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No. 8 of 2001

First Session Sixth Parliament Republic of Trinidad and Tobago

SENATE

BILL

AN ACT to provide for powers and jurisdiction in relation to pollution of the seas from ships, intervention on the high seas in cases of oil pollution, dumping of wastes at sea, prevention of pollution from ships, preparedness and response for oil pollution emergencies, liability and compensation for pollution damage and matters incidental thereto.

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REPUBLIC OF TRINIDAD AND TOBAGO—2001

THE SHIPPING (MARINE POLLUTION) BILL, 2001

Explanatory Note

(These notes form no part of the Bill, but are intended only to indicate its general purport)

The main purpose of this Bill is to provide for the State's powers and jurisdiction in relation to the prevention of marine pollution and other related issues. The Bill seeks to do this through the adoption of several international marine pollution conventions of which Trinidad and Tobago is a party.

Clause one contains the Short title of the Bill, while clause two provides for the commencement of the Bill. The remaining clauses are contained in ten parts.

PART I—PRELIMINARY contains clauses three and four. Clause three defines the important terms used in the Bill, while clause four outlines the objects of the Bill.

PART II—POWERS AND JURSIDICTION UNDER THE UNITED NATIONS CONVENTIONS ON THE LAW OF THE SEA 1982 (UNCLOS) proivdes for the powers jurisdiction and responsibilities of the Trinidad and Tobago Maritime Administration with regard to the prevention of marine pollution under UNCLOS.

PART III—INTERVENTION ON THE HIGH SEAS details the Administration's powers and duties with regard to the prevention of marine pollution under the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties.

PART IV—DUMPING WASTE AT SEA makes provision for the Maritime Administration's powers and duties with regard to waste disposal at sea under the Convention on the Prevention of Pollution by Dumping of Wastes and Other Matter, 1972 and its 1996 Protocol.

PART V—PREVENTION OF POLLUTION FROM SHIPS details the Administration's jurisdiction, powers, obligations and duties with regards to the prevention of marine pollution under the International Convention for the Prevention of Pollution from Ships (1973) as amended by the Protocol of 1978 (MARPOL 73/78). This Part is divided into six Chapters.

Chapter 1— General Provisions details the scope, objects and application of Part V.

Chapter 2—Prevention of Pollution by Oil makes provision for the Administration's powers and duties with regard to marine pollution caused by oil under Annex I MARPOL 73/78.

Chapter 3—Prevention of Pollution by Noxious Liquid Substances in Bulk details the Administration's powers and responsibilities with regard to marine pollution caused by noxious liquid substances under Annex II of MARPOL 73/787.

Chapter 4—Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form provides for the Administration's powers and obligations with regard to marine pollution caused by harmful substances under Annex III of MARPOL 73/78.

Chapter 5—Prevention of Pollution by Sewage makes provision for the Administration's powers and duties with regard to marine pollution caused by sewage under Annex IV of MARPOL 73/78.

Chapter 6—Prevention of Pollution by Garbage makes provision for the Administration's powers and obligations with regard to marine pollution caused by garbage under Annex V of MARPOL 73/78.

PART VI—OIL POLLUTION PREPAREDNESS AND RESPONSE provides for the Administration's powers and duties with respect to oil pollution incidents under the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990.

PART VII—LIABILITY AND COMPENSATION FOR POLLUTION DAMAGE details the legislative regime governing liability and compensation for marine pollution damage. This part is divided into two Chapters.

Chapter I—Liability for Oil Pollution details the shipowner's liability for marine pollution as well as Trinidad and Tobago's jurisdiction in pollution matters under the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Chapter II—International Oil Pollution Compensation Fund details Trinidad and Tobago's obligations with regard to the Fund

established by means of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.

PART VIII— ENFORCEMENT, INQUIRIES, LEGAL PROCEEDINGS AND JURISDICTION details the methods by which proceedings are filed, documents served and fines applied. This Part also makes provision for proceedings involving foreign Flag States as well as other States affected by pollution incidents.

PART IX—ADMINISTRATION deals with administrative matters.

BILL

AN ACT to provide for powers and jurisdiction in relation to pollution of the seas from ships, intervention on the high seas in cases of oil pollution, dumping of wastes at sea, prevention of pollution from ships, preparedness and response for oil pollution emergencies, liability and compensation for pollution damage and matters incidental thereto.

[, 2001]

Preamble

WHEREAS Trinidad and Tobago is a Party to the following International Conventions, namely, the United Nations Convention on the Law of the Sea 1982, the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1996, the International Convention on the Prevention of Pollution from Ships 1973 together with its Protocol of 1978, the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990, the International Convention on Civil Liability Convention for Oil Pollution Damage 1992 and the International Convention on the Establishment of an International Fund for the Compensation for Oil Pollution Damage 1992:

And whereas it is necessary and expedient to give effect to these Conventions:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title

1. This Act may be cited as the Shipping (Marine Pollution) Act, 2001.

Commencement

2. This Act shall come into force on such day as is fixed by the President by Proclamation.

PART I

PRELIMINARY

Interpretation
No. 24 of 1987

3. (1) In this Act unless provided otherwise, words and expressions have the same meaning as in the Shipping Act.

(2) In this Act the following applies:

"agent" means in relation to a ship, an agent of the owner, not being a managing owner, vested with a specific authority by the owner;

"archipelagic waters" means the waters enclosed by the archipelagic baselines as drawn in accordance with section 6 of the Archipelagic Waters and Exclusive Economic Zone Act; No. 24 of 1986

"Director" means the Director of the Division of Maritime Services under 403(2)*(a)* of the Shipping Act;

"Division of Maritime Services" or "Division" means the Division of Maritime Services under section 403 of the Shipping Act;

"Environmental Management Authority" has the meaning assigned to it under the Environmental Management Act; No. 3 of 2000

"environmental requirement" has the meaning assigned to it in section 62 of the Environmental Management Act;

"exclusive economic zone" in respect of Trinidad and Tobago comprises all areas of sea, having as their innermost limits the outermost limits of the territorial sea, and as their outermost limits a line drawn seaward from the baseline from which the territorial sea is measured every point of which is at a distance of two hundred nautical miles from the nearest point of the baselines from which the breadth of the territorial sea is measured;

"flag state" means the state whose flag a ship is entitled to fly;

"high seas" means all parts of the sea that are not included in the exclusive economic zone, territorial sea, internal waters or archipelagic waters of any State;

"internal waters" shall include any areas of the sea that are on the landward side of the baseline of the territorial sea of Trinidad and Tobago;

"master" includes every person having command or charge of any ship, other than a pilot;

"Minister" means the Minister to whom the responsibility for shipping is assigned;

"Organization" means the International Maritime Organization;

"owner" in relation to a ship includes a demise or bareboat charterer, a managing owner and an operator;

"territorial sea" in respect of Trinidad and Tobago comprises those areas of sea as defined in section 5 of the Territorial Sea Act, and in respect of any other State means the territorial sea of that State as recognized in international law;

Chap. 1:51

"tonnage regulations" has the meaning assigned to it in the Shipping Act.

Objects of the Act

4. The objects of this Act are to prevent the deliberate, negligent or accidental release of oil and other harmful substances from ships for the protection and preservation of the marine environment and the conservation of the natural resources therein, and to that end, to regulate maritime activities.

PART II

POWERS AND JURISDICTION UNDER THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Interpretation

5. In this Part—

"UNCLOS" means the United Nations Convention on the Law of the Sea 1982;

"MARPOL" has the meaning assigned to it in Part V.

Pollution prevention measures

6. (1) The Minister shall take all practicable measures to ensure that activities of vessels under the jurisdiction or control of Trinidad and Tobago are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from such activities does not spread beyond the areas where Trinidad and Tobago exercises sovereign rights in accordance with UNCLOS.

(2) In taking measures to prevent, reduce or control pollution of the marine environment, the Director shall refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with UNCLOS.

(3) Measures taken to prevent, reduce or control pollution of the marine environment shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.

(4) In taking measures to prevent, reduce and control pollution of the marine environment, the Minister shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

Notification of imminent or actual damage

7. Where the Director becomes aware of cases in which the marine environment is in imminent danger or has been damaged by pollution, he shall immediately notify other States he deems likely to be affected by such damage, as well as the Organization.

Measures relating to seaworthiness of vessels to avoid pollution

8. (1) Subject to subsection (2), where the Director has ascertained that a vessel within a port or off-shore terminal in Trinidad and Tobago is in violation of any law of Trinidad and Tobago relating to seaworthiness of vessels and thereby threatens damage to the marine environment he shall, as far as practicable, prevent the vessel from sailing.

(2) The Director may, where he deems appropriate, permit the vessel to proceed only to the nearest repair yard.

Violation of the Act by vessels navigating in territorial sea or exclusive economic zone

9. (1) Where there are clear grounds for believing that a vessel navigating in the territorial sea of Trinidad and Tobago has, during its passage therein, been in violation of this Act, the Director may, without prejudice to the vessel's right of innocent passage under UNCLOS, undertake physical inspection of the vessel relating to the violation and may, where the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with this Act.

(2) Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of Trinidad and Tobago has, in the exclusive economic zone, committed a violation of this Act, the Director may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.

(3) Trinidad and Tobago ships shall comply with requests for similar information as referred to in subsection (2) made by authorities of State Parties to MARPOL.

(4) Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of Trinidad and Tobago has, in the exclusive economic zone, committed a violation referred to in subsection (2), resulting in a substantial discharge causing or threatening significant pollution of the marine environment, the Director may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such inspection.

(5) Where there is clear objective evidence that a vessel navigating in the exclusive economic zone, or the territorial sea of Trinidad and Tobago has, in the exclusive economic zone, committed a violation referred to in subsection (2) resulting in a discharge causing major damage or threat of major damage to the coastline or relating interests of Trinidad and Tobago, or to any resources of the territorial sea or exclusive economic zone of Trinidad and Tobago, the Director, provided that the evidence so warrants, may institute proceedings, including detention of the vessel, in accordance with this Act.

Monitoring of the risks of effects of pollution

10. The Director shall—

(a) endeavour, as far as practicable, directly or through the Organization, to observe, measure, evaluate and analyze, by recognized scientific methods the risks or effects of pollution of the marine environment;

(b) in particular, keep under surveillance the effects of any activities which he permits or in which the Division engages in order to determine whether these activities are likely to pollute the marine environment.

Publication of reports

11. The Minister shall cause to be published reports of the results obtained pursuant to section 10 or provide such reports at appropriate intervals to the Organization.

Assessment of potential effects of activities

12. Where the Director has reasonable grounds for believing that planned activities of vessels under the jurisdiction or control of Trinidad and Tobago may cause substantial pollution of or significant and harmful changes to the marine environment, he shall, as far as practicable, cause to be assessed the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments in the manner provided in section 11.

PART III

INTERVENTION ON THE HIGH SEAS

Interpretation

13. In this Part—

"Convention" means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, as applicable to Trinidad and Tobago;

"maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;

"oil" means crude oil, fuel oil, diesel oil and lubricating oil;

"related interests" means the interests of Trinidad and Tobago directly affected or threatened by the maritime casualty, such as:

(a) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(b) tourist attractions of the area concerned;

(c) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

"ship" means—

(a) any sea-going vessel of any type whatsoever; and

(b) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof;

"substances other than oil" means—

(a) those substances enumerated in the First Schedule; and First Schedule

(b) those other substances which are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

Director to take measures regarding pollution

14. (1) Subject to subsection (2), the Director may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to the coastline or related interests from pollution or threat of pollution of the sea by oil or substances other than oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

(2) No measures shall be taken under this Part against—

(a) any Trinidad and Tobago Government ship on government non-commercial service and any ship which forms part of the Trinidad and Tobago Defence Force; and

(b) any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

(3) Whenever the Director takes action with regard to a substance other than oil, he shall have the burden of establishing that the substance, under the

circumstances present at the time of the intervention, could reasonably pose a grave and imminent danger analogous to that posed by any of the substances enumerated in the First Schedule.

Duties of the Director

15. (1) Before taking the measures referred to in section 14, the Director—

(a) shall consult with other States affected by the maritime casualty, particularly with the relevant flag State;

(b) shall notify any person known to him, or made known to him during the consultations referred to in paragraph *(a)* to have interests which can reasonably be expected to be affected by those measures and shall take into account those views, if any; and

(c) may consult with independent experts, chosen from a list maintained by the Organization.

(2) In cases requiring immediate action, the Director may take the necessary measures without prior notification or consultation or without continuing the consultations already started.

(3) The Director shall, at all times, use his best endeavours to avoid risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships crews and to raise no obstacle thereto.

Nomination of experts

16. The Minister may submit nominations to the list of experts referred to in section 15(1)*(c)*.

Limitations on measures

17. (1) Measures taken by the Director in accordance with section 14 shall—

(a) be proportionate to the damage, actual or threatened, to Trinidad and Tobago;

(b) not go beyond what is reasonably necessary to prevent, mitigate or eliminate the danger referred to in section 14 and shall cease as soon as that has been achieved; and

(c) not unnecessarily interfere with the rights and interests of the flag State, third States and of any other persons concerned.

(2) In considering whether the measures are proportionate to the damage, the Director shall take account of—

(a) the extent and probability of imminent damage if those measures are not taken;

(b) the likelihood of those measures being effective; and

(c) the extent of the damage which may be caused by such measures.

Compensation

18. Any person who suffers damage caused by the measures taken by the Director which exceed those reasonably necessary to prevent, mitigate or eliminate the danger referred to in section 14 shall be entitled to compensation to the extent of such damage.

Rights, etc., preserved

19. Except as specifically provided, nothing in this Part shall prejudice any other applicable right, duty, privilege or immunity or deprive any State Party to the Convention or any interested person of any applicable remedy.

Settlement of disputes

20. Any dispute between Trinidad and Tobago and a State Party to the Convention as to whether measures taken under section 14 were in contravention of the Convention, to whether compensation is payable under section 18, and to the amount of such compensation shall, if settlement by negotiation between Trinidad and Tobago and the State Party involved or the physical or corporate claimants has not been possible, and if the parties to the dispute do not otherwise agree, be submitted upon request of any such Party to conciliation or, if conciliation does not succeed, to arbitration, as set out in the Second Schedule, notwithstanding that any remedies under the law of Trinidad and Tobago have not been exhausted.

Second Schedule

PART IV

DUMPING OF WASTE AND OTHER MATTER AT SEA

Interpretation

21. In this Part—

"Convention" means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended by the 1996 Protocol thereto;

"dumping" means—

(a) any deliberate disposal into the sea of—

(i) wastes from vessels, aircraft, platforms or other man-made structures at sea; or

(ii) vessels, aircraft, platforms or other man-made structures at sea;

(b) any storage of wastes into the seabed and the subsoil thereof from vessels, aircraft, platforms or other man-made structures at sea; and

(c) any abandonment or toppling at site of platforms or other man-made structures at sea, for the sole purpose of deliberate disposal,

but does not include—

(d) the disposal into the sea of wastes incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating

for the purpose of disposal of wastes or derived from the treatment of such wastes on such vessels, aircraft, platforms or other man-made structures;

(e) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to this Part; and

(f) abandonment at sea of things such as cables, pipelines and marine research devices placed for a purpose other than the mere disposal thereof;

"incineration at sea" means the combustion on board a vessel, platform or other man-made structure at sea of wastes for the purpose of their deliberate disposal by thermal destruction, but does not include the incineration of wastes on board a vessel, platform, or other man-made structure at sea if such wastes were generated during the normal operation of that vessel, platform or other man-made structure at sea;

"permit" means permission granted in advance and in accordance with relevant measures adopted pursuant to section 28 or 33;

"pollution" means the introduction, directly or indirectly, by human activity, of wastes into the sea which results or is likely to result in such deleterious effects as harm to living resources and marine ecosystems, hazards to human health, hindrance to

marine activities, including fishing and other legitimate uses of the sea, impairment of sea water quality and reduction of amenities;

"sea" means all marine waters other than the internal waters of States, as well as the seabed and the subsoil thereof but does not include sub-seabed repositories accessed only from land;

"vessels and aircraft" means waterborne or airborne craft of any type whatsoever including air-cushioned craft and floating craft, whether self-propelled or not;

"wastes" means materials and substances of any kind, form or description.

Application of Part

22. (1) This Part shall apply to the sea and the internal waters of Trinidad and Tobago.

(2) The Environmental Management Authority shall provide the Minister with information on the application of this Part to the internal waters of Trinidad and Tobago, including the type and nature of the materials dumped in those waters, and the Director shall communicate that information to the Organization.

(3) This Part shall apply to all—

(a) vessels and aircraft which are registered in Trinidad and Tobago or are otherwise entitled to fly the flag of Trinidad and Tobago;

(b) vessels and aircraft loading in the territory of Trinidad and Tobago, wastes which are to be dumped or incinerated at sea; and

(c) vessels, aircraft and platforms or other man-made structures believed to be engaged in dumping or incineration at sea in areas within which Trinidad and Tobago is entitled to exercise jurisdiction in accordance with international law.

(4) This Part shall not apply to the disposal or storage of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of seabed mineral resources.

(5) This Part shall not apply to those vessels and aircraft entitled to sovereign immunity under international law including vessels and aircraft of the Defence Force of Trinidad and Tobago.

(6) This Part shall apply to all Trinidad and Tobago Government ships.

Objects of Part

23. The objects of this Part are to prevent, reduce and where practicable, eliminate pollution caused by dumping or incineration at sea of wastes.

Administration of Part

24. In administering this Part, the Environmental Management Authority shall apply a precautionary approach to environmental protection from dumping of wastes whereby appropriate preventative measures are taken when there is reason to believe that wastes introduced into the marine environment are likely to cause harm even when there is no conclusive evidence to prove a casual relation between inputs and their effects.

Obligations of authorized person

25. A person authorized to engage in dumping or incineration at sea under this Part shall—

(a) bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest; and

(b) not cause, directly or indirectly, damage or likelihood of damage to the environment or transform one type of pollution into another.

Authority may take more stringent measures

26. Nothing in this Part shall prevent the Environmental Management Authority from adopting more stringent measures than is provided for in this

Part with respect to the prevention, reduction and where practicable, elimination of pollution in accordance with this Act.

Prohibition on dumping of wastes

27. Subject to section 28, the dumping of any wastes is hereby prohibited except in accordance with this Part.

Dumping permits
Third Schedule

28. (1) The dumping of wastes listed in the Third Schedule, may be permitted subject to the issuing of a permit by the Environmental Management Authority.

(2) The Environmental Management Authority may issue permits in accordance with this Part in respect of wastes intended for dumping or for incineration at sea—

(a) loaded in the territory of Trinidad and Tobago; and

(b) loaded onto a vessel or aircraft registered in Trinidad and Tobago or flying the Trinidad and Tobago flag, when the loading occurs in the territory of a State not a Party to the Convention.

(3) In issuing a permit referred to in subsection (1), the Environmental Management Authority shall impose the conditions set out in the Fourth Schedule and may impose such additional criteria, measures and requirements as it may consider relevant.

Fourth Schedule

(4) The Environmental Management Authority shall not issue a dumping permit where an environmentally preferable alternative is available.

Duty to notify Organization

29. Where the dumping of wastes listed in the Third Schedule is permitted, the Environmental Management Authority shall inform the Director, and the Director shall notify the Organization.

Prohibition of incineration at sea

30. Subject to section 28, the incineration at sea of wastes is hereby prohibited.

Prohibition of export of wastes

31. The export of wastes to other countries for dumping or incineration at sea is hereby prohibited.

Exceptions in cases of *force majeure*

32. (1) Sections 27 and 30 shall not apply in circumstances where it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of *force majeure* caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms or other man-made structures at sea, if dumping or incineration at sea appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping or incineration at sea will be less than would otherwise occur.

(2) Such dumping or incineration at sea as is referred to in subsection (1) shall be conducted in such manner so as to minimize the likelihood of damage to human or marine life.

(3) The Environmental Management Authority shall, communicate to the Director the details of any dumping or incineration at sea carried out under this section, and the Director shall, as soon as may be practicable, relay the information to the Organization.

Exceptions in cases of other emergencies

33. (1) Sections 27 and 30 shall not apply in cases of emergencies posing an unacceptable threat to human health, safety, or the marine environment and admitting of no other feasible solution.

(2) In cases of emergencies referred to in subsection (1), the Environmental Management Authority may issue a permit excepting the application of sections 27 and 30 after consulting the Director and the Administrations of any other country or countries that are likely to be affected, and shall follow the recommendations of the Organization taking into account the time within which action must be taken and avoiding damage to the marine environment.

(3) The Director shall inform the Organization of any action taken under subsection (2).

Record keeping and reporting

34. (1) The Environmental Management Authority shall—

(a) keep records of the nature and quantities of all wastes or other matter for which dumping permits have been issued and, where practicable, the quantities actually dumped, and the location, time and method of dumping; and

(b) cause to be monitored, where appropriate, in collaboration with other State Parties to the Convention and competent international organizations, the condition of the sea for the purposes of this Part.

(2) The Environmental Management Authority shall communicate to the Director and, where appropriate, to other State Parties to the Convention, and the Director shall report to the Organization—

(a) the information referred to in subsection (1)*(a)* and *(b)* ;

(b) the measures taken to implement this Part, including a summary of enforcement measures; and

(c) the effectiveness of the measures referred to in paragraph *(b)* and any problems encountered in their application.

(3) The information referred to in subsection 2*(a)* shall be submitted on an annual basis and that referred to in subsection (2)*(b*) and *(c)* shall be submitted on a regular basis.

Co-operation *re:* enforcement

35. The Environmental Management Authority shall co-operate in the development of procedures for the effective application of the Convention in areas beyond the jurisdiction of any State, including procedures for the reporting of vessels and aircrafts observed dumping or incinerating at sea in contravention of the Convention.

36. The principles, legal and equitable, applicable under this Act to liability and compensation for marine pollution damage, and the principles of international law regarding State responsibility for damage to the environment shall apply in cases of liability arising from the dumping or incineration at sea of wastes. Liability for damage arising out of dumping at sea

37. (1) Any person who the Environmental Management Authority reasonably believes has contravened the provisions of sections 27, 30 and 31 shall be considered in breach of an environmental requirement. Violation of environmental requirement

(2) The provisions of Parts IV and VIII of the Environmental Management Act shall apply with respect to such persons referred to at subsection (1) above.

