall not permit that ship to be taken to sea unless a sewage certificate is in force in respect of that ship.

Penalty;

- (a) if the offender is a natural person:—\$10,000, or imprisonment for 4 years, or both; or
- (b) if the offender is a body corporate:—\$50,000.
- (3) The regulations may exempt ships included in a prescribed class of ships from the application of subsections (1) and (2), either absolutely or subject to conditions.

267ZN Certificates to be carried on board Australian ships

The owner of an Australian ship in respect of which a sewage certificate is in force shall cause the certificate to be carried on board the ship.

Penalty: \$1,000.

267ZP Production of certificates

Where;

- (a) application is made to an officer of Customs in respect of an Australian ship for a clearance under the Customs Act for a voyage from a port in Australia; and
- (b) the master of the ship would contravene subsection 267ZM (1) if the master took the ship to sea without there being in force in respect of the ship a sewage certificate,
- the master of the ship shall, if so required by the officer of Customs, produce to the officer of Customs the sewage certificate in force in respect of the ship, and the officer of Customs may refuse to grant the clearance, and the ship may be detained, until the certificate is produced to the officer.

267ZQ Directions in relation to foreign ships

- (1) Subject to subsection (2), where the Minister is of the opinion that a foreign ship is not constructed in accordance with the provisions of Annex IV (whether or not the ship is required by Annex IV to be so constructed), the Minister may, by notice in writing addressed to

the master or the owner of the ship and served in accordance with the regulations, direct;

- (a) that the ship shall not enter any port, or a specified port or specified ports, in Australia;
 - (b) that the ship shall not use any off-shore terminal, or a specified off-shore terminal or specified off-shore terminals, in Australia;
 - (c) that the ship comply with specified requirements while it is entering, is in or is leaving any port, or a specified port or specified ports, in Australia; or
 - (d) that the ship comply with specified requirements while it is approaching, is using or is leaving any off-shore terminal, or a specified off-shore terminal or specified off-shore terminals, in Australia.
- (2) The Minister shall not exercise his or her powers under subsection (1) except to the extent that it appears to the Minister necessary or expedient to do so for the protection of the environment.
- (3) Nothing in this section shall be taken to prevent the issuing of more than one direction under subsection (1) in relation to a ship.
- (4) If a direction under subsection (1) is contravened in relation to a ship, the master and the owner of the ship are each guilty of an offence punishable upon conviction by a fine not exceeding;
- (a) if the offender is a natural person:—\$10,000; or
 - (b) if the offender is a body corporate:—\$50,000.
- (5) In proceedings for an offence against subsection (4) by reason of a contravention of a direction under subsection (1), it is a defence if it is proved;
- (a) that the contravention of the direction resulted from the need to save life at sea or was due to an emergency involving a threat to a person's life; or
 - (b) that compliance with the direction was not possible.

267ZR Offences against subsections 267ZM(1) and (2) and 267ZQ(4) to be indictable

An offence against subsection 267ZM(1) or (2) or 267ZQ(4) is an indictable offence.”.

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12 Prosecution of Offences

- (1) Section 394 of the Principal Act is amended;
 - (a) by omitting from paragraph (4)(d) “267G(3), 267K(4), 267V(1), 267Y(4) or”;
 - (b) by omitting from paragraph (4)(ca) “or”; and
 - (c) by adding at the end of subsection (4) the following paragraph:
 - “(e) in the case of an offence against subsection 267G(3) or 267K(4);
 - (i) if the offender is a natural person-a fine not exceeding \$2,000; or
 - (ii) if the offender is a body corporate-a fine not exceeding \$10,000.”.
- (2) Section 394 of the Principal Act is amended by omitting from paragraph (4)(e) “or 267K(4)” and substituting “, 267K(4), 267V(1) or 267Y(4)”.

13 After section 395 of the Principal Act the following section is inserted:

395A Proceedings against Corporations

- (1) Where, in proceedings for an offence against this Act in respect of any conduct engaged in by a corporation, it is necessary to establish the state of mind of the corporation, it is sufficient to show that a director, servant or agent of the corporation, being a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.
- (2) Any conduct engaged in on behalf of a corporation;
 - (a) by a director, servant or agent of the corporation within the scope of his or her actual or apparent authority; or
 - (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the corporation, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent, shall be deemed, for the purposes of a provision of this Act

that creates an offence, to have been engaged in by the corporation.

- (3) A reference in subsection (1) to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the intention, opinion, belief or purpose."

15 Penalties

- (1) The Principal Act is amended as set out in Schedule 1.
- (2) The Principal Act is amended as set out in Schedule 2.

Part III—Amendments (Marpol Convention) of The Protection Of the Sea (Prevention of Pollution From Ships) Act 1983

16 Principal Act

The *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* is in this Part referred to as the Principal Act.

17 Interpretation

- (1) Section 3 of the Principal Act is amended;
 - (a) by omitting “, apart from Annexes III, IV and V to it,” from the definition of “the 1978 Protocol” in subsection (1);
 - (b) by inserting after subsection (1A) the following subsection:
“(1AA) A reference in this Act to the sea near the Jervis Bay Territory shall be read as a reference to the sea in that Territory.”; and
 - (c) by inserting after subsection (1B) the following subsection:
“(1BA) For the purposes of this Act, the laws of the Jervis Bay Territory shall be taken to include laws, other than this Act, in force in that Territory.”.
- (2) Section 3 of the Principal Act is amended;
 - (a) by omitting “III”, from the definition of “the 1973 Convention” in subsection (1);
 - (b) by omitting “and” from paragraph (a) of the definition of “the 1978 Protocol” in subsection (1); and
 - (c) by inserting after paragraph (a) of the definition of “the 1978 Protocol” in subsection (1) the following paragraph:
“(aa) the amendments to the Protocol adopted on 5 December 1985 (a copy of the English text of which relating to the Annex of the Protocol is set out in Schedule 4 and a copy of the English text of which relating to Protocol I to the Convention is set out in Schedule 5); and”.

- (3) Section 3 of the Principal Act is amended by omitting “, apart from Annexes IV and V,” from the definition of “the 1973 Convention” in subsection (1).

18 Prohibition of discharge of oil or oily mixtures into sea

Section 9 of the Principal Act is amended;

- (a) by inserting in subsection (1A) “, the Jervis Bay Territory” after “State” (first occurring); and
- (b) by inserting in subsection (1B) “, the Jervis Bay Territory” after “State”.

19 Oil residues

Section 10 of the Principal Act is amended by omitting “an external Territory” and substituting “a Territory”.

20 Duty to report certain incidents involving oil or oily mixture

- (1) Section 11 of the Principal Act is amended;
- (a) by inserting in subsection (1A) “, the Jervis Bay Territory” after “State” (first occurring); and
 - (b) by inserting in subsection (1B) “, the Jervis Bay Territory” after “State”.
- (2) Section 11 of the Principal Act is amended;
- (a) by omitting from subsection (1) “manner, a prescribed officer of the incident” and substituting:
“manner:
 - (a) where Australia or an external Territory is the nearest coastal State to the place where the incident occurred-a prescribed officer; or
 - (b) where a foreign country is the nearest coastal State to that place; the government of that foreign country, of the incident.”;
 - (b) by omitting from subsection (3) “manner, a prescribed officer of the incident and, if a prescribed officer” and substituting:
“manner;
 - (c) where Australia or an external Territory is the nearest coastal State to the place where the incident occurred-a prescribed officer; or

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- (d) where a foreign country is the nearest coastal State to that place; the government of that foreign country, of the incident, and, if a prescribed officer or a government, as the case may be,”;
- (c) by inserting in subsection (6) “or a government” after “officer” (first occurring);
- (d) by inserting in subsection (6) “or that government, as the case may be” after “officer” (second occurring);
- (e) by inserting in subsection (6) “or that government, as the case may be,” after “officer” (last occurring);
- (f) by inserting in subsection (7) “or a government” after “officer” (first occurring);
- (g) by inserting in subsection (7) “or that government, as the case may be” after “officer” (second occurring);
- (h) by inserting in subsection (7) “or that government, as the case may be,” after “officer” (last occurring);
- (j) by inserting in subsection (8) “or a government” after “officer” (wherever occurring); and
- (k) by inserting in subsection (9) “or a government” after “officer” (wherever occurring).

21 Prohibition of discharge of substances into the sea

Section 21 of the Principal Act is amended;

- (a) by inserting in subsection (1A) “, the Jervis Bay Territory” after “State” (first occurring);
- (b) by inserting in subsection (1B) “, the Jervis Bay Territory” after “State”;
- (c) by omitting from paragraph (4) (c) “of not less than 5% of the total volume of the tank”;
- (d) by omitting from subsection (4) “residue diluted by that water” and substituting “water containing that residue”;
- (e) by omitting from paragraph (5) (c) “of not less than 5% of the total volume of the tank”;
- (f) by omitting from subsection (5) “residue diluted by that water” and substituting “water containing that residue”;
- (g) by omitting from paragraph (7) (a) all the words after “has been” and substituting “pre-washed in accordance with a procedure approved by a prescribed officer; and”;

(h) by omitting paragraph (7) (b) and substituting the following paragraph;

“(b) the resulting tank washings have been discharged to a reception facility,”.

22 After section 21 of the Principal Act the following section is inserted:

21A Certain Liquid substances to be treated as oil

- (1) Notwithstanding any other provision of this Act, a prescribed substance in Category C or D, being a substance that has been identified by the Organization as an oil-like substance under criteria developed by the Organization, may be carried on an oil tanker within the meaning of Part II if the following conditions are satisfied:
- (a) the oil tanker complies with the provisions of Annex I of the Convention as applicable to product carriers within the meaning of that Annex;
 - (b) the oil tanker carries an International Oil Pollution Prevention Certificate and its Supplement B, being a certificate that has an endorsement;
 - (i) that indicates that the ship is permitted to carry oil-like substances in conformity with Regulation 14 of Annex II of the Convention; and
 - (ii) that specifies the oil-like substance or substances that the tanker is permitted to carry;
 - (c) the prescribed substance is the substance, or a substance, referred to in subparagraph (b)(ii);
 - (d) in the case of a substance in Category C-the tanker complies with the ship type 3 damage stability requirements of;
 - (i) in the case of a tanker constructed on or after 1 July 1986; the International Bulk Chemical Code; or
 - (ii) in the case of a tanker constructed before 1 July 1986-the Bulk Chemical Code applicable under Regulation 13 of Annex II of the Convention; and
 - (e) the oil content meter in the oil discharge monitoring and control system of the tanker has been approved by an inspector for use in monitoring the oil-like substances to be carried.

Section 23

- (2) Where, by virtue of subsection (1), a substance is carried on an oil tanker within the meaning of Part II;
- (a) section 9 applies in relation to the discharge of the substance as if the substance were oil within the meaning of Part II; and
 - (b) section 21 does not apply in relation to the discharge of the substance.”.

23 Duty to report certain incidents involving certain substances

Section 22 of the Principal Act is amended;

- (a) by inserting in subsection (1A) “, the Jervis Bay Territory” after “State” (first occurring);
- (b) by inserting in subsection (1B) “, the Jervis Bay Territory” after “State”;
- (c) by omitting from subsection (1) “manner, a prescribed officer of the incident” and substituting:
“manner;
 - (a) where Australia or an external Territory is the nearest coastal State to the place where the incident occurred; a prescribed officer; or
 - (b) where a foreign country is the nearest coastal State to that place-the government of that foreign country, of the incident.”;
- (d) by omitting from subsection (3) “manner, a prescribed officer of the incident and, if a prescribed officer” and substituting:
“manner
 - (c) where Australia or an external Territory is the nearest coastal State to the place where the incident occurred-a prescribed officer; or
 - (d) where a foreign country is the nearest coastal State to that place; the government of that foreign country, of the incident, and, if a prescribed officer or a government, as the case may be,”;
- (e) by inserting in subsection (6) “or a government” after “officer” (first occurring);
- (f) by inserting in subsection (6) “or that government, as the case may be” after “officer” (second occurring);
- (g) by inserting in subsection (6) “or that government, as the case may be,” after “officer” (last occurring);

- (h) by inserting in subsection (7) “or a government” after “officer” (first occurring);
- (j) by inserting in subsection (7) “or that government, as the case may be” after “officer” (second occurring);
- (k) by inserting in subsection (7) “or that government, as the case may be,” after “officer” (last occurring);
- (m) by inserting in subsection (8) “or a government” after “officer” (wherever occurring); and
- (n) by inserting in subsection (9) “or a government” after “officer” (wherever occurring).

24 Cargo record book to be retained

Section 25 of the Principal Act is amended by omitting from subsection (3) “one year” and substituting “2 years”.

25 After Part III of the Principal Act the following Part is inserted:

Part IIIA—Prevention of Pollution by Packaged Harmful Substances

26A Interpretation

- (1) In this Part, ‘harmful substance’ means a substance which is identified as a marine pollutant in the International Maritime Dangerous Goods (IMDG) Code.
- (2) Except in so far as the contrary intention appears, an expression that is used in this Part and in Annex III to the Convention (whether or not a particular meaning is assigned to it by that Annex) has, in this Part the same meaning as in that Annex.

26B Duty to report certain incidents involving harmful substances

- (1) This section does not apply in relation to prescribed incidents that occur in the sea near a State, the Jervis Bay Territory or an external Territory to the extent that a law of that State or Territory makes provision giving effect to Protocol I to the Convention in relation to those prescribed incidents.

Section 25

- (2) This section does not apply in relation to a prescribed incident that occurs in relation to a foreign ship unless the incident occurs in the sea near a State, the Jervis Bay Territory or an external Territory.
- (3) Where a prescribed incident occurs in relation to a ship, the master of the ship shall, without delay, notify, in the prescribed manner;
- (a) where Australia or an external Territory is the nearest coastal State to the place where the incident occurred; a prescribed officer; or
 - (b) where a foreign country is the nearest coastal State to that place; the government of that foreign country,
- of the incident.

Penalty: \$5,000.

- (4) In a prosecution of a person for an offence against subsection (3) in relation to a prescribed incident, it is a defence if the person proves that the person was unable to comply with the subsection in relation to the incident.
- (5) Where a prescribed incident occurs in relation to a ship and;
- (a) the master of the ship is unable to comply with subsection (3) in relation to the incident; or
 - (b) the incident occurs in circumstances in which the ship is abandoned,
- the owner, charterer, manager or operator of the ship or an agent of the owner, charterer, manager or operator of the ship shall, without delay, notify, in the prescribed manner;
- (c) where Australia or an external Territory is the nearest coastal State to the place where the incident occurred; a prescribed officer; or
 - (d) where a foreign country is the nearest coastal State to that place; the government of that foreign country,
- of the incident, and, if a prescribed officer or a government, as the case may be, is not so notified, each of those persons is guilty of an offence punishable, upon conviction, by a fine not exceeding;
- (e) in the case of a person, not being a body corporate—\$5,000; or
 - (f) in the case of a person, being a body corporate—\$25,000.

- (6) In a prosecution of a person for an offence against subsection (5) in relation to a prescribed incident in relation to a ship, it is a defence if the person proves;
- (a) that the person was not aware of the incident; or
 - (b) in the case of a prescribed incident to which paragraph (5)(a) applies—that the person neither knew nor suspected that the master of the ship was unable to comply with subsection (3) in relation to the incident.
- (7) Subsection (6) shall not be taken to limit by implication any defence that would, but for that subsection, be available to a person charged with an offence against subsection (5).
- (8) A master of a ship who, pursuant to subsection (3), has notified a prescribed officer or a government of the occurrence of a prescribed incident shall, if so requested by a prescribed officer or that government, as the case may be, give, within the prescribed time, a report to a prescribed officer or that government, as the case may be, in relation to the incident in accordance with the prescribed form.
- Penalty: \$5,000.
- (9) Where subsection (5) applies in relation to a prescribed incident in relation to a ship, a person who, pursuant to that subsection, has notified a prescribed officer or a government of the occurrence of the prescribed incident shall, if so requested by a prescribed officer or that government, as the case may be, give, within the prescribed time, a report to a prescribed officer or that government, as the case may be, in relation to the incident in accordance with the prescribed form.
- Penalty: \$5,000.
- (10) A person shall not, in a notice given to a prescribed officer or a government pursuant to subsection (3) or (5) or in a report given to a prescribed officer or a government pursuant to subsection (8) or (9), make a statement that is false or misleading in a material particular.
- Penalty: \$5,000.
- (11) In this section, ‘prescribed incident’, in relation to a ship means;
-

Section 26

- (a) a discharge from the ship of a harmful substance carried as cargo in a packaged form or in a freight container, portable tank or road and rail tank wagon, not being a discharge occurring because the substance was washed overboard in accordance with the regulations or orders made pursuant to the regulations; or
- (b) an incident involving the probability of a discharge from the ship of a harmful substance carried as cargo in packaged form or in a freight container, portable tank or road and rail tank wagon, not being a discharge occurring because the substance was washed overboard in accordance with the regulations or orders made pursuant to the regulations.

26 After section 26A of the Principal Act the following sections are inserted in Part IIIA:

26AA Notification of proposal to carry certain harmful substances

Where a person who proposes to export or import a prescribed harmful substance proposes to do so by having that substance carried as cargo in a ship in packaged form or in a freight container, portable tank or road and rail tank wagon, that person or the master of the ship shall, within a prescribed time, notify, in the prescribed manner, a prescribed officer of the proposal and, if a prescribed officer is not so notified of the proposal and the substance is carried as proposed, that person and the master are each guilty of an offence punishable, upon conviction, by a fine not exceeding;

- (a) if the offender is a natural person—\$5,000; or
- (b) if the offender is a body corporate—\$25,000.

26AB Prohibition of discharge by jettisoning of harmful substances into the sea

- (1) Subject to subsections (2), (3), (4), (5) and (6), if any discharge by jettisoning of a harmful substance, being a substance carried as cargo in packaged form or in a freight container, portable tank or road and rail tank wagon, occurs from a ship into the sea, the master and the owner of the ship are each guilty of an offence punishable, upon conviction, by a fine not exceeding;
 - (a) if the offender is a natural person—\$50,000; or

- (b) if the offender is a body corporate—\$250,000.
- (2) Subsection (1) does not apply in relation to the sea near a State.
- (3) Subsection (1) does not apply in relation to the sea near the Jervis Bay Territory or an external Territory to the extent that a law of the Territory makes provision giving effect to Regulation 7 of Annex III to the Convention in relation to that sea.
- (4) Subsection (1) does not apply to the discharge of a harmful substance from a foreign ship unless the discharge occurs in the sea near the Jervis Bay Territory or an external Territory.
- (5) Subsection (1) does not apply to the discharge of a harmful substance from a ship for the purpose of securing the safety of the ship or saving life at sea.
- (6) Where a harmful substance referred to in subsection (1) is discharged from a ship into the sea because of a leakage of the substance, the substance shall, for the purposes of this section, be taken to have been discharged by jettisoning, but subsection (1) does not apply to the discharge if;
- (a) the substance was washed overboard from the ship in accordance with regulations or orders made pursuant to regulations; or
 - (b) the substance was washed overboard from the ship otherwise than in accordance with such regulations or orders in circumstances where compliance with such regulations or orders would have impaired the safety of the ship or of persons on board the ship.
- (7) In proceedings for an offence against subsection (1) in relation to a ship it is sufficient for the prosecution to allege and prove that a discharge of a harmful substance referred to in subsection (1) occurred from the ship into the sea, but it is a defence if it is proved that, by virtue of subsection (2), (3), (4), (5) or (6), subsection (1) does not apply in relation to the discharge.

27 Duty to report certain incidents involving harmful substances

Section 26B of the Principal Act is amended by inserting after subsection (10) the following subsection:

Section 28

“(10A) A notice given to a prescribed officer or a government pursuant to subsection (3) or (5), and a report given to a prescribed officer or a government pursuant to subsection (8) or (9), shall not, without the consent of the person charged, be admitted in evidence in a prosecution for an offence against subsection 26AB(1).”.

28 After Part IIIA of the Principal Act the following Parts are inserted:

Part IIIB—Prevention of Pollution by Sewage

26C Interpretation

Except in so far as the contrary intention appears, an expression that is used in this Part and in Annex IV to the Convention (whether or not a particular meaning is assigned to it by that Annex) has, in this Part, the same meaning as in that Annex.

26D Prohibition of discharge of sewage into the sea

- (1) Subject to subsections (2) to (9) (inclusive), if any discharge of sewage occurs from a ship into the sea, the master and the owner of the ship are each guilty of an offence punishable, upon conviction, by a fine not exceeding:
 - (a) if the offender is a natural person—\$50,000; or
 - (b) if the offender is a body corporate—\$250,000.
- (2) Subsection (1) does not apply in relation to the sea near a State.
- (3) Subsection (1) does not apply in relation to the sea near the Jervis Bay Territory or an external Territory to the extent that a law of the Territory makes provision giving effect to paragraphs (1)(a) and (b) of Regulation 8 and to Regulation 9 of Annex IV to the Convention in relation to that sea.
- (4) Subsection (1) does not apply to the discharge of sewage from a foreign ship unless the discharge occurs in the sea near the Jervis Bay Territory or an external Territory.
- (5) Subsection (1) does not apply to the discharge of sewage from a ship;

- (a) for the purpose of securing the safety of a ship and persons on board the ship or of saving life at sea; or
 - (b) in a case where the sewage escaped from the ship in consequence of damage to the ship or its equipment and all reasonable precautions were taken before and after the occurrence of the damage for the purpose of preventing or minimising the escape of the sewage.
- (6) Without limiting the generality of subsection (5) but subject to subsection (9), subsection (1) does not apply to the discharge of sewage from a ship if the following conditions are satisfied:
- (a) where the sewage has been comminuted and disinfected using a system approved in accordance with the regulations, or orders made pursuant to the regulations, giving effect to Regulation 3 of Annex IV to the Convention—the discharge is made when the ship is at a distance of not less than 4 nautical miles from the nearest land;
 - (b) where the sewage is not sewage referred to in paragraph (a)—the discharge is made when the ship is at a distance of not less than 12 nautical miles from the nearest land;
 - (c) where the sewage has been stored in holding tanks—the sewage is not discharged instantaneously but is discharged at a prescribed rate when the ship is proceeding *en route* at a speed of not less than 4 knots.
- (7) Without limiting the generality of subsection (5) but subject to subsection (9), subsection (1) does not apply to the discharge of sewage from a ship if the following conditions are satisfied:
- (a) the sewage has been treated in a sewage treatment plant on the ship, being a plant;
 - (i) that an inspector has certified meets the requirements of the regulations giving effect to Regulation 3 of Annex IV to the Convention; and
 - (ii) the test results of which are laid down in the ship's sewage certificate within the meaning of Division 12C of Part IV of the *Navigation Act 1912*; and
 - (b) the effluent does not produce visible floating solids in the waters of the sea and does not cause discolouration of the waters of the sea.

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- (8) Without limiting the generality of subsection (5) but subject to subsection (9), subsection (1) does not apply to the discharge of sewage if the discharge is made into the territorial waters of a foreign country in accordance with the law of that country.
- (9) Without limiting the generality of subsection (5), where;
 - (a) sewage consists in whole or in part of, or is mixed with, wastes, or waste water, the discharge of which from a ship into the sea is prohibited under another Part unless certain conditions are complied with; and
 - (b) the conditions referred to in paragraph (a) are more stringent than the conditions referred to in subsections (6), (7) and (8), subsection (1);
 - (c) applies to the discharge of the sewage from a ship notwithstanding that the conditions referred to in subsection (6), (7) or (8) are complied with; but
 - (d) does not apply to the discharge of the sewage from a ship if those more stringent requirements are complied with.
- (10) In proceedings for an offence against subsection (1) in relation to a ship, it is sufficient for the prosecution to allege and prove that a discharge of sewage occurred from the ship into the sea, but it is a defence if it is proved that, by virtue of subsection (2), (3), (4), (5), (6), (7), (8) or (9), subsection (1) does not apply in relation to the discharge.

Part IIIC—Prevention of Pollution by Garbage

26E Interpretation

Except in so far as the contrary intention appears, an expression that is used in this Part and in Annex V to the Convention (whether or not a particular meaning is assigned to it by that Annex) has, in this Part, the same meaning as in that Annex.

26F Prohibition of disposal of garbage into the sea

- (1) Subject to subsections (2) to (11) (inclusive), if any disposal of garbage from a ship into the sea occurs, the master and the owner of the ship are each guilty of an offence punishable, upon conviction, by a fine not exceeding;

- (a) if the offender is a natural person—\$50,000; or
 - (b) if the offender is a body corporate—\$250,000.
- (2) Subsection (1) does not apply in relation to the sea near a State.
- (3) Subsection (1) does not apply in relation to the sea near the Jervis Bay Territory or an external Territory to the extent that a law of the Territory makes provision giving effect to Regulations 3, 5 and 6 of Annex V to the Convention in relation to that sea.
- (4) Subsection (1) does not apply to the disposal of garbage from a foreign ship unless the disposal occurs in the sea near the Jervis Bay Territory or an external Territory.
- (5) Subsection (1) does not apply to the disposal of garbage from a ship for the purpose of securing the safety of the ship and the persons on board the ship or of saving life at sea.
- (6) Without limiting the generality of subsection (5) but subject to subsection (11), subsection (1) does not apply to the disposal of garbage (being dunnage, lining or packing materials which will float and are not plastics) from a ship into the sea if the following conditions are satisfied:
- (a) the disposal takes place when the ship is not within a special area;
 - (b) the disposal takes place when the ship is as far as practicable from, and is at a distance of not less than 25 nautical miles from, the nearest land.
- (7) Without limiting the generality of subsection (5) but subject to subsection (11), subsection (1) does not apply to the disposal of garbage (not being plastics, garbage referred to in subsection (6) or food wastes) from a ship into the sea if the following conditions are satisfied:
- (a) the disposal occurs when the ship is not within a special area;
 - (b) the disposal occurs when the ship is as far as practicable from the nearest land;
 - (c) except where paragraph (d) applies—the ship is at a distance of not less than 12 nautical miles from the nearest land;
 - (d) where the garbage is passed through a comminuter or grinder so that it is capable of passing through a screen with no opening greater than 25 millimetres—when the ship is at a

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distance of not less than 3 nautical miles from the nearest land.

- (8) Without limiting the generality of subsection (5) but subject to subsection (11), subsection (1) does not apply to the disposal of garbage, being food wastes, from a ship into the sea if;
- (a) the disposal occurs when the ship is as far as practicable from, and is at a distance of not less than 12 nautical miles from, the nearest land; or
 - (b) the conditions referred to in paragraphs (7)(a), (b) and (d) are satisfied.
- (9) Where garbage escapes from a ship into the sea because of damage to the ship or its equipment, subsection (1) does not apply to the disposal of the garbage if all reasonable precautions were taken before and after the occurrence of the damage for the purpose of preventing or minimising the escape of the garbage.
- (10) Where a synthetic fishing net, or synthetic material used in the repair of such a net, on a ship is accidentally lost at sea, subsection (1) does not apply to the disposal of the net or material if all reasonable precautions were taken to prevent the loss.
- (11) Without limiting the generality of subsection (5), where;
- (a) garbage is mixed with matter the discharge or disposal of which from a ship into the sea is prohibited under another Part unless certain conditions are complied with; and
 - (b) the conditions referred to in paragraph (a) are more stringent than the conditions referred to in subsections (6) to (10) (inclusive),
- subsection (1);
- (c) applies to the disposal of the garbage from a ship notwithstanding that the conditions referred to in subsection (6), (7), (8), (9) or (10) are complied with; but
 - (d) does not apply to the disposal of the garbage from a ship if those more stringent requirements are complied with.
- (12) In proceedings for an offence against subsection (1) in relation to a ship, it is sufficient for the prosecution to allege and prove that garbage was disposed of from the ship into the sea, but it is a defence if it is proved that, by virtue of subsection (5), (6), (7), (8),

(9), (10) or (11), subsection (1) does not apply in relation to the disposal.

- (13) In this section ‘plastics’ includes synthetic ropes, synthetic fishing nets and plastic garbage bags.

29 Prosecution of offences against Act

- (1) Section 28 of the Principal Act is amended;

(a) by inserting in subsection (3) “, other than an offence against the section referred to in subsection (4)” after “Act”;

(b) by omitting from paragraph (3)(b) “\$5,000” and substituting “\$10,000”; and

(c) by adding at the end the following subsections:

“(4) Where, in accordance with subsection (2), a court of summary jurisdiction convicts a person of an offence against section 9, the penalty that the court may impose is a fine not exceeding:

(a) in the case of a person, not being a body corporate—
\$5,000; or

(b) in the case of a person, being a body corporate—
\$25,000.

“(5) Where, in proceedings for an offence against this Act in respect of any conduct engaged in by a corporation, it is necessary to establish the state of mind of the corporation, it is sufficient to show that a director, servant or agent of the corporation, being a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

“(6) Any conduct engaged in on behalf of a corporation;

(a) by a director, servant or agent of the corporation within the scope of his or her actual or apparent authority; or

(b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the corporation, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent, shall be deemed, for the purposes of a provision of this Act that creates an offence, to have been engaged in by the corporation.

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“(7) A reference in subsection (5) to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person’s reasons for the intention, opinion, belief or purpose.”.

- (2) Section 28 of the Principal Act is amended;
 - (a) by omitting from subsection (3) “the section” and substituting “a section”; and
 - (b) by inserting in subsection (4) “or 21” after “section 9”.
- (3) Section 28 of the Principal Act is amended by omitting from subsection (4) “or 21” and substituting “, 21, 26AB, 26D or 26F”.

30 Application of certain provisions to foreign ships

Section 32 of the Principal Act is amended by omitting from subsection (1) “(other than foreign ships to which the Convention applies)” and substituting “, including foreign ships flying the flag of, or under the authority of, a Party to the Convention,”.

31 Regulations

Section 33 of the Principal Act is amended;

- (a) by omitting paragraph (1)(c) and substituting the following paragraph:

“(c) for and in relation to giving effect to the Convention, other than provisions of the Convention to which effect is given by a provision of this Act;”;
- (b) by omitting subparagraph (1)(d)(i) and substituting the following subparagraph:

“(i) giving effect to the Convention, other than provisions of the Convention to which effect is given by a provision of this Act; and”;
- (c) by omitting subsection (2) and substituting the following subsections:

“(2) Regulations, and orders made pursuant to the regulations, giving effect to Annex I or II to the Convention do not apply in relation to a ship as defined by subsection (4) to the extent that a law of a State or a Territory makes provision giving effect to the Annex in relation to that ship.

“(2A) Regulations, and orders made pursuant to the regulations, giving effect to Annex III, IV or V to the Convention do not apply in relation to a ship as defined in subsection (4) to the extent that a law of the Jervis Bay Territory or an external Territory makes provision giving effect to the Annex in relation to the ship.”.

32 Orders

Section 34 of the Principal Act is amended by omitting “in pursuance of” (wherever occurring) and substituting “pursuant to”.

33 Penalties

- (1) The Principal Act is amended as set out in Schedule 3.
- (2) The Principal Act is amended as set out in Schedule 4.

34 Schedules

- (1) Schedule 1 to the Principal Act is amended by adding at the end the Annex set out in Schedule 5 to this Act.
- (2) The Principal Act is amended by adding at the end the Schedules set out in Schedule 6 to this Act.
- (3) Schedule 1 to the Principal Act is amended by adding at the end the Annexes set out in Schedule 7 to this Act.

Part IV—Amendments of the Protection of the Sea (Civil Liability) Act 1981

35 Principal Act

The *Protection of the Sea (Civil Liability) Act 1981* is in this Part referred to as the Principal Act.

36 Interpretation

Section 3 of the Principal Act is amended by omitting from subsection (1) the definitions of “Protocol” and “the Convention” and substituting the following definitions:

“ ‘the Convention’ means Articles I to XII ter, including the model certificate, of the Civil Liability Convention as amended by the 1992 Protocol;

“ ‘the 1992 Protocol’ means the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (a copy of the English text of which is set forth in Schedule 2).”.

37 Certain provisions of Convention to have the force of law

Section 8 of the Principal Act is amended by inserting in subsection (1) “, Article XII bis (other than paragraph (b))” after “Article XI”.

38 Claims for compensation

Section 9 of the Principal Act is amended by omitting from paragraphs (a) and (b) “Australia” and substituting “a place to which the Convention applies”.