38. In the event of a dispute between Trinidad and Tobago and another State Party to the Convention, the provisions of Article 16 of the Convention shall apply with regard to the settlement of such dispute. Settlement of disputes

PART V

Prevention of Polution from Ships

Subpart 1

General Provisions

39. In this Part— Interpretation

"Cartagena Convention" means Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, 1983);

"discharge" in relation to harmful substances or effluents containing such substances, means any release howsoever caused from

a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying but does not include—

(a) dumping within the meaning of Part IV;

(b) release of harmful substances directly arising from the exploration, exploitation and associated offshore processing of seabed mineral resources; or

(c) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control;

"existing ship" in the context of each Subpart of this Part, means a ship which is not a new ship as defined in that Subpart;

"from the nearest land" means—

(a) in respect of Trinidad and Tobago, from the baseline from which the territorial sea is measured;

(b) in respect of other States and territories, except off the north-eastern coast of Australia, from the baseline of the territorial sea established in accordance with international law;

(c) in respect of the north-eastern coast of Australia, from a line drawn from a point on the coast of Australia in—

latitude 11 degrees South, longitude 142 degrees 8 minutes East,

to a point in latitude 10 degrees 35 minutes South, longitude 141 degrees 55 minutes East,

thence to a point in latitude 10 degrees South, longitude 142 degrees East,
thence to a point in latitude 9 degrees 10 minutes South, longitude 143 degrees 52 minutes East,
thence to a point in latitude 9 degrees South, longitude 144 degrees 30 minutes East,
thence to a point in latitude 13 degrees South, longitude 144 degrees East,
thence to a point in latitude 15 degrees South, longitude 146 degrees East,
thence to a point in latitude 18 degrees South, longitude 147 degrees East,
thence to a point in latitude 21 degrees South, longitude 153 degrees East,
thence to a point on the coast of Australia in latitude 24 degrees 42 minutes South, longitude 153 degrees 15 minutes East;

"harmful substance" means any substance subject to control under this Part and any other substance, which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea; any substance subject to control under this Part;

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

"London Convention" has the meaning assigned to "Convention" in Part IV;

"MARPOL" means International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and Protocols and Annexes thereto, and any amendments applicable to Trinidad and Tobago;

"MARPOL member State" means a State Party to MARPOL;

"reception facility" means any facility which is used for the reception of oil, noxious liquid substances, sewage or garbage at a port or terminal;

"SOLAS 1974" means the International Convention for the Safety of Life at Sea, 1974, including its Protocol of 1978 and all amendments applicable to Trinidad and Tobago;

"sensitive coastal area" has the meaning assigned to it under section 41 of the Environmental Management Act and includes any area which is subject to special protection for recognized reasons in relation to the particular character of its traffic;

"ship" means a vessel of any type whatsoever operating in the marine environment and includes, without limitation, pleasure craft, fishing vessels, hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms;

"shipowner" has the same meaning as "owner";

"special area" means a sea area where for recognized technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution is required;

"undue delay" means a delay that is unreasonable and unnecessary in light of the particular conditions of a ship's cargo, destination and schedule, and in light of the purpose and scope of the investigation, inspection or other cause for detaining a ship.

Objects of Part

40. The objects of this Part are to prevent the deliberate, negligent or accidental release of oil and other harmful substances from ships for the protection and preservation of the marine environment and the conservation of the natural resources therein; and to that end, to regulate maritime activities.

Scope and application of Part

41. (1) Unless otherwise specified, this Part shall apply to—

(a) all Trinidad and Tobago ships; and

(b) all ships operating within the territorial sea, archipelagic waters or exclusive economic zone of Trinidad and Tobago.

(2) With respect to the application of this Part to ships of States which are not MARPOL member States, no more favourable treatment shall be given to such ships than is provided for under MARPOL.

Exemption for warships, etc.

42. Subject to the applicable regulations referred to in section 49, this Part shall not apply to—

(a) ships belonging to the Government which are engaged in government, non-commercial service; and

(b) warships, naval auxiliary or other ships owned or operated by a MARPOL member State and used for the time being only on government non-commercial service.

Description of special areas

43. For the purposes of this Part, special areas are described 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 parallel of 41 degrees North and bounded to the west by the Straits of Gibraltar at the meridian of 5 degrees 36 minutes West;

(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 degrees 44.8 minutes North;

(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 degrees North;

(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 minutes North, 43 degrees 19.6 minutes East) and Husn Murad (12 degrees 40.4 minutes North, 43 degrees 30.2 minutes East);

(e) "The Gulfs area" means the sea area located north-west of the rhumb line between Ras al Hadd (22 degrees

30 minutes North, 59 degrees 48 minutes East) and Ras al Fasteh (24 degrees 04 minutes North, 61 degrees 25 minutes East);

(f) "The Gulf of Aden area" means that part of the Gulf of Aden between the Red Sea and the Arabia Sea bounded to the west by the rhumb line between Ras si Ane (12 degrees 28.5 minutes North, 43 degrees 19.6 minutes East) and Husn Murad (12 degrees 40.4 minutes North, 43 degrees 30.2 minutes East) and to the east by the rhumb line between Ras Asir (11 degrees 50 minutes North, 51 degrees 16.9 minutes East) and the Ras Fartak (15 degrees 35 minutes North, 52 degrees 13.8 minutes East);

(g) "The Antarctic area" means the sea area south of latitude 60 degrees South;

(h) "The North Sea area" means the North Sea proper including seas therein with the boundary between—

(i) the North Sea southwards of latitude 62 degrees North and eastwards of longitude 4 degrees West;

(ii) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57 degrees 44.8 minutes North; and

(iii) the English Channel and its approaches eastwards of longitude 5 degrees West and northwards of latitude 48 degrees 30 minutes North;

(i) "The Wider Caribbean Region", as defined in article 2, paragraph 1 of the Cartagena Convention means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the parallel of 30 degrees North from Florida eastward to the meridian of 77 degrees 30 minutes West, thence a rhumb line to the intersection of the parallel of 20 degrees North and the meridian of 59 degrees West, thence a rhumb line to the intersection of the parallel of 7 degrees 20 minutes North and the meridian of 50 degrees West, thence a rhumb line drawn south-westerly to the eastern boundary of French Guiana.

Violations of Part

44. (1) The Director shall cause regulatory action, or legal proceedings to be taken or sanctions imposed in respect of any violation of this Part, as soon as possible after he is informed of such a violation and is satisfied that sufficient evidence is available for such action or proceedings to be taken or such sanction to be imposed.

(2) In respect of ships, other than Trinidad and Tobago ships, the Director may furnish the flag state of such ship, information and evidence as may be in his possession in respect of the violation.

(3) Where such information and evidence as referred to in sub-section (2) is received by the Director from the Government of a MARPOL member State in respect of a violation by a Trinidad and Tobago ship, the Director shall promptly inform such Government and the Organization of the action taken.

(4) Where the Director has reason to believe that a ship proposing to enter a Trinidad and Tobago port or offshore terminal is not in compliance with the requirements of this Part, and he is satisfied that the

ship presents an unreasonable threat of harm to the marine environment, he may deny entry of such ship to any Trinidad and Tobago port or offshore terminal.

(5) In any case where a ship to which this Part applies is suspected of being in violation of the requirements of this Part, the ship shall be liable to be detained.

(6) Where under this Part, a ship is to be detained, section 387 of the Shipping Act, shall apply *mutatis mutandis*. No. 24 of 1987

45. (1) Subject to subsection (2), a certificate issued by a MARPOL member State in accordance with MARPOL shall be accepted by the Director and regarded for all purposes of MARPOL as having the same validity as a corresponding certificate issued under this Part. Certificates and special rules on inspection of ships

(2) A ship holding a certificate referred to in subsection (1) shall, while in a port or offshore terminal of Trinidad and Tobago, be subject to inspection by officers duly authorized by the Director for that purpose.

(3) Any inspection referred to in subsection (2) shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate, in which case, or if the ship does not carry a valid certificate, the Director shall, subject to subsection (3), cause the ship to be detained and prevent it from sailing until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(4) The Director may, grant a ship subject to a detention order referred to in subsection (3), permission to leave the port or offshore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(5) Where a ship of a MARPOL member State is found not to be in compliance with this Part, the Director may request consultation with the Government of the State concerned before denying such ship entry to a Trinidad and Tobago port or offshore terminal or taking any other action against the ship.

(6) Where the Director denies entry to, or detains a ship under this section or section 44, or takes any action against a ship as referred to in subsection (5), he shall immediately inform the consular or diplomatic representative of the State concerned, or if such is not possible, the Government of that State.

(7) Where a ship referred to in this section does not carry a valid certificate as required by this Part or by MARPOL, the Director shall inform the Government of the State concerned of such fact.

(8) Notwithstanding subection (2), and without prejudice to any specific provisions relating to control over operational procedures which may be contained in any Shipping (Port State Control) Regulations made under the Shipping Act, or contained elsewhere in this Part, an inspection referred to in subsection (1), may include an investigation of any operation regulated by this Part if there are clear grounds for believing that the master or crew are not familiar with essential ship board procedures for preventing pollution, and if such inspection reveals any deficiencies, the Director shall take such steps as may be necessary to essential ship board procedures for preventing pollution, and if such inspection reveals any defiencies, the Director shall take such steps as may be necessary to ensure that the ship does not sail until the situation has been brought to order in accordance with the requirements of this Part.

(9) Inspections under this Part shall be carried out in accordance with any Shipping (Port State Control) Regulations.

Detection of violations and enforcement of Part

46. (1) The Director shall co-operate with other MARPOL member States in the detection of violations and enforcement of this Part, using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

(2) A ship to which this Part applies may, in any port or offshore terminal of Trinidad and Tobago, be subject to inspection by officers appointed or authorized by the Director for the purpose of verifying whether the ship has discharged any harmful substances in violation of this Part, and if such inspection indicates a violation by a ship of a MARPOL member State, a report shall be forwarded to the Government of the State concerned for any appropriate action.

(3) Where it is alleged that a ship of a MARPOL member State has discharged harmful substances or effluents containing such substances in violation of this Part, the Director shall furnish to the Government of the State concerned, evidence, if any, of the alleged violation, and if it is practicable, notify the master of the ship concerned.

(4) Where the Director receives from a MARPOL member State such evidence as is referred to in subsection (3) in respect of a Trinidad and Tobago ship, he may request the Government of such State to furnish further or better evidence of the alleged violation.

(5) Where the Director is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, he shall cause such proceedings to be taken as soon as possible, and shall promptly inform the Government of the State which has reported the alleged violation, and the Organization of the action taken.

(6) Where the Government of a MARPOL member State furnishes sufficient evidence that a ship to which MARPOL applies has discharged harmful substances or effluents containing such substances in any place and requests an investigation, the Director may inspect such ship when it enters a port or offshore terminal of Trinidad and Tobago, and shall send the report of such investigation to the Government of the State requesting it and to the Government of the flag State of the ship so that appropriate action may be taken under MARPOL.

Undue delay to ships

47. (1) The Director shall make every possible effort to avoid unduly detaining or delaying a ship under sections 44, 45 and 46.

(2) A ship that is unduly detained or delayed under sections 44, 45 and 46 shall be entitled to compensation for any loss or damage suffered.

Reports on incidents involving harmful substances

48. (1) For the purposes of this section—

"harmful substances" has the meaning assigned to it in Subpart 4 of this Part;

"noxious liquid substance" has the meaning assigned to it in Subpart 3 of this Part;

"oil" has the meaning assigned to it in Subpart 2 of this Part;

"packaged form" has the meaning assigned to it in Subpart 4 of this Part.

(2) 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; 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 this Part,

the master or other person having charge of the ship shall report the particulars of such incident without delay and to the fullest extent possible in accordance with this section.

(3) Where a ship referred to in subsection (2) is abandoned, or where a report from such a ship is incomplete or unobtainable, the owner or charterer of the ship, or their agent shall, to the fullest extent possible, assume the obligations of the master under this section.

(4) The contents of a report referred to in sub-section (2) shall be in accordance with the regulations made pursuant to section 50.

Casualties to ships

49. (1) The Director shall conduct an investigation of any casualty suffered by any Trinidad and Tobago ship to which this Part applies if such casualty produces a major deleterious effect on the marine environment.

(2) The Director shall provide the Organization with information concerning the findings of such investigation, if he considers such information to be of assistance in determining what changes to MARPOL might be desirable.

(3) In respect of a casualty referred to in this section, Part XIX of the Shipping Act, shall apply *mutatis mutandis.* No. 24 of 1987

Regulations

50. The Minister may make regulations to provide for—

(a) procedures to be followed in reporting incidents involving harmful substances, based on guidelines developed by the Organization; and

(b) pollution prevention requirements in respect of any Trinidad and Tobago ship or class of such ship to which MARPOL does not apply;

(c) the extent of application of this Part to Trinidad and Tobago Government ships engaged in government, non-commercial service.

Subpart 2

PREVENTION OF POLLUTION BY OIL

Interpretation

51. In this Subpart—

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

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

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

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

(b) crude oil to which certain distillate fractions may have been added;

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

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

"IOPP Certificate" means an International Oil Pollution Prevention Certificate issued under this Subpart or under MARPOL;

"new ship" means a ship—

(a) for which the building contract was placed after 31st December, 1975 or in the absence of a building contract, the keel of which was laid or which was at a similar stage of construction after 30th June, 1976;

(b) the delivery of which was after 31st December, 1979; or

(c) which has undergone a major conversion—

(i) for which the contract was placed after 31st December, 1975 or in the absence of a contract, the construction work of which was begun after 30th June, 1976; or

(ii) which was completed after 31st December, 1979;

"oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to Subpart 3 of this Part) and, without limiting the generality of the foregoing, includes the substances listed in the Fifth Schedule; Fifth Schedule

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

"oily mixture" means a mixture with any oil content;

"oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes—

(a) a combination carrier;

(b) a chemical tanker as defined in Subpart 3 of this Part when it is carrying a cargo or part cargo of oil in bulk; and

(c) a gas carrier as defined in regulation 3.20 of Subpart II-1 of SOLAS 1974, when it is carrying a cargo or part cargo of oil in bulk;

"segregated ballast" means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in other Subparts of this Part;

"slop tank" means a tank specifically designated for the collection of tank drainings, tank washings and other oily mixtures.

Application

52. (1) Unless expressly provided otherwise, this Subpart shall apply to all ships to which this Part applies.

(2) In ships other than oil tankers fitted with cargo spaces which are constructed and utilized to carry oil in bulk of an aggregate capacity of two hundred cubic metres or more, sections 67 and 68, sections 70 to 74 inclusive, section 82 and regulations relating to the matters referred to in paragraphs *(h)*, *(l)* and *(q)* of section 86, shall also apply to the construction and operation of those spaces.

(3) Where a cargo subject to Subpart 3 of this Part is carried in a cargo space of an oil tanker, the appropriate requirements of that Subpart shall also apply to the construction and operation of those spaces.

(4) Any hydrofoil, air-cushion vehicle and other new type of vessel such as near-surface craft and submarine craft whose constructional features are such as to render the application of provisions of this Subpart and related regulations made pursuant to section 86 relating to construction and equipment unreasonable or impracticable may be exempted by the Director from such provisions, provided that the construction and equipment of that ship provides equivalent protection against pollution by oil, having regard to the service for which it is intended.

(5) Particulars of the exemptions referred to in subsection (4) shall be indicated in the IOPP Certificate.

(6) Where the Director allows an exemption referred to in subsection (4), he shall, as soon as possible, but not more than ninety days thereafter, communicate to the Organisation particulars of such exemption and the reasons therefor.

Equivalents

53. (1) Subject to subsection (2), the Director may allow any fitting, material, appliance or apparatus as an alternative to that required by this Subpart including type approval of pollution prevention equipment equivalent to that specified in IMO Assembly resolution A.393(X), if such fitting, material, appliance or apparatus is at least as effective as that required by this Subpart.

(2) The Director shall not allow substitution of operational methods to effect the control of discharge of oil as equivalent to those design and construction features which are provided for in this Subpart.

(3) Where the Director allows an alternative equivalent referred to in subsection (1), he shall communicate to the Organisation for circulation to MARPOL member States particulars thereof, for their information and appropriate action, if any.

(4) Where the Director is informed of an alternative equivalent as referred to in this section, allowed and submitted by any MARPOL member State, and the Director has an objection, he shall communicate such objection to the Organisation and to the MARPOL member State concerned within one year after the Organization circulates the alternative equivalency information as referred to in subsection (3).

Initial, periodic and intermediate surveys

54. (1) Every Trinidad and Tobago oil tanker of 150 gross tonnage and above, and every other Trinidad and Tobago ship of 400 gross tonnage and above shall be subject to the surveys specified below:

(a) an initial survey before the ship is put in service or before the IOPP Certificate required under section 61 is issued for the first time, which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material, and shall ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Subpart;

(b) periodical surveys at intervals of five years, which shall be such as to ensure that the ship's structure, equipment, systems, fittings, arrangements and material continue to fully comply with the requirements of this Subpart;

(c) one intermediate survey during the period of validity of the IOPP Certificate which shall be such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily-water separating equipment and oil filtering systems, fully comply with the applicable requirements of this Subpart and are in good working order.

(2) The intermediate survey referred to in subsection (1)*(c)* 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 and shall be endorsed on the Certificate.

(3) The Director shall establish appropriate measures for Trinidad and Tobago ships which are not subject to the provisions of subsection (1) in order to ensure that the appropriate provisions of this Subpart are complied with.

Annual surveys

55. (1) In addition to the surveys mentioned in section 54, four annual surveys shall be carried out during the period of validity of the IOPP Certificate at the intervals specified in subsections (2) and (3), which shall include a general examination to ensure that the structure, fittings, arrangements and material remain in all respects satisfactory for the service for which the ship is intended, and such annual surveys shall be endorsed on the Certificate.

(2) Subject to subsection (3), an annual survey shall be due on each anniversary date of the issue or renewal of the IOPP Certificate, as the case may be, but may be carried out within the period between three months before and three months after the relevant anniversary date.

(3) Where in accordance with section 54(1)*(c)*, the intermediate survey is carried out—

(a) within the twenty-fourth and twenty-seventh month of the period of validity of the IOPP Certificate, the second of the four annual surveys referred to in subsection (1) shall not be obligatory;

(b) within the thirty-third and thirty-sixth month of the period of validity of the IOPP Certificate, the third of the four annual surveys referred to in subsection (1) shall not be obligatory.

Nominated surveyors and recognized organizations

56. (1) The Minister may appoint duly qualified persons within or outside Trinidad and Tobago as surveyors for the purposes of this Act.

(2) Subject to subsection (3), surveys under sections 54 and 55 shall be carried out by surveyors appointed under subsection (1).

(3) The Director may entrust the surveys under sections 54 and 55 to surveyors nominated for the purpose or to organizations recognized by him, and in every such case, the Director shall fully guarantee the completeness and efficiency of the surveys and shall undertake to ensure the necessary arrangements to satisfy this obligation.

(4) Surveyors or organizations to whom surveys are entrusted under subsection (3) shall, as a minimum, be empowered by the Director to—

(a) require repairs to a ship; and

(b) carry out surveys and inspections if requested by the appropriate authorities of another MARPOL member State or a port State.

(5) The Director shall notify the Organization of the specific responsibilities and conditions of the authority delegated to such nominated surveyors or recognised organisations for circulation to MARPOL member States for the information of their officers.

Corrective action

57. (1) When a nominated surveyor or recognised organization determines that the condition of a ship or its equipment does not correspond substantially with the particulars in the IOPP 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 ensure that corrective action is taken immediately and shall in due course notify the Director.

(2) When the Director, through his own surveyors, determines that a ship is in a condition referred to in subsection (1), he shall require that ship to take corrective action immediately.

Withdrawal of IOPP Certificate and detention

58. Where corrective action, as required by section 57, is not taken—

(a) the IOPP Certificate of the ship shall be withdrawn and the Director 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; and

(b) where the ship is in the port of another MARPOL member State, the port State authorities of that State shall be notified immediately.

Assistance to other MARPOL member states

59. (1) When the Government of another MARPOL member State or its nominated surveyor or recognized organization, has notified the Director that a ship certified by that member State is in port or at an offshore terminal in Trinidad and Tobago and has failed to take corrective action following an inspection, the Director shall give such Government, surveyor or organization any necessary assistance.

(2) Where it appears that the ship, if permitted to sail would present an unreasonable threat of harm to the marine environment, the Director shall take such steps as will ensure that the ship does 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.

Maintenance requirements

60. The owner, master or agent of any ship to which this Subpart applies shall ensure that—

(a) the condition of the ship and its equipment is maintained to conform with the requirements of this Subpart, as applicable, to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment;

(b) after any survey of the ship under section 54 has been completed, that no change is made to the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the prior approval of the Director, except the direct replacement of such equipment and fittings.

Report of accidents and defects

61. (1) 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, fittings, arrangements or material as required under this Subpart—

(a) the owner, master or agent of the ship shall report such accident or defect to the

Director, or the recognized organization or nominated surveyor responsible for issuing the IOPP Certificate at the earliest opportunity who shall cause an investigation to be made to determine whether a survey is necessary; and

(b) where the ship is in a port of another MARPOL member State, the owner, master or agent shall also report the accident or defect immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such report has been made.

(2) Where it is determined from an investigation made pursuant to subsection (1)*(a)* that a survey is necessary, it shall be carried out in accordance with this Subpart, and where the survey reveals that the ship is no longer in conformity with the requirements of this Subpart, or that it is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, the Director shall require corrective action to be taken by the ship, and if necessary, may cause the ship to be detained.

IOPP Certificate

62. (1) An IOPP Certificate shall be issued, after a survey in accordance with section 54 and after the applicable requirements of the appropriate regulations referred to in section 86 have been complied with, to any Trinidad and Tobago oil tanker of 150 gross tonnage and above and any other ship of 400 gross tonnage and above which are engaged in voyages to ports or offshore terminals under the jurisdiction of other MARPOL member States.

(2) The IOPP Certificate shall be issued either by the Director or by any person or organization duly authorized by it and in every such case the Director shall assume full responsibility for the Certificate.

Issue of IOPP Certificate upon request by a MARPOL member state

63. (1) The Director may at the request of the Government of a MARPOL member State cause a ship to be surveyed and, if satisfied that this Subpart has been complied with, shall issue or authorize the issue of an IOPP Certificate to the ship in accordance with this Subpart.

(2) An IOPP Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of a MARPOL member State and a copy of it together with a copy of the survey report shall be transmitted as early as possible to the Government requesting the survey.

(3) An IOPP Certificate issued by another MARPOL member State in respect of a Trinidad and Tobago ship at the request of the Director, shall have the same force and receive the same recognition in Trinidad and Tobago as an IOPP Certificate issued under this Subpart.

(4) No IOPP Certificate shall be issued to a ship which does not fly the flag of a MARPOL member State.

Form of IOPP Certificate
Sixth Schedule

64. An IOPP Certificate shall be in the form prescribed in the Sixth Schedule.

Duration of IOPP Certificate

65. (1) Subject to this section, an IOPP Certificate shall be valid for five years from the date of its issue and may be renewed for successive periods of five years provided the ship remains in service as a Trinidad and Tobago ship.

(2) In the case of an oil tanker operating with dedicated clean ballast tanks for a limited period specified in the appropriate regulation referred to in section 86, the period of validity of the certificate shall not exceed such specified period.

(3) An IOPP Certificate shall cease to be valid—

(a) where significant alterations have taken place in the construction, equipment, systems, fittings, arrangements or material required without the approval of the Director, except the direct replacement of such equipment or fittings; or

(b) where intermediate and annual surveys as specified by the Director under section 54(1)*(c)* and section 55 respectively, have not been carried out; or

(c) upon transfer of such ship to the flag of another State.

(4) For the purposes of subsection (3)*(a)*, an alteration shall be deemed "significant" where the construction, equipment, systems, fittings, arrangements or material have been altered to the extent that the ship no longer meets the requirements of this Subpart.

Transfer of flag

66. (1) Upon transfer of a Trinidad and Tobago ship to the flag of another MARPOL member State, where such State so requests within 90 days after the transfer has taken place, the Director shall transmit as soon as possible to the Government of the State concerned, a copy of the IOPP Certificate carried by the ship before the transfer and, where available, a copy of the ship's most recent survey report.

(2) Where a ship is transferred to the Trinidad and Tobago flag, a new IOPP Certificate shall only be issued when the Director is fully satisfied that the ship is in full compliance with the requirements of section 60.

Control of discharge of oil

67. (1) Subject to this section and sections 70 and 77, any discharge into the sea of oil or oily mixtures from ships is prohibited.