39 Prosecution of offences against subsections 15(1), (2) and (3) and 22(3)

Section 23 of the Principal Act is amended by adding at the end the following subsections:

“(4) Where, in proceedings for an offence against subsection 15(1), (2) or (3) or 22(3) in respect of any conduct engaged in by a corporation, it is necessary to establish the state of mind of the corporation, it is sufficient to show that a director, servant or agent of the corporation, being a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

“(5) Any conduct engaged in on behalf of a corporation;

- (a) by a director, servant or agent of the corporation within the scope of his or her actual or apparent authority; or
- (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the corporation, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent,

shall be deemed, for the purposes of a provision of this Act that creates an offence, to have been engaged in by the corporation.

“(6) A reference in subsection (4) to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the intention, opinion, belief or purpose.”.

40 Schedule

Schedule 2 to the Principal Act is repealed and the Schedule set out in Schedule 8 to this Act is substituted.

Part V—Amendments of the Protection of the Sea (Shipping Levy Collection) Act 1981

41 Principal Act

The *Protection of the Sea (Shipping Levy Collection) Act 1981* is in this Part referred to as the Principal Act.

42 Interpretation

Section 4 of the Principal Act is amended;

- (a) by omitting “register” from the definition of “tonnage” and substituting “net”; and
- (b) by adding at the end the following definition and subsection:
 - “ ‘Tonnage Measurement Convention’ has the same meaning as in Part XA of the *Navigation Act 1912*.
 - “(2) Where, at any time, the net tonnage applicable to a ship has been determined otherwise than in accordance with the Tonnage Measurement Convention, then, in the application of this Act to the ship at that time, a reference in this Act to the tonnage of a ship shall be taken to be a reference to the net tonnage of the ship expressed in tons.”

Schedule 1—Amendments of Division 12 of Part IV of the Navigation Act 1912 Relating to Penalties

Subsection 15 (1)

Paragraph 267D (1) (a):

Omit “\$500”, substitute “\$1,000”.

Paragraph 267D (1) (b):

Omit “\$1,000”, substitute “\$5,000”.

Subparagraph 267D (2) (c) (i):

Omit “\$500”, substitute “\$1,000”.

Subparagraph 267D (2) (c) (ii):

Omit “\$1,000”, substitute “\$5,000”.

Paragraph 267E (2) (b):

Omit “\$5,000”, substitute “\$10,000”.

Paragraph 267G (3) (b):

Omit “\$40,000”, substitute “\$50,000”.

Section 267H:

Omit “\$200”, substitute “\$1,000”.

Section 267J:

Omit “Penalty: \$200”.

Paragraph 267K (4) (b):

Omit “\$40,000”, substitute “\$50,000”.

Schedule 2—Amendments of Division 12A of Part IV of the Navigation Act 1912 relating to Penalties

Subsection 15 (2)

Paragraph 267S (1) (a):

Omit “\$500”, substitute “\$1,000”.

Paragraph 267S (1) (b):

Omit “\$1,000”, substitute “\$5,000”.

Subparagraph 267S (2) (c) (i):

Omit “\$500”, substitute “\$1,000”.

Subparagraph 267S (2) (c) (ii):

Omit “\$1,000”, substitute “\$5,000”.

Paragraph 267T (2) (b):

Omit “\$5,000”, substitute “\$10,000”.

Paragraph 267V (1) (b):

Omit “\$40,000”, substitute “\$50,000”.

Section 267W:

Omit “\$200”, substitute “\$1,000”.

Section 267X:

Omit “Penalty: \$200”.

Paragraph 267Y (4) (b):

Omit “\$40,000”, substitute “\$50,000”.

Schedule 3—Amendments of Part II of the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 Relating to Penalties

Subsection 33 (1)

Paragraph 9 (1) (b):

Omit “\$100,000”, substitute “\$250,000”.

Paragraph 10 (1) (b):

Omit “\$100,000”, substitute “\$250,000”.

Subsection 11 (3):

Omit “exceeding \$5,000”, substitute:

“exceeding;

(c) if the offender is a natural person—\$5,000; or

(d) if the offender is a body corporate—\$25,000.”.

Paragraph 12 (4) (b):

Omit “\$10,000”, substitute “\$25,000”.

Paragraph 14 (2) (b):

Omit “\$10,000”, substitute “\$25,000”.

Paragraph 14 (4) (b):

Omit “\$10,000”, substitute “\$25,000”.

Schedule 4—Amendments of Part III of the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 Relating to Penalties

Subsection 33 (2)

Paragraph 20 (b):

Omit “\$10,000”, substitute “\$25,000”.

Paragraph 21 (1) (b):

Omit “\$100,000”, substitute “\$250,000”.

Subsection 22 (3):

Omit “exceeding \$5,000”, substitute;

exceeding;

(c) if the offender is a natural person—\$5,000; or

(d) if the offender is a body corporate—\$25,000.”.

Paragraph 23 (4) (b):

Omit “\$10,000”, substitute “\$25,000”.

Paragraph 25 (2) (b):

Omit “\$10,000”, substitute “\$25,000”.

Paragraph 25 (4) (b):

Omit “\$10,000”, substitute “\$25,000”.

Schedule 5—Annex added to Schedule 1 to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

Subsection 34(1)

ANNEX III

Section 3

REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED FORMS, OR IN FREIGHT CONTAINERS, PORTABLE TANKS OR ROAD AND RAILTANK WAGONS

Regulation 1

Application

- (1) Unless expressly provided otherwise, the Regulations of this Annex apply to all ships carrying harmful substances in packaged forms, or in freight containers, portable tanks or road and rail tank wagons.
- (2) Such carriage of harmful substances is prohibited except in accordance with the provisions of this Annex.
- (3) To supplement the provisions of this Annex the Government of each Party to the Convention shall issue, or cause to be issued, detailed requirements on packaging, marking and labelling, documentation, stowage, quantity limitations, exceptions and notification, for preventing or minimizing pollution of the marine environment by harmful substances.
- (4) For the purpose of this Annex, empty receptacles, freight containers, portable tanks and road and rail tank wagons which have 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 hazardous to the marine environment.

Regulation 2

Packaging

Packagings, freight containers, portable tanks and road and rail tank wagons shall be adequate to minimize the hazard to the marine environment having regard to their specific contents.

Regulation 3

Marking and Labelling

Packages, whether shipped individually or in units or in freight containers, freight containers, portable tanks or road and rail tank wagons containing a harmful substance, shall be durably marked with the correct technical name (trade names shall not be used as the correct technical name), and further marked with a distinctive label or stencil of label, indicating that the contents are harmful. Such identification shall be supplemented where possible by any other means, for example by the use of the United Nations number.

Regulation 4

Documentation

- (1) In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of the substances shall be used (trade names shall not be used).
- (2) The shipping documents supplied by the shipper shall include a certificate or declaration that the shipment offered for carriage is properly packed, marked and labelled and in proper condition for carriage to minimize the hazard to the marine environment.
- (3) Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof. A detailed stowage plan which sets out the location of all harmful substances on board may be used in place of such special list or manifest. 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) In a case where the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by the International Convention for the Safety of Life at Sea in force, the documents required for the purpose of this Annex may be combined with those for dangerous goods. Where documents are combined, a clear distinction shall be made between dangerous goods and other harmful substances.

Regulation 5

Stowage

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

Regulation 6

Quantity Limitations

Certain harmful substances which are very hazardous to the marine environment may, for sound scientific and technical reasons, need to be prohibited for carriage or be limited as to the quantity which may be carried aboard any one ship. In limiting the quantity due consideration shall be given to size, construction and equipment of the ship as well as the packaging and the inherent nature of the substance.

Regulation 7

Exceptions

- (1) Discharge by jettisoning of harmful substances carried in packaged forms, freight containers, portable tanks or road and rail tank wagons shall be 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 the present Convention, 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.

Regulation 8

Notification

With respect to certain harmful substances, as may be designated by the Government of a Party to the Convention, the master or owner of the ship or his representative shall notify the appropriate port authority of the intent to load or unload such substances at least 24 hours prior to such action.

Schedule 6—Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

Subsection 34 (2)

SCHEDULE 4

Section 3

ADOPTION OF AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973 (RELATING TO ANNEX II OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973 AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO)

adopted on 5 December 1985

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention of the International Maritime Organization concerning the function of the Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING Article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the “1973 Convention”) and Article VI of the Protocol of 1978 relating to the 1973 Convention (hereinafter referred to as the “1978 Protocol”) which together specify the amendment procedure of the 1978 Protocol and confers upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

HAVING CONSIDERED at its twenty-second session amendments to the 1978 Protocol proposed and circulated in accordance with article 16(2)(a) of the 1973 Convention,

1. ADOPTS in accordance with article 16(2)(d) of the 1973 Convention amendments to the Annex of the 1978 Protocol (relating to Annex II of MARPOL 73/78), the text of which is set out in the Annex to the present resolution;

2. DETERMINES in accordance with article 16(2)(f)(iii) of the 1973 Convention that the amendments shall be deemed to have been accepted on 5 October 1986 unless prior to this date one third or more of the Parties or the Parties the combined merchant fleets of which constitute fifty per cent or more of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objections to the amendments;
3. INVITES the Parties to note that in accordance with article 16(2)(g)(ii) of the 1973 Convention the amendments shall enter into force on 6 April 1987 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General in conformity with article 16(2)(e) of the 1973 Convention to transmit to all Parties to the 1978 Protocol certified copies of the present resolution and the text of the amendments contained in the Annex;
5. FURTHER REQUESTS the Secretary-General to transmit to the Members of the Organization which are not Parties to the 1978 Protocol copies of the resolution and its Annex.

ANNEX

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978
RELATING TO THE INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS, 1973

ANNEX II

REGULATIONS FOR THE CONTROL OF POLLUTION BY NOXIOUS
LIQUID SUBSTANCES IN BULK

Regulation 1

Definitions

The following new paragraphs (10) to (14) are added to the existing text:

“(10) ‘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 may be amended by the Organization, provided that such amendments are adopted and brought into force in accordance with the provisions of Article 16 of the present Convention concerning amendment procedures applicable to an Appendix to an Annex.

(11) ‘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 may be amended by the Organization, provided that such amendments are adopted and brought into force in accordance with the provisions of Article 16 of the present Convention concerning amendment procedures applicable to an Appendix to an Annex.

(12) ‘Ship constructed’ means a ship the keel of which is laid or which is at a similar stage of construction. 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.

(13) ‘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.

Regulation 2

Application

The following new paragraphs (4), (5), and (6) are added to the existing text:

“(4) For ships constructed before 1 July 1986, the provisions of Regulation 5 of this Annex in respect of the requirement to discharge below the waterline and maximum concentration in the wake astern of the ship shall apply as from 1 January 1988.

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

(6) The Administration which allows a fitting, material, appliance or apparatus as alternative to that required by this Annex, under paragraph (5) of this Regulation, shall communicate to the Organization for circulation to the Parties to the Convention, particulars thereof, for their information and appropriate action, if any.”

Regulation 3

Categorization and Listing of Noxious Liquid Substances

In paragraph (1) of the existing text, the phrase “except Regulation 13” is deleted.

Regulation 5

Discharge of Noxious Liquid Substances

In paragraph (1) the existing text of the last sentence before sub-paragraph (a) is replaced by: “Any water subsequently added to the tank may be discharged into the sea when all the following conditions are satisfied:”

In paragraph (5) the existing text of the third sentence is replaced by: “Any water subsequently introduced into the tank shall be regarded as clean and shall not be subject to paragraph (1), (2), (3) or (4) of this Regulation. “

In paragraph (7) the existing text of the last sentence before sub-paragraph (a) is replaced by: “Any water subsequently added to the tank may be discharged into the sea when all the following conditions are satisfied:”

In paragraph (8) the existing text of paragraph (a) is replaced by:

“(a) the tank has been prewashed in accordance with the procedure approved by the Administration and based on standards developed by the Organization and the resulting tank washings have been discharged to a reception facility.”

In paragraph (10) the third sentence of the existing text is replaced by: “Any water subsequently introduced into the tank shall be regarded as clean and shall not be subject to paragraph (7), (8) or (9) of this Regulation.”

The following new Regulation 5A is added to the existing text:

“Regulation 5A

Pumping, Piping and Unloading Arrangements

(1) Every ship constructed on or after 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category B

substance does not retain a quantity of residue in excess of 0.1 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(2) (a) Subject to the provisions of sub-paragraph (b) of this paragraph, every ship constructed before 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category B substance does not retain a quantity of residue in excess of 0.3 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(b) Until 2 October 1994 ships referred to in sub-paragraph (a) of this paragraph if not in compliance with the requirements of that sub-paragraph shall, as a minimum, be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions and surface residue assessment, that each tank designated for the carriage of a Category B substance does not retain a quantity of residue in excess of 1 cubic metre or 1/3000 of the tank capacity in cubic metres, whichever is greater, in that tank and the associated piping.

(3) Every ship constructed on or after 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category C substance does not retain a quantity of residue in excess of 0.3 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(4) (a) Subject to the provisions of sub-paragraph (b) of this paragraph, every ship constructed before 1 July 1986 shall be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions, that each tank designated for the carriage of a Category C substance does not retain a quantity of residue in excess of 0.9 cubic metres in the tank's associated piping and in the immediate vicinity of that tank's suction point.

(b) Until 2 October 1994 the ships referred to in sub-paragraph (a) of this paragraph if not in compliance with the requirements of that sub-paragraph shall as a minimum, be provided with pumping and piping arrangements to ensure, through testing under favourable pumping conditions and surface residue assessment, that each tank designated for the carriage of a Category C substance does not retain a quantity of residue in excess of 3 cubic metres or 1/1000 of the tank

capacity in cubic metres, whichever is greater, in that tank and the associated piping.

- (5) Pumping conditions referred to in paragraphs (1), (2), (3) and (4) of this Regulation shall be approved by the Administration and based on standards developed by the Organization. Pumping efficiency tests referred to in paragraphs (1), (2), (3) and (4) of this Regulation shall use water as the test medium and shall be approved by the Administration and based on standards developed by the Organization. The residues on cargo tank surfaces, referred to in paragraphs (2)(b) and (4)(b) of this Regulation shall be determined based on standards developed by the Organization.
- (6) (a) Subject to the provision of sub-paragraph (b) of this paragraph, the provisions of paragraphs (2) and (4) of this Regulation need not apply to a ship constructed before 1 July 1986 which is engaged in restricted voyages as determined by the Administration between:
- (i) ports or terminals within a State Party to the present Convention; or
 - (ii) ports or terminals of States Parties to the present Convention.
- (b) The provisions of sub-paragraph (a) of this paragraph shall only apply to a ship constructed before 1 July 1986 if:
- (i) each time a tank containing Category B or C substances or mixtures is to be washed or ballasted, the tank is washed in accordance with a prewash procedure approved by the Administration and based on Standards developed by the Organization and the tank washings are discharged to a reception facility;
 - (ii) subsequent washings or ballast water are discharged to a reception facility or at sea in accordance with other provisions of this Annex;
 - (iii) the adequacy of the reception facilities at the ports or terminals referred to above, for the purpose of this paragraph, is approved by the Governments of the States Parties to the present Convention within which such ports or terminals are situated;
 - (iv) in the case of ships engaged in voyages to ports or terminals under the jurisdiction of other States Parties to the present Convention, the Administration communicates to the Organization, for circulation to the Parties to the Convention, particulars of the exemption, for their information and appropriate action, if any; and
-

(v) the Certificate required under this Annex is endorsed to the effect that the ship is solely engaged in such restricted voyages.

(7) 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 paragraphs (1), (2), (3) and (4) of this Regulation, provided that 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 drydocking is discharged to a reception facility, the adequacy of which is ascertained by the Administration;
- (c) the Certificate required under this Annex indicates:
 - (i) that each cargo tank is certified for the carriage of only one named substance; and
 - (ii) the particulars of the exemption;
- (d) the ship carries a suitable operational manual approved by the Administration; and
- (e) in the case of ships engaged in voyages to ports or terminals under the jurisdiction of other States Parties to the present Convention, the Administration communicates to the Organization, for circulation to the Parties to the Convention, particulars of the exemption, for their information and appropriate action, if any.”

Regulation 7

The existing title of this Regulation is replaced by “Reception Facilities and Cargo Unloading Terminal Arrangements”

The following new paragraph (3) is added to the existing text:

“(3) The Government of each Party to the Convention shall undertake to 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.”

The existing text of paragraph (3) is renumbered as (4) and replaced by the following:

“(4) Each Party shall notify the Organization, for transmission to the Parties concerned, of any case where facilities required under paragraph (1) or arrangements required under paragraph (3) of this Regulation are alleged to be inadequate.”