(2) Subject to subsection (3)—

(a) discharges of oil and oily mixtures are permitted from an oil tanker provided all of the following conditions are satisfied, namely:

(i) the tanker is not within a special area;

(ii) the tanker is more than 50 nautical miles from the nearest land;

(iii) the tanker is proceeding *en route;*

(iv) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile;

(v) the total quantity of oil discharged into the sea does not exceed for existing tankers 1/15,000 of the total quantity of the particular cargo of which the residue formed a part, and for new tankers 1/30,000 of the total quantity of the particular cargo of which the residue formed a part; and

(vi) the tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required by the regulations made pursuant to section 86;

(b) paragraph *(a)* applies to discharges of oil or oily mixtures from—

(i) machinery space bilges of oil tankers where such oil or oily mixture is mixed with cargo oil residue, or when it is transferred to slop tanks; and

(ii) cargo pump-room bilges of oil tankers.

(3) Discharges of oil and oily mixtures are permitted from a ship of four hundred gross tonnage and above, and from machinery space bilges of an oil tanker other than as referred to in paragraph *(b)* of subsection (2), provided all of the following conditions are satisfied, namely:

(a) the ship is not within a special area;

(b) the ship is proceeding en route;

(c) the oil content of the effluent without dilution does not exceed fifteen parts per million; and

(d) the ship has in operation equipment as required by the regulations referred to in section 86 of the Act.

(4) Subsections (1), (2) and (3) shall not apply to the discharge of clean or segregated ballast or unprocessed oily mixtures which without dilution have an oil content not exceeding fifteen parts per million and which do not originate from cargo pump-room bilges and are not mixed with oil cargo residues.

Ships of less than 400 gross tonnage

68. In the case of a ship of less than four hundred gross tonnage other than an oil tanker whilst outside the special area, the Director shall ensure that such ship is equipped as far as practicable and reasonable with installations to ensure the storage of oil residues on board and their discharge to reception facilities or into the sea is in compliance with the conditions set out in section 67.

Special areas

69. For the purposes of this Part, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the "Gulfs area", the Gulf of Aden area and the Antarctic area.

Control of discharge of oil special areas

70. (1) Subject to section 77 and subsections (2) and (3) of this section any discharge into the sea of oil or oily mixture is prohibited within a special area from—

(a) any oil tanker and any ship of four hundred gross tonnage and above other than an oil tanker;

(b) a ship of less than four hundred gross tonnage, other than an oil tanker, except when the oil content of the effluent without dilution does not exceed fifteen parts per million.

(2) Subject to section 77, any discharge into the sea of oil or oily mixture from any ship is prohibited within the Antarctic area.

(3) Subsections (1) and (2) shall not apply to the discharge of clean or segregated ballast.

(4) Paragraph *(a)* of subsection (1) shall not apply to the discharge of processed bilge water from machinery spaces, provided all of the following conditions are satisfied, namely:

(i) the bilge water does not originate from cargo pump-room bilges;

(ii) the bilge water is not mixed with oil cargo residues;

(iii) the ship is proceeding *en route;*

(iv) the oil content of the effluent without dilution does not exceed fifteen parts per million;

(v) the ship has in operation oil filtering equipment complying with the regulations referred to in section 86; and

(vi) the filtering system is equipped with a stopping device which will ensure that the discharge is automatically stopped when the oil content of the effluent exceeds fifteen parts per million.

Voyage partly through a special area

71. When a ship is on a voyage only part of which is in a special area, it may discharge outside the special area in accordance with the provisions of section 67.

Special provision for Antartic area

72. Every Trinidad and Tobago ship shall, before entering the Antarctic area—

(a) be fitted with a tank or tanks of sufficient capacity on board for the retention of all sludge, dirty ballast, tank washing water and other oily residues and mixtures while operating in the area; and

(b) and have concluded arrangements to discharge such oily residues at a reception facility after leaving the area.

Discharges containing chemicals, etc. prohibited

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

Investigations

74. Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, the Director shall promptly carry out an investigation of the facts bearing on the issue of whether there has been a violation of sections 67, 68 or 69 which shall include, in particular, an investigation of the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

Retention of oil residues on board

75. The oily bilge waters, oil residues (sludge) and other residues which cannot be discharged into the sea in accordance with sections 67, 68 and 69 shall be retained on board and discharged to reception facilities.

Tanks for oil residues (sludge)

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

(2) In new ships, such tanks shall be designed and constructed so as to facilitate their cleaning and the discharge of residues to reception facilities.

(3) Existing ships shall comply with the requirements of subsection (2) as far as is reasonable and practicable.

(4) Piping to and from sludge tanks shall have no direct connection overboard other than the standard discharge connection as provided for by regulations referred to in section 86.

Exceptions

77. (1) Sections 67, 68 and 69 shall not apply to—

(a) the discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea;

(b) the discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment—

(i) provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; or

(ii) except where the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

(c) the discharge into the sea of substances containing oil, approved by the Director, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

(2) Where any such discharge as is referred to in subsection (1) is contemplated to occur in water within the jurisdiction of another State, the discharge shall be subject to the approval of the Government of such State.

Provision of reception facilities

78. (1) There shall be provided at oil loading terminals, repair ports, and in other ports in which ships have oily residues to discharge, facilities for the reception of such residues and oily mixtures as remain from oil tankers and other ships, adequate to meet the needs of the ships using them without causing undue delay to ships.

(2) The Minister may by regulation prescribe sanctions and penalties by way of fines not exceeding one hundred and fifty thousand dollars upon summary conviction for the contravention of subsection (1).

Location of reception facilities

79. Reception facilities described in section 78 shall be located in ports and terminals as determined by the Minister and may include—

(a) all ports and terminals in which crude oil is loaded into oil tankers where such tankers have, immediately prior to arrival, completed a ballast voyage of not more than seventy two hours or not more than one thousand, two hundred nautical miles;

(b) all ports and terminals in which oil other than crude oil in bulk is loaded at an average quantity of more than one thousand metric tons per day;

(c) all ports having ship repair yards or tank cleaning facilities;

(d) all ports and terminals that handle ships from which oily bilge water, oil residues (sludge) and other residues cannot be discharged, in accordance with sections 67 and 68 and are therefore required to be retained on board in accordance with section 75 in sludge tanks required by the regulations made under section 86 or otherwise;

(e) all loading ports for bulk cargoes in respect of oil residues from combination carriers which cannot be discharged in accordance with sections 67 and 68.

Capacities of reception facilities

80. The capacities for reception facilities required by section 79 shall be as follows:

(a) ports and terminals in which crude oil is loaded shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with section 67 from all oil tankers, including those on voyages described in paragraph *(a)* of section 79;

(b) loading ports and terminals referred to in paragraph *(b)* of section 79 shall have sufficient reception facilities to receive oil and oily mixtures which cannot be discharged in accordance with section 67 from oil tankers which load oil other than crude oil in bulk;

(c) all ports referred to in paragraph *(c)* of section 79, shall have sufficient reception facilities to receive all residues and oily mixtures which remain on board for disposal from ships prior to entering such yards or facilities;

(d) all facilities provided in ports and terminals referred to in paragraph *(d)* of section 79 shall be sufficient to receive all oily bilge waters, oil residues (sludge) and other residues as are referred to in that provision;

(e) in facilities provided in loading ports for bulk cargoes the special problems of combination carriers shall be taken into account as appropriate.

Notice of inadequate reception facilities

81. The Director shall notify the Organization of all cases where reception facilities provided under this Part in Trinidad and Tobago or in any other MARPOL member State are alleged to be inadequate.

Oil record book

82. (1) Every oil tanker of one hundred and fifty gross tonnage and above shall be provided with an Oil Record Book, Part I of which shall contain entries on machinery space operations and Part II shall contain entries on cargo and ballast operations.

(2) Every ship of four hundred gross tonnage and above other than an oil tanker shall be provided with an Oil Record Book which shall contain entries on cargo and ballast operations as required in Part I of the Oil Record Book referred to in subsection (1).

(3) The Oil Record Book whether maintained as part of the ship's official log book or otherwise shall be in the form prescribed herein as the Seventh Schedule.

Seventh Schedule

(4) The Oil Record Book shall be completed on each occasion, on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship:

(a) for machinery space operations (all ships):

(i) ballasting or cleaning of oil fuel tanks;

(ii) discharge of dirty ballast or cleaning water from tanks referred to in sub-paragraph (i);

(iii) disposal of oily residues (sludge);

(iv) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces;

(b) for cargo/ballast operations (oil tankers)—

(i) loading of oil cargo;

(ii) internal transfer of oil cargo during voyage;

(iii) unloading of oil cargo;

(iv) ballasting of cargo tanks and dedicated clean ballast tanks;

(v) cleaning of cargo tanks including crude oil washing;

(vi) discharge of ballast except from segregated ballast tanks;

(vii) discharge of water from slop tanks;

(viii) closing of all applicable valves or similar devices after slop tank discharge operations;

(ix) closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations;

(x) disposal of residues.

(5) In the event of such discharge of oil or oily mixture as is referred to in section 77 or in the event of accidental or other exceptional discharge of oil not excepted by that section, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge.

(6) Each operation described in subsection (4) shall be fully recorded without delay in the Oil Record Book so that all entries in the book appropriate to that operation are completed.

(7) Each entry shall be signed by the officer or officers in charge of the operations concerned and each completed page shall be signed by the master of the ship.

(8) An entry in the Oil Record Book of a MARPOL member State made in the official national language of that State shall prevail in case of a dispute or discrepancy.

(9) The Oil Record Book shall be—

(a) kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship; and

(b) preserved for a period of three years after the last entry has been made.

(10) The Director may inspect the Oil Record Book on board—

(a) any Trinidad and Tobago ship to which this Subpart applies; and

(b) any other ship to which this Subpart applies while the ship is in a Trinidad and Tobago port or offshore terminal.

(11) The competent Authority of the Government of a MARPOL member State may inspect the Oil Record Book on board any Trinidad and Tobago ship to which this Subpart applies while the ship is in a port or offshore terminal of that State.

(12) The Director or competent Authority, as the case may be, may make a copy of any entry in the Oil Record Book and may require the master of the ship to certify that the copy is a true copy of such entry.

(13) Any copy so made which has been certified by the master of the ship as a true copy of an entry in the ship's Oil Record Book shall be admissible in any judicial proceedings in Trinidad and Tobago as evidence of the facts stated in the entry.

(14) The inspection of an Oil Record Book and the taking of a certified copy as provided for in this subsection shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

(15) Oil tankers of less than one hundred and fifty gross tonnage shall be provided with an appropriate Oil Record Book as prescribed by the Director.

Special requirements for drilling rigs and other platforms

83. (1) Fixed and floating drilling rigs when engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources and other platforms shall, in respect of the discharge of platform drainage, comply with the requirements of this Part applicable to ships of four hundred gross tonnage and above other than oil tankers, except that—

(a) shall be equipped as far as practicable with the installations required under section 76 and the regulations referred to in section 86;

(b) they shall keep a record of all operations involving oil or oily mixture discharges, in a form approved by the Director; and

(c) in any special area and subject to section 77, the discharge into the sea of oil or oily mixture shall be prohibited except when the oil content of the discharge without dilution does not exceed fifteen parts per million.

(2) Outside special areas and more than twelve nautical miles from the nearest land and subject to section 77, the discharge into the sea of oil or oily mixtures from such drilling rigs and platforms when stationary shall be prohibited except when the oil content of the discharges without dilution does not exceed hundred parts per million.

84. Every Trinidad and Tobago oil tanker of one hundred and fifty gross tonnage and above and every Trinidad and Tobago ship other than an oil tanker of four hundred gross tonnage and above shall carry on board a shipboard oil pollution emergency plan as prescribed by regulations referred to in section 86 and approved by the Director. Shipboard oil pollution emergency plan

85. (1) If any ship, or the owner or master thereof, fails to comply with any requirement of this Subpart or the Schedules relating thereto, the owner and the master of the ship shall each be guilty of an offence and each shall be liable upon summary conviction to a fine not exceeding five hundred thousand dollars. Offences

(2) It shall be a defence for a person charged under subsection (1) to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) Where an offence under this section is committed, or would have been committed save for the operation of subsection (2), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of an offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

86. The Minister shall make regulations for *inter alia,* the following: Regulations

(a) surveying of Trinidad and Tobago ships not subject to surveys under section 54(1);

(b) designation of types of oil tankers;

(c) segregated ballast tanks;

(d) requirements in respect of oil tankers with dedicated clean ballast tanks;

(e) requirements for crude oil washing;

(f) existing tankers engaged in specific trades;

(g) protective location of segregated ballast spaces;

(h) segregation of oil and water ballast and carriage of oil in fore peak tanks;

(i) retention of oil on board;

(j) oil discharge monitoring and control systems and oily water separating and oil filtering equipment;

(k) tanks for oil residues (sludge tanks);

(l) pumping, piping and discharge arrangements of oil tankers;

(m) standard discharge connections;

(n) Oil Record Book;

(o) requirements for minimizing oil pollution from oil tankers due to side and bottom damage;

(p) hypothetical outflow of oil;

(q) limitation of size and arrangement of cargo tanks;

(r) subdivision and stability; and

(s) shipboard oil pollution emergency plan.

Subpart 3

PREVENTION OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK

Interpretation

87. In this Subpart—

"BCH 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 and adopted by the Organization and brought into force in accordance with the amendment procedures in MARPOL applicable to an appendix to an Annex;

"chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an "oil tanker" as defined in Subpart 2 of this Part when carrying a cargo or part cargo of noxious liquid substances in bulk;

"clean ballast" means ballast carried in a tank which, since it was last used to carry a cargo containing a substance in Category A, B, C or D, as provided in section 92, has been thoroughly cleaned and the residues resulting therefrom have been discharged and the tank emptied in accordance with the appropriate requirements of this Subpart;

"IBC 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 and adopted by the Organization and brought into force in accordance with the amendment procedures in MARPOL applicable to an appendix to an Annex;

"NLS Certificate" means an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued under section 120;

"liquid substances" means those substances having a vapour pressure not exceeding 2.8 kilopascals per square centimetre at a temperature of 37.8 degrees celsius;

"noxious liquid substance" means any substance referred to in the Eighth Schedule or provisionally assessed under section 94 as falling into Category A, B, C, or D as provided in section 92; Eighth Schedule

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

"ship constructed" means, subject to section 89, a ship the keel of which is laid or which is at a similar stage of construction;

"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.

Application

88. (1) Unless expressly provided otherwise, this Subpart shall apply to all ships to which this Part applies carrying noxious liquid substances in bulk.

(2) Where a cargo subject to Subpart 2 of this Part, is carried in a cargo space of a chemical tanker, the appropriate requirements of Subpart 2 of this Part shall also apply.

Conversion of a ship to a chemical tanker

89. (1) Subject to subsection (2), 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.

(2) For the purposes of this section—

(a) an oil tanker or a chemical tanker previously not certified to carry safety hazard chemicals but which changes to a service of carrying these cargoes shall be considered as having undergone a conversion;

(b) safety hazard cargoes are those identified in Subpart 6 of the BCH Code or Subpart 17 of the IBC Code.

(3) Subsection (1) shall not apply to the modification of a ship which is—

(a) constructed before 1st July, 1986; and

(b) certified under the BCH Code to carry only those products identified by the BCH Code as substances with pollution hazards only.

(4) Subsection (3), shall apply only to modifications made on oil tankers and chemical tankers and the expression "modification" referred thereto shall generally be those changes necessary to comply with this Subpart and include the fitting of improved stripping systems and underwater discharge arrangements but not include major structural changes such as those which might be necessary to comply with ship type requirements.

Modification or delay of application of amendments

90. (1) Where an amendment to this Subpart and the IBC and BCH Codes involves changes to the structure or equipment and fittings due to the upgrading of the requirements for the carriage of certain substances, the Director may modify or delay for a specified period, the application of such an amendment to ships constructed before the date of entry into force of that amendment, if the immediate application of such an amendment is considered unreasonable or impracticable.

(2) The modification or delay of application of an amendment referred to in subsection (1), shall be determined with respect to each substance having regard to the guidelines developed by the Organization.

(3) The guidelines referred to in subsection (2) are the "Guidelines for the Application of Amendments to the List of Substances in Annex II of MARPOL 73/78 and the IBC Code and BCH Code with respect to Pollution Hazards" approved by the Marine Environment Protection Committee of the Organization at its thirty-first session.

(4) Where the Director allows a modification or delay of application of an amendment as referred to in this section, he shall submit to the Organization a report giving details of the ship or ships concerned, the cargoes carried, the trade in which each ship is engaged and the justification for the modification or delay of application of the amendment, for circulation to other MARPOL member States for their information and appropriate action, if any.

Equivalents

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

(2) The Director shall not allow substitution of operational methods to effect the control of discharge of noxious liquid substances as equivalent to those design and construction features which are provided for in this Subpart.

(3) With respect to liquified gas carriers carrying noxious liquid substances listed in the Gas Carrier Code, equivalency may be permitted under this section on construction and equipment requirements contained in this Subpart and in regulations made under this Subpart relating thereto, when a gas carrier—

(a) holds a Certificate of Fitness in accordance with the appropriate Gas Carrier Code for ships carrying liquified gases in bulk;

(b) holds an NLS Certificate;

(c) is provided with segregated ballast arrangements;

(*d*) is provided with deepwell pumps and arrangements which minimize the amount of cargo residue remaining after discharge, to the extent that the Director is satisfied

on the basis of the design that the stripping requirements of this Subpart and the regulations made under this Subpart relating thereto, without regard to the limiting date, are met and the cargo residue can be vented to the atmosphere through the approved venting arrangements;

(e) is provided with a Procedures and Arrangements Manual approved by the Director which shall ensure that no operational mixing of cargo residues and water will occur and, after venting, no cargo residues will remain; and

(f) is certified in an NLS Certificate to carry only those noxious liquid substances listed in the appropriate Gas Carrier Code.

(4) Subject to subsection (5), where the Director allows an alternative referred to in subsection (1), he shall communicate to the Organization for circulation to MARPOL member States particulars thereof, for their information and appropriate actions, if any.

(5) Where equivalency is granted in accordance with subsection (3), the notification required in subsection (4) of this subsection need not be made.

Categorization and listing of noxious liquid substances

92. (1) For the purposes of this Subpart, noxious liquid substances shall be categorized as follows:

(a) Category A: noxious liquid substances which if discharged into the sea from tank-cleaning or deballasting operations would present a major hazard to either marine resources or human health or cause serious harm to amenities or other legitimate uses of the sea and therefore justify the application of stringent anti-pollution measures;

(b) Category B: noxious liquid substances which if discharged into the sea from tank-cleaning or deballasting operations would present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify the application of special anti-pollution measure;

(c) Category C: noxious liquid substances which if discharged into the sea from tank-cleaning or deballasting operations would present a minor hazard to either marine resources or human health or cause minor harm to amenities or other legitimate uses of the sea and therefore require special operational conditions;

(d) Category D: noxious liquid substances which if discharged into the sea from tank-cleaning or deballasting operations would present a recognizable hazard to either marine resources or human health or cause minimal harm to amenities or other legitimate uses of the sea and therefore require some attention in operational conditions.

(2) For the categorization of noxious liquid substances, reference shall be made to—

Ninth Schedule

(a) the Guidelines in the Ninth Schedule; and

(b) the noxious liquid substances carried in bulk which are subject to this Subpart and presently categorized as Category A, B, C or D, and as set out in the Eighth Schedule.

Eighth Schedule

Other liquid substances

93. (1) With respect to liquid substances other than those referred to in section 92 and the applicable Schedules, reference shall be made to the substances referred to in the Tenth Schedule which have been

Tenth Schedule

evaluated and found to fall outside Categories A, B, C and D as provided in section 92, as they are at present considered to present no harm to human health, marine resources, amenities or other legitimate uses of the sea, when discharged into the sea from tank-cleaning or deballasting operations.

(2) The discharge of bilge or ballast water or other residues or mixtures containing only substances referred to in the Tenth Schedule shall not be subject to any requirements under this Subpart.

Provisional assessment and categorization of substances

94. (1) Where it is proposed to carry a liquid substance in bulk which has not been categorized under section 92 or evaluated in accordance with section 93(1), the Director shall, in co-operation with the Governments of other MARPOL member States involved in such proposed operation, establish and agree on a provisional assessment for the proposed operation on the basis of the guidelines referred to in section 92(2)*(a)*.

(2) Until full agreement, as referred to in subsection (1), is reached between the Director and the Governments concerned, the substance shall be carried under the most severe conditions proposed.

(3) As soon as possible, but not later than ninety days after the first carriage of the substance, the Director shall notify the Organization and provide details of the substance and the provisional assessment for prompt circulation to all MARPOL member States for their information and consideration.

(4) Where the Director receives such details as are referred to in subsection (3) from another MARPOL member State, he shall, within ninety days, forward his comments to the Organization with a view to the assessment of the substance in question.

(5) When a substance which is not included in Ninth or Tenth Schedule is offered for bulk carriage,

the provisional category shall be established in accordance with the applicable regulations referred to in section 129.

Clean or segregated ballast

95. The discharge into the sea of clean or segregated ballast shall not be subject to any requirements under this Subpart.

Special areas

96. For the purposes of this Subpart, the special areas are the Baltic Sea area, the Black Sea area and the Antarctic area.

Discharge of Category A substances outside and within special areas

97. (1) Subject to subsection (3), the discharge into the sea of Category A substances as provided in section 92 or of those provisionally assessed as such under section 94, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited outside and within special areas.

(2) Where tanks containing such substances or mixtures as are referred to in subsection (1) are to be washed, the resulting residues shall be discharged to a reception facility until the concentration of the substance in the effluent to such facility is—

(a) for outside special areas, at or below 0.1 per cent by weight and until the tank is empty, with the exception of phosphorus, yellow or white, for which the residual concentration shall be 0.01 per cent by weight;

(b) for within special areas, at or below 0.05 per cent by weight and until the tank is empty, with the exception of phosphorus, yellow or white, for which the residual concentration shall be 0.005 per cent by weight.

(3) Where the resulting residues referred to in subsection (2) are in a ship within a special area, the residues shall be discharged to a reception facility of the MARPOL member State bordering the special area.

(4) Any water subsequently added to the tank after discharge to a reception facility as provided for in subsections (2) and (3), may be discharged into the sea within or outside special areas when all the following conditions are satisfied:

(a) the ship is proceeding *en route* at a speed of at least seven knots in the case of self-propelled ships or at least four knots in the case of ships which are not self-propelled;

(b) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(c) the discharge is made at a distance of not less than twelve nautical miles from the nearest land in a depth of water of not less than twenty-five metres.

(5) This section is subject to sections 102 and 107.

Discharges of Categories B and C substances outside special areas

98. (1) The discharge into the sea of Category B substances as provided for in section 92 or of those provisionally assessed as such under section 94, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited outside special areas except when all the following conditions are satisfied:

(a) the ship is proceeding *en route* at a speed of at least seven knots in the case of self-propelled ships or at least four knots in the case of ships which are not self-propelled;

(b) the procedures and arrangements for discharge are approved by the Director and are based upon standards developed by the Organization to ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed one part per million;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in paragraph *(b)* which shall in no case exceed the greater of one cubic metre or 1/3,000 of the tank capacity in cubic metres;

(d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(e) the discharge is made at a distance of not less than twelve nautical miles from the nearest land in a depth of water of not less than twenty-five metres.

(2) The discharge into the sea of Category C substances as provided for in section 92 or of those provisionally assessed as such under section 94, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited outside special areas except when all the following conditions are satisfied:

(a) the ship is proceeding *en route* at a speed of at least seven knots in the case of self-propelled ships or at least four knots in the case of ships which are not self-propelled;

(b) the procedures and arrangements for discharge are approved by the Director and are based upon standards developed by the Organization to ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed ten parts per million;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the

procedures referred to in paragraph *(b)* which shall in no case exceed the greater of three cubic metres or 1/1,000 of the tank capacity in cubic metres;

(d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(e) the discharge is made at a distance of not less than twelve nautical miles from the nearest land in a depth of water of not less than twenty-five metres.

(3) This section is subject to section 107.

Discharges of Categories B and C substances in special areas

99. (1) Subject to sections 102 and 107, the discharge into the sea of Category B substances as provided in section 92 or of those provisionally assessed as such under section 94, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited within special areas except when all the following conditions are satisfied:

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

(b) the ship is proceeding *en route* at a speed of at least seven knots in the case of self-propelled ships or at least four knots in the case of ships which are not self-propelled;

(c) the procedures and arrangements for discharge are approved by the Director and are based upon standards developed by the Organization to ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed one part per million;

(d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(e) the discharge is made at a distance of not less than twelve nautical miles from the nearest land in a depth of water of not less than twenty-five metres.

(2) Subject to sections 102 and 107, the discharge into the sea of Category C substances as provided in section 92 or of those provisionally assessed as such under section 94, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited within special areas except when all the following conditions are satisfied:

(a) the ship is proceeding *en route* at a speed of at least seven knots in the case of self-propelled ships or at least four knots in the case of ships which are not self-propelled;

(*b)* the procedures and arrangements for discharge are approved by the Director and are based upon standards developed by the Organization to ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed one part per million;

(c) the maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in paragraph *(b)* which shall in no case exceed the greater of one cubic metre or 1/3,000 of the tank capacity in cubic metres;

(d) the discharge is made below the waterline, taking into account the location of the seawater intakes; and

(e) the discharge is made at a distance of not less than twelve nautical miles from the nearest land and in a depth of water of not less than twenty-five metres.

Discharge of Category D substances in all areas

100. (1) Subject to sections 102 and 107, the discharge into the sea of Category D substances as provided in section 92 or of those provisionally assessed as such under section 94, or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited in all areas except when all the following conditions are satisfied:

(a) the ship is proceeding *en route* at a speed of at least seven knots in the case of self-propelled ships or at least four knots in the case of ships which are not self-propelled;

(b) such mixtures are of a concentration not greater than one part of the substance in ten parts of water; and

(c) the discharge is made at a distance of not less than twelve nautical miles from the nearest land.

Discharge from a slop tank and meaning of *en route*

101. (1) 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 sections 97 and 99(1) whichever is applicable.

(2) For the purposes of sections 97 to 100 inclusive, “en route” means that the ship is under way at sea on a course, or courses, which so far as practicable for navigational purposes will cause any discharge to be spread over as great an area of the sea as is reasonably practicable.

Special provision for antartic area

102. Subject to section 107, any discharge into the sea of noxious liquid substances or mixtures containing such substances shall be prohibited in the Antarctic area.

Ventilation procedures

103. (1) Ventilation procedures approved by the Director may be used to remove cargo residues from a tank, and all such procedures shall be based on standards developed by the Organization.

(2) Any water subsequently introduced into a tank after cargo residues have been removed in accordance with sub-section (1) shall be regarded as clean and shall not be subject to sections 97, 98, 99 or 100.

Uncategorized substances

104. Subject to sections 102 and 107, the discharge into the sea of substances which have not been categorized, evaluated or provisionally assessed and categorized in accordance with sections 92, 93 and 94 respectively, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

Retention on board of residues of Category B or C substances

105. Nothing in this Part shall prohibit a ship from retaining on board the residues from a Category B or C cargo and discharging such residues into the sea outside a special area in accordance with section 98. Pumping, piping and unloading arrangements.

Pumping, piping and unloading arrangements

106. Every Trinidad and Tobago ship to which this Subpart 3 applies shall comply with the pumping, piping and unloading arrangements prescribed in the regulations referred to in section 129.

Exceptions

107. (1) Sections 97 to 100 inclusive, 102 and 104 shall not apply to—

(a) the discharge into the sea of noxious liquid substances or mixtures containing such

substances necessary for the purpose of securing the safety of a ship or saving life at sea; or

(b) the discharge into the sea of noxious liquid substances or mixtures containing such substances resulting from damage to a ship or its equipment—

(i) provided that all reasonable precautions have been taken after the occurence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; or

(ii) except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

(c) the discharge into the sea of noxious liquid substances or mixtures containing such substances, approved by the Director, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

(2) Where any such discharge as is referred to in subsection (1) is contemplated to occur in waters within the jurisdiction of another State, the discharge shall be subject to the approval of the Government of such State.

Reception facilities for noxious liquid substances

108. (1) There shall be provided at ports and terminals of Trinidad and Tobago, facilities for reception of such residues and mixtures containing noxious liquid substances as would remain for disposal from ships carrying them as a consequence of the application of this Subpart.

(2) The reception facilities referred to in subsection (1) shall be—

(a) adequate to meet the needs of ships using the ports and terminals without causing them undue delay; and

(b) located at cargo loading and unloading ports and terminals, and ship repair ports undertaking repairs to chemical tankers.

Arrangements at cargo unloading terminals

109. Persons in charge of ports and terminals shall ensure that—

(a) arrangements in accordance with the regulations referred to in section 129 are provided in cargo unloading terminals to facilitate stripping of cargo tanks of ships unloading noxious liquid substances at such terminals; and

(b) cargo hoses and piping systems of such terminals, containing noxious liquid substances received from ships unloading these substances at such terminals, are not drained back to the ship.

Notification to Organization regarding reception facilities

110. The Director shall notify the Organization of—

(a) the location, type and capacity of every reception facility in Trinidad and Tobago provided for under this Part; and

(b) all cases where reception facilities provided for under this Part in Trinidad and Tobago or in any other MARPOL member State are alleged to be inadequate.

Measures of control

111. (1) The Director shall appoint or authorize surveyors for executing measures of control with respect to noxious liquid substances in accordance with the applicable regulations referred to in section 129.

(2) The master of a ship to which this Subpart applies shall ensure that sections 97 to 105 inclusive and the applicable regulations referred to in section 129 are complied with and that the Cargo Record Book is completed in accordance with section 112 whenever operations referred to in that section take place.

(3) The Director may grant exemptions from those provisions in the regulations referred to in section 129 as are specified in those regulations, only to ships unloading noxious liquid substances in a port or terminal in Trinidad and Tobago.

(4) Where an exemption is granted under subsection (3), the appropriate entry made in the Cargo Record Book shall be endorsed by the surveyor referred to in subsection (1).

Cargo Record Book

112. (1) Every ship to which this Subpart applies shall be provided with a Cargo Record Book whether as part of the ship's official log-book or otherwise, in the form specified in the Eleventh Schedule.

Eleventh Schedule

(2) The Cargo Record Book shall be completed, on a tank-to-tank basis, whenever any of the following operations with respect to a noxious liquid substance take place in the ship:

(a) loading of cargo;

(b) internal transfer of cargo;

(c) unloading of cargo;

(d) cleaning of cargo tanks;

(e) ballasting of cargo tanks;

(f) discharge of ballast from cargo tanks;

(g) disposal of residues to reception facilities;

(h) discharge into the sea or removal by ventilation of residues in accordance with section 102.

(3) In the event of any discharge of the kind referred to in section 48 (2) and section 107 of any noxious liquid substance or mixture containing such substance, whether intentional or accidental, an entry shall be made in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

(4) When a surveyor appointed or authorized by the Director to supervise any operations under this Subpart has inspected a ship, then that surveyor shall make an appropriate entry in the Cargo Record Book.

(5) Each operation referred to in subsections (2) and (3) shall be fully recorded without delay in the Cargo Record Book so that all the entries in the book appropriate to that operation are completed.

(6) Each entry shall be signed by the officer or officers in charge of the operation concerned and each page shall be signed by the master of the ship.

(7) An entry in the Cargo Record Book of a MARPOL member State made in the official national language of that State shall prevail in case of a dispute or discrepancy.

(8) The Cargo Record Book shall—

(a) be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship; and

(b) be retained for a period of three years after the last entry has been made.

(9) The Director may inspect the Cargo Record Book on board—

(a) any Trinidad and Tobago ship to which this Subpart applies; and

(b) any other ship to which this Subpart applies while the ship is in a Trinidad and Tobago port or offshore terminal.

(10) The competent Authority of the Government of a MARPOL member State may inspect the Cargo Record Book on board any Trinidad and Tobago ship to which this Subpart applies while the ship is in a port or offshore terminal of that State.

(11) The Director or competent Authority, as the case may be, may make a copy of any entry in the Cargo Record Book and may require the master of the ship to certify that the copy is a true copy of such entry.

(12) Any copy so made which has been certified by the master of the ship as a true copy of an entry in the ship's Cargo Record Book shall be admissible in any judicial proceedings in Trinidad and Tobago as evidence of the facts stated in the entry.

(13) The inspection of a Cargo Record Book and the taking of a certified copy as provided for in this subsection shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

Surveys

113. (1) Every Trinidad and Tobago ship to which this Subpart applies shall be subject to the surveys specified below:

(a) an initial survey before the ship is put in service or before the NLS Certificate required under section 120 is issued for the first time, which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and material, and shall ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Subpart;

(b) periodical surveys at intervals of five years, which shall be such as to ensure that the ship's structure, equipment, systems, fittings, arrangements and material continue to fully comply with the requirements of this Subpart.

(c) an intermediate survey during the period of validity of the NLS Certificate which shall be such as to ensure that the equipment and associated pump and piping systems fully comply with the applicable requirements of this Subpart and are in good working order.

(d) an annual survey within three months before or after the day and the month of the date of issue of the NLS 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.

(2) The intermediate survey referred to in subsection (1)*(c)* 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.

(3) Such intermediate and annual surveys as are provided for in paragraphs *(c*) and *(d)* shall be endorsed on the NLS Certificate.

Nominated surveyors and recognized organizations

114. (1) Subject to subsection (2), surveys under section 113 shall be carried out by surveyors appointed under this Act.

(2) The Director may entrust the surveys under section 113 to surveyors nominated for the purpose or to organizations recognized by him, and in every such case, the Director shall fully guarantee the completeness and efficiency of the survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

(3) Surveyors or organizations to whom surveys are entrusted under subsection (2) shall as a minimum be empowered by the Director to—

(a) require repairs to a ship; and

(b) carry out surveys and inspections where requested by the appropriate authorities of another MARPOL member State or a port State.

(4) The Director shall notify the Organization of the specific responsibilities and conditions delegated to such nominated surveyors or recognized organizations for circulation to MARPOL member States for the information of their officers.

Corrective action

115. (1) When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars in the NLS 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 Director.

(2) When the Director, determines that a ship is in a condition referred to in subsection (1), he shall require that ship to take corrective action immediately.

Withdrawal of NLS Certificate and detention

116. Where corrective action as required by section 115 is not taken—

(a) the NLS Certificate of the ship shall be withdrawn and the Director 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; and

(b) where the ship is in the port of another MARPOL member State, the port State authorities shall be notified immediately.

Assistance to other MARPOL member states

117. (1) When the Government of another MARPOL member State or its nominated surveyor or recognized organization, has notified the Director that a ship certified by that member State is in a port or at an offshore terminal in Trinidad and Tobago and has failed to take corrective action in accordance with section 115, the Director shall give such Government, surveyor or organization any necessary assistance.

(2) Where it appears that the ship, if permitted to sail would present an unreasonable threat of harm to the marine environment, the Director shall take such steps as will ensure that the ship does 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.

Maintenance requirements

118. The owner, master or agent of any ship to which this Subpart applies shall ensure that—

(a) the condition of the ship and its equipment is maintained to conform with the requirements of this Subpart, as applicable, to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment; and

(b) after any survey of the ship under section 113 has been completed, no change is made to the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the prior approval of the Director, except the direct replacement of such equipment and fittings.

Report of accidents and defects

119. (1) 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, fittings, arrangements or materials as required under this Subpart—

(a) the owner, master or agent of the ship shall report such accident or defect to the Director at the earliest opportunity, or to the recognized organization or nominated surveyor responsible for issuing the NLS Certificate who shall cause an investigation to be made to determine whether a survey would be necessary; and

(b) where the ship is in a port of another MARPOL member State, the owner, master or agent shall also report the accident or defect immediately to the appropriate authorities of the port State and the nominated surveyor or the recognized organization shall ascertain that such report has been made.

(2) If it is determined from an investigation made pursuant to subsection (1)*(a)* that a survey is necessary, it shall be carried out in accordance with this Subpart, and if the survey reveals that the ship is no longer in conformity with the requirements of this Subpart, or that it is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, the Director shall require corrective action to be taken by the ship and, if necessary, may cause the ship to be detained.

NLS Certificate

120. (1) An NLS Certificate shall be issued, after survey in accordance with section 113 and after the applicable requirements of the appropriate regulations referred to in section 129 have been complied with to any Trinidad and Tobago ship to which this Subpart applies and which is engaged in voyages to ports or offshore terminals under the jurisdiction of other MARPOL member States.

(2) The NLS Certificate shall be issued either by the Director or by any person or organization duly authorized by it and in every such case the Director shall assume full responsibility for the Certificate.

Issue of NLS Certificate upon request by a MARPOL member state

121. (1) The Director may at the request of the Government of a MARPOL member State cause a ship to be surveyed and, if satisfied that this Subpart has been complied with, shall issue or authorize the issue of an NLS Certificate to the ship in accordance with this Subpart.

(2) An NLS Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of a MARPOL member State and a copy of it together with a copy of the survey report shall be transmitted as early as possible to the Government requesting the survey.

(3) An NLS Certificate issued by another MARPOL member State in respect of a Trinidad and Tobago ship at the request of the Director, shall have the same force and receive the same recognition in Trinidad and Tobago as an NLS Certificate issued under this Subpart.

(4) No NLS Certificate shall be issued to a ship which does not fly the flag of a MARPOL member State.

Form of NLS Certificate Twelfth Schedule

122. An NLS Certificate shall be in the form prescribed in the Twelfth Schedule.

Duration of NLS Certificate

123. (1) Subject to this section, an NLS Certificate shall be valid for five years from the date of its issue and may be renewed for successive periods of five years provided the ship remains in service as a Trinidad and Tobago ship.

(2) An NLS Certificate shall cease to be valid —

(a) where significant alterations have taken place in the construction, equipment,

systems, fittings, arrangements or material required without the approval of the Director, except the direct replacement of such equipment or fittings; or

(b) where intermediate or annual surveys as specified by the Director under section 113 have not been carried out; or

(c) upon transfer of such ship to the flag of another State.

(3) For the purposes of sub-section (2)*(a)*, an alteration shall be deemed "significant" where the construction, systems, fittings, arrangements or material have been altered to the extent that the ship no longer meets the requirements of this Subpart.

Transfer of flag

124. (1) Upon transfer of a Trinidad and Tobago ship to the flag of another MARPOL member State, where such State so requests within ninety days after the transfer has taken place, the Director shall transmit as soon as possible to the Government of the State concerned, a copy of the NLS Certificate carried by the ship before the transfer and, if available, a copy of the ship's most recent survey report.

(2) Where a ship is transferred to the Trinidad and Tobago flag, a new NLS Certificate shall only be issued when the Director is fully satisfied that the ship is in full compliance with the requirements of section 118.

Survey and certification of chemical tankers

125. Notwithstanding sections 113 to 124 inclusive, chemical tankers which have been surveyed and certified by MARPOL member States in accordance with the IBC Code or BCH Code, as applicable, shall be deemed to have complied with sections 113 to 124 inclusive, and the certificate issued under the IBC Code or BCH Code shall have the same force and receive the same recognition as an NLS Certificate issued under section 120.

Requirements for mininimizing accidental pollution

126. (1) This section applies only to Trinidad and Tobago ships carrying in bulk Category A, B or C substances as provided in section 92.

(2) The design, construction, equipment and operation of ships referred to in sub-section (1), shall be such as to minimize the uncontrolled discharge into the sea of such substances.

(3) Chemical tankers constructed on or after 1st July, 1986 shall comply with the requirements of the IBC Code.

(4) Chemical tankers constructed before 1st July, 1986—

(a) for which the building contracts were placed on or after 2nd November, 1973 and which are engaged on voyages to ports or terminals under the jurisdiction of MARPOL member States other than Trinidad and Tobago;

(b) but on or after 1st July, 1983 were engaged solely on voyages between ports or terminals within Trinidad and Tobago,

shall comply with the requirements of the BCH Code as applicable to ships referred to in 1.7.2 of that Code.

(5) Chemical tankers constructed—

(a) before 1st July, 1986, for which the building contracts were placed before 2nd November, 1973 and which are engaged on voyages to ports or terminals under the jurisdiction of MARPOL member States other than Trinidad and Tobago;

(b) before 1st July, 1983 which are engaged on voyages between ports or terminals within Trinidad and Tobago,

shall comply with the requirements of the BCH Code as applicable to ships referred to in 1.7.3 of that Code.

(6) In respect of ships other than chemical tankers carrying Category A, B or C substances in bulk, the Director shall establish appropriate measures based on the Guidelines developed by the Organization in order to ensure that subsection (2) is complied with.

Carriage and discharge of oil-like substance

Ninth Schedule

127. Notwithstanding anything contained in this Subpart, noxious liquid substances referred to in the Ninth Schedule 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 in an oil tanker as defined in Subpart 2 of this Part and discharged in accordance with the provisions of that Subpart provided all of the following conditions are complied with:

(a) the ship complies with Subpart 2 of this Part as applicable to product carriers as defined in that Subpart; and

(b) the ship carries an IOPP Certificate and its Supplement B and the certificate is endorsed to indicate that the ship may carry oil-like substances in conformity with this section 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 IBC Code in the case of a ship constructed on or after 1st July, 1986; or

(ii) the BCH Code as applicable under section 126 in the case of a ship constructed before 1st July, 1986; and

(d) the oil content meter in the oil discharge monitoring and control system of the ship

is approved by the Director for use in monitoring the oil-like substances to be carried.

Offences

128. (1) Where any ship, or the owner or master thereof, fails to comply with any requirement of this Subpart or its related Schedules, the owner or the master of the ship shall each be guilty of an offence, and each shall be liable upon summary conviction to a fine not exceeding five hundred thousand dollars.

(2) It shall be a defence for a person charged under subsection (1) to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) Where an offence under this section is committed, or would have been committed save for the operation of subsection (2), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of an offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

Regulations

129. The Minister shall make regulations for *inter alia*, the following:

Eighth/Tenth Schedule

(a) provisional categorization of substances not included in the Eighth or Tenth Schedules;

(b) equivalency provisions for gas carriers;

(c) guidelines for the categorization of noxious liquid substances;

(d) guidelines for the provisional assessment of liquids transported in bulk;

(e) pumping, piping and unloading arrangements for ships to which this Subpart applies;

(f) standards for procedures and arrangements for the discharge of noxious liquid substances;

(g) types of reception facilities and arrangements in cargo unloading terminals;

(h) measures of control with respect to noxious liquid substances—

(i) Category A substances in all areas;

(ii) Category B and C substances outside special areas;

(iii) Category B substances within special areas;

(iv) Category C substances within special areas;

(v) Category D substances in all areas.

(i) guidelines for minimization of accidental pollution;

(j) Cargo Record Book;

(k) survey and certification of ships not required to hold an IOPP Certificate for the carriage of noxious liquid substances in bulk;

(l) survey and certification of chemical tankers;

(m) categorization of oil-like substances.

Subpart 4

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

130. In this Subpart— Interpretation

"harmful substances" means those substances which are identified as marine pollutants

in the IMDG Code and includes empty packagings which have been used previously for the carriage of harmful substances unless adequate precautions have been taken to ensure that they contain no residue that is harmful to the marine environment;

"IMDG Code" means the International Maritime Dangerous Goods Code adopted by the IMO by Resolution A.716(17) as amended from time to time by the Maritime Safety Committee of the Organisation;

"packaged form" means the forms of containment specified for harmful substances in the IMDG Code.

Application

131. (1) Unless expressly provided otherwise, this Subpart applies to all ships to which this Part applies, carrying harmful substances in packaged form.

(2) For the purposes of identifying harmful substances in packaged form reference shall be made to the Guidelines contained in the Thirteenth Schedule.

Thirteenth Schedule

Prohibitions on carriage, shipment and jettisoning of harmful substances

132. (1) All ships to which this Part applies are prohibited from—

(a) carrying harmful substances in packaged form except in accordance with this Subpart;

(b) jettisoning harmful substances in packaged form.

(2) No person shall ship or offer for shipment from any Trinidad and Tobago port harmful substances in packaged form except in accordance with this Subpart.

Packing

133. Packages shall be adequate to minimize the hazard to the marine environment having regard to their specific contents.

134. (1) Packages containing a harmful substance, shall be durably marked with the correct technical name and shall be durably marked or labelled to indicate that the substance is a marine pollutant. Marking and labelling

(2) Trade names alone shall not be used to identify a harmful substance by its correct technical name.

(3) The identification of packages containing a harmful substance as referred to in this section, shall be supplemented where possible by any other means, such as by the use of the United Nations number.

(4) The method of marking, the correct technical name and of affixing labels on packages containing a harmful substance shall be such that this information will still be identifiable on packages surviving at least three months' immersion in the sea.

(5) In considering suitable marking and labelling, account shall be taken of the durability of the materials used and of the surface of the package.

(6) Packages containing small quantities of harmful substances may be exempted from the marking requirements in accordance with the specific exemptions provided for in the IMDG Code.

135. (1) In all documents relating to the carriage of harmful substances by sea where such substances are named, the correct technical name of each such substance shall be used and the substance shall be further identified by the addition of the words "MARINE POLLUTANT". Documentation

(2) Trade names alone shall not be used to identify a harmful substance by its correct technical name.

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

(4) Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof.

(5) A detailed stowage plan setting out the location of all harmful substances on board may be used in lieu of the special list or manifest referred to in subsection (4).

(6) Copies of the documents referred to in subsections (4) and (5) shall also be retained on shore by the owner of the ship or his representative until the harmful substances are unloaded and a copy of one of these documents shall be made available before departure to the Director.

(7) Where the ship carries a special list or manifest or a detailed stowage plan, required for the carriage of dangerous goods by SOLAS 1974, the documents required by this section may be combined with those for dangerous goods; and where documents are so combined, a clear distinction shall be made between dangerous goods and harmful substances covered by this Subpart.

(8) In this section, “documents” includes information available through the use of electronic data processing (EDP) and electronic data interchange (EDI) transmission techniques as an aid to paper documentation.

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

137. (1) Certain harmful substances 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. Quantity limitations

(2) 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 substances.

138. The Minister shall make regulations prescribing— Regulations

(a) detailed requirements on packing, marking, labelling, documentation, stowage, quantity limitations and exceptions for preventing or minimizing pollution of the marine environment, in conformity with the IMDG Code;

(b) terms and conditions under which ships to which this Subpart applies may carry, or persons may ship or offer for shipment harmful substances in packaged form;

(c) measures to be taken to regulate the washing of leakages overboard based on the physical, chemical and biological properties of harmful substances;

(d) inspections to be made by the Director of all ships to which this Subpart applies to ensure compliance with this Subpart.

139. (1) The requirements of this Subpart shall not apply to ships' stores and equipment. Exceptions

(2) Section 132(1)*(b)* shall not apply where jettisoning of harmful substances in packaged form may be necessary for the purpose of securing the safety of the ship or saving life at sea.