The existing text of Regulation 8 is replaced by the following:

“Regulation 8

Measures of Control

- (1) (a) The Government of each party to the Convention shall appoint or authorize surveyors for the purpose of implementing this Regulation. The surveyors shall execute control in accordance with control procedures developed by the Organization.
- (b) The master of a ship carrying noxious liquid substances in bulk shall ensure that the provisions of Regulation 5 and this Regulation have been complied with and that the Cargo Record Book is completed in accordance with Regulation 9 of this Annex whenever operations as referred to in that Regulation take place.
- (c) An exemption referred to in paragraph (2)(b), (5)(b), (6)(c) or (7)(c) of this Regulation may only be granted by the Government of the receiving Party to a ship engaged in voyages to ports or terminals under the jurisdiction of other States Parties to the present Convention. 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 sub-paragraph (a) of this paragraph.

Category A substances in all areas

- (2) With respect to Category A substances the following provisions shall apply in all areas:
 - (a) A tank which has been unloaded shall, subject to the provisions of sub-paragraph (b) of this paragraph, be washed in accordance with the requirements of paragraph (3) or (4) of this Regulation before the ship leaves the port of unloading.

- (b) At the request of the ship's master, the Government of the receiving Party may exempt the ship from the requirements referred to in sub-paragraph (a) of this paragraph, where it is satisfied that:
- (i) the tank unloaded 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
 - (ii) the tank unloaded is neither washed nor ballasted at sea and the provisions of paragraph (3) or (4) of this Regulation are complied with 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
 - (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

(3) If the tank is to be washed in accordance with sub-paragraph (2) (a) of this Regulation, the effluent from the tank washing operation shall be discharged to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the residual concentration specified for that substance in Appendix II to this Annex. When the required residual concentration 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 under paragraph (1) (a) of this Regulation.

(4) Where the Government of the receiving party is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, that Party may accept an alternative procedure as being equivalent to paragraph (3) of this Regulation provided that:

- (a) The tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization; and
- (b) The surveyor referred to under paragraph (1)(a) certifies in the Cargo Record Book that:
 - (i) the tank, its pump and piping systems have been emptied; and
 - (ii) the prewash has been carried out in accordance with the prewash procedure approved by the Administration for that tank and that substance; and

- (iii) the tank washings resulting from such prewash have been discharged to a reception facility and the tank is empty.

Category B and C substances outside Special Areas

(5) With respect to Category B and C substances, the following provisions shall apply outside Special Areas:

- (a) A tank which has been unloaded shall, subject to the provisions of sub-paragraph (b) of this paragraph, be prewashed before the ship leaves the port of unloading, whenever:
 - (i) the substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity exceeding the maximum quantity which may be discharged into the sea under Regulation 5(2) or (3) of this Annex in case of Category B or C substances respectively; or
 - (ii) the unloading is not carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under Regulation 5A (5) of this Annex, unless alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this Regulation, to remove the cargo residues from the ship to quantities specified in Regulation 5A of this Annex as applicable.

The prewash procedure used shall be approved by the Administration and based on standards developed by the Organization and the resulting tank washings shall be discharged to a reception facility at the port of unloading.

- (b) At the request of the ship's master, the Government of the receiving party may exempt the ship from the requirements of sub-paragraph (a) of this paragraph, where it is satisfied that:
 - (i) the tank unloaded is to be reloaded with the same substance or another substance compatible with the previous one and that the tank will not be washed nor ballasted prior to loading; or
 - (ii) the tank unloaded is neither washed nor ballasted at sea and the tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization and resulting tank washings are discharged to a reception facility at another port, provided that it has been

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

- (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

Category B substances within Special Areas

(6) With respect to Category B substances, the following provisions shall apply with Special Areas:

- (a) A tank which has been unloaded shall, subject to the provisions of sub-paragraph (b) and (c), be prewashed before the ship leaves the port of unloading. The prewash procedure used shall be approved by the Administration and based on standards developed by the Organization and the resulting tank washings shall be discharged to a reception facility at the port of unloading.
- (b) The requirements of sub-paragraph (a) of this paragraph do not apply when all the following conditions are satisfied:
 - (i) the Category B substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity not exceeding the maximum quantity which may be discharged into the sea outside Special Areas under Regulation 5(2) of this Annex, and the residues are retained on board for subsequent discharge into the sea outside the Special Area in compliance with Regulation 5(2) of this Annex; and
 - (ii) the unloading is carried out in accordance with the pumping conditions for the tank approved by the Administration based on standards developed by the Organization as referred to under Regulation 5A (5) of this Annex, or failing to comply with the approved pumping conditions, alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this Regulation, to remove the cargo residues from the ship to quantities specified in Regulation 5A of this Annex as applicable.
- (c) At the request of the ship's master, the Government of the receiving party may exempt the ship from the requirements of sub-paragraph (a) of this paragraph, where it is satisfied that:

- (i) the tank unloaded 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
- (ii) the tank unloaded is neither washed nor ballasted at sea and the tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization and resulting tank washings are discharged to a reception facility at another port, provided that it has been confirmed in writing that a reception facility at that port is available and adequate for such a purpose; or
- (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

Category C substances within Special Areas

(7) With respect to Category C substances, the following provisions shall apply within Special Areas:

- (a) A tank which has been unloaded shall, subject to the provisions of sub-paragraphs (b) and (c) of this paragraph, be prewashed before the ship leaves the port of unloading, whenever:
 - (i) the Category C substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity exceeding the maximum quantity which may be discharged into the sea under Regulation 5(9) of this Annex; or
 - (ii) the unloading is not carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under Regulation 5A (5) of this Annex, unless alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1) (a) of this Regulation, to remove the cargo residues from the ship to quantities specified in Regulation 5A of this Annex as applicable.

The prewash procedure used shall be approved by the Administration and based on standards developed by the Organization and the resulting tank washings shall be discharged to a reception facility at the port of unloading.

- (b) The requirements of sub-paragraph (a) of this paragraph do not apply when all the following conditions are satisfied:
- (i) the Category C substance unloaded is identified in the standards developed by the Organization as resulting in a residue quantity not exceeding the maximum quantity which may be discharged into the sea outside Special Areas under Regulation 5(3) of this Annex, and the residues are retained on board for subsequent discharge into the sea outside the Special Area in compliance with Regulation 5(3) of this Annex; and
 - (ii) the unloading is carried out in accordance with the pumping conditions for the tank approved by the Administration and based on standards developed by the Organization as referred to under Regulation 5A(5) of this Annex, or failing to comply with the approved pumping conditions, alternative measures are taken to the satisfaction of the surveyor referred to in paragraph (1)(a) of this Regulation, to remove the cargo residues from the ship to quantities specified in Regulation 5A of this Annex as applicable.
- (c) At the request of the ship's master, the Government of the receiving party may exempt the ship from the requirements of sub-paragraph (a) of this paragraph, where it is satisfied that:
- (i) the tank unloaded 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
 - (ii) the tank unloaded is neither washed nor ballasted at sea and the tank is prewashed in accordance with a procedure approved by the Administration and based on standards developed by the Organization and resulting tank washings are discharged to a reception facility at another port, provided that it has been confirmed in writing that a reception facility at that port is available and adequate for such a purpose; or
 - (iii) the cargo residues will be removed by a ventilation procedure approved by the Administration and based on standards developed by the Organization.

Category D substances in all areas

(8) With respect to Category D substances, a tank which has been unloaded shall either be washed and the resulting tank washings shall be discharged to a reception facility, or the remaining residues in the tank shall be diluted and discharged into the sea in accordance with Regulation 5(4) of this Annex.

Discharge from a slop tank

(9) Any residues retained on board in a slop tank, including those from cargo pump room bilges, which contain a Category A substance, or within a special area either a Category A or a Category B substance, shall be discharged to a reception facility in accordance with the provisions of Regulation 5(1), (7) or (8) of this Annex, whichever is applicable.”

Regulation 9

Cargo Record Book

The existing text of sub-paragraph (2) (i) to (ix) is replaced by the following:

- “(i) loading of cargo;
- (ii) internal transfer of cargo;
- (iii) unloading of cargo;
- (iv) cleaning of cargo tanks;
- (v) ballasting of cargo tanks;
- (vi) discharge of ballast from cargo tanks;
- (vii) disposal of residues to reception facilities;
- (viii) discharge into the sea or removal by ventilation of residues in accordance with Regulation 5 of this Annex.”

In the existing text of paragraph (3), reference to “Article 7” is replaced by “Article 8”.

In the second sentence of the existing text of paragraph (5), the words “when the ship is manned” are deleted.

In the third sentence of the existing text of paragraph (5), “(1973)” is deleted and the words “or a Certificate referred to in Regulation 12A of this Annex” are inserted.

In the second sentence of the existing text of paragraph (6), the word “two” is replaced by the word “three”.

The existing texts of Regulations 10 to 12 is replaced by the following:

“Regulation 10

Surveys

- (1) Ships carrying noxious liquid substances in bulk shall be subject to the surveys specified below:
- (a) An initial survey before the ship is put in service or before the Certificate required under Regulation 11 of this Annex is issued for the first time, and which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this Annex. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and materials fully comply with the applicable requirements of this Annex.
 - (b) Periodical surveys at intervals specified by the Administration, but not exceeding five years, and which shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the requirements of this Annex.
 - (c) A minimum of one intermediate survey during the period of validity of the Certificate and which shall be such as to ensure that the equipment and associated pump and piping systems fully comply with the applicable requirements of this Annex and are in good working order. In cases where only one such intermediate survey is carried out in any one Certificate validity period, it shall be held not before six months prior to, nor later than six months after the half-way date of the Certificate’s period of validity. Such intermediate surveys shall be endorsed on the Certificate issued under Regulation 11 of this Annex.
 - (d) An annual survey within 3 months before or after the day and the month of the date of issue of the Certificate and which shall include a general examination to ensure that the structure, fittings, arrangements and materials remain in all respects satisfactory for the service for which the ship is intended. Such annual surveys shall be endorsed on the Certificate issued under Regulation 11 of this Annex.
- (2) (a) Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.

- (b) An Administration nominating surveyors or recognizing organizations to conduct surveys and inspections as set forth in sub-paragraph (a) of this paragraph, shall as a minimum empower any nominated surveyor or recognized organization to:
- (i) require repairs to a ship; and
 - (ii) carry out surveys and inspections if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations, for circulation to Parties to the present Convention for the information of their officers.

- (c) When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the 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 organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the Certificate should be withdrawn and the Administration shall be notified immediately; and if the ship is in a port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor, or organization any necessary assistance to carry out their obligations under this Regulation. When applicable, the Government of the port State concerned 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.
- (d) In every case, the Administration concerned shall fully guarantee the completeness and efficiency of the survey and inspection and shall undertake to ensure the necessary arrangements to satisfy this obligation.

- (3) (a) The condition of the ship and its equipment shall be maintained to conform with the provisions of the present 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.
- (b) After any survey of the ship under paragraph (1) of this Regulation has been completed, no change shall be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the sanction of the Administration, except the direct replacement of such equipment and fittings.
- (c) 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 Annex, the master or owner of the ship shall report at the earliest opportunity to the Administration, the recognized organization 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 paragraph (1) of this Regulation is necessary. If the ship is in a port of another Party, the master or owner shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.

Regulation 11

Issue of Certificate

- (1) An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be issued, after survey in accordance with the provisions of Regulation 10 of this Annex, to any ship carrying noxious liquid substances in bulk and which is engaged in voyages to port or terminals under the jurisdiction of other Parties to the Convention.
- (2) Such Certificate shall be issued either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.
- (3) (a) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Pollution Prevention Certificate

for the Carriage of Noxious Liquid Substances in Bulk to the ship in accordance with this Annex.

- (b) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.
- (c) A Certificate so issued 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 paragraph (1) of this Regulation.
- (d) 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 Party.

(4) The International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk shall be drawn up in an official language of the issuing country in the form corresponding to the model given in Appendix V to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 12

Duration of Certificate

- (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 from the date of issue.
- (2) A Certificate shall cease to be valid if significant alterations have taken place in the construction, equipment, systems, fittings, arrangements or material required without the sanction of the Administration, except the direct replacement of such equipment or fittings, or if intermediate or annual surveys as specified by the Administration under Regulation 10(1)(c) or (d) of this Annex are not carried out.
- (3) A Certificate issued to a ship shall also cease to be valid upon transfer of the ship to the flag of another State. A new Certificate shall be issued only when the Government issuing the new Certificate is fully satisfied that the ship is in full compliance with the requirements of Regulation 10(3)(a) and (b) of this Annex. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the Party whose flag the ship was formerly entitled to fly shall transmit as soon as possible to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.”

The following new Regulation 12A is added to the existing text:

“Regulation 12A

Survey and Certification of Chemical Tankers

Notwithstanding the provisions of Regulations 10, 11 and 12 of this Annex, chemical tankers which have been surveyed and certified by States Parties to the present Convention 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 11 of this Annex.”

Regulation 13

Requirements for Minimizing Accidental Pollution

The existing text of Regulation 13 is replaced by the following:

“(1) The design, construction, equipment and operation of ships carrying noxious liquid substances of Category A, B or C in bulk, shall be such as to minimize the uncontrolled discharge into the sea of such substances.

(2) Chemical tankers constructed on or after 1 July 1986 shall comply with the requirements of the International Bulk Chemical Code.

(3) Chemical tankers constructed before 1 July 1986 shall comply with the following requirements:

(a) The following chemical tankers shall comply with the requirements of the Bulk Chemical Code as applicable to ships referred to in 1.7.2 of that Code:

(i) ships for which the building contract is placed on or after 2 November 1973 and which are engaged on voyages to ports or terminals under the jurisdiction of other States Parties to the Convention: and

(ii) ships constructed on or after 1 July 1983 which are engaged solely on voyages between ports or terminals within the State the flag of which the ship is entitled to fly;

(b) The following chemical tankers shall comply with the requirements of the Bulk Chemical Code as applicable to ships referred to in 1.7.3 of that Code:

- (i) ships for which the building contract is placed before 2 November 1973 and which are engaged on voyages to ports or terminals under the jurisdiction of other States Parties to the Convention; and
- (ii) ships constructed before 1 July 1983 which are engaged on voyages between ports or terminals within the State the flag of which the ship is entitled to fly, except that for ships of less than 1,600 tons gross tonnage compliance with the Code in respect of construction and equipment shall take effect not later than 1 July 1994.

(4) In respect of ships other than chemical tankers carrying noxious liquid substances of Category A, B or C in bulk, the Administration shall establish appropriate measures based on the Guidelines developed by the Organization in order to ensure that the provisions of paragraph (1) of this Regulation are complied with.”

The following new Regulation 14 is added to the existing text:

“Regulation 14

Carriage and Discharge of Oil-like Substances

Notwithstanding the provisions of other Regulations of this Annex, noxious liquid substances designated in Appendix II of this Annex as falling under Category C or D and identified by the Organization as oil-like substances under the criteria developed by the Organization, may be carried on an oil tanker as defined in Annex I of the Convention and discharged in accordance with the provisions of Annex I of the present Convention, provided that all of the following conditions are complied with:

- (a) the ship complies with the provisions of Annex I of the present Convention as applicable to product carriers as defined in that Annex;
- (b) the ship carries an International Oil Pollution Prevention Certificate and its Supplement B and the Certificate is endorsed to indicate that the ship may carry oil-like substances in conformity with this Regulation and the endorsement includes a list of oil-like substances the ship is allowed to carry;
- (c) in the case of Category C substances the ship complies with the ship type 3 damage stability requirements of:
 - (i) the International Bulk Chemical Code in the case of a ship constructed on or after 1 July 1986; or

- (ii) the Bulk Chemical Code, as applicable under Regulation 13 of this Annex, in the case of a ship constructed before 1 July 1986;
and
- (d) the oil content meter in the oil discharge monitoring and control system of the ship is approved by the Administration for use in monitoring the oil-like substances to be carried.”

APPENDIX II
LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK

Existing list is replaced by the following:

Substance	UN Number	Pollution Category for operational discharge (Regulation 3 of Annex II)	Residual concentration (per cent by weight)	
			(Regulation 5 (1) of Annex II)	(Regulation 5 (7) of Annex II)
			I	II
Acetaldehyde	1089	C		
Acetic acid	2790*	C		
	2789*			
Acetic anhydride	1715	C		
Acetone cyanohydrin	1541	A	0.1	0.05
Acetophenone		D		
Acetyl chlorid	1717	C		
Acrylamide solution (50% or less)	2074	D		
Acrylic acid	2218	D		
Acrylonitrile	1093	B		
Adiponitrile	2205	D		

Pollution Category in brackets indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources. Until the hazard evaluation is completed the Pollution Category assigned shall be used.

* UN Number 2789 refers to more than 80% solution and 2790 between 10% and 80% solution.

Schedule 6 Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

	I	II	III	IV
Alcohols, C ₄ , C ₅ , C ₆ mixtures.....		D		
Alcohols, C ₅ , C ₆ as individual alcohols...		D		
Alcohols C ₇ , C ₈ , C ₉ as individuals and mixtures		C		
Alcohols C ₁₀ , C ₁₁ , C ₁₂ as individuals and mixtures		B		
Alcohol ethoxylate (higher secondary)....		D		
Alcohol (C ₁₃ /C ₁₅) poly(3-11) ethoxylates		B		
Alkyl acrylate vinyl pyridine copolymer in toluene		(C)		
Alkylamine mixtures		C		
Alkyl (C ₉ -C ₁₇) benzene mixtures (straight or branched chain)		D		
Alkyl benzene sulphonate (branched chain)		B		
Alkyl benzene sulphonate (straight chain)		C		
Alkyl benzene sulphonic acid.....	2584			
	2586	C		
Allyl alcohol.....	1098	B		
Allyl chloride.....	1100	B		
2-(2-Aminoethoxy) ethanol	3055	D		
Aminoethylethanolamine		(D)		
N-Aminoethylpiperazine	2815	D		
Ammonia aqueous (28% or less).....	2672*	C		
* UN number refers to 10-35%				
Ammonium nitrate solution (93% or less).....	2426	D		
Ammonium sulphate solution.....		D		
Ammonium sulphide solution (45% or less).....	2683	B		
Amyl acetate, commercial	1104	C		

* UN number refers to 10-35%

	I	II	III	IV
n-Amyl acetate	1104	C		
sec-Amyl acetate	1104	C		
n-Amyl alcohol.....	1105	D		
sec-Amyl alcohol.....	1105	D		
Amyl alcohol, primary	1105	D		
Aniline.....	1547	C		
Benzaldehyde		C		
Benzene and mixtures having 10% benzene or more.....	1114*	C		
Benzene sulphonyl chloride	2225	D		
Benzyl acetate		C		
Benzyl alcohol.....		C		
Benzyl chloride	1738	B		
Butene oligomer		D		
n-Butyl acetate.....	1123	C		
sec-Butyl acetate	1123	D		
n-Butyl acrylate	2348	D		
Butylamine (all isomers)	1125 (normal) 1214 (iso)	C		
Butyl benzyl phthalate.....		A	0.1	0.05
n-Butyl butyrate.....		(B)		
Butyl/Decyl/Cetyl/Eicosyl methacrylate mixture		D		
Butylene glycol		D		
1, 2-Butylene oxide	3022	C		
n-Butyl ether.....	1149	C		
Butyl lactate.....		D		
Butyl methacrylate	2227	D		
n-Butyraldehyde	1129	B		
Butyric acid	2820	B		
gamma-Butyrolactone		D		
Calcium alkyl salicylate		D		
Calcium chloride solution		D		

* UN number 1114 applies to Benzene

Schedule 6 Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

	I	II	III	IV
Calcium hydroxide solution		D		
Calcium hypochlorite solution		B		
Calcium naphthenate in mineral oil.....		A	0.1	0.05
Camphor oil.....	1130	B		
Caprolactam		D		
Carbolic oil.....		A	0.1	0.05
Carbon disulphide	1131	A	0.01	0.00
				5
Carbon tetrachloride	1846	B		
Cashew nut shell oil (untreated).....		D		
Castor oil		D		
Chloroacetic acid.....	1750	C		
Chloroacetone.....	1695	C		
Chlorobenzene.....	1134	B		
Chloroform	1888	B		
1-Chloroheptane		A	0.1	0.05
Chlorohydrins, crude.....		(D)		
o-Chloronitrobenzene.....	1578	B		
2-Chloropropionic acid.....	2511	(C)		
3-Chloropropionic acid.....		(C)		
Chlorosulphonic acid.....	1754	C		
m-Chlorotoluene.....	2238	B		
o-Chlorotoluene.....	2238	A	0.1	0.05
p-Chlorotoluene.....	2238	B		
Chlorotoluene (mixed isomers)	2238	A	0.1	0.05
Choline chloride solution		D		
Citric acid		D		
Coal tar naphtha solvent		B		
Cobalt naphthenate in solvent naphtha.....		A	0.1	0.05
Coconut oil		D		
Coconut oil, fatty acid methyl ester.....		D		
Cod liver oil.....		D		
Corn oil.....		D		
Cotton seed oil.....		D		

	I	II	III	IV
Creosote (coal tar)		(C)		
Creosote (wood)		A	0.1	0.05
Cresol (mixed isomers)	2076	A	0.1	0.05
Cresyl diphenyl phosphate		A	0.1	0.05
Cresylic acid	2022	A	0.1	0.05
Crotonaldehyde	1143	B		
Cycloheptane	2241	D		
Cyclohexane	1145	C		
Cyclohexane/Cyclohexanol mixture.....		C		
Cyclohexanol.....		C		
Cyclohexanone	1915	D		
Cyclohexylamine.....	2357	C		
p-Cymene	2046	C		
Decahydronaphthalene	1147	(D)		
n-Decaldehyde.....		B		
Decane		(D)		
Decene		B		
Decyl acrylate.....		A	0.1	0.05
Decyl alcohol (all isomers).....		B		
Diacetone alcohol.....	1148	D		
Dialkyl (C ₇ -C ₉) phthalates.....		(D)		
Dialkyl (C ₉ -C ₁₃) phthalates.....		D		
Dibenzyl ether		(C)		
Dibutylamine		C		
Dibutyl phthalate		A	0.1	0.05
m-Dichlorobenzene		B		
o-Dichlorobenzene	1591	B		
1,1-Dichloroethane	2362	B		
1,2-Dichloroethylene.....	1150	(D)		
Dichloroethylether.....	1916	B		
1,6-Dichlorohexane		B		
2,2-Dichloroisopropyl ether	2490	C		
Dichloromethane	1593	D		
2,4-Dichlorophenol.....	2021	A	0.1	0.05

Schedule 6 Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

	I	II	III	IV
2,4-Dichlorophenoxy-acetic acid		(A)		
2,4-Dichlorophenoxy-acetic acid, diethanalomine salt solution		(A)		
2,4-Dichloropheoxy-acetic acid, dimethylamine salt (70% or less) solution		(A)	0.1	0.05
2,4-Dichloropheoxy-acetic acid, triiso-propanolamine salt solution		(A)	0.1	0.05
1,1-Dichloropropane.....		B		
1,2-Dichloropropane.....	1279	B		
1,3-Dichloropropane.....		B		
1,3-Dichloropropene.....	2047	B		
Dichloropropene/Dichloropropane mixtures		B		
2,2-Dichloropropionic acid.....		D		
Dichloropropyl ether		(B)		
Diethylamine	1154	C		
Diethylaminoethanol	2686	C		
Diethylbenzene.....	2049	C		
Diethyl carbonate	2366	D		
Diethylene glycol dibutyl ether		D		
Diethylene glycol butyl ether acetate		(D)		
Diethylene glycol ethyl ether acetate.....		(D)		
Diethylene glycol methyl ether		C		
Diethylene glycol methyl ether acetate		(D)		
Diethylenetriamine	2079	(D)		
Di(2-ethylhexyl) adipate.....		D		
Di(2-ethylhexyl) phosphoric acid.....	1902	C		
Di(2-ethylhexyl) phthalate.....		D		
Diethyl malonate		C		
Diethyl phthalate		C		
Diethyl sulphate.....	1594	(B)		
Diglycidyl ether of Bisphenol A.....		B		

	I	II	III	IV
1, 4-Dihydro-9, 10-dihydroxy anthracene, disodium salt solution.....		D		
Diisobutylamine	2361	(C)		
Diisobutylene	2050	B		
Diisobutyl ketone	1157	D		
Diisobutyl phthalate		B		
Diisodecyl phthalate		D		
Diisononyl adipate.....		(D)		
Diisononyl phthalate.....		D		
Diisopropanolamine		C		
Diisopropylamine	1158	C		
Diisopropylbenzene (all isomers).....		A	0.1	0.05
Diisopropyl naphthalene.....		D		
Dimethyl acetamide.....		(B)		
Dimethylamine solution (45% or less).....	1160	C		
Dimethylamine solution (greater than 45% but not greater than 55%)	1160	C		
Dimethylamine solution (greater than 55% but not greater than 65%)	1160	C		
N,N-Dimethylcyclohexylamine.....	2264	C		
Dimethylethanolamine	2051	D		
Dimethylformamide	2265	D		
Dimethyl phthalate		C		
Dinitrotoluene (molten).....	1600	B		
Dinonyl phthalate		D		
1,4-Dioxane.....	1165	D		
Dipentene	2052	C		
Diphenyl/Diphenyl oxide mixtures		A	0.1	0.05
Diphenyl ether		A	0.1	0.05
Diphenylmethane diisocyanate.....	2489	(B)		
Diphenyl oxide/Diphenyl phenyl ether mixture.....		A	0.1	0.05
Di-n-propylamine	2383	C		
Dipropylene glycol methyl ether		(D)		

Schedule 6 Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

	I	II	III	IV
Ditridecyl phthalate		D		
Diundecyl phthalate.....		D		
Divinyl acetylene.....		(D)		
Dodecane.....		(D)		
Dodecene (all isomers).....		B		
Dodecyl alcohol.....		B		
Dodecylbenzene		C		
Dodecyl diphenyl oxide disulphonate solution		B		
Dodecylphenol		A	0.1	0.05
Epichlorohydrin.....	2023	C		
Ethanolamine.....	2491	D		
2-Ethoxyethanol	1171	D		
2-Ethoxyethyl acetate	1172	C		
Ethyl acetate	1173	D		
Ethyl acetoacetate.....		(D)		
Ethyl acrylate.....	1917	B		
Ethylamine	1036	C		
Ethylamine solutions (72% or less).....	2270	C		
Ethyl amyl ketone.....	2271	C		
Ethylbenzene	1175	C		
N-Ethylbutylamine		(C)		
Ethylcyclohexane		D		
N-Ethylcyclohexylamine.....		D		
Ethylene chlorohydrin	1135	C		
Ethylene cyanohydrin.....		(D)		
Ethylenediamine.....	1604	C		
Ethylenediamine, tetraacetic acid, tetrasodium salt solution		D		
Ethylene dibromide	1605	B		
Ethylene dichloride.....	1184	B		
Ethylene glycol.....		D		
Ethylene glycol methyl butyl ether.....		D		
Ethylene glycol acetate.....		(D)		

	I	II	III	IV
Ethylene glycol butyl ether acetate.....		D		
Ethylene glycol methyl ether.....	1188	D		
Ethylene glycol methyl ether acetate.....	1189	D		
Ethylene glycol phenyl ether		D		
Ethylene glycol phenyl ether/ Diethylene glycol phenyl ether mixture.....		D		
Ethylene oxide/Propylene oxide mixtures with an ethylene oxide content of not more than 30% by weight	2983	D		
2-Ethylhexanoic acid.....		D		
2-Ethylhexyl acrylate		D		
2-Ethylhexylamine	2276	B		
Ethylidene norbornene		B		
Ethyl lactate.....	1192	D		
Ethyl methacrylate.....	2277	(D)		
o-Ethyl phenol.....		(A)	0.1	0.05
2-Ethyl-3-propylacrolein		B		
Ethyltoluene		(B)		
Fatty alcohols (C ₁₂ -C ₂₀).....		B		
Ferric chloride solution	2582	C		
Ferric hydroxyethyl ethylenediamine triacetic acid, trisodium salt solution		D		
Fish oil.....		D		
Formaldehyde solutions (45% or less).....	1198 2209	C		
Formamide		D		
Formic acid.....	1779	D		
Fumaric adduct of rosin, water dispersion.....		B		
Furfural.....	1199	C		
Furfuryl alcohol	2874	C		

Schedule 6 Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

	I	II	III	IV
Glutaraldehyde solutions (50% or less).....		D		
Glycidyl ester of C ₁₀ trialkyl acetic acid		B		
Ground nut oil		D		
Heptanoic acid.....		(D)		
Heptanol (all isomers)		C		
Heptene (mixed isomers).....		C		
Heptyl acetate.....		(B)		
Hexahydrocymene.....		(C)		
Hexamethylenediamine solution	1783	C		
Hexamethylenediamine adipate (50% in water).....		D		
Hexemethyleneimine.....	2493	C		
1-Hexanol.....	2282	D		
1-Hexene	2370	C		
Hexyl acetate.....	1233	B		
Hydrochloric acid.....	1789	D		
Hydrogen peroxide solutions (over 60% but not over 70%)	2015	C		
Hydrogen peroxide solutions (over 8% but not over 60%)	2014 2984	C		
2-Hydroxyethyl acrylate.....		B		
N-(Hydroxyethyl) ethylene diamine triacetic acid, trisodium salt solution		D		
Iron chloride, copper chloride mixture ...		A	0.1	0.05
Isoamyl acetate.....	1104	C		
Isoamyl alcohol	1105	D		
Isobutyl acetate.....	1213	C		
Isobutyl acrylate	2527	D		
Isobutyl formate	2393	D		
Isobutyl formate/Isobutanol mixtures.....		(C)		
Isobutyl methacrylate	2283	D		
Isobutyraldehyde	2045	C		

	I	II	III	IV
Iso-decaldehyde		C		
Iso-decyl acrylate.....		A	0.1	0.05
Isononanoic acid.....		D		
Isooctane	1262	(D)		
Isopentane.....	1265	D		
Isophorone.....		D		
Isophorone diamine	2289	D		
Isophorone diisocyanate	2290	B		
Isoprene	1218	C		
Isopropanolamine		C		
Isopropylamine.....	1221	C		
Isopropylbenzene.....	1918	B		
Isopropyl cyclohexane.....		D		
Isopropyl ether.....	1159	D		
Isovaleraldehyde.....	2058	C		
Lactic acid		D		
Lactonitrile solution (80% or less)		B		
Latex (ammonia inhibited)		D		
Linseed oil.....		D		
Maleic anhydride.....	2215	D		
Mercaptobenzothiazol, sodium salt solution		(B)		
Mesityl oxide.....	1229	D		
Methacrylic acid.....	2531	D		
Methacrylic resin in 1, 2- Dichloroethane solution.....		(D)		
Methacrylonitrile		(B)		
Methanethiol.....		A	0.1	0.05
3-Methoxybutyl acetate.....	2708	D		
Methyl acrylate.....	1919	C		
Methylamine solutions (42% or less).....	1235	C		
Methylamyl acetate	1233	(C)		
Methulamyl alcohol.....	2053	(C)		

Schedule 6 Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

	I	II	III	IV
Methyl amyl ketone.....	1110	(C)		
Methyl benzoate	2938	B		
Methyl tert-butyl ether.....	2398	D		
2-Methyl butyraldehyde		(C)		
4, 4'-Methylene dianiline and its higher molecular weight polymers/ o-Dichlorobenzene mixtures.....		B		
Methylethanolamine		C		3
2-Methyl-6-ethylaniline.....		C		
Methyl ethyl ketone.....	1193	D		
2-Methyl-5-ethyl pyridine	2300	(B)		
Methyl formate.....	1243	D		
Methyl isobutyl ketone.....	1245	D		
Methyl methacrylate.....	1247	D		
alpha-Methylnaphthalene		A	0.1	0.05
beta-Methylnaphthalene		(A)	0.1	0.05
Methyl naphthalene		A	0.1	0.05
2-Methyl-1-penetene	2288	C		
Methylpropyl ketone	1249	D		
2-Methylpyridine.....	2313	B		
4-Methylpyridine.....	2313	B		
N-Methyl-2-pyrrolidone.....		B		
Methyl salicylate		(B)		
alpha-Methylstyrene.....	2303	A	0.1	0.05
Morpholine	2054	D		
Motor fuel anti-knock compounds	1649	A	0.1	0.05
Naphthalene (molten).....	2304	A	0.1	0.05
Naphthenic acids		(A)	0.1	0.05
Neodecanoic acid		(B)		
Nitrating acid (mixture of sulphuric and nitric acids).....	1796	(C)		
Nitric acid (less than 70%)	2031	C		
Nitric acid, (70% and over).....	2031	C		
Nitrilotriacetic acid, trisodium salt solution	2032	D		