(3) All ships to which this Subpart applies shall comply with the measures referred to in section 138*(c)* provided that such compliance will not impair the safety of the ship and persons on board.

Offences

140. (1) An owner, master or agent of a ship that accepts goods for carriage by sea in contravention of section 132(1)*(a)* shall be guilty of an offence and each shall be liable upon summary conviction to a fine of two hundred and fifty thousand dollars.

(2) Subject to section 139(2), any person who contravenes section 132(1)*(b)* shall be guilty of an offence and shall be liable upon summary conviction to a fine of fifty thousand dollars and shall also be liable to pay any costs which may be incurred in connection with the recovery of such substances.

(3) Any person who fails to take the measures prescribed pursuant to section 138*(c)* shall be guilty of an offence and shall be liable upon summary conviction to a fine of twenty-five thousand dollars unless he can show that compliance with such measures would have impaired the safety of the ship and persons on board.

(4) It shall be a defence for a person charged with an offence under this section to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(5) Where an offence under this section is committed, or would have been committed save for the operation of subsection (4), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of an offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

Subpart 5

PREVENTION OF POLLUTION BY SEWAGE

Interpretation

141. In this Subpart—

"existing ship" means a ship which is not a new ship;

"holding tank" means a tank used for the collection and storage of sewage;

"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 Part; or

(b) the delivery of which is three years or more after the date of entry into force of this Part.

"sewage" means—

(a) drainage and other wastes from any form of toilets, and urinals;

(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.

"SPPC" means Sewage Pollution Prevention Certificate and includes an International Sewage Pollution Prevention Certificate.

Application

142. (1) Subject to this section, this Subpart applies to all ships to which this Part applies which are—

(a) new ships—

(i) of four hundred gross tonnage and above; and

(ii) of less than four hundred gross tonnage which are certified to carry more than fifteen persons;

(b) existing ships—

(i) of four hundred gross tonnage and above, five years after the date of entry into force of this Part;

(ii) of less than four hundred gross tonnage which are certified to carry more than fifteen persons, five years after the date of entry into force of this Part; and

(c) new and existing Trinidad and Tobago ships of less than two hundred gross tonnage or which do not have a measured gross tonnage, and which are certified to carry less than ten persons to the extent provided in this Subpart and as may be prescribed.

(2) This Subpart shall apply to ships of MARPOL member States who are Parties to Annex IV of MARPOL from the date on which Annex IV of MARPOL enters into force for Trinidad and Tobago, and the words "date of entry into force of this Part" in this section and in section 141 shall be construed accordingly.

Surveys

143. (1) Every Trinidad and Tobago ship which is required to comply with this Subpart and which is engaged in voyages to ports or offshore terminals under the jurisdiction of other MARPOL member States shall be subject to the following surveys, namely:

(a) an initial survey before the ship is put in service or before the certificate required under section 144 is issued for the first time;

(b) a renewal survey done at intervals specified by the Director, but not exceeding five years, except as provided for in section 148;

(c) an additional survey either general or partial, as determined by the Director whenever a ship to which this Subpart applies is involved in an accident, or is discovered to have a defect which substantially affects its integrity, efficiency or the completeness of its equipment as provided for by this Subpart.

(2) The surveys referred to—

(a) in subsection (1)*(a)* and *(b)* shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of this Subpart;

(b) in subsection (1)*(c)* shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship or such repairs or renewals are in all respects satisfactory and that the ship complies in all respects with the requirements of this Subpart.

(3) Where the duration of the SPPC is extended pursuant to section 148(2), the intervals of the renewal survey may be extended correspondingly.

(4) The Director shall establish appropriate measures for ships which are not subject to subsections (1) to (3) in order to ensure that this Subpart is complied with.

(5) Subject to subsection (6), surveys of the ship as regards enforcement of this Subpart shall be carried out by surveyors appointed under the Act.

(6) The Director may entrust the surveys either to surveyors nominated for the purpose or to organisations recognized by him, and empower such surveyors or organizations to—

(a) require repairs to the ship; and

(b) carry out surveys if requested by the appropriate authority of a MARPOL member State or a port State,

and in every such case, the Director shall fully guarantee the completeness and efficiency of the surveys.

(7) After any survey of the ship under this section 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 Director, except the direct replacement of such equipment or fittings.

(8) For the purposes of subsection (7), "significant" in reference to a change has the same meaning as in section 148(4).

Regulations

144. (1) The Minister shall make regulations prescribing requirements on board ships in respect of, *inter alia*—

(a) sewage treatment plants;

(b) systems to comminute and disinfect sewage;

(c) holding tanks;

(d) pipelines and standard discharge connections for discharging sewage into reception facilities at ports and terminals in Trinidad and Tobago;

(e) maintenance of records and documents including copies of SPPCs issued by the Director and issuing copies thereof to other MARPOL member States upon request;

(f) Trinidad and Tobago ships that are existing ships to comply with this Subpart, including the issue of SPPCs to such ships;

(g) the rate of discharge of sewage from holding tanks,

and shall prescribe such other standards, conditions and requirements regulating or prohibiting discharges of sewage of ships as may be deemed appropriate for the preservation of human health, and for the marine environment including the conservation of natural resources therein.

(2) The Regulations referred to in subsection (1) shall be made in accordance with standards and guidelines developed by the Organization.

Issue of International sewage pollution prevention certificate

145. (1) An SPPC shall be issued to a ship after survey in accordance with section 143 and after the applicable requirements of the Regulations referred to in section 144 have been complied with.

(2) The SPPC shall be issued either by the Director or by any person or organization duly authorized by it and in every such case the Director shall assume full responsibility for the SPPC.

Issue of SPPC upon request by a MARPOL member State

146. (1) The Director may at the request of the Government of a MARPOL member State cause a ship to be surveyed and, if satisfied that this Subpart has been complied with, shall issue or authorize the issue of a SPPC to the ship in accordance with this Subpart.

(2) An SPPC so issued shall contain a statement to the effect that it has been issued at the request of the Government of a MARPOL member State and a copy of it together with a copy of the survey report shall be transmitted as early as possible to the Government requesting the survey.

(3) An SPPC issued by another MARPOL member State in respect of a Trinidad and Tobago ship at the request of the Director, shall have the same force and receive the same recognition in Trinidad and Tobago as an SPPC issued under this Subpart.

(4) No SPPC shall be issued to a ship which does not fly the flag of a MARPOL member State.

Form of SPPC

Fourteenth Schedule

147. An SPPC shall be in the form prescribed in the Fourteenth Schedule.

Duration of SPPC

148. (1) Subject to this section, an SPPC shall be valid for five years from the date of its issue and may be renewed for successive periods of five years provided the ship remains in service as a Trinidad and Tobago ship.

(2) Where an SPPC expires while the ship is at sea, the Director may, where it appears proper and reasonable to do so, grant an extension for its renewal up to a period not to exceed five months, only for the purpose of allowing the ship to complete its voyage to Trinidad and Tobago or arrive at the port where it is to be surveyed, and the ship shall not be entitled, by virtue of such extension, to leave the port where the ship is situated without obtaining a new certificate.

(3) An SPPC shall cease to be valid—

(a) where significant alterations have taken place in the equipment, fittings, arrangement or material required without the approval of the Director, except the direct replacement of such equipment or fittings; or

(b) upon transfer of such ship to the flag of another State, except as provided in subsections (5) and 6.

(4) For the purposes of subsection (3)*(a)*, an alteration shall be deemed “significant” where the

construction, systems, fittings, arrangements or material have been altered to the extent that the ship no longer meets the requirements of this Subpart.

(5) Upon transfer of a ship between the Trinidad and Tobago flag and the flag of another MARPOL member State, the SPPC 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 Director or the competent authority of the other MARPOL member State, as the case may be, issues a replacement certificate, whichever is earlier.

(6) Following the transfer of a Trinidad and Tobago ship to the flag of another MARPOL member State, the Director shall, as soon as possible, transmit to the Government of the State concerned, a copy of the SPPC carried by the ship before the transfer and, if available, a copy of the relevant survey report.

Discharge controls

149. (1) Subject to this section, the discharge of sewage into the sea is prohibited unless—

(a) the sewage has been comminuted and disinfected using a system approved by the Director in accordance with the regulations referred to in section 144(1)*(b)* at a distance of more than three nautical miles from the nearest land; or

(b) the sewage has not been comminuted and disinfected but is discharged periodically into the sea at a distance of more than twelve nautical miles from the nearest land while the ship is en route at a rate as prescribed and proceeding at not less than four knots; or

(c) the ship has in operation an approved sewage treatment plant which has been

certified by the Director as meeting the requirements of regulations made under section 144(1)*(a)*, and

(i) the test results of the plant are set out in the ship's SPPC; and

(ii) the effluent does not produce visible floating solids in, nor cause discolouration of, the surrounding water; or

(d) the ship is discharging sewage in waters under the jurisdiction of another State in accordance with less stringent requirements imposed by that State.

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

Public notice of standards

150. The sewage discharge standards set out in section 149 and the applicable regulations referred to in section 144, shall be posted in a conspicuous place on board on all Trinidad and Tobago ships to which this Subpart applies and the crew of such ships shall be trained to comply with such standards.

Exceptions

151. The discharge standards set out in section 149 and the applicable regulations referred to in section 144, shall not apply —

(a) where discharge of sewage from a ship is necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

(b) where damage to the ship or its equipment has occurred and reasonable steps have been taken before and after the damage to prevent or minimise the discharge.

Sewage reception facilities

152. (1) There shall be provided accessible and adequate sewage reception facilities at ports and terminals in accordance with the applicable regulations referred to in section 144.

(2) Persons in charge of ports and terminals shall provide adequate and accessible sewage reception facilities in accordance with the applicable regulations referred to in section 144.

(3) The Director shall notify the Organization of all cases where the sewage reception facilities of Trinidad and Tobago, or facilities provided by other MARPOL member States are alleged to be inadequate.

Offences

153. (1) Where any ship, or the owner or master thereof, fails to comply with any requirement of this Subpart or the Schedules related thereto, the owner and the master of the ship shall each be guilty of an offence and each shall be liable upon summary conviction to a fine not exceeding one hundred thousand dollars.

(2) It shall be a defence for a person charged under subsection (1) to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) Where an offence under this section is committed, or would have been committed save for the operation of subsection (2), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of an offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

Subpart 6

PREVENTION OF POLLUTION BY GARBAGE

Interpretation

154. In this Subpart—

"cargo-associated waste" means all materials which have become wastes as a result of use on board a ship for cargo stowage and handling and includes, (but is not limited to), dunnage, shoring pallets, lining and packing materials, plywood, paper, cardboard, wire and steel strapping;

"cargo residues" means remnants in small quantities of any cargo material on board that cannot be placed in proper cargo holds, that is, loading excess and spillage or which remains in cargo holds and elsewhere after unloading procedures are completed, that is, unloading residual and spillage;

"contaminated rags" means rags which have been saturated with a substance defined as a harmful substance under this Part;

"contaminated waste" includes all wastes that contain foods or agricultural products the importation of which is restricted under the law of Trinidad and Tobago;

"domestic waste" means all types of food wastes, sewage and wastes generated in the living spaces on board the ship;

"food waste" means any spoiled or unspoiled victual substances, such as fruits, vegetables, dairy products, poultry, meat products, food scraps, food particles, and all other materials contaminated by such wastes, generated aboard ship, principally in the galley and dining areas;

"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 but does not include—

(a) substances which are defined or listed in other Subparts of this Part; and

(b) small quantities of food wastes for the specific purpose of fish feeding in connection with fishing or tourist operations;

"maintenance waste" means materials collected by the engine department and the deck department while maintaining and operating the vessel, such as soot, machinery deposits, scraped paint, deck sweeping, wiping wastes and oily rags;

"oily rags" means rags which have been saturated with oil as controlled under Subpart 2 of this Part;

"operational waste" means all cargo-associated wastes and maintenance waste including ash and clinkers, and cargo residues;

"waste" means useless, unneeded or superfluous matter which is to be discarded.

Application

155. Unless expressly provided otherwise, this Subpart shall apply to all ships to which this Part applies.

Special areas

156. For the purposes of this Subpart, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the "Gulfs area", the North Sea area, the Antarctic area and the Wider Caribbean Region.

Disposal of garbage outside special areas

157. (1) Subject to sections 158, 159 and 160—

(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) twenty-five nautical miles for dunnage, lining and packing materials which will float;

(ii) twelve nautical miles for food waste and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse but excluding incinerator ashes from plastic products which may contain toxic or heavy metal residues.

(2) Disposal into the sea of garbage specified in paragraph *(b)*(ii) may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than three nautical miles.

(3) Such comminuted or ground garbage as are referred to in subsection (2) shall be capable of passing through a screen with openings no greater than twenty-five millimetres.

Disposal of garbage from fixed or floating platforms

158. (1) Subject to subsection (2), disposal of garbage is prohibited from fixed or floating platforms engaged in the exploration, exploitation, and associated offshore processing of sea-bed mineral resources and from all ships when alongside or within 500 metres of such platforms.

(2) Disposal of food waste is permitted provided it is first passed through a comminuter or grinder and discharged from fixed or floating platforms more than twelve nautical miles from land, and all other ships when alongside or within five hundred metres of such platforms.

(3) Such comminuted or ground food wastes as is referred to in subsection (2) shall be capable of passing through a screen with openings no greater than twenty-five millimetres.

Disposal of garbage within special areas

159. Subject to section 163—

(a) disposal into the sea of the following is prohibited within special areas:

(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 waste within special areas, except as provided in section 160, shall be made as far as practicable from land, but in any case not less than twelve nautical miles from the nearest land.

Special provision for Wider Caribbbean Region

160. (1) Subject to section 163, disposal into the Wider Caribbean Region of food waste which has been passed through a comminuter or grinder shall be made as far as practicable from land, but in any case, subject to section 158, not less than three nautical miles from the nearest land.

(2) Such comminuted or ground food waste as is referred to in subsection 1 shall be capable of passing through a screen with openings no greater than twenty-five millimetres.

(3) Disposal into the sea within the Wider Caribbean Region of contaminated waste is prohibited or limited to the same extent that importation of the relevant food or agricultural product is prohibited or limited under the law of Trinidad and Tobago.

Mixed wastes

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

Special provision for Antarctic area

162. Every Trinidad and Tobago ship shall, before entering the Antarctic area, have sufficient capacity on board for the retention of all garbage while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area.

Exceptions

163. Sections 157 to 161 inclusive shall not apply to—

(a) the disposal of garbage from a ship where such disposal is necessary to secure the safety of a ship and those on board or for saving life at sea;

(b) the escape of garbage resulting from damage to a ship or its equipment, provided all reasonable precautions have been taken before and after the damage to prevent or minimize the escape;

(c) the accidental loss of synthetic fishing devices, provided all reasonable precautions have been taken to prevent such loss.

164. There shall be provided adequate and accessible garbage reception facilities in accordance with the regulations made pursuant to section 169. Garbage reception facilities

165. (1) Reception Facilities shall be periodically inspected by the Director to ensure that they meet the requirements of this Part and the regulations made pursuant to section 169. Inspection of reception facilities and notice of inadequate facilities

(2) The Director shall notify the Organisation of all cases where reception facilities in Trinidad and Tobago or in other MARPOL member States are alleged to be inadequate.

166. (1) Every ship of twelve metres in length overall shall display placards which notify the crew and passengers of the disposal requirements of sections 157, 159 and 160 as applicable. Placards

(2) The placards shall be written in English, and for ships engaged in voyages to ports or off-shore terminals in other MARPOL member States, in English French or Spanish.

167. (1) Every ship of four hundred gross tonnage and above, and every ship which is certified to carry fifteen persons or more, shall carry a garbage management plan which the crew shall follow. Garbage management plans

(2) The garbage management plan referred to in subsection (1) shall—

(a) provide written procedures for collecting, storing, processing and disposing of garbage, including the use of the equipment on board; and

(b) designate the person in charge of carrying out the plan; and be in accordance with the guidelines developed by the Organization and written in the working language of the crew.

Garbage record book

168. (1) Every ship of four hundred gross tonnage and above and every ship which is certified to carry fifteen persons or more engaged in voyages to ports or offshore terminals of other MARPOL member States shall be provided with a Garbage Record Book.

(2) The Garbage Record Book, whether as a part of the ship's official log book or otherwise, shall be in the form specified in the Fifteenth Schedule.

Fifteenth Schedule

(3) Each discharge operation, or completed incineration, shall be recorded in the Garbage Record Book and signed for on the date of the incineration or discharge by the officer in charge, and each completed page of the Garbage Record Book shall be signed by the master of the ship. Entries shall be written in English, and for ships engaged in voyages to ports or off-shore terminals in other MARPOL member States, in English, French or Spanish.

(4) An entry in the Garbage Record Book of a MARPOL member State made in an official national language of that State shall prevail in case of a dispute or discrepancy.

(5) The entry for each incineration or discharge shall include the date and time, position of the ship, description of the garbage and the estimated amount incinerated or discharged;

(6) The Garbage Record Book shall be kept on board the ship and in such a place as to be available for inspection at a reasonable time and shall be preserved for a period of two years after the last entry is made on the record.

(7) In the event of discharge, escape or accidental loss referred to in section 163, an entry shall be made in the Garbage Record Book of the circumstances of, and the reasons for, the loss.

(8) The Director may waive the requirements for Garbage Record Books for any ship engaged on voyages of one hour or less in duration which is certified to carry fifteen persons or more.

(9) The Director may inspect the Garbage Record Book on board—

(a) any Trinidad and Tobago ship to which this Subpart applies; and

(b) any other ship to which this Subpart applies while the ship is in a Trinidad and Tobago port or off-shore terminal.

(10) The competent authority of the Government of a MARPOL member State may inspect the Garbage Record Book on board any Trinidad and Tobago ship to which this Subpart applies while the ship is in its ports or offshore terminals and may make a copy of any entry in that book, and may require the master of the ship to certify that the copy is a true copy of such an entry.

(11) Any copy made in accordance with subsection (10), which has been certified by the master of the ship as a true copy of an entry in the Garbage Record Book, shall be admissible in any judicial proceedings as evidence of the facts stated in the entry.

(12) The inspection of a Garbage Record Book and the taking of a certified copy by the competent authority under this subsection shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

Regulations

169. The Minister shall make regulations prescribing criteria for determining the adequacy of garbage reception facilities at ports and terminals and measures to be adopted to ensure adequacy and accessibility without causing undue delay to ships.

Notification of garbage disposal prohibitions

170. Within thirty days of the entry into force of this Part, the Director shall notify all owners, representatives and agents of Trinidad and Tobago ships to which this Subpart applies, of the garbage discharge prohibitions and restrictions provided for in this Subpart.

Offences

171. (1) Where any ship, or the owner or the master thereof, fails to comply with any requirement of this Subpart or the Schedules related thereto, the owner and the master of the ship shall each be guilty of an offence and each shall be liable upon summary conviction to a fine not exceeding five hundred thousand dollars.

(2) It shall be a defence for a person charged under subsection (1) to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) Where an offence under this section is committed, or would have been committed save for the operation of subsection (2), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of an offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

PART VI

Oil Pollution Preparedness and Response

Interpretation

172. In this Part—

"Convention" means International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990;

"National Controller" means the officer appointed by the Minister with responsibility for the oil sector to coordinate and manage the National Oil Spill Contingency Plan;

"National Oil Spill Contingency Plan" means a plan formulated by Government establishing measures of reporting, taking preventative and mitigation measures, and of co-operation with other States with regard to oil pollution incidents, as required by Article 6 of the Convention.

"offshore unit" means any fixed or floating offshore installation or structure engaged in gas or oil exploration, exploitation or production activities, or loading or unloading of oil;

"oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

"oil pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response;

"sea ports and oil handling facilities" means those facilities which present a risk of an oil pollution incident and includes, *inter alia*, sea ports, oil terminals, pipelines and other oil handling facilities;

"ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, and floating craft of any type.

Application of Part

173. (1) This Part shall not apply to—

(a) any Trinidad and Tobago Government ship on government non-commercial service and any ship which forms part of the Trinidad and Tobago Defence Forces; and

(b) any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-service.

(2) Ships referred to in subsection (1)*(a)* shall, so far as is reasonable and practicable, act in a manner consistent with this Part.

Oil pollution emergency plans

174. (1) Operators of offshore units under the jurisdiction of Trinidad and Tobago shall have oil pollution emergency plans, which are co-ordinated with the system established in accordance with section 177 and approved in accordance with procedures established by the National Controller.

(2) Authorities or the operators in charge of sea ports and oil handling facilities under the jurisdiction of Trinidad and Tobago shall have oil pollution emergency plans or similar arrangements which are co-ordinated with the system established in accordance with section 177 and approved in accordance with procedures established by the National Controller.

Oil pollution reporting procedures

175. (1) Persons having charge of offshore units under the jurisdiction of Trinidad and Tobago shall report to the National Controller without delay—

(a) any event on their offshore unit involving a discharge or probable discharge of oil; and

(b) any observed event at sea involving a discharge of oil or the presence of oil.

(2) Persons having charge of sea ports and oil handling facilities under the jurisdiction of Trinidad and Tobago shall report without delay any event involving a discharge or probable discharge of oil or the presence of oil to the National Controller.

(3) The following officials shall report without delay any observed event at sea or at a sea port or oil handling facility involving a discharge of oil or the presence of oil to the National Controller:

(a) officers of the Maritime Services Division, Defence Force, Police, Customs or Immigration Services; and

(b) any other officials designated by the Minister for the purposes of this subsection.

(4) Reports under this section shall be made in accordance with section 48 as appropriate.

Action on receiving an oil pollution report

176. (1) When the National Controller receives a report referred to in section 175 or pollution information provided by other sources, he shall—

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

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

(c) then, without delay, inform all States whose interests are affected or likely to be affected by such oil pollution incident, together with—

(i) details of its assessments and any action it has taken, or intends to take, to deal with the incident, and

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

(2) In the event of a serious oil pollution incident, the National Controller shall, forthwith inform the Director, and if the Director deems it appropriate, he shall provide the Organization directly or, through the relevant regional organization or arrangement with the information referred to in paragraph (1)*(b)* and *(c)*.

(3) When exchanging information and communicating with other States and with the

Organization, the National Controller shall, in so far as it is practicable, comply with the reporting system contained in Section 2 of the Manual on Oil Pollution, Section II—Contingency Planning, developed by the Marine Environment Protection Committee of the Organization.

National and regional systems for preparedness and response

177. (1) There shall be established a national system for responding promptly and effectively to oil pollution incidents.

(2) The National Controller shall be—

(a) the competent national authority with responsibility for oil pollution preparedness and response;

(b) the national operational contact point responsible for the receipt and transmission of oil pollution reports as referred to in section 176; and

(c) the authority to act on behalf of the Government to request assistance or to decide to render the assistance requested.

(3) A national contingency plan for preparedness and response which shall include the organizational relationship of the various bodies involved, whether public or private, shall be prepared taking into account the guidelines contained in Section 2 of the Manual on Oil Pollution, developed by the Marine Environment Protection Committee of the Organization.

(4) The National Controller shall, within his capabilities either individually or through bilateral or multilateral co-operation and, as appropriate, in co-operation with the oil and shipping industries, port authorities and other relevant entities, establish—

(a) a minimum level of pre-positioned oil spill combating equipment, commensurate with the risk involved, and programmes for its use;

(b) a programme of exercises for oil pollution response organizations and training of relevant personnel;

(c) detailed plans and communication capabilities which are continuously available to an oil pollution incident; and

(d) arrangements to co-ordinate the response to an oil pollution incident with, if appropriate, the capabilities to mobilize the necessary resources.