	I	II	III	IV
Nitrobenzene	1662	B		
Nitroethane	2842	(D)		
Nitromethane	1261	(D)		
o-Nitrophenol (molten).....	1663	B		
1- or 2-Nitropropane.....	2608	D		
Nitropropane (60%)/ Nitroethane (40%) mixture	1993	D		
Nitrotoluenes	1664	C		
Nonane	1920	(D)		
Nonanoic acid.....		D		
Nonene		B		
Nonyl alcohol		C		
Nonylphenol		A	0.1	0.05
Nonylphenol poly (4-12) ethoxylates		B		
9, 12-Octadecadienoic acid (Linoleic acid)		D		
9, 12, 15-Octadecatrienoic acid (Linolenic acid).....		D		
Octane	1262	(D)		
Octanol (all isomers)		C		
Octene (all isomers).....		B		
n-Octyl acetate.....		(D)		
Octyl decyl phthalate.....		D		
Olefins, straight chain, mixtures.....		B		
Olefins (C ₆ -C ₈ mixtures)		B		
alpha-Olefins (C ₆ -C ₁₈ mixtures)		B		
Oleic acid.....		(D)		
Oleum.....	1831	C		
Olive oil.....		D		
Oxalic acid (10-25%)		D		
Palm nut oil		D		
Palm oil		D		
Palm oil, methyl ester.....		D		
Palm stearin		D		

Schedule 6 Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

	I	II	III	IV
n-Paraffins (C ₁₀ -C ₂₀).....		(D)		
Paraldehyde	1264	C		
Pentachloroethane	1669	B		
1,3-Pentadiene		C		
Pentaethylenehexamine/ Tetraethylenepentamine mixture		D		
n-Pentane.....	1265	C		
1-Pentanol.....	1105	D		
2-Pentanol.....	1105	(D)		
3-Pentanol.....	1105	(D)		
Pentene (all isomers)		C		
Perchloroethylene.....	1897	B		
Phenol.....	2312	B		
1-Phenyl-1-xylyl ethane		C		
Phosphoric acid	1805	D		
Phosphorus, yellow or white	2447	A	0.01	0.00 5
Phosphorus oxychloride	1810	D		
Phosphorus trichloride.....	1809	D		
Phthalic anyhdride.....	2214	C		
Pinene	2368	A	0.1	0.05
Polyalkylene glycol butyl ether		(D)		
Polyethylene polyamines.....	2734	(C)		
	2735			
Polymethylene polyphenyl isocyanate	2206 2207	D		
Polypropylene glycols		D		
Potassium hydroxide solution.....	1814	C		
Potassium silicate solution		(D)		
n-Propanolamine		C		
beta-Propiolactone.....		D		
Propionaldehyde.....	1275	D		
Propionic acid.....	1848	D		
Propionic anhydride	2496	C		

	I	II	III	IV
Propionitrile.....	2404	C		
n-Propyl acetate.....	1276	D		
n-Propyl alcohol.....	1274	D		
n-Propylamine.....	1277	C		
n-Propyl benzene.....	2364	(C)		
n-Propyl chloride.....	1278	B		
Propylene dimer.....		(C)		
Propylene glycol ethyl ether.....		(D)		
Propylene glycol methyl ether.....		(D)		
Propylene oxide.....	1280	D		
Propylene trimer.....	2057	B		
Pyridine.....	1282	B		
Rape seed oil.....		D		
Rice bran oil.....		D		
Rosin.....		A	0.1	0.05
Rosin soap (disproportionated) solution..		B		
Safflower oil.....		D		
Sesame oil.....		D		
Silicon tetrachloride.....	1818	D		
Sodium aluminate solution.....	1819	C		
Sodium borohydride (15% or less)/ Sodium hydroxide solution.....		C		
Sodium dichromate solution (70% or less).....		B		
Sodium hydrogen sulphite solution.....	2693	D		
Sodium hydrosulphide solution (45% or less).....	2949	B		
Sodium hydrosulphide/Ammonium sulphide solution.....		B		
Sodium hydroxide solution.....	1824	D		
Sodium hypochlorite solution (15% or less).....	1791	B		
Sodium nitrite solution.....	1577	B		
Sodium silicate solution.....		D		
Sodium sulphide solution.....	1849	B		

Schedule 6 Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

	I	II	III	IV
Sodium sulphite solution		(C)		
Soya bean oil		D		
Sperm oil		D		
Styrene monomer	2055	B		
Sulphuric acid.....	1830	C		
Sulphuric acid, spent	1832	C		
Sulphurous acid	1833	(C)		
Sunflower oil.....		D		
Tall oil, crude and distilled.....		A	0.1	0.05
Tall oil fatty acid (resin acids less than 20%).....		(C)		
Tall oil soap (disproportionated) solution		B		
Tallow		D		
Tannic acid		C		
Tetrachloroethane.....	1702	B		
Tetraethylenepentamine	2320	D		
Tetrahydrofuran.....	2056	D		
Tetrahydronaphthalene.....		C		
1,2,3,5-Tetramethyl benzene		(C)		
Titanium tetrachloride	1838	D		
Toluene.....	1294	C		
Toluenediamine	1709	C		
Toluene diisocyanate	2078	C		
o-Toluidine	1708	C		
Tributyl phosphate.....		B		
1,2,4 -Trichlorobenzene	2321	B		
1,1,1-Trichloroethane	2831	B		
1,1,2-Trichloroethane		B		
Trichloroethylene	1710	B		
1,2,3-Trichloropropane.....		B		
1,1,2-Trichloro- 1,2,2-trifluoroethane		C		
Tricresyl phosphate (containing less than 1% ortho-isomer)		A	0.1	0.05

	I	II	III	IV
Tricresyl phosphate (containing 1% or more ortho-isomer)	2574*	A	0.1	0.05
Triethanolamine		D		
Triethylamine	1296	C		
Triethylbenzene		A	0.1	0.05
Triethylene glycol methyl ether.....		(D)		
Triethylenetetramine	2259	D		
Triethyl phosphate.....		D		
Triisopropanolamine		D		
Trimethylacetic acid		D		
Trimethylamine		C		
1,2,3-Trimethylbenzene.....		(B)		
1,2,4-Trimethylbenzene.....		B		
1,3,5-Trimethylbenzene.....	2325	(B)		
Trimethylhexamethylene diamine (2,2,4 - and 2,4,4-isomers).....	2327	D		
Trimethylhexamethylene diisocyanate (2,2,4-and 2,4,4-isomers).....	2328	B		
Trimethylol propane polyethoxylate		D		
2,2,4 -Trimethyl-1, 3-pentanediol-1-iso-butyrate.....		C		
Tripropylene glycol methyl ether		(D)		
Trixylyl phosphate.....		A	0.1	0.05
Tung oil		D		
Turpentine	1299	B		
Undecane.....	2330	(D)		
1-Undecene.....		B		
Undecyl alcohol.....		B		
Urea, Ammonium nitrate solution.....		D		
Urea, Ammonium phosphate solution		D		

* UN number 2574 applies to Tricresyl phosphate containing more than 3% ortho-isomer.

Schedule 6 Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

	I	II	III	IV
Urea, Ammonium nitrate solution (containing aqua Ammonia)		C		
n-Valeraldehyde	2058	D		
Vinyl acetate.....	1301	C		
Vinyl ethyl ether.....	1302	C		
Vinylidene chloride	1303	B		
Vinyl neodecanoate		C		
Vinyl toluene	2618	A	0.1	0.05
White spirit, low (15-20%) aromatic.....	1300	(B)		
Xylene	1307	C		
Xylenol.....	2261	B		

APPENDIX III

LIST OF OTHER LIQUID SUBSTANCES

Existing list is replaced by the following:

Substance	UN Number
Acetone	1090
Acetonitrile.....	1648
Alcohols, C ₁ , C ₂ , C ₃ as individuals and mixtures	
Alcohols, C ₄	
Alcohols, C ₁₃ and above as individuals and mixtures	
Alum (15% solution)	
tert-Amyl alcohol	1105
n-Butyl alcohol.....	1120
sec-Butyl alcohol.....	1120
tert-Butyl alcohol.....	1120
Butyl stearate	
Calcium bromide solution	
Cetyl/Eicosyl methacrylate mixture	
Citric juice	
Dextrose solution	
Dibutyl sebacate	

Substance	UN Number
Dicyclopentadiene	2048
Diethanolamine	
Diethylene glycol	
Diethylene glycol diethyl ether	
Diethylene glycol butyl ether	
Diethylene glycol ethyl ether	
Diethylenetriamine pentaacetic acid, pentasodium salt solution	
Diethyl ether	1155
Diethyl ketone	1156
Diheptyl phthalate	
Dihexyl phthalate	
Diisooctyl phthalate	
Dioctyl phthalate	
Dipropylene glycol	
Dodecyl methacrylate	
Dodecyl/Pentadecyl methacrylate mixture	
Ethyl alcohol	1170
Ethylene carbonate	
Ethylene glycol butyl ether.....	2369
Ethylene glycol tertiary butyl ether	
Ethylene-vinylacetate copolymer (emulsion)	
Glycerin	
Glycine sodium salt solution	
1-Heptadecene	
n-Heptane	1206
1-Hexadecene	
n-Hexane	1208
Hexylene glycol	
Isobutyl alcohol	1212
Isopropyl acetate	1220
Isopropyl alcohol.....	1219
Lard	
Latex (carboxylated styrene/butadiene copolymer).....	
Lignin sulphonic acid, salt (low COD) solution	

Schedule 6 Schedules added to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

Substance	UN Number
Magnesium chloride solution	
Magnesium hydroxide slurry.....	
3-Methoxy-1-butanol.....	
Methyl acetate	1231
Methyl alcohol.....	1230
2-Methyl-2-hydroxy-3-butyne.....	
3-Methyl-3-methoxy butanol.....	
3-Methyl-3-methoxy butyl acetate	
2-Methylpentane*	1208
Milk	
Molasses.....	
1-Octadecanol.....	
Olefins (C ₁₃ and above, all isomers).....	
Paraffin wax	
1-Pentadecene.....	
Petroleum spirit	1271
Polyaluminium chloride solution	
Polybutene.....	
Polyethylene glycols.....	
Polyethylene glycol dimethyl ether	
Polypropylene glycol methyl ether.....	
Polysiloxane	
1,2-Propylene glycol	
Propylene tetramer	2850
Sodium alumino silicate slurry.....	
Sodium chlorate solution (50% or less).....	2428
Sodium salicylate	
Sorbitol.....	
Sulpholane*	
Sulphur (molten)	2448
1-Tetradecanol.....	

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

Substance	UN Number
Tetradecene	
Tridecanol.....	
Tridecene.....	
Triethylene glycol	
Triethylene glycol butyl ether	
Triisobutylene.....	2324
Tripropylene butyl glycol.....	
Urea solution	
Urea resin solution.....	
Vegetable protein solution (hydrolyzed)	
Wine	

APPENDIX IV
CARGO RECORD BOOK FOR SHIPS CARRYING NOXIOUS LIQUID
SUBSTANCES IN BULK

The existing Appendix IV is replaced by the following:

“Appendix IV

FORM OF CARGO RECORD BOOK

CARGO RECORD BOOK FOR SHIPS CARRYING NOXIOUS LIQUID
SUBSTANCES IN BULK

Name of ship :

Distinctive number or letters :

Gross tonnage :

Period from: to:

Note: Every ship carrying noxious liquid substances in bulk shall be provided with a Cargo Record Book to record relevant cargo/ballast operations.

NAME OF SHIP:

DISTINCTIVE NUMBER OR LETTERS:

INTRODUCTION

The following pages show a comprehensive list of items of cargo and ballast operations which are, when appropriate, to be recorded in the Cargo Record Book on a tank-to-tank basis in accordance with paragraph 2 of Regulation 9 of Annex II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended. The items have been grouped into operational sections, each of which is denoted by a letter.

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. Each completed page shall be countersigned by the master of the ship.

Entries in the Cargo Record Book are required only for operations involving Categories A, B, C and D substances.

LIST OF ITEMS TO BE RECORDED

Entries are required only for operations involving Categories A, B, C and D 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. 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 port).
 - .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 Washing procedure used.
 - .2 Cleaning agent(s) (identify agent(s) and quantities.
 - .3 Dilution of cargo residues with water, state how much water used (only Category D substances).
 - .4 Ventilation procedure used (state number of fans used, duration of ventilation).

16. Tank washings transferred:
 - .1 Into the sea
 - .2 To reception facility (identify port).
 - .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 commenced and stopped pumping.
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).
23. Discharge of ballast:
 1. Into the sea.
 2. To reception facilities (identify port).
24. Time commenced and stopped ballast discharge.
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 AUTHORIZED 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?
-

APPENDIX V

FORM OF CERTIFICATE

The existing form of the Certificate is replaced by the following:

**“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 as amended (hereinafter referred to as “the Convention”) under the authority of the Government of

.....
(full official designation of the country)

by

.....
(full official designation of the competent
person or organization authorized under the
provisions of the Convention

Name of ship	Distinctive number or letters	Port of registry	Gross tonnage

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the provisions of Regulation 10 of Annex II of the 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 Convention.

- 3 That the ship has been provided with a manual in accordance with the standards for procedures and arrangements as called for by Regulation 5, 5A and 8 of Annex II of the Convention, and that the arrangements and equipment of the ship prescribed in the manual are in all respects satisfactory and comply with the applicable requirements of the said Standards.
- 4 That the ship is suitable for the carriage in bulk of the following noxious liquid substances, provided that all relevant operational provisions of Annex II of the Convention are observed.

Noxious liquid substances	Conditions of carriage (tank numbers etc.)
*Continued on additional signed and dated sheets	

This certificate is valid, until
subject to surveys in accordance with Regulation 10 of Annex II of the
Convention

Issued at
(place of issue of Certificate)

..... 19

(Date of issue)

(Signature of duly authorized official
issuing the Certificate)

(Seal or stamp of the issuing Authority, as appropriate)

* Delete as necessary

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by Regulation 10 of Annex II of the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey: Signed:.....
(signature of duly authorized official)
Place:
Date:
(seal or stamp of the Authority, as appropriate)

Annual*/Intermediate* survey: Signed:.....
(signature of duly authorized official)
Place:
Date:
(seal or stamp of the Authority, as appropriate)

Annual*/Intermediate* survey: Signed:.....
(signature of duly authorized official)
Place:
Date:
seal or stamp of the Authority, as appropriate)

Annual survey: Signed:.....
(signature of duly authorized official)
Place:
Date:
(seal or stamp of the Authority, as appropriate)

* Delete as appropriate

SCHEDULE 5

Section 3

ADOPTION OF AMENDMENTS TO THE PROTOCOL OF 1978
RELATING TO THE INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS, 1973 (RELATING TO
PROTOCOL I TO THE INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS, 1973 AS MODIFIED BY
THE PROTOCOL OF 1978 RELATING THERETO)

adopted on 5 December 1985

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38 (a) of the Convention of the International Maritime Organization concerning the function of the Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING Article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and Article VI of the Protocol of 1978 relating to the 1973 Convention (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confers upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention as modified by the 1978 Protocol (MARPOL 73/78),

HAVING CONSIDERED at its twenty-second session amendments to the 1978 Protocol proposed and circulated in accordance with article 16(2)(a) of the 1973 Convention,

1. ADOPTS in accordance with article 16(2)(d) of the 1973 Convention amendments to the 1978 Protocol (relating to Protocol I of MARPOL 73/78), the text of which is set out in the Annex to the present resolution;
2. DETERMINES in accordance with article 16(2)(f)(iii) of the 1973 Convention that the amendments shall be deemed to have been accepted on 5 October 1986 unless prior to this date one third or more of the Parties or the Parties the combined merchant fleets of which constitute fifty per cent or more of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objections to the amendments;
3. INVITES the Parties to note that in accordance with article 16(2)(g)(ii) of the 1973 Convention the amendments shall enter into force on 6 April 1987 upon their acceptance in accordance with paragraph 2 above;

4. REQUESTS the Secretary-General in conformity with article 16(2)(e) of the 1973 Convention to transmit to all Parties to the 1978 Protocol certified copies of the present resolution and the text of the amendments contained in the Annex;
5. FURTHER REQUESTS the Secretary-General to transmit to the Members of the Organization which are not Parties to the 1978 Protocol copies of the resolution and its Annex.

ANNEX

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978
RELATING TO THE INTERNATIONAL CONVENTION FOR THE
PREVENTION OF POLLUTION FROM SHIPS, 1973

PROTOCOL I

PROVISIONS CONCERNING REPORTS ON INCIDENTS INVOLVING
HARMFUL SUBSTANCES

(in accordance with Article 8 of the Convention)

The existing text of Protocol I is replaced by the following:

“Article I

Duty to Report

- (1) The Master or other person having charge of any ship involved in an incident referred to in Article II of this Protocol shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Protocol.
- (2) In the event of the ship referred to in paragraph (1) of this Article 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 Protocol.

Article II

When to Make Reports

- (1) The report shall be made when an incident involves:
 - (a) a discharge or probable discharge of oil, or noxious liquid substances carried in bulk, resulting from damage to the ship or its equipment, or for the purpose of securing the safety of a ship or saving life at sea; or

- (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) a discharge during the operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under the present Convention.
- (2) For the purposes of this Protocol:
- (a) “Oil” referred to in sub-paragraph 1(a) of this Article means oil as defined in Regulation 1(1) of Annex I of the Convention.
 - (b) “Noxious liquid substances” referred to in sub-paragraph 1(a) of this Article means noxious liquid substances as defined in Regulation 1(6) of Annex II of the Convention.
 - (c) “Harmful substances” in packaged form referred to in sub-paragraph 1(b) of this Article means substances which are identified as marine pollutants in the International Maritime Dangerous Goods (IMDG) Code.

Article III

Contents of Report

Reports shall in any case include:

- (a) identity of ships involved;
- (b) time, type and location of incident;
- (c) quantity and type of harmful substance involved;
- (d) assistance and salvage measures.

Article IV

Supplementary Report

Any person who is obliged under the provisions of this Protocol 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.

Article V

Reporting Procedures

- (1) Reports shall be made by the fastest telecommunications channels available with the highest possible priority to the nearest coastal State.
- (2) In order to implement the provisions of this Protocol, Parties to the present Convention shall issue, or cause to be issued, regulations or instructions on the procedures to be followed in reporting incidents involving harmful substances, based on guidelines developed by the Organization.”

Schedule 7—Annexes added to Schedule 1 to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

Subsection 34 (3)

ANNEX IV

Section 3

REGULATIONS FOR THE PREVENTION OF POLLUTION BY SEWAGE FROM SHIPS

Regulation 1

Definitions

For the purposes of the present Annex:

- (1) “New ship” means a ship:
 - (a) for which the building contract is placed, or 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 the date of entry into force of this Annex; or
 - (b) the delivery of which is three years or more after the date of entry into force of this Annex.
- (2) “Existing ship” means a ship which is not a new ship.
- (3) “Sewage” means:
 - (a) drainage and other wastes from any form of toilets, urinals, and WC scuppers;
 - (b) drainage from medical premises (dispensary, sick bay, etc.) 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 the drainages defined above.
- (4) “Holding tank” means a tank used for the collection and storage of sewage.
- (5) “Nearest land”, The term “from the nearest land” means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the present Convention “from the nearest land” off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11 degrees 00' South, longitude 142 degrees 08' East to a point in latitude 10 degrees 35' South,
longitude 141 degrees 55' East;thence to a point latitude 10 degrees 00' South,
longitude 142 degrees 00' East, thence to a point latitude 9 degrees 10' South,
longitude 143 degrees 52' East, thence to a point latitude 9 degrees 00' South,
longitude 144 degrees 30' East, thence to a point latitude 13 degrees 00' South,
longitude 144 degrees 00' East, thence to a point latitude 15 degrees 00' South,
longitude 146 degrees 00' East, thence to a point latitude 18 degrees 00' South,
longitude 147 degrees 00' East, thence to a point latitude 21 degrees 00' South,
longitude 153 degrees 00' East, thence to a point on the coast of Australia in latitude 24 degrees 42' South, longitude 153 degrees 15' East.

Regulation 2

Application

The provisions of this Annex shall apply to:

- (a) (i) new ships of 200 tons gross tonnage and above;
- (ii) new ships of less than 200 tons gross tonnage which are certified to carry more than 10 persons;
- (iii) new ships which do not have a measured gross tonnage and are certified to carry more than 10 persons; and
- (b) (i) existing ships of 200 tons gross tonnage and above, 10 years after the date of entry into force of this Annex;
- (ii) existing ships of less than 200 tons gross tonnage which are certified to carry more than 10 persons, 10 years after the date of entry into force of this Annex; and
- (iii) existing ships which do not have a measured gross tonnage and are certified to carry more than 10 persons, 10 years after the date of entry into force of this Annex.

Regulation 3

Surveys

(1) Every ship which is required to comply with the provisions of this Annex and which is engaged in voyages to ports or offshore terminals under the jurisdiction of other parties to the Convention shall be subject to the surveys specified below:

- (a) An initial survey before the ship is put in service or before the Certificate required under Regulation 4 of this Annex is issued for the first time, which shall include a survey of the ship which shall be such as to ensure:
 - (i) when the ship is equipped with a sewage treatment plant the plant shall meet operational requirements based on standards and the test methods developed by the Organization;
 - (ii) when the ship is fitted with a system to comminute and disinfect the sewage, such a system shall be of a type approved by the Administration;
 - (iii) when the ship is equipped with a holding tank the capacity of such tank shall be to the satisfaction of the Administration for the retention of all sewage having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall have a means to indicate visually the amount of its contents; and
 - (iv) that the ship is equipped with a pipeline leading to the exterior convenient for the discharge of sewage to a reception facility and that such a pipeline is fitted with a standard shore connection in compliance with Regulation 11 of this Annex.

This survey shall be such as to ensure that the equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex.

- (b) Periodical surveys at intervals specified by the Administration but not exceeding five years which shall be such as to ensure that the equipment, fittings, arrangements and material fully comply with the applicable requirements of this Annex. However, where the duration of the International Sewage Pollution Prevention Certificate (1973) is extended as specified in Regulation 7 (2) or (4) of this Annex, the interval of the periodical survey may be extended correspondingly.

(2) The Administration shall establish appropriate measures for ships which are not subject to provisions of paragraph (1) of this Regulation in order to ensure that the provisions of this Annex are complied with.

(3) Surveys of the ship as regards enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the surveys.

(4) After any survey of the ship under this Regulation has been completed, no significant change shall be made in the equipment, fittings, arrangements, or material covered by the survey without the approval of the Administration, except the direct replacement of such equipment or fittings.

Regulation 4

Issue of Certificate

(1) An International Sewage Pollution Prevention Certificate (1973) shall be issued, after survey in accordance with the provisions of Regulation 3 of this Annex, to any ship which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention.

(2) Such Certificate shall be issued either by the Administration or by any persons or organization duly authorized by it. In every case the Administration assumes full responsibility for the Certificate.

Regulation 5

Issue of a Certificate by another Government

(1) The Government of a Party to the Convention may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the provisions of this Annex are complied with, shall issue or authorize the issue of an International Sewage Pollution Prevention Certificate (1973) to the ship in accordance with this Annex.

(2) A copy of the Certificate and a copy of the survey report shall be transmitted as early as possible to the Administration requesting the survey.

(3) A Certificate so issued 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 4 of this Annex.

(4) No International Sewage Pollution Prevention Certificate (1973) shall be issued to a ship which is entitled to fly the flag of a State, which is not a Party.

Regulation 6

Form of Certificate

The International Sewage Pollution Prevention Certificate (1973) shall be drawn up in an official language of the issuing country in the form corresponding to the model given in the Appendix to this Annex. If the language used is neither English nor French, the text shall include a translation into one of these languages.

Regulation 7

Duration of Certificate

(1) An International Sewage Pollution Prevention Certificate (1973) shall be issued for a period specified by the Administration, which shall not exceed five years from the date of issue, except as provided in paragraph (2), (3) and (4) of this Regulation.

(2) If a ship at the time when the Certificate expires is not in a port or offshore terminal under the jurisdiction of the Party to the Convention whose flag the ship is entitled to fly, the Certificate may be extended by the Administration, but such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the State whose flag the ship is entitled to fly or in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so.

(3) No Certificate shall be thus extended for a period longer than five months and a ship to which such extension is granted shall not on its arrival in the State whose flag it is entitled to fly or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or State without having obtained a new Certificate.

(4) A Certificate which has not been extended under the provisions of paragraph (2) of 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.

(5) A Certificate shall cease to be valid if significant alterations have taken place in the equipment, fittings, arrangement or material required without the approval of the Administration, except the direct replacement of such equipment or fittings.

(6) A Certificate issued to a ship shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in paragraph (7) of this Regulation.

(7) Upon transfer of a ship to the flag of another Party, the Certificate shall remain in force for a period not exceeding five months provided that it would not have expired before the end of that period, or until the Administration issues a replacement Certificate, whichever is earlier. As soon as possible after the transfer has taken place the Government of the Party whose flag the ship was formerly entitled to fly shall transmit to the Administration a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the relevant survey report.

Regulation 8

Discharge of Sewage

(1) Subject to the provisions of Regulation 9 of this Annex, the discharge of sewage into the sea is prohibited, except when:

- (a) the ship is discharging comminuted and disinfected sewage using a system approved by the Administration in accordance with Regulation 3 (1) (a) at a distance of more than four nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that in any case, the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than 4 knots; the rate of discharge shall be approved by the Administration based upon standards developed by the Organization; or
- (b) the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in Regulation 3 (1) (a) (i) of this Annex, and
 - (i) the test results of the plant are laid down in the ship's International Sewage Pollution Prevention Certificate (1973);
 - (ii) additionally, the effluent shall not produce visible floating solids in, nor cause discolouration of, the surrounding water; or
- (c) the ship is situated in the waters under the jurisdiction of a State and is discharging sewage in accordance with such less stringent requirements as may be imposed by such State.

(2) When the sewage is mixed with wastes or waste water having different discharge requirements, the more stringent requirements shall apply.

Regulation 9

Exceptions

Regulation 8 of this Annex shall not apply to:

- (a) the discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
- (b) the discharge of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the discharge.

Regulation 10

Reception Facilities

(1) The Government of each Party to the Convention undertakes to ensure the provision of facilities at ports and terminals for the reception of sewage, without causing undue delay to ships, adequate to meet the needs of the ships using them.

(2) The Government of each Party shall notify the Organization for transmission to the Contracting Governments concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

Regulation 11

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	210 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	70 mm
Slots in flange	4 holes 18 mm in diameter equidistantly

Schedule 7 Annexes added to Schedule 1 to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

Description	Dimension
	placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm
Flange thickness	16 mm
Bolts and nuts: quantity and diameter	4, each of 16 mm in diameter and of suitable length
The flange is designed to accept pipes up to a maximum internal diameter of 100 mm 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 6 kg/cm ² .	

For ships having a moulded depth of 5 metres and less, the inner diameter of the discharge connection may be 38 millimetres.

Appendix

FORM OF CERTIFICATE

INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE
(1973)

Issued under the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the Authority of the Government of

.....
(full designation of the country)

by
(full designation of the competent person or organization authorized under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973)

Name of Ship	Distinctive Number or Letter	Port of Registry	Gross Tonnage	Number of persons which the ship is certified to carry

Name of Ship	Distinctive Number or Letter	Port of Registry	Gross Tonnage	Number of persons which the ship is certified to carry

New/existing ship*

Date of building contact

Date on which keel was laid or ship was at a similar stage of construction.....

Date of delivery

* Delete as appropriate

THIS IS TO CERTIFY THAT:

(1) The ship is equipped with a sewage treatment plant/comminuter/holding tank* and a discharge pipeline in compliance with Regulation 3(1)(a)(i) to (iv) of Annex IV of the Convention as follows:

* (a) 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 following effluent standards:**

* (b) Description of comminuter:

Type of comminuter

Name of manufacturer.....

Standard of sewage after disinfection.....

* (c) Description of holding tank equipment:

Total capacity of the holding tank

Location.....

(d) A pipeline for the discharge of sewage to a reception facility, fitted with a standard shore connection.

(2) The ship has been surveyed in accordance with Regulation 3 of Annex IV of the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by sewage and the survey showed that the equipment of the ship and the condition thereof are in all respects satisfactory and the ship complies with the applicable requirements of Annex IV of the Convention.

Schedule 7 Annexes added to Schedule 1 to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983

This Certificate is valid until

Issued at

(place of issue of Certificate)

.....19

(Signature of official issuing the Certificate)

(Seal or stamp of the Issuing Authority, as appropriate)

Under the provisions of Regulations 7 (2) and (4) of Annex IV of the Convention the validity of this Certificate is extended until

.....

Signed

(Signature of duly authorized official)

Place

Date.....

(Seal or stamp of the Authority, as appropriate)

* Delete as appropriate

** Parameters should be incorporated

ANNEX V
REGULATIONS FOR THE PREVENTION OF POLLUTION BY
GARBAGE FROM SHIPS

Regulation 1

Definitions

For the purposes of this Annex:

(1) “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 which are defined or listed in other Annexes to the present Convention.

(2) “Nearest land”. The term “from the nearest land” means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the present Convention “from the nearest land” off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11 degree 00' South, longitude 142 degrees 08' East to a point in latitude 10 degrees 35' South,

longitude 141 degrees 55' East, thence to a point latitude 10 degrees 00' South,

longitude 142 degrees 00' East, thence to a point latitude 9 degrees 10' South,

longitude 143 degrees 52' East, thence to a point latitude 9 degrees 00' South,

longitude 144 degrees 30' East, thence to a point latitude 13 degrees 00' South,

longitude 144 degrees 00' East, thence to a point latitude 15 degrees 00' South,

longitude 146 degrees 00' East, thence to a point latitude 18 degrees 00' South,

longitude 147 degrees 00' East, thence to a point latitude 21 degrees 00' South,

longitude 153 degrees 00' East, thence to a point on the coast of Australia in latitude 24 degrees 42' South, longitude 153 degrees 15' East.

(3) “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. Special areas shall include those listed in Regulation 5 of this Annex.

Regulation 2

Application

The provisions of this Annex shall apply to all ships.

Regulation 3

Disposal of Garbage outside Special Areas

- (1) Subject to the provisions of Regulations 4, 5 and 6 of this Annex:
- (a) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited;
 - (b) the disposal into the sea 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;
 - (c) disposal into the sea of garbage specified in sub-paragraph (b) (ii) of this Regulation 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. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 millimetres.
- (2) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

Regulation 4

Special Requirements for Disposal of Garbage

- (1) Subject to the provisions of paragraph (2) of this Regulation, the disposal of any materials regulated by this Annex is prohibited from fixed or floating
-

platforms engaged in the exploration, exploitation and associated offshore processing of seabed mineral resources, and from all other ships when alongside or within 500 metres 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 metres of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

Regulation 5

Disposal of Garbage within Special Areas

(1) For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the “Gulfs area” which are defined as follows:

- (a) The 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 degreesN parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5 degrees36'W.
- (b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57 degrees44.8'N.
- (c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41 degreesN.
- (d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12 degrees 8.5'N, 43 degrees19.6'E) and Husn Murad (12 degrees40.4'N, 43 degrees30.2'E).
- (e) The “Gulfs area” means the sea area located north west of the rhumb line between Ras al Hadd (22 degrees30'N, 59 degrees 48'E) and Ras al Fasteh (25 degrees 04'N, 61 degrees25'E).

(2) Subject to the provisions of Regulation 6 of this Annex:

- (a) disposal into the sea of the following is prohibited:
 - (i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags; and

- (ii) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;
 - (b) disposal into the sea 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.
- (3) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.
- (4) Reception facilities within special areas:
- (a) The Government of each Party to the Convention, the coastline of which borders a special area undertakes to ensure that as soon as possible in all ports within a special area, adequate reception facilities are provided in accordance with Regulation 7 of this Annex, taking into account the special needs of ships operating in these areas.
 - (b) The Government of each Party concerned shall notify the Organization of the measures taken pursuant to sub-paragraph (a) of this Regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this Regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established not less than twelve months in advance of that date.
 - (c) After the date so established, ships calling also at ports in these special areas where such facilities are not yet available, shall fully comply with the requirements of this Regulation.

Regulation 6

Exceptions

Regulations 3, 4 and 5 of this Annex 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; or
- (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 minimizing the escape; or

- (c) the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss.