(5) The National Controller shall, provide the Director with current information concerning—

(a) the location, telecommunication data and, where applicable, area of its responsibility;

(b) information concerning pollution response equipment and expertise in disciplines related to oil pollution responses and marine salvage which may be made available to other States, upon request; and

(c) the national contingency plan,

and the Director shall ensure that such information is provided to the Organization, directly or through the relevant regional organization or arrangements.

International co-operation in pollution

178. (1) The National Controller shall co-operate and provide advisory services, technical support and equipment for the purpose of responding to a serious oil pollution incident, upon the request of any State Party affected or likely to be affected.

(2) The financing of the costs for such assistance shall be based on the provisions set out in the Annex to the Convention, appearing herein in the Sixteenth Schedule.

Sixteenth Schedule

(3) Where Trinidad and Tobago has requested assistance it may seek assistance from the Organization in identifying sources of provisional financing of the costs referred to in subsection (2).

(4) In accordance with applicable international agreements, the National Controller shall take necessary measures to facilitate—

(a) the arrival and utilization in, and departure from, its territory of ships, aircraft and other modes of transport engaged in responding to an oil pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and

(b) the expeditious movement into, through, and out of Trinidad and Tobago of personnel, cargoes, materials and equipment referred to in paragraph *(a)*.

Research and development

179. (1) The National Controller shall co-operate directly or, as appropriate, through the Organization or relevant regional organizations or arrangements in the promotion and exchange of results of research and development programmes relating to the enhancement of the state-of-the-art of oil pollution preparedness and response, including technologies and techniques for surveillance, containment, recovery, dispersion, clean-up and otherwise minimizing or mitigating the effects of oil pollution, and for restoration.

(2) The National Controller shall, where appropriate, establish directly or, as appropriate, through the Organization or relevant regional organizations or arrangements, the necessary links between research institutions of Trinidad and Tobago and those of other State Parties.

(3) The National Controller shall, where appropriate, co-operate directly or through relevant regional organizations or arrangements to promote, as appropriate, the holding on a regular basis of international symposia on relevant subjects, including technological advances in oil pollution combating techniques and equipment.

(4) The National Controller shall, where appropriate, encourage through other competent international organizations, the development of standards for compatible oil pollution combating techniques and equipment.

Technical co-operation

180. (1) The National Controller shall, where appropriate, directly or through international bodies, as appropriate, in respect of oil pollution preparedness and response, provide support for those State Parties which request technical assistance—

(a) to train personnel;

(b) to ensure the availability of relevant technology, equipment and facilities;

(c) to facilitate other measures and arrangements to prepare for and respond to oil pollution incidents; and

(d) to initiate joint research and development programmes.

(2) The National Controller shall, where appropriate, co-operate in the transfer of technology in respect of oil pollution preparedness and response.

Bilateral and multilateral co-operation in preparedness and response

181. (1) Where the National Controller enters into bilateral or multilateral agreements for oil pollution preparedness and response, copies of such agreements shall be communicated to the Organization.

Relation to other parts

182. Nothing in this Part shall be construed as altering the rights or obligations provided under any other Part of this Act.

PART VII

LIABILITY AND COMPENSATION FOR POLLUTION DAMAGE

Subpart 1

LIABILITY FOR OIL POLLUTION

Interpretation

183. (1) In this Subpart—

"damage" includes loss;

"Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage 1992;

"Liability Convention Country" means a country in respect of which the Liability Convention is in force; and

"Liability Convention State" means a State which is a party to the Convention;

"oil" means persistent hydrocarbon mineral oil;

"owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship, except that, in relation to a ship owned by a state which is operated by a person registered as the ship's operator, it means the person registered as its operator;

"relevant threat of contamination" shall be construed in accordance with section 184(2) or 185(2); and

"ship", subject to section 185(4), means any sea-going vessel or sea-borne craft of any type whatsoever.

(2) In relation to any damage or cost resulting from the discharge or escape of any oil from a ship, or

from a relevant threat of contamination, references in this Subpart to the owner of the ship are references to the owner at the time of the occurrence or first of the occurrences resulting in the discharge or escape or, as the case may be, in the threat of contamination.

(3) Where the Minister by Order declares that any State specified in the Order is a party to the Liability Convention in respect of any country so specified the Order shall, while in force, for the purposes of this Part, be conclusive evidence that that State is party to the Liability Convention in respect of that country.

(4) References in this Subpart to the territory of any country includes the territorial sea of that country, and in the case of Trinidad and Tobago and any Liability Convention country, the exclusive economic zone thereof established in accordance with international law, or, where such a zone has not been established, such area adjacent to the territorial sea thereof and extending not more that two hundred nautical miles from the baselines from which the breadth of that sea is measured as may have been determined by the State in question in accordance with international law.

Liability

Liability for oil pollution in case of tankers

184. (1) Where, as a result of any occurrence, any oil is discharged or escapes from a ship to which this section applies, then except as otherwise provided by this Subpart, the owner of the ship shall be liable—

(a) for any damage caused outside the ship in the territory of Trinidad and Tobago by contamination resulting from the discharge or escape;

(b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or minimising any damage so caused in the territory of

Trinidad and Tobago by contamination resulting from the discharge or escape; and

(c) for any damage caused in the territory of Trinidad and Tobago by any measures so taken.

(2) Where, as a result of any occurrence, there arises a grave and imminent threat of damage being caused outside a ship to which this section applies by the contamination that might result if there were a discharge or escape of oil from the ship, then, except as otherwise provided by this Subpart, the owner of the ship shall be liable—

(a) for the cost of any measures reasonably taken for the purpose of preventing or minimising any such damage in the territory of Trinidad and Tobago; and

(b) for any damage caused outside the ship in the territory of Trinidad and Tobago by any measures taken,

and in this Subpart any such threat is referred to as a "relevant threat of contamination".

(3) Subject to subsection (4), this section applies to any ship constructed or adapted for carrying oil in bulk as cargo.

(4) Where any ship so constructed or adapted is capable of carrying other cargoes besides oil, this section shall apply to any other ship—

(a) while it is carrying oil in bulk as cargo; and

(b) unless it is proved that no residues from the carriage of any such oil remain in the ship, while it is on any voyage following the carriage of any such oil,

but not otherwise.

(5) Where a person incurs a liability under subsection (1) or (2) he shall also be liable for any damage or cost for which he would be liable under that

subsection if the references in it to the territory of Trinidad and Tobago included the territory of any other Liability Convention country.

(6) Where as a result of any occurrence, a liability is incurred under this section by the owner of each of two or more ships, but the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable, each of the owners shall be liable, jointly with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.

(7) For the purposes of this Subpart—

(a) references to a discharge or escape of oil from a ship are references to such a discharge or escape wherever it may occur, and whether it is oil carried in a cargo tank or of oil carried in a bunker fuel tank;

(b) where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one, but any measures taken after the first of them shall be deemed to have been taken after the discharge or escape; and

(c) where a relevant threat of contamination results from a series of occurrences having the same origin, they shall be treated as a single occurrence.

Liability for oil pollution in case of other ships

185. (1) Where, as a result of any occurrence, any oil is discharged or escapes from a ship other than a ship to which section 184 applies, then, except as otherwise provided by this Subpart, the owner of the ship shall be liable—

(a) for any damage caused outside the ship in the territory of Trinidad and Tobago by

contamination resulting from the discharge or escape; and

(b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or minimizing any damage so caused in the territory of Trinidad and Tobago by contamination resulting from the discharge or escape; and

(c) for any damage so caused in the territory of Trinidad and Tobago by any measures so taken.

(2) Where as a result of any occurrence, there arises a grave and imminent threat of damage being caused outside a ship other than a ship to which section 184 applies by the contamination which might result if there were a discharge or escape of oil from the ship, then, except as otherwise provided by this Subpart, the owner of the ship shall be liable—

(a) for the cost of any measures reasonably taken for the purpose of preventing or minimizing any such damage in the territory of Trinidad and Tobago; and

(b) for any damage caused outside the ship in the territory of Trinidad and Tobago by any measures so taken,

and in the subsequent provisions of this Subpart any such threat is referred to as a "relevant threat of contamination.".

(3) Where as a result of any occurrence, a liability is incurred under this section by the owner of each of two or more ships, but the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable each of the owners shall be liable, jointly with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.

(4) In this section "ship" includes a vessel which is not seagoing.

Exceptions from liability under sections 184 and 185

186. No liability shall be incurred by the owner of a ship under section 184 or 185 by reason of any discharge or escape of oil from the ship, or by reason of any relevant threat of contamination, if he proves that the discharge or escape, or as the case may be, the threat of contamination—

(a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon; or

(b) was due wholly to anything done or omitted to be done by another person, not being a servant or agent of the owner, with intent to do damage; or

(c) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible.

Restriction of liability for oil pollution

187. (1) Where, as a result of any occurrence any oil is discharged or escapes from a ship, whether one to which section 184 or one to which section 185 applies, or there arises a relevant threat of contamination, then, whether or not the owner of the ship in question incurs a liability under section 185 or 186 he shall not be liable otherwise than under that section for any such damage or cost as is mentioned in it.

(2) No person to whom subsection (1) applies shall be liable for any such damage or cost unless it resulted from anything done or omitted to be done by him either with intent to cause any such damage or cost or recklessly and in the knowledge that any such damage or cost would probably result.

(3) Subsection (2) applies to—

(a) any servant or agent of the owner of the ship;

(b) any person not falling within paragraph *(a)* but employed or engaged in any capacity on board the ship or to perform any service for the ship;

(c) any charterer of the ship, however described and including a bareboat charterer, and any manager or operator of the ship;

(d) any person performing salvage operations with the consent of the owner of the ship or on the instructions of a competent public authority;

(e) any person taking any such measures as are mentioned in subsection (1)*(b)* or (2)(*a)* of section 185 or 186 respectively; or

(f) any servant or agent of a person falling within paragraph *(c)* or *(e)*.

(4) The liability of the owner of a ship under section 185 or 186 for any impairment of the environment shall be taken to be a liability only in respect of—

(a) any resulting loss of profits; and

(b) the cost of any reasonable measures of reinstatement actually taken or to be taken.

Limitation of Liability

Limitation of liability under section 185

188. (1) Where, as a result of any occurrence, the owner of a ship incurs liability under section 185 by reason of discharge or escape or by reason of any relevant threat of contamination, then, subject to subsection (3)—

(a) he may limit that liability in accordance with the provisions of this Subpart; and

(b) where he does so, his liability, being the aggregate of his liabilities under section 185 resulting from the occurrence, shall not exceed the relevant amount.

(2) In subsection (1), "the relevant amount" means—

(a) in relation to a ship not exceeding five thousand tons, three million special drawing rights;

(b) in relation to a ship not exceeding five thousand tons, three million special drawing rights together with an additional four hundred and twenty special drawing rights for each ton of its tonnage in excess of five thousand tons up to a maximum amount of fifty-nine million, seven hundred thousand special drawing rights,

but the Minister may by Order make such amendments to paragraphs *(a)* and *(b)* as may be appropriate for the purpose of implementing any amendment in force for Trinidad and Tobago of the limits of liability laid down in Paragraph 1 of Article V of the Liability Convention.

(3) Subsection (1) shall not apply in a case where it is proved that the discharge or escape, or as the case may be, the relevant threat of contamination, resulted from anything done or omitted to be done by the owner either with intent to cause any such damage or cost as is mentioned in section 185 or recklessly and in the knowledge that any such damage or cost would probably result.

(4) For the purpose of this section a ship's tonnage shall be its gross tonnage calculated in accordance with the Tonnage Regulations. L.N 147 of 1988

189. (1) Where the owner of a ship has or is alleged to have incurred a liability under section 185 he may apply to the Court for the limitation of that liability to an amount determined in accordance with section 188. Limitation actions

(2) If on such an application the Court finds that the applicant has incurred such a liability and is entitled to limit it, the Court shall, after determining the limit of the liability and directing payment into Court of the amount of that limit—

(a) determine the amounts that would, apart from the limit, be due in respect of the liability to the several persons making claims in the proceedings; and

(b) direct the distribution of the amount paid into Court or, as the case may be, so much of it as does not exceed the liability, among those persons in proportion to their claims, subject to the following provisions of this section.

(3) A payment into Court of the amount of a limit determined in pursuance of this section shall be made in dollars and—

(a) for the purpose of converting such an amount from special drawing rights into dollars one special drawing right shall be treated as equal to such a sum in dollars as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—

(i) the day on which the determination is made; or

(ii) where no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed;

(b) a certificate given by or on behalf of the Minister stating—

(i) that a particular sum in dollars has been so fixed for the day on

which the determination was made; or

(ii) that no sum has been fixed for that day and that a particular sum in dollars has been so fixed for a day which is the last day for which a sum has been so fixed before that day on which the determination was made,

shall be conclusive evidence of those matters for the purposes of this Subpart.

(4) A document purporting to be the certificate mentioned in subsection (3)*(b)* shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

(5) No claim shall be admitted in proceedings under this section unless it is made within such time as the Court may direct or such further time as the Court may allow.

(6) Where any sum has been paid in or towards satisfaction of any claim in respect of the damage or cost to which the liability extends—

(a) by the owner or the persons referred to in section 197 as "the insurer"; or

(b) by a person who has or is alleged to have incurred a liability, otherwise than under section 185, for the damage or cost and who is entitled to limit his liability in connection with the ship by virtue of Part XVIII of the Shipping Act, No. 24 of 1987

the person who paid the sum shall, to the extent of that sum, be in the same position with respect to any distribution made in proceedings under this section as the person to whom it was paid would have been.

(7) Where the person who incurred the liability has voluntarily made any reasonable sacrifice or taken

any other reasonable measures to prevent or reduce damage to which the liability extends or might have extended he shall be in the same position with respect to any distribution made in proceedings under this section as if he had a claim in respect of the liability equal to the cost of the sacrifice or other measures.

(8) The Court may, if it thinks fit, postpone the distribution of such part of the amount to be distributed as it deems appropriate having regard to any claims that may later be established before a court of any country outside Trinidad and Tobago.

(9) No lien or other right in respect of any ship or other property shall affect the proportions in which any amount is distributed in accordance with subsection (2)*(b)*.

Restriction on enforcement

190. Where the Court has found that a person who has incurred a liability under section 185 is entitled to limit that liability to any amount and he has paid into Court a sum not less than that amount—

(a) the Court shall order the release of any ship or other property arrested in connection with a claim in respect of that liability or any security given to prevent or obtain release from such an arrest; and

(b) no judgment or decree for any such claim shall be enforced, except so far as it is for costs,

if the sum paid into Court, or such part thereof as corresponds to the claim, will be actually available to the claimant or would have been available to him if the proper steps in the proceedings under section 189 had been taken.

Concurrent liabilities of owners and others

191. Where, as a result of any discharge or escape of oil from a ship or as a result of any relevant threat of contamination, the owner of the ship incurs a liability

under section 185 and any other person incurs a liability, otherwise than under that section, for any such damage or cost as is mentioned in subsection (1) or (2) of that section then, if—

(a) the owner has been found, in proceedings under section 190 to be entitled to limit his liability to any amount and has paid into Court a sum not less than that amount; and

(b) the other person is entitled to limit his liability in connection with the other ship by virtue of Part XVIII of the Shipping Act,

no proceedings shall be taken against the other person in respect of his liability, and if any such proceedings were commenced before the owner paid the sum into Court, no further steps shall be taken in the proceedings except in relation to costs. No. 24 of 1987

Establishment of limitation fund outside Trinidad and Tobago

192. Where the events resulting in the liability of any person under section 185 also resulted in a corresponding liability under the law of another Liability Convention country, section 191 and 192 shall apply as if the references to sections 185 and 190 included references to the corresponding provisions of that law and the references to sums paid into Court included references to any sums secured under those provisions in respect of the liability.

Extinguishment of claims

193. No action to enforce a claim in respect of a liability incurred under section 185 or 186 shall be entertained by a Court in Trinidad and Tobago unless the action is commenced not later than three years after the claim arose nor later than six years after the occurrence or first of the occurrences resulting in the discharge or escape, or, as the case may be, in the relevant threat of contamination, by reason of which the liability was incurred.

Compulsory Insurance

Compulsory insurance against liability for pollution

194. (1) Subject to the provisions of this Subpart relating to Government ships, subsection (2) shall apply to any ship carrying in bulk a cargo of more than two thousand tons of oil of a description specified in regulations made by the Minister.

(2) The ship shall not enter or leave a port in Trinidad and Tobago or arrive at or leave a terminal in the territorial sea of Trinidad and Tobago nor, if the ship is a Trinidad and Tobago ship, a port in any other country or a terminal in the territorial sea of any other country, unless there is in force a certificate complying with the provisions of subsection (3) and showing that there is in force in respect of the ship a contract of insurance or other security satisfying the requirements of Article VII of the Liability Convention.

(3) The certificate must be—

(a) where the ship is a Trinidad and Tobago ship, a certificate issued by the Director;

(b) where the ship is registered in a Liability Convention country other than Trinidad and Tobago, a certificate issued by or under the authority of the government of the other Liability Convention country; and

(c) where the ship is registered in a country which is not a Liability Convention country, a certificate issued by the Director or by or under the authority of the Government of any Liability Convention country other than Trinidad and Tobago.

(4) Any certificate required by this section to be in force in respect of a ship shall be carried in the ship and shall, on demand, be produced by the master to any officer of customs and excise, the Director or any surveyor authorized by the Director for the purpose and, if the ship is a Trinidad and Tobago ship, to any proper officer.

(5) Where a ship enters or leaves, or attempts to enter or leave a port or arrives at or leaves, or attempts to arrive at or leave, a terminal in contravention of subsection (2), the master or owner is guilty of an offence and liable upon summary conviction to a fine not exceeding twenty-five thousand dollars.

(6) Where a ship fails to carry, or the master of a ship fails to produce, a certificate as required by subsection (4), the master is guilty of an offence and liable upon summary conviction to a fine not exceeding twenty-five thousand dollars.

(7) Where a ship attempts to leave a port in Trinidad and Tobago in contravention of this section the ship may be detained.

Issue of certificate by Minister

195. (1) Subject to subsection (2), where the Director is satisfied, on the application for such a certificate as is mentioned in section 194 in respect of a Trinidad and Tobago ship or a ship registered in any country which is not a Liability Convention country, that there will be in force in respect of the ship, throughout the period for which the certificate is to be issued, a contract of insurance or other security satisfying the requirements of Article VII of the Liability Convention, the Director shall issue such a certificate to the owner.

(2) Where the Director is of opinion that there is a doubt whether the person providing the insurance or other security will be able to meet his obligations thereunder, or whether the insurance or other security will cover the owners liabiltiy under section 185 in all circumstances, he may refuse the certificate.

(3) The Minister may make regulations providing for the cancellation and surrender of a certificate under this section in such circumstances as may be prescribed by the regulations.

(4) Where a person, required by regulations under subsection (3) to surrender a certificate fails to

do so he is guilty of an offence and liable upon summary conviction to a fine not exceeding twenty-five thousand dollars.

(5) The Director shall make available for public inspection a copy of any certificate issued by him under this section in respect of a Trinidad and Tobago ship.

Rights of third parties against insurers

196. (1) Where it is alleged that the owner of a ship has incurred a liability under section 185 as a result of any discharge or escape of oil occurring, or as a result of any relevant threat of contamination arising, while there was in force a contract of insurance or other security to which such a certificate as is mentioned in section 194 related, proceedings to enforce a claim in respect of the liability may be brought against the person who provided the insurance or other security, in the following provisions of this section referred to as "the insurer".

(2) In any proceedings brought against the insurer by virtue of this section it shall be a defence in addition to any defence affecting the owner's liability, to prove that the discharge or escape or, as the case may be, the threat of contamination, was due to the wilful misconduct of the owner himself.

(3) The insurer may limit his liability in respect of claims made against him by virtue of this section in like manner and to the same extent as the owner may limit his liability but the insurer may do so whether or not the discharge or escape or, as the case may be, the threat of contamination, resulted from anything done or omitted to be done by the owner as mentioned in section 189(3).

(4) Where the owner and the insurer each apply to the Court for the limitation of his liability any sum paid into Court in pursuance of either application shall be treated as paid also in pursuance of the other.

Supplementary

Jurisdiction of Trinidad and Tobago Court and registration of foreign judgments

197. (1) Where—

(a) any oil is discharged or escapes from a ship but does not result in any damage caused by contamination in the territory of Trinidad and Tobago and no measures are responsibly taken to prevent or minimise such damage in that territory; or

(b) any relevant threat of contamination arises but no measures are responsibly taken to prevent or minimise such damage in the territory of Trinidad and Tobago,

no Court of Trinidad and Tobago shall entertain any action, whether *in rem* or in *personam*, to enforce a claim arising from any relevant damage or cost—

(i) against the owner of the ship; or

(ii) against any person to whom section 188(2) applies, unless any such damage or cost resulted from anything done or omitted to be done as mentioned in that provision.

(2) In subsection (1), "relevant damage or cost" means—

(a) in relation to any such discharge or escape as is mentioned in paragraph *(a)* of that subsection, any damage caused in the territory of another Liability Convention country by contamination resulting from the discharge or escape, or any cost incurred in taking measures to prevent or minimise such damage in the territory of another Liability Convention country;

(b) in relation to any such threat of contamination as is mentioned in paragraph *(b)* of that subsection, any cost

incurred in taking measures to prevent or minimise such damage in the territory of another Liability Convention country; or

(c) any damage caused by any measures taken as mentioned in paragraph *(a)* or *(b)*,

and section 187(3)*(e)* shall have effect for the purpose of subsection (1)(ii) as if it referred to any person taking any such measures as are mentioned in paragraph *(a)* or *(b)*.

(3) Any judgment given by a court in a Liability Convention country in respect of a liability incurred under any provision corresponding to section 185 shall be enforceable by the Court.

Government ships

198. (1) Nothing in the preceding provisions of this Subpart applies in relation to any warship or any ship for the time being used by the government of any state for other than commercial purposes.

(2) In relation to a ship owned by a state and for the time being used for commercial purposes it shall be a sufficient compliance with section 195(2) if there is in force a certificate issued by the government of that state and showing that the ship is owned by that state and that any liability for pollution damage as defined in Article I of the Liability Convention will be met up to the limit prescribed by Article V of the Convention.

(3) Every Liability Convention State shall, for the purposes of any proceedings brought in the Court in Trinidad and Tobago to enforce a claim in respect of a liability incurred under section 185 be deemed to have submitted to the jurisdiction of the Court, and accordingly rules of Court may provide for the manner in which such proceedings are to be commenced and carried on; but nothing in this subsection shall authorize the issue of execution against the property of any state.

199. For the purposes of Part XVIII of the Shipping Act, any liability incurred under section 186 shall be deemed to be a liability to damages in respect of such damage to property as is mentioned in section 359 of that Act. Limitation of liability under section 186

200. Nothing in this Subpart shall prejudice any claim, or the enforcement of any claim, a person incurring any liability under this Subpart may have against another person in respect of that liability. Saving for recourse actions

Subpart II

INTERNATIONAL OIL POLLUTION COMPENSATION FUND

201. (1) In this Subpart, unless the context otherwise requires— Interpretation

"damage" includes loss;

"discharge or escape" in relation to pollution damage, means the discharge or escape of oil from the ship;

"Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992;

"Fund" means the International Fund established by the Fund Convention; and

"Fund Convention country" means a country in respect of which the Fund Convention is in force;

"guarantor" means any person providing insurance or other financial security to cover the owner's liability of the kind described in section 195;

"incident" means any occurrence or series of occurrences having the same origin, resulting in a discharge or escape of oil from a ship or in a relevant threat of contamination;

"Liability Convention" has the same meaning as in Subpart 1 of this Part;

"oil" except in sections 203 and 204, means persistent hydrocarbon mineral oil;

"owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship, except that, in relation to a ship owned by a State which is operated by a person registered as the ship's operator, it means the person registered as its operator;

"pollution damage" means—

(a) damage caused outside a ship by contamination resulting from a discharge or escape of oil from the ship;

(b) the cost of preventive measures; and

(c) further damage caused by preventive measures,

but does not include any damage attributable to any impairment of the environment except to the extent that any such damage consists of—

(i) any loss of profits; or

(ii) the cost of any reasonable measures of reinstatement actually taken or to be taken;

"preventive measures" means any reasonable measures taken by any person to prevent or minimise pollution damage, being measures taken—

(a) after an incident has occurred; or

(b) in the case of an incident consisting of a series of occurrences after the first of those occurrences;

"relevant threat of contamination" means a grave and imminent threat of damage being caused outside a ship by contamination resulting from a discharge or escape of oil from the ship;

"ship" means any ship within the meaning of Subpart 1 if this Part to which section 184 applies.

(2) For the purposes of this Subpart—

(a) references to a discharge or escape of oil from a ship are references to such a discharge or escape wherever it may occur, and whether it is of oil carried in a cargo tank or of oil carried in a bunker fuel tank; and

(b) where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one.

(3) References in this Subpart to the territory of any country shall be construed in accordance with section 184(4) reading the reference to a Liability Convention country as a reference to a Fund Convention country.

(4) Where the Minister by Order declares that any State specified in the Order is a party to the Fund Convention in respect of any country so specified, the Order shall, while in force, for the purposes of this Part be conclusive evidence that that State is a party to that Convention in respect of that country.

Contributions to Fund

Contributions by importers of oil and others

202. (1) Contributions shall be payable to the Fund in respect of oil carried by sea ports or terminal installations in Trinidad and Tobago otherwise than on a voyage only within its national waters.

(2) Subsection (1) applies whether or not the oil is being imported, and applies even if contributions are payable in respect of carriage of the same oil on a previous voyage.

(3) Contributions shall also be payable to the Fund in respect of oil when first received in any installation in Trinidad and Tobago after having been carried by sea and discharged in a port or terminal installation in a country which is not a Fund Convention country.

(4) The person liable to pay contributions is—

(a) in the case of oil which is being imported into Trinidad and Tobago, the importer; and

(b) otherwise, the person by whom the oil is received.

(5) A person shall not be liable to make contributions in respect of the oil imported or received by him in any year where the oil so imported or received in the year does not exceed one hundred and fifty thousand tons.

(6) For the purpose of subsection (5)—

(a) all the members of a group of companies shall be treated as a single person; and

(b) any two or more companies which have been amalgamated into a single company shall be treated as the same person as that single company.

(7) The contributions payable by a person for any year shall—

(a) be of such amount as may be determined by the Director of the Fund under Article 12 subject to Article 36 of the Fund Convention and notified to that person by the Fund;

(b) be payable in such instalments, becoming due at such times, as may be so notified to him,

and where any amount due from him remains unpaid after the date on which it became due, it shall from then on bear interest, at a rate determined from time to time by the Assembly of the Fund, until it is paid.

(8) The Minister may by regulations impose on persons who are or may be liable to pay contributions under this section obligations to give security for payment to the Minister, or the Fund.

(9) Regulations under subsection (8)—

(a) may contain such supplemental or incidental provisions as appear to the Minister expedient; and

(b) may impose penalties for contravention of the regulations punishable upon summary conviction to a fine not exceeding fifty thousand dollars.

(10) In this section and in section 204, unless the context otherwise requires—

"company" means a body incorporated under the laws of Trinidad and Tobago or of any other country;

"crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and includes— Chap. 62:01

(i) crude oils from which distillate fractions have been removed; and

(ii) crude oils to which distillate fractions have been added;

"fuel oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the "American Society for Testing and Materials Specification for Number Four Fuel Oil (Designation D396-96)", or heavier;

"group" in relation to companies, means a holding company and its subsidiaries as defined by the Companies Act, subject, in the case of a company incorporated outside Trinidad and Tobago, to any necessary modifications of those definitions;

"importer" means the persons by whom or on whose behalf the oil in question is entered for customs or excise purposes on importation, and "import" shall be construed accordingly;

"oil" means crude oil, any fuel oil; and

"terminal installation" means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated offshore and linked to any such site.

Power to obtain information

203. (1) For the purpose of transmitting to the Fund the names and addresses of the persons who under section 202 are liable to make contributions to the Fund for any year, and the quantity of oil in respect of which they are so liable, the Director may by notice require any person engaged in producing, treating, distributing or transporting oil to furnish such as may be specified in the notice.

(2) A notice under this section may require a company to give such information as may be required to ascertain whether its liability is affected by section 202(6).

(3) A notice under this section may specify the way in which, and the time within which, it is to be complied with.

(4) In proceedings by the Fund against any person to recover any amount due under section 202, particulars contained in any list transmitted by the

Director to the Fund shall, so far as those particulars are based on information obtained under this section, be admissible as evidence of the facts stated in the list; and so far as particulars which are so admissible are based on information given by the person against whom the proceedings are brought, those particulars shall be presumed to be accurate until the contrary is proved.

(5) Where a person discloses any information which has been furnished to or obtained by him under this section, or in connection with the execution of this section, then, unless the disclosure is made—

(a) with the consent of the person from whom the information was obtained;

(b) in connection with the execution of this section; or

(c) for the purposes of any legal proceedings arising out of this section or of any report of such proceedings,

he is guilty of an offence and liable upon summary conviction to a fine not exceeding twenty-five thousand dollars.

(6) A person who—

(a) refuses or wilfully neglects to comply with a notice under this section; or

(b) in furnishing any information in compliance with a notice under this section makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

is guilty of an offence and liable upon summary conviction to a fine not exceeding fifteen thousand dollars in the case of an offence under paragraph *(a)* and not exceeding twenty-five thousand dollars in the case of an offence under paragraph *(b)*.

Compensation for Persons suffering Pollution Damage

204. (1) The Fund shall be liable for pollution damage in the territory of Trinidad and Tobago where the person suffering the damage has been unable to obtain full compensation under section 184—

(a) because the discharge or escape, or the relevant threat of contamination, by reason of which the damage was caused—

(i) resulted from an exceptional, inevitable and irresistible phenomenon;

(ii) was due wholly to anything done or omitted to be done by another person, not being a servant or agent of the owner, with intent to do damage;

(iii) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible,

and because liability is accordingly wholly displaced by section 186;

(b) because the owner or guarantor liable for the damage cannot meet his obligations in full; or

(c) because the damage exceeds the liability under section 184 as limited by section 188.

(2) Subsection (1) shall apply with the substitution for the words "Trinidad and Tobago" for the words "a Fund Convention country", where the incident has caused pollution damage in the territory of Trinidad and Tobago and of another Fund Convention country, and proceedings under the Liability Convention for compensation for the pollution damage have been brought in a country which is not a Fund Convention country or in Trinidad and Tobago.

(3) Where the incident has caused pollution damage in the territory of Trinidad and Tobago and of another country in respect of which the Liability Convention is in force, references in this section to the provisions of Subpart 1 of this Part shall include references to the corresponding provisions of the law of any country giving effect to the Liability Convention.

(4) For the purposes of this section an owner or guarantor is to be treated as incapable of meeting his obligations if the obligations have not been met after all reasonable steps to pursue the legal remedies available have been taken.

(5) Expenses reasonably incurred, and sacrifices reasonably made, by the owner voluntarily to prevent or minimise pollution damage shall be treated as pollution damage for the purposes of this section, and accordingly he shall be in the same position with respect to claims against the Fund under this section as if he had a claim in respect of liability under section 184.

(6) The Fund shall incur no obligation under this section where—

(a) it proves that the pollution damage—

(i) resulted from an act of war, hostilities, civil war or insurrection; or

(ii) was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the occurrence, only on Government non-commercial service; or

(b) the claimant cannot prove that the damage resulted from an occurrence involving a ship identified by him, or involving two or more ships one of which is identified by him.

(7) Where the Fund proves that the pollution damage resulted wholly or partly—

(a) from anything done or omitted to be done with intent to cause damage by the person who suffered the damage; or

(b) from the negligence of that person,

the Fund may, subject to subsection (9), be exonerated wholly or partly from its obligations to pay compensation to that person.

(8) Where the liability under section 184 in respect of the pollution damage is limited to any extent by subsection (8) of that section, the Fund shall, subject to subsection (9), be exonerated to the same extent.

(9) Subsections (7) and (8) shall not apply where the pollution damage consists of the costs of preventive measures of any damage caused by such measures.

Limitation of Fund's liability under section 204

205. (1) The Fund's liability under section 204 shall be subject to the limits imposed by paragraphs 4 and 5 of Article 4 of the Fund Convention which impose an overall limit on the liabilities of the Fund and the text of which is set out in the Seventeenth Schedule, and in those provisions references to the Liability Convention are references to the Liability Convention within the meaning of this Subpart.

Seventeenth Schedule

(2) A certificate given by the Director of the Fund stating that subparagraph *(c)* of paragraph 4 of Article 4 of the Fund Convention is applicable to any claim under section 204 shall be conclusive evidence for the purposes of this Subpart that it is so applicable.

(3) For the purpose of giving effect to paragraphs 4 and 5 of Article 4 of the Fund Convention, the Court giving judgment against the Fund in proceedings under section 204 shall notify the Fund, and no steps shall be taken to enforce the judgment unless and until the Court gives leave to enforce it.

(4) In respect of the leave mentioned in subsection (3) that leave shall not be given unless and until the Fund notifies the court either that the amount of the claim is not to be reduced under those paragraphs, or that it is to be reduced to a specified amount and in the latter case the judgment shall be enforceable only for the reduced amount.

(5) Any steps taken to obtain payment of an amount or a reduced amount in pursuance of such a judgment as is mentioned in subsection (4) shall be steps to obtain payment in dollars and—

(a) for the purpose of converting such an amount from special drawing rights into dollars one special drawing right shall be treated as equal to such a sum in dollars as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—

(i) the relevant day, namely the day on which the Assembly of the Fund decides the date for the first payment of compensation in respect of the incident; or

(ii) if no sum has been fixed for the relevant day, the last day before that day for which a sum has been so fixed; and

(b) a certificate given by or on behalf of the Minister stating—

(i) that a particular sum in dollars has been so fixed for the relevant day; or

(ii) that no sum has been fixed for the relevant day and that a particular sum in dollars has been so fixed for a day which is the last day for

which a sum has been so fixed before the relevant day,

shall be conclusive evidence of those matters for the purposes of this Subpart.

(6) The Minister may by Order make such amendments to this section and the Eighteenth Schedule as may be appropriate for the purpose of implementing any amendment in force of the provisions set out in that Schedule.

(7) Any document purporting to be such a certificate as is mentioned in subsection (2) or (5)*(b)* shall, in any legal proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

Supplemental

Jurisdication and effect of judgements

206. (1) Where in accordance with rules of Court made for the purposes of this subsection the Fund has been given notice of proceedings brought against an owner or guarantor in respect of liability under section 184, any judgment given in the proceedings shall, after it has become final and enforceable, become binding upon the Fund in the sense that the facts and evidence in the judgment may not be disputed by the Fund even if the Fund has not intervened in the proceedings.

(2) Where a person incurs a liability under the law of a Fund Convention country corresponding to Subpart 1 of this Part for damage which is partly in the territory of Trinidad and Tobago, subsection (1) shall, for the purpose of proceedings under this Subpart, apply with any necessary modifications to a judgment in proceedings under that law of the said country.

Subrogation

(3) Subject to subsection (4), any judgment given by a court in a Fund Convention country to enforce a claim in respect of liability incurred under any provision corresponding to section 204 shall be enforceable by a court in Trinidad and Tobago.

(4) No steps shall be taken to enforce such a judgment unless and until the Fund notifies the Court either that the amount of the claim is not to be reduced under paragraph 4 of Article 4 of the Fund Convention as set out in the Eighteenth Schedule or that it is to be reduced to a specified amount; and in the latter case, the judgment shall be enforceable only for the reduced amount.

Extinguishment of claims

207. (1) No action to enforce a claim against the Fund under this Subpart shall be entertained by a court in Trinidad and Tobago unless—

(a) the action is commenced; or

(b) a third party notice of an action to enforce a claim against the owner or his guarantor in respect of the same damage is given to the Fund,

not later than three years after the claim against the Fund arose.

(2) In subsection (1), "third party notice" means a notice of the kind described in sections 207(1) and (2).

(3) No action to enforce a claim against the Fund under this Subpart shall be entertained by a Court in Trinidad and Tobago unless the action is commenced not later than six years after the occurrence, or first of the occurrences, resulting in the discharge or escape, or, as the case may be, in the relevant threat of contamination, by reason of which the claim against the Fund arose.

Subrogation

208. (1) In respect of any sum paid by the Fund as compensation for pollution damage the Fund shall acquire by subrogation any rights in respect of the damage which the recipient has, or, but for the payment would have, against any other person.

(2) In respect of any sum paid by a public authority in Trinidad and Tobago as compensation for pollution damage, that authority shall acquire by subrogation any rights which the recipient has against the Fund under this Subpart.

Supplementary provisions as to proceedings involving the Fund

209. (1) Any proceedings by or against the Fund may either be instituted by or against the Fund in its own name or be instituted by or against the Director of the Fund as the Fund's representative.

(2) Evidence of any instrument issued by any organ of the Fund or of any document in the custody of the Fund, or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of the Fund; and any document purporting to be such a copy shall, in any such proceedings, be received in evidence without proof of the official position of handwriting of the person signing the certificate.

PART VIII

ENFORCEMENT, INQUIRIES, LEGAL PROCEEDINGS AND JURISDICTION

Enforcement, etc.

No. 24 of 1987

210. Parts XIX, XX, XXI and XXIII of the Shipping Act, shall apply *mutatis mutandis* to all matters falling within the scope of this Act in so far as the application of any provision of those Parts is appropriate.

Service of documents on foreign companies, application of fines, etc.

211. (1) Any document required or authorized, by virtue of any statutory provision, to be served on a foreign company for the purposes of the institution of, or otherwise in connection with, proceedings for an offence under this Act alleged to have been committed by the company as the owner of a ship, shall be treated as duly served on that company if the document is served on the master of the ship; and any person authorized to serve any document for the purposes of the institution of, or otherwise in connection with, proceedings for an offence under this Act, whether or not in pursuance of the foregoing provisions of this subsection, shall, for that purpose, have the right to go on board the ship in question.

(2) In subsection (1), "foreign company" has the same meaning as in the Companies Act. No. 35 of 1995

(3) A person exercising the power of detention conferred by section 43 or 44 in respect of an alleged contravention of this Act shall immediately release the ship where—

(a) no proceedings for the offence in question are instituted within seven days beginning with the day on which the ship is detained;

(b) such proceedings, having been instituted through exercise of the power conferred by subsection (1), within that period, are concluded without the master or owner being convicted;

(c) either—

(i) the sum of five hundred thousand dollars is paid to the Minister by way of security; or

(ii) security which, in the opinion of the Minister, is satisfactory and is for an amount not less than five hundred thousand dollars is given to the Minister, by or on behalf of the master or owner;

(d) where the master or owner is convicted of the offence, any costs or expenses ordered to be paid by him, and any fine imposed on him, have been paid; or,

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by such a court or tribunal is posted.

(4) The Minister shall repay any sum paid in pursuance of subsection (3)*(c)* or release any security so given—

(a) where no proceedings for the offence in question are instituted within seven days beginning with the day on which the sum is paid; or

(b) where such proceedings, having been instituted within that period, are concluded without the master or owner being convicted.

(5) Where a sum has been paid, or security has been given, by any person in pursuance of subsection (3)*(c)* and the master or owner is convicted of the offence in question, the sum so paid or the amount made available under the security shall be applied as follows:

(a) first in payment of any costs or expenses ordered by the court to be paid by the master or owner; and

(b) next in payment of any fine imposed by the court,

and any sum remaining shall be repaid to the person paying or giving the security.

(6) Where a fine imposed by a court in proceedings against the owner or master of a ship for an offence under this Act is not paid or any costs or expenses ordered to be paid by him are not paid at the time ordered by the court, the court shall, in addition to any other powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress or arrestment and sale of the ship, her tackle, furniture and apparel.

(7) Where a person is convicted of an offence under this Act, and the court imposes a fine in respect of the offence, then if it appears to the court that any

person has incurred, or will incur, expenses in removing any pollution, or making good any damage, which is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

(8) This section applies without prejudice to the application of section 214.

Restriction on jurisdiction over offences outside Trinidad and Tobago limits

212. (1) No proceedings for an offence of contravening any provision of this Act by a ship not being a Trinidad and Tobago ship, which relates to a discharge in the internal waters, territorial seas or exclusive economic zone of another State shall be instituted unless—

(a) that State, the flag State or a State damaged or threatened by the discharge requests that proceedings be taken; or

(b) the discharge has caused or is likely to cause pollution in the internal waters, territorial seas or exclusive economic zone of Trinidad and Tobago.

(2) Where proceedings for an offence of contravening any provision of this Act by a ship not being a Trinidad and Tobago ship which relates to a discharge in the internal waters, territorial seas or exclusive economic zone of another State have been instituted but not concluded, and that State requests suspension of the proceedings, then—

(a) proceedings shall be suspended; and

(b) the Director shall transmit all the evidence and court records and documents relating to the case, together with any sum paid or security given pursuant to section 211(3)*(c)*, to that State.

(3) It shall be a defence to a person charged with contravening any provision of this Act to show—

(a) that the ship is not a Trinidad and Tobago ship; and

(b) the discharge took place outside Trinidad and Tobago, its territorial seas and the controlled waters of Trinidad and Tobago; and

(c) the ship was in a port in Trinidad and Tobago at the time of institution of proceedings by reason only of stress of weather or other reason beyond the control of the master or owner or charterer.

Suspension of proceedings at flag state request

213. (1) This section relates to an alleged offence of contravention of any provision of this Act by a ship which is not a Trinidad and Tobago ship, in relation to a discharge outside Trinidad and Tobago or its territorial seas.

(2) Any proceedings for such an offence shall be stayed if the Court is satisfied that the flag State has instituted proceedings corresponding to the proceedings in Trinidad and Tobago in respect of the discharge, within six months of the institution of proceedings in Trinidad and Tobago.

(3) Subsection (2) does not apply—

(a) where the discharge resulted in major damage to Trinidad and Tobago; or

(b) the Director certifies that the flag State has repeatedly disregarded its obligation to enforce effectively the requirements of MARPOL in respect of its ships.

(4) Where proceedings instituted by the flag State have been brought to a conclusion, the suspended proceedings shall be terminated.

(5) Where the costs of the Director incurred in respect of proceedings suspended under subsection (2) have been paid, any money paid or security given under section 211(3)*(c)* shall be released.

Measures to facilitate proceedings

214. (1) In proceedings instituted under this Act, evidence submitted by authorities of another State, or by the Organization, shall be admitted and witnesses shall be heard.

(2) Official representatives of the Organization, the flag State and any State affected by pollution arising out of any violation shall be permitted to attend the proceedings and shall have such rights and duties as may be provided under the laws of Trinidad and Tobago.

Exercise of powers of enforcement

215. The powers of enforcement against foreign vessels under this Act may only be exercised by the Director or by persons appointed by him for the purpose or by ships or aircraft of the Trinidad and Tobago Defence Force.

Duty to avoid adverse consequences in the exercise of the powers of enforcement

216. In the exercise of powers of enforcement against foreign vessels, the Director shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

Compounding of offences

217. (1) Notwithstanding any other provisions of this Act, the Director may compound any offence under this Act, by accepting from the person reasonably suspected of having committed such offences, a fine not exceeding one hundred and fifty thousand dollars.

(2) On payment of any sum of money under subsection (1)—

(a) the person reasonably suspected of having committed the offence in respect of which the payment has been made shall, if in custody, be discharged;

(b) any ship detained in respect of such offence shall be released; and

(c) no further proceedings shall be taken against such person or ship in respect of such offence.

PART IX

ADMINISTRATION

Powers of Minister

218. The Minister, in addition to any other power conferred on him by any other provisions of this Act, shall with the exception of Parts IV and VI be responsible for the administration and implementation of this Act.

Delegation of Administration

219. (1) The Minister may delegate any of his powers or duties under this Act to the Director or any person appointed or authorised to perform any functions under this Act.

(2) Any power or duty lawfully exercised or performed by the Director or authorised person under this section, shall be deemed to have been exercised as fully and effectively as if it had been exercised by the Minister.

Protection of public officers

220. No suit shall be maintained against any public officer or other person appointed or authorized to perform any function under this Act in respect of anything done or omitted to be done by him in good faith in the exercise or performance of any power, authority or duty conferred or imposed on him under this Act.

Power of Minister to make regulations

221. The Minister may make regulations generally for the administration of this Act, and in particular, for the following purposes:

(a) the enforcement of any other international convention or instrument relating to this Act;

(b) fees, stamp duties and all other payments required under this Act;

(c) the holding of inquiries and investigations under this Act;

(d) prescribing anything that under this Act is to be prescribed.

Director to maintain documents

222. The Director shall maintain in his office, or some other designated public office, library or repository, copies of—

(a) all conventions and international instruments referred to in this Act that have application in Trinidad and Tobago; and

(b) all regulations made and notices issued pursuant to this Act,

and copies shall be made available for inspection or, upon payment of a prescribed fee, for the taking of copies thereof by members of the public, seafarers or persons concerned with or having an interest in ships or the protection of the marine environment or other matters provided for in this Act.

Conventions to prevail

223. Where an international convention or other international instrument referred to in this Act applies to Trinidad and Tobago and a provision of that convention or instrument and a provision of this Act conflict in any manner, the provision of the convention or instrument shall prevail.

Surveys, inspections and monitoring

224. The Director, or a person appointed by him for the purpose, may board, inspect and survey any ship to which this Act applies, enter port facilities in Trinidad and Tobago, demand the production of documents, records and other evidence, and take testimony of witnesses under oath, for the purpose of conducting inspections and surveys and for undertaking other activities authorized or required under this Act.

Communication, co-operation and consultation

225. The Director shall, as necessary and appropriate, communicate, co-operate and consult with—

(a) Ministries, departments and agencies of the Government; and

(b) non-governmental organizations, ship-owners, seafarers associations, ships' agents, and other bodies or organizations involved or interested in the shipping industry or in protection of the marine environment,

to further the objects of this Act.

Amendments of Schedules

226. The Minister may, by Order amend, repeal or replace a Schedule.

Amendments, etc., of Convention

227. Whenever an international convention or other international instrument referred to in, or related to, this Act and to which Trinidad and Tobago is a party is amended or replaced, and the amendment or replacement is accepted by Trinidad and Tobago, the Minister may by Order give effect to such amendment or replacement.

Chap. 37:03 repealed

228. The Oil Pollution of Territorial Waters Act is hereby repealed.

FIRST SCHEDULE

(Section 13)

LIST OF SUBSTANCES ESTABLISHED BY THE MARINE ENVIRONMENT PROTECTION COMMITTEE OF THE ORGANIZATION IN ACCORDANCE WITH PARAGRAPH 2*(a)* OF ARTICLE 1 OF THE PROTOCOL OF 1973 TO THE INTERVENTION CONVENTION

Oils carried in bulk as listed in Appendix I to Annex I of MARPOL 73/78 other than those covered by the 1969 I Intervention Convention

Asphalt Solutions—

Blending Stocks

Roofers Flux

Straight Run Residue

Oil—
- Clarified
- Mixtures containing Crude Oil
- Road Oil
- Transformer Oil
- Aromatic Oil (excluding vegetable oil)
- Blending Stocks
- Mineral Oil
- Motor Oil
- Penetrating Oil
- Spindle Oil
- Turbine Oil

Distillates—
- Straight Run
- Flashed Feed Stocks

Gas Oil—
- Cracked

Gasoline Blending Stocks—
- Alkylates – fuel
- Reformates
- Polymer – fuel

Gasolines—
- Casinghead (natural)
- Automotive
- Aviation
- Straight Run
- Fuel oil No. 1 (kerosene)
- Fuel oil No. 1–D
- Fuel oil No. 2
- Fuel oil No. 2–D

Jet Fuels—
- JP–1 (Kerosene)
- JP–3
- JP–4
- JP–5 (Kerosene, heavy)
- Turbo Fuel
- Mineral Spirit

Naphtha—
- Solvent
- Petroleum
- Heartcut Distillate Oil

Noxious Substances—
- Acetic anhydride
- Acetone
- Acetone cyanohydrin
- Acrolein
- Acrylonitrile
- Alachlor technical (90% or more)
- Alcohol (C_{12}–C_{15}) poly(1–6)ethoxylates
- Alcohol (C_{12}–C_{15}) poly(7–19)ethoxylates
- Alcohol (C_6–C_{17}) (secondary) poly(3–6)ethoxylates
- Alcohol (C_6–C_{17}) (secondary) poly(7–12)ethoxylates
- Aldrin
- Alkaryl polyethers (C_9–C_{20})
- Alkyl acrylate-vinylpyridine copolymer in toluene
- Alkylbenzene, alkylindane, alkylindene mixture (each C_{12}–C_{17})
- Alkyl (C_3–C_4) benzenes
- Alkyl (C_5–C_8) benzenes
- Alkyl (C_7–C_9) nitrates
- Allyl alcohol
- Allyl chloride
- Allyl isothiocyanate
- Aluminium phosphide
- Ammonia (28% aqueous)
- Ammonium phosphate
- Ammonium sulphide solution (45% or less)
- Amyl mercaptan
- Aniline
- Aniline hydrochloride
- Antimony compounds
- Arsenic compounds
- Atrazine
- Azinphos methyl (Guthion)
- Barium azide
- Barium cyanide

Barium oxide
Benzene
Benzene and mixtures having 10% benzene or more
Benzyl alcohol
Benzyl chloride
Benzenehexachloride isomers (Lindane)
Benzidine
Beryllium powder
Bromine
Bromobenzyl cyanide
Butene oligomer
Butyl acrylate (all isomers)
Butylamine (all isomers)
Butyl benzyl phthalate
Butyl butyrate (all isomers)
Butyraldehyde (all isomers)
Butyric acid
Cacodylic acid
Cadmium compounds
Calcium alkyl (C_9) phenol sulphide/polyolefin phosphorosulphide mixture
Calcium hypochlorite solution (more than 15%)
Calcium long-chain alkyl phenate sulphide (C_8–C_{40})
Camphor oil
Carbaryl (Sevin)
Carbolic oil
Carbon disulphide
Carbon tetrachloride
Chlorinated paraffins (C_{10}–C_{13})
Chloroacetic acid (80% or less)
Chlorobenzene
Chlorodane
Chloroacetone
Chloroacetophenone
Chlorodinitrobenzene
Chloroform
Chlorohydrins (crude)
Chloropicrin
Chromic acid (Chromium trioxice)
o-Chloronitrobenzene

2-or 3-Chloronitrobenzene
m-Chlorotoluene
o-Chlorotoluene
p-Chlorotoluene
Chlorotoluenes (mixed isomers)
Coal tar
Coal tar naphtha solvent
Coal tar pitch (molten)
Cobalt naphthenate in solvent naphtha
Cocculus (solid)
Copper compounds
Cresols (all isomers)
Creosote (coal tar)
Creosote (wood)
Cresylic acid, dephenolized
Cresylic acid, sodium salt solution
Crotonaldehyde
1, 5, 9-Cyclododecatriene
Cupriethylene diamine
Cyanide compounds
Cyanogen bromide
Cyanogen chloride
Cyclohexyl acetate
Cyclohexylamine
1, 3-Cyclopentadiene dimer (molten)
Cyclopentene
DDT
Decanoic acid
Decene
Decyl acetate
Decyl acrylate
Decyl alcohol (all isomers)
Decyloxytetrahydrothiophene dioxide
Dibutylamine
Dibutyl hydrogen phosphonate
Dibutyl phthalate
Dichloroanilines
Dichlorobenzenes (all isomers)
Dichloroethyl ether

1, 6–Dichlorohexane

2, 4–Dichlorophenol

2, 4–Dichlorophenoxyacetic acid, diethanolamine salt solution

2, 4–Dichlorophenoxyacetic acid, dimethylamine salt solution (70% or less)

2, 4–Dichlorophenoxyacetic acid, triisopropanolamine salt solution

1, 2–Dichloropropane

1, 3–Dichloropropene

Dichloropropene/dichloropropane mixtures

Dieldrin

Diethylamine

Diethylaminoethanol

Diethylbenzene

Diethyl sulphate

Diglycidyl ether of bisphenol A

Diglycidyl ether of bisphenol F

Di-n-hexyl adipate

Diisobutylamine

Diisobutylene

Diisobutyl phthalate

Diisopropylamine

Diisopropylbenzene (all isomers)

Dimethoate (Cygon)

Dimethyl adipate

Dimethyl amine (40% aqueous)

Dimethylamine solution (45% or less)

Dimethylamine solution (greater than 45% but not greater than 55%)

Dimethylamine solution (greater than 55% but not greater than 65%)

N, *N*–Dimethylcyclohexylamine

Dimethyl hydrogen phosphite

Dimethyloctanoic acid

Dinitrotoluene (molten)

Dinitroanilines

4, 6–Dinitroorthocresol

1, 4–Dioxane

Dinitrophenols

Diphenyl

Diphenylamine, reaction product with 2,2,4–trimethylpentene
Diphenylamines, alkylated
Diphenyl/diphenyl ether mixtures
Diphenyl ether
Dipheny ether/diphenyl phenyl ether mixture
Diphenylmethane ddiisocyanate
Diphenylol propane
Diphenylol propane—epichlorohydrin resins
Di-n-propylamine
Dodecene (all isomers)
Dedecyl alcohol
Dodecylamine/tetradecylamine mixture
Dodecyldimethylamine/tetradecyldimethylamine mixture
Dodecyl diphenyl ether disulphonate solution
Dodecylphenol
Drilling brines (containing zinc salts)
Endosulphan (Thiodan)
Endrin
Epichlorohydrin
Ethyl acrylate
Ethyl bromoacetate
Ethylene chlorohydrin (2-Chloro-ethanol)
Ethylene dichloride
Ethylamine
Ethlamine solutions (72% or less)
Ethylbenzene
N–Ethylbutylamine
Ethylene chlorohydrin
Ethylenediamine
Ethylene dibromide
Ethylene dichloride
Ethylene glycol methyl ether acetate
Ethylene oxide/propylene oxide mixtures with an ethylene oxide content of not more than 30% in weight
2–Ethylhexyl acrylate
2–Ethylhexylamine
Ethylidenenorbornene
o–Ethylphenol
2–Ethyl–3–propylacrolein
Ethyltoluene

Ethyl parathion
Fentin acetate (dry)
Fluosilicic acid (20–30%) in water solution
Formaldehyde solutions (45% or less)
Fumaric adduct of rosin, water dispersion
Furfural
Glycidyl ester of C_{10} Trialkylacetic Acid
Heptachlor
Heptyl acetate
Hexachlorobenzene
Hexamethylenediamine solution
Hexyl acetate
Hexaethyl tetraphosphate
Hydrocyanic acid
Hydrofluoric acid (40% aqueous)
2–Hydroxyethyl acrylate
2–Hydroxy–4–(methylthio) butanoic acid
Isophoronediamine
Isophorone diisocyanate
Isoprene
Lactonitrile solution (80% or less)
Lauric acid
Lead compounds
Lindane (Gammexane, BHC)
Liquid chemical wastes
Long-chain alkryl polyether (C_1–C_{20})
Long-chain polyetheramine in alkyl (C_2–C_4) benzenes
Long-chain polyetheramine in aromatic solvent
Magnesium long-chain alkyl salicylate (C11+)
Malathion
Mercaptobenzothiazol, sodium salt solution
Mercuric compounds
Metam sodium solution
Methyl alcohol
Methyl acrylate
Methyl butyl ketone
Methylene chloride
Methylcyclopentadiene dimer
2–Methyl–6–ethylaniline
Methyl heptyl ketone

Methyl methacrylate
Methylnaphthalene (molten)
3–Methylpyridine
Methyl salicylate
alpha-Methylstyrene
Molasses
Motor fuel anti-knock compounds (containing lead alkyls)
Napthalene (molten)
Naphthylthiourea
Naphthenic acids
Neodecanoic acid
Nitric acid (90%)
Nitrating acid (mixture of sulphuric and nitric acids)
Nitrobenzene
o–Nitrophenol (molten)
o–or *p*–Nitrotoluenes
Nonene (all isomers)
Nonylphenol
Nonylphenol poly (4-12) ethoxylates
Noxious liquid, N.F., (1) n.o.s. (trade name..., contains...) S.T. 1, Cat. A*
Noxious liquid, F., (2) n.o.s. (trade name..., contains...) S.T. 1, Cat. A*
Noxious liquid, N.F., (3) n.o.s. (trade name..., contains...) S.T. 2, Cat. A*
Noxious liquid, F., (4) n.o.s. (trade name..., contains...) S.T. 2, Cat. B*
Noxious liquid, N.F., (5) n.o.s. (trade name..., contains...) S.T. 2, Cat. B*
Noxious liquid, N.F., (6) n.o.s. (trade name..., contains...) S.T. 2, Cat. B, m.p. 15°C+*
Noxious liquid, F., (7) n.o.s. (trade name..., contains...) S.T. 2, Cat. B*
Noxious liquid, F., (8) n.o.s. (trade name..., contains...) S.T. 2, Cat. B, M.P. 15°C+*
Noxious liquid, N.F., (9) n.o.s. (trade name..., contains...) S.T. 3, Cat. A*
Noxious liquid, F., (10) n.o.s. (trade name..., contains...) S.T. 3, Cat. A*
Noxious liquid, N.F., (11) n.o.s. (trade name..., contains...) S.T. 3, Cat. B*

Noxious liquid, N.F., (12) n.o.s. (trade name..., contains...) S.T. 3, Cat. B, M.P. 15°C+*

Noxious liquid, F., (13) n.o.s. (trade name..., contains...) S.T. 3, Cat. B*

Noxious liquid, F., (14) n.o.s. (trade name..., contains...) S.T. 3, Cat. B, m.p. 15°C+*

Octene (all isomers)

Octyl aldehydes

Olefin mixtures (C_5–C_{15})

alpha-Olefins (C_6–C_{18}) mixtures

Oleum

Oleylamine

Palm kernel acid oil

Parathion

Paraquat

Pentachloroethane

Perchloroethylene

Phenol

Phosphoric acid

Phosphorus (elemental)

Phosphorus, yellow or white

Phthalic anhydride (molten)

alpha-Pinene

beta-Pinene

Polyhalogenated biphenyls

Poly (2+) cyclic aromatics

Polyethylene polyamines

Polyolefin amide alkeneamine (C_{28}+)

Polyolefin amide alkeneamine borate (C_{28}–C_{250})

Polyolefin amide alkeneamine polyol

Polyolefinamine in alkyl (C_2–C_4) benzenes

Polyolefinamine in aromatic solvent

Polyolefin ester (C_{28}–C_{250})

beta-Propiolactone

n-Propylamine

Propionitrile

n-Propylamine

Propylbenzene (all isomers)

Propylene oxide

Propylene tetramer
Propylene trimer
Rosin
Rosin soap (disproportionated) solution
Sodium dichromate solution (70% or less)
Sodium hydrogen sulphide (6% or less)/sodium carbonate (3% or less) solution
Sodium hydrosulphide/ammonium sulphide solution
Sodium hydrosulphide solution (45% or less)
Sodium nitrite solution
Sodium petroleum sulphonate
Sodium pentachlorophenate (solution)
Styrene monomer
Sodium sulphide solution (15% or less)
Sodium thiocyanate solution (56% or less)
Styrene monomer
Sulpho hydrocarbon long-chain (C_{18}+) alkylamine mixture
Sulphuric acid
Sulphuric acid, spent
Tall oil (crude and distilled)
Tall oil fatty acid, barium salt
Tall oil fatty acid (resin acids less than 20%)
Tall oil soap (disproportionated) solution
Tetrachloroethane
Tetramethylbenzene (all isomers)
Toluene
Tikyebeduanube
Toluene diisocyanate
o–Toluidine
Toxaphene
Tributly phosphate
1,2,4–Trichlorobenzene
Trichloroethylene
Tricresyl phosphate (containing less than 1% ortho-isomer)
Tricresyl phosphate (containing 1% or more ortho-isomer)
Triethylamine
Triethylbenzene
Triethylenetetramine
Triethyl phosphite

Triisopropylated phenyl phosphates
Trimethylamine solution (30% or less)
Trimethylbenzene (all isomers)
Trinethylhexamethylene diisocyanate (2,2,4– and 2,4,4– isomers)
Tritolyl phosphate (Tricresyl phosphate)
Trixylyl phosphate
Turpentine
Undecanoic acid
1–Undecene
Undecyl alcohol
Vinylidene chloride
Vinyl neodecanoate
Vinyltoluene
White spirit, low (15–20%) aromatic
Xylenes
Xylenol
Zinc alkaryl dithiophosphate (C_7–C_{16})
Zinc alkyl dithiophosphate (C_3–C_{14})

Liquefied Gases (when carried in bulk)—
Acetaldehyde
Anhydrous Ammonia
Anhydrous Hydrogen Chloride
Anhydrous Hydrogen Fluoride
Butadiene
Butane
Butane/Propane Mixtures
Butylenes
Chlorine
Dimethylamine
Ethyl Chloride
Ethane
Ethylene
Ethylene Oxide
Methane (LNG)
Methyl Acetylene Propadiene mixture
Methyl Bromide
Methyl Chloride
Propane

Propylene

Sulphur Dioxide

Vinyl Chloride Monomer

Radioactive Substances

Radioactive substances, including, but not limited to, elements and compounds the isotopes of which are subject to the requirements of Section 835 of the Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition, published by the International Atomic Energy Agency, and which may be found to be stored or transported as substances and/or materials in Type A packages, Type B packages, as fissile materials or materials transported under special arrangements, such as $^{60}_{Co}$, $^{137}_{Cs}$, $^{226}_{Ra}$, $^{239}_{Pu}$, $^{235}_{U}$.

Radioactive materials

Radioactive materials which are transported in Type B packages, or as fissile materials, or under special arrangements, as covered by the provisions of schedules 10 to 13 of class 7 of the International Maritime Dangerous Goods Code.

SECOND SCHEDULE

(Section 20)

CONCILIATION AND ARBITRATION UNDER THE INTERVENTION CONVENTION

ANNEX TO THE INTERVENTION CONVENTION

Chapter 1

CONCILIATION

Article 1

Provided the Parties concerned do not decide otherwise, the procedure for conciliation shall be in accordance with the rules set out in this Chapter.

Article 2

1. A Conciliation Commission shall be established upon the request of one Party addressed to another in application of Article VIII of the Convention.

2. The request for conciliation submitted by a Party shall consist of a statement of the case together with any supporting documents.

3. If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures, or which is a coastal State having taken similar measures, may join in the conciliation procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

Article 3

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal State which took the measures, one nominated by the State the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.

2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in Article 4 below.

3. If within a period of 60 days from the date of receipt of the request for conciliation, the Party to which such request is made has not given notice to the other Party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the Parties, the first two Conciliators have not been able to designate by common agreement the Chairman of the Commission, the Secretary-General of the Organization shall upon request of either Party and within a period of 30 days, proceed to the required nomination. The members of the Commission thus nominated shall be selected from the list prescribed in the preceding paragraph.

4. In no case shall the chairman of the Commission be or have been a national of one of the original Parties to the procedure, whatever the method of his nomination.

Article 4

1. The list prescribed in Article 3 above shall consist of qualified persons designated by the Parties and shall be kept up to date by the Organization. Each Party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.

2. In the case of the decease or resignation of a person whose name appears on the list, the Party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

Article 5

1. Provided the Parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of Chapter III of the Hague Convention for the Peaceful Settlement of International Disputes of 18th October, 1907.

2. The Parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the Parties and the Commission. Each of the Parties may seek also the assistance of advisers and experts nominated by it for this purpose and may request the hearing of all persons whose evidence the Party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the Parties as well as from any persons whom, with the consent of their Governments, it may deem useful to call.

Article 6

Provided the Parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

Article 7

The Parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal—

(a) provide the Commission with the necessary documents and information;

(b) enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

Article 8

The task of the Conciliation Commission will be to clarify the matters under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the Parties. After examining the case, the Commission shall communicate to the Parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the Parties are called upon to state whether or not they accept the recommendation.

Article 9

The recommendation shall be accompanied by a statement of reasons. If the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver a separate opinion.

Article 10

A conciliation shall be deemed unsuccessful if, 90 days after the Parties have been notified of the recommendation, either Party shall not have notified the other Party of its acceptance of the recommendation. Conciliation shall likewise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of Article 3 above, or provided the Parties have not agreed otherwise, if the Commission shall not have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

Article 11

1. Each member of the Commission shall receive remuneration for his work, such remuneration to be fixed by agreement between the parties which shall each contribute an equal proportion.

2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

Article 12

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure for settlement of disputes.

Chapter II

ARBITRATION

Article 13

1. Arbitration procedure, unless the Parties decide otherwise, shall be in accordance with the rules set out in this Chapter.

2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

Article 14

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal State which took the measures, one Arbitrator nominated by the State the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

Article 15

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of Article 4 above. This list shall be separate from the list of experts prescribed in Article IV of the Convention and from the list of Conciliators prescribed in Article 4 of the present Annex: the name of the same person may, however, appear both on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.

2. If , within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present Article.

3. The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

4. The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party or Parties.

5. In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present Article.

Article 16

If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures or which is a coastal State having taken similar measures, may join in the arbitration procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

Article 17

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

Article 18

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal—

(a) provide the Tribunal with the necessary documents and information;

(b) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. Absence or default of one Party shall not constitute an impediment to the procedure.

Article 19

1. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

2. Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

THIRD SCHEDULE

DUMPING OF WASTES

(Section 28)

WASTES OR OTHER MATTER THAT MAY BE CONSIDERED FOR DUMPING

1. The following wastes or other matter are those that may be considered for dumping being mindful of the Objectives and General Obligations of the Convention set out in articles 2 and 3:

(*a*) dredged material;

(*b*) sewage;

(*c*) fish waste, or material resulting from industrial fish processing operations;

(*d*) vessels and platforms or other man-made structures at sea;

(*e*) inert, inorganic geological material;

(*f*) organic material of natural origin; and

(*g*) bulky items primarily comprising iron, steel, concrete and similarly unharmful materials for which the concern is physical impact, and limited to those circumstances where such wastes are generated at locations, such as small islands with isolated communities, having no practicable access to disposal options other than dumping.

2. The wastes or other matter listed in paragraphs 1.4 and 1.7 may be considered for dumping, provided that material capable of creating floating debris or otherwise contributing to pollution of the marine environment has been removed to the maximum extent and provided that the material dumped poses no serious obstacle to fishing or navigation.

3. Notwithstanding the above, materials listed in paragraphs 1.1 to 1.7 containing levels of radioactivity greater than *de minimis* (exempt) concentrations as defined by the IAEA and adopted by Contracting Parties, shall not be considered eligible for dumping; provided further that within 25 years of 20th February, 1994, and at each 25-year interval thereafter, Contracting Parties shall complete a scientific study relating to all radioactive wastes and other radioactive matter other than high level wastes or matter, taking into account such other factors as Contracting Parties consider appropriate and shall review the prohibition on dumping of such substances in accordance with the procedures set forth in article 22.

FOURTH SCHEDULE

[Section 28(3)]

1996 PROTOCOL TO THE LONDON CONVENTION

ASSESSMENT OF WASTES OR OTHER MATTER THAT MAY BE CONSIDERED FOR DUMPING

General

1. The acceptance of dumping under certain circumstances shall not remove the obligations under this Annex to make further attempts to reduce the necessity for dumping.

Waste Prevention Audit

2. The initial stages in assessing alternative to dumping should, as appropriate, include an evaluation of—

(*a*) product reformulation;

(*b*) clean production technologies;

(*c*) process modification;

(*d*) input substitution; and

(*e*) on-site, closed-loop recycling.

3. In general terms, if the required audit reveals that opportunities exist for waste prevention at source, an applicant is expected to formulate and implement a waste prevention strategy, in collaboration with relevant local and national agencies, which includes specific waste reduction targets and provision for further waste prevention audits to ensure that these targets are being met. Permit issuance or renewal decisions shall assure compliance with any resulting waste reduction and prevention requirements.

4. For dredged material and sewage sludge, the goal of waste management should be to identify and control the sources of contamination. This should be achieved through implementation of waste prevention strategies and requires collaboration between the relevant local and national agencies involved with the control of point and non-point sources of pollution. Until this objective is met, the problems of contaminated dredged material may be addressed by using management techniques at sea or on land.

Consideration of Waste Management Options

5. Applications to dump wastes or other matter shall demonstrate that appropriate consideration has been given to the following hierarchy of waste management options, which implies an order of increasing environmental impact:

(*a*) re-use;

(*b*) off-site recycling;

(*c*) destruction of hazardous constituents;

(*d*) treatment to reduce or remove the hazardous constituents; and

(e) disposal on land, into air and in water.

6. A permit to dump wastes or other matter shall be refused if the permitting authority determines that appropriate opportunities exist to re-use, recycle or treat the waste without undue risks to human health or the environment or disproportionate costs. The practical availability of other means of disposal should be considered in the light of a comparative risk assessment involving both dumping and the alternatives.

Chemical, Physical and Biological Properties

7. A detailed description and characterisation of the waste is an essential precondition for the consideration of alternatives and the basis for a decision as to whether a waste may be dumped. If a waste is so poorly characterised that proper assessment cannot be made of its potential impacts on human health and the environment, that waste shall not be dumped.

8. Characterisation of the wastes and their constituents shall take into account—

(*a*) origin, total amount, form and average composition;

(*b*) properties: physical, chemical, biochemical and biological;

(*c*) toxicity;

(*d*) persistencephysical, chemical and biological; and

(*e*) accumulation and biotransformation in biological materials or sediments.

Action List

9. Each Contracting Party shall develop a national Action List to provide a mechanism for screening candidate wastes and their constituents on the basis of their potential effects on human health and the marine environment. In selecting substances for consideration in an Action List, priority shall be given to toxic, persistent and bioaccumulative substances from anthropogenic sources (e.g., cadmium, mercury, organohalogens, petroleum hydrocarbons, and, whenever relevant, arsenic, lead, copper, zinc, beryllium, chromium, nickel and vanadium, organosilicon compounds, cyanides, fluorides and pesticides or their by-products other than organohalogens). An Action List can also be used as a trigger mechanism for further waste prevention considerations.

10. An Action List shall specify an upper