Regulation 7

Reception Facilities

- (1) The Government of each Party to the Convention undertakes to ensure the provision of facilities at ports and terminals for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.
- (2) The Government of each Party shall notify the Organization for transmission to the Parties concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

**Schedule 8—Schedule substituted for
Schedule 2 to the Protection of the Sea
(Civil Liability) Act 1981**

Section 40

SCHEDULE 2

Section 3

PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION
ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969

THE PARTIES TO THE PRESENT PROTOCOL,

HAVING CONSIDERED the International Convention on Civil Liability for Oil Pollution Damage, 1969, and the 1984 Protocol thereto,

HAVING NOTED that the 1984 Protocol to that Convention, which provides for improved scope and enhanced compensation, has not entered into force,

AFFIRMING the importance of maintaining the viability of the international oil pollution liability and compensation system,

AWARE OF the need to ensure the entry into force of the content of the 1984 Protocol as soon as possible,

RECOGNIZING that special provisions are necessary in connection with the introduction of corresponding amendments to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971,

HAVE AGREED as follows:

Article 1

The Convention which the provisions of this Protocol amend is the International Convention on Civil Liability for Oil Pollution Damage, 1969, hereinafter referred to as the “1969 Liability Convention”. For States Parties to the Protocol of 1976 to the 1969 Liability Convention, such reference shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

Article 2

Article I of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
 1. “Ship” means any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard.
2. Paragraph 5 is replaced by the following text:
 5. “Oil” means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship.
3. Paragraph 6 is replaced by the following text:
 6. “Pollution damage” means:
 - (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken;
 - (b) the costs of preventive measures and further loss or damage caused by preventive measures.
4. Paragraph 8 is replaced by the following text:
 8. “Incident” means any occurrence, or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage.
5. Paragraph 9 is replaced by the following text:
 9. “Organization” means the International Maritime Organization.
6. After paragraph 9 a new paragraph is inserted reading as follows:
 10. “1969 Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage, 1969. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

Article 3

Article II of the 1969 Liability Convention is replaced by the following text:

This Convention shall apply exclusively:

- (a) to pollution damage caused:
 - (i) in the territory, including the territorial sea, of a Contracting State, and
 - (ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baseline from which the breadth of its territorial sea is measured;
- (b) to preventive measures, wherever taken, to prevent or minimize such damage.

Article 4

Article III of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
 1. Except as provided in paragraphs 2 and 3 of this Article, the owner of a ship at the time of an incident, or, where the incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any pollution damage caused by the ship as a result of the incident.
2. Paragraph 4 is replaced by the following text:
 4. No claim for compensation for pollution damage may be made against the owner otherwise than in accordance with this Convention. Subject to paragraph 5 of this Article, no claim for compensation for pollution damage under this Convention or otherwise may be made against:
 - (a) the servants or agents of the owner or the members of the crew;
 - (b) the pilot or any other person who, without being a member of the crew, performs services for the ship;
 - (c) any charterer (howsoever described, including a bareboat charterer), manager or operator of the ship;
 - (d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;
 - (e) any person taking preventive measures;

- (f) all servants or agents of persons mentioned in subparagraphs (c), (d) and (e);
unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

Article 5

Article IV of the 1969 Liability Convention is replaced by the following text:

When an incident involving two or more ships occurs and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under Article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

Article 6

Article V of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
 1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount calculated as follows:
 - (a) 3 million units of account for a ship not exceeding 5,000 units of tonnage;
 - (b) for a ship with a tonnage in excess thereof, for each additional unit of tonnage, 420 units of account in addition to the amount mentioned in subparagraph (a);provided, however, that this aggregate amount shall not in any event exceed 59.7 million units of account.
2. Paragraph 2 is replaced by the following text:
 2. The owner shall not be entitled to limit his liability under this Convention if it is proved that the pollution damage resulted from his personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.
3. Paragraph 3 is replaced by the following text:
 3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this Article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States in which action is brought under Article IX or, if no action is brought, with any Court or other competent authority in any one of the Contracting States in which an action

can be brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or other competent authority.

4. Paragraph 9 is replaced by the following text:

9(a). The “unit of account” referred to in paragraph 1 of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in paragraph 1 shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund referred to in paragraph 3. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is a member of the International Monetary Fund shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect on the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is not a member of the International Monetary Fund shall be calculated in a manner determined by that State.

9(b). Nevertheless, a Contracting State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter, declare that the unit of account referred to in paragraph 9(a) shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of the gold franc into the national currency shall be made according to the law of the State concerned.

9(c). The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such manner as to express in the national currency of the Contracting State as far as possible the same real value for the amounts in paragraph 1 as would result from the application of the first three sentences of paragraph 9(a). Contracting States shall communicate to the depositary the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument of ratification, acceptance, approval of or accession to this Convention and whenever there is a change in either.

5. Paragraph 10 is replaced by the following text:
 10. For the purpose of this Article the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.
6. The second sentence of paragraph 11 is replaced by the following text:

Such a fund may be constituted even if, under the provisions of paragraph 2, the owner is not entitled to limit his liability, but its constitution shall in that case not prejudice the rights of any claimant against the owner.

Article 7

Article VII of the 1969 Liability Convention is amended as follows:

1. The first two sentences of paragraph 2 are replaced by the following text:

A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a Contracting State has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a Contracting State such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a Contracting State it may be issued or certified by the appropriate authority of any Contracting State.
2. Paragraph 4 is replaced by the following text:
 4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a Contracting State, with the authorities of the State issuing or certifying the certificate.
3. The first sentence of paragraph 7 is replaced by the following text:

Certificates issued or certified under the authority of a Contracting State in accordance with paragraph 2 shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them even if issued or certified in respect of a ship not registered in a Contracting State.
4. In the second sentence of paragraph 7 the words "with the State of a ship's registry" are replaced by the words "with the issuing or certifying State".
5. The second sentence of paragraph 8 is replaced by the following text:

In such case the defendant may, even if the owner is not entitled to limit his liability according to Article V, paragraph 2, avail himself of the limits of liability prescribed in Article V, paragraph 1.

Article 8

Article IX of the 1969 Liability Convention is amended as follows:

Paragraph 1 is replaced by the following text:

1. Where an incident has caused pollution damage in the territory, including the territorial sea or an area referred to in Article II, of one or more Contracting States or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea or area, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

Article 9

After Article XII of the 1969 Liability Convention two new Articles are inserted as follows:

Article XII bis

Transitional provisions

The following transitional provisions shall apply in the case of a State which at the time of an incident is a Party both to this Convention and to the 1969 Liability Convention:

- (a) where an incident has caused pollution damage within the scope of this Convention, liability under this Convention shall be deemed to be discharged if, and to the extent that, it also arises under the 1969 Liability Convention;
- (b) where an incident has caused pollution damage within the scope of this Convention, and the State is a Party both to this Convention and to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, liability remaining to be discharged after the application of subparagraph (a) of this Article shall arise under this Convention only to the extent that pollution damage remains uncompensated after application of the said 1971 Convention;
- (c) in the application of Article III, paragraph 4, of this Convention the expression “this Compensation” shall be interpreted as referring to this Convention or the 1969 Liability Convention, as appropriate;

- (d) in the application of Article V, paragraph 3, of this Convention the total sum of the fund to be constituted shall be reduced by the amount by which liability has been deemed to be discharged in accordance with subparagraph (a) of this Article.

Article XII ter

Final clauses

The final clauses of this Convention shall be Articles 12 to 18 of the Protocol of 1992 to amend the 1969 Liability Convention. References in this Convention to Contracting States shall be taken to mean references to the Contracting States of that Protocol.

Article 10

The model of a certificate annexed to the 1969 Liability Convention is replaced by the model annexed to this Protocol.

Article 11

1. The 1969 Liability Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.
2. Articles I to XII ter, including the model certificate, of the 1969 Liability Convention as amended by this Protocol shall be known as the International Convention of Civil Liability for Oil Pollution Damage, 1992 (1992 Liability Convention).

FINAL CLAUSES

Article 12

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at London from 15 January 1993 to 14 January 1994 by all States.
 2. Subject to paragraph 4, any State may become a Party to this Protocol by:
 - (a) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
 - (b) accession.
 3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.
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4. Any Contracting State to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, hereinafter referred to as the 1971 Fund Convention, may ratify, accept, approve or accede to this Protocol only if it ratifies, accepts, approves or accedes to the Protocol of 1992 to amend that Convention at the same time, unless it denounces the 1971 Fund Convention to take effect on the date when this Protocol enters into force for that State.

5. A State which is a Party to this Protocol but not a Party to the 1969 Liability Convention shall be bound by the provisions of the 1969 Liability Convention as amended by this Protocol in relation to other State Parties hereto, but shall not be bound by the provisions of the 1969 Liability Convention in relation to States Parties thereto.

6. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the 1969 Liability Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

Article 13

Entry into force

1. This Protocol shall enter into force twelve months following the date on which ten States including four States each with not less than one million units of gross tanker tonnage have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. However, any Contracting State to the 1971 Fund Convention may, at the time of the deposit of its instrument of ratification, acceptance, approval or accession in respect of this Protocol, declare that such instrument shall be deemed not to be effective for the purposes of this Article until the end of the six-month period in Article 31 of the Protocol of 1992 to amend the 1971 Fund Convention. A State which is not a Contracting State to the 1971 Fund Convention but which deposits an instrument of ratification, acceptance, approval or accession in respect of the Protocol of 1992 to amend the 1971 Fund Convention may also make a declaration in accordance with this paragraph at the same time.

3. Any State which has made a declaration in accordance with the preceding paragraph may withdraw it at any time by means of a notification addressed to the Secretary-General of the Organization. Any such withdrawal shall take effect on the date the notification is received, provided that such State shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession in respect of this Protocol on that date.

4. For any State which ratifies, accepts, approves or accedes to it after the conditions in paragraph 1 for entry into force have been met, this Protocol shall enter into force twelve months following the date of deposit by such State of the appropriate instrument.

Article 14

Revision and amendment

1. A Conference for the purposes of revising or amending the 1992 Liability Convention may be convened by the Organization.
2. The Organization shall convene a Conference of Contracting States for the purpose of revising or amending the 1992 Liability Convention at the request of not less than one third of the Contracting States.

Article 15

Amendments of limitation amounts

1. Upon the request of at least one quarter of the Contracting States any proposal to amend the limits of liability laid down in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.
2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization for consideration at a date at least six months after the date of its circulation.
3. All Contracting States to the 1969 Liability Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.
4. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States shall be present at the time of voting.
5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance. It shall also take into account the relationship between the limits in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol and those in Article 4, paragraph 4, of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.

6(a). No amendment of the limits of liability under this Article may be considered before 15 January 1998 nor less than five years from the date of entry into force of a previous amendment under this Article. No amendment under this Article shall be considered before this Protocol has entered into force.

(b). No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol increased by 6 per cent per year calculated on a compound basis from 15 January 1993.

(c). No limit may be increased so as to exceed an amount which corresponds to the limits laid down in the 1969 Liability Convention as amended by this Protocol multiplied by 3.

7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one quarter of the States that were Contracting States at the time of the adoption of the amendment by the Legal Committee have communicated to the Organization that they do not accept the amendment in which case the amendment is rejected and shall have no effect.

8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.

9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 16, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.

10. When an amendment has been adopted by the Legal Committee but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.

Article 16

Denunciation

1. This Protocol may be denounced by any Party at any time after the date which it enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.
3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.
4. As between the Parties to this Protocol, denunciation by any of them of the 1969 Liability Convention in accordance with Article XVI thereof shall not be construed in any way as a denunciation of the 1969 Liability Convention as amended by this Protocol.
5. Denunciation of the Protocol of 1992 to amend the 1971 Fund Convention by a State which remains a Party to the 1971 Fund Convention shall be deemed to be a denunciation of this Protocol. Such denunciation shall take effect on the date on which denunciation of the Protocol of 1992 to amend the 1971 Fund Convention takes effect according to Article 34 of that Protocol.

Article 17

Depositary

1. This Protocol and any amendments accepted under Article 15 shall be deposited with the Secretary-General of the Organization.
2. The Secretary-General of the Organization shall:
 - (a) inform all States which have signed or acceded to this Protocol of:
 - (i) each new signature or deposit of an instrument together with the date thereof;
 - (ii) each declaration and notification under Article 13 and each declaration and communication under Article V, paragraph 9, of the 1992 Liability Convention;
 - (iii) the date of entry into force of this Protocol;
 - (iv) any proposal to amend limits of liability which has been made in accordance with Article 15, paragraph 1;
 - (v) any amendment which has been adopted in accordance with Article 15, paragraph 4;
 - (vi) any amendment deemed to have been accepted under Article 15, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;
 - (vii) the deposit of any instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;

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- (viii) any denunciation deemed to have been made under Article 16, paragraph 5;
 - (ix) any communication called for by any Article of this Protocol;
 - (b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to this Protocol.
3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 18

Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON, this twenty-seventh day of November one thousand nine hundred and ninety-two.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol.

ANNEX

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN
RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Name of ship	Distinctive number or letters	Port of registry	Name and address of owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Type of Security

Duration of Security

Name and Address of the Insurer(s) and/or Guarantor(s)

Name

Address

This certificate is valid until

Issued or certified by the Government of

(Full designation of the State)

At On

(Place) (Date)

.....
Signature and Title of issuing or certifying
Official

Explanatory notes:

1. If desirable, the designation of the State may include a reference to the competent public authority of the country where the certificate is issued.
2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.
3. If security is furnished in several forms, these should be enumerated.
4. The entry "Duration of Security" must stipulate the date on which such security takes effect.'."

Table of Acts**Notes to the *Protection of the Sea Legislation Amendment Act 1986*****Note 1**

The *Protection of the Sea legislation Amendment Act 1986* as shown in this compilation comprises Act No. 167, 1986 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Protection of the Sea Legislation Amendment Act 1986</i>	167, 1986	18 Dec 1986	See s. 2	—
<i>Statute Law (Miscellaneous Provisions) Act 1987</i>	141, 1987	18 Dec 1987	S. 3: (a)	S. 5(1)
<i>Transport and Communications Legislation Amendment Act 1990</i>	11, 1991	21 Jan 1991	S. 45: (b)	—
<i>Transport Legislation Amendment Act 1995</i>	95, 1995	27 July 1995	S. 3 (Part J (items 1–4)): Royal Assent	—
<i>Statute Law Revision Act 2007</i>	8, 2007	15 Mar 2007	Schedule 2 (items 12, 13): (c)	—

Act Notes

- (a) The *Protection of the Sea Legislation Amendment Act 1986* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(26) of which provides as follows:
- (26) The amendments of paragraph 20(2)(b) of, and Schedules 1, 2 and 8 to, the *Protection of the Sea Legislation Amendment Act 1986* made by this Act shall respectively come into operation or be deemed to have come into operation, as the case requires, on the commencement of subsection 20(2), subsection 15(1), subsection 15(2) and section 40 of the first-mentioned Act.
- The date fixed in pursuance of subsection 2(26) on the commencement of subsection 20(2) and section 15 was 14 January 1988 (see *Gazette* 1988, No. S8) and section 40 was 9 October 1996 (see *Gazette* 1996, No. 5376).
- (b) The *Protection of the Sea Legislation Amendment Act 1986* was amended by section 45 only of the *Transport and Communications Legislation Amendment Act 1990*, paragraph 2(13)(d) of which provides as follows:
- (d) the amendment of the *Protection of the Sea Legislation Amendment Act 1986* is taken to have commenced immediately after the commencement of subsection 20(2) of that Act;
- Subsection 20(2) commenced on 14 January 1988 (see *Gazette* 1988, No. S8).
- (c) Subsection 2(1) (items 37 and 38) of the *Statute Law Revision Act 2007* provides as follows:
- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
37. Schedule 2, item 12	Immediately after the commencement of section 7 of the <i>Transport Legislation Amendment Act 1988</i> .	1 May 1989
38. Schedule 2, item 13	Immediately after the commencement of section 5 of the <i>Transport Legislation Amendment Act 1989</i> .	16 March 1989

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part I	
S. 2.....	am. No. 95, 1995
Part III	
S. 12.....	rep. No. 8, 2007
S. 14.....	rep. No. 8, 2007
S. 15.....	am. No. 141, 1987
S. 20.....	am. No. 141, 1987; No. 11, 1991
Part IV	
S. 36.....	am. No. 95, 1995
S. 40.....	am. No. 141, 1987 rs. No. 95, 1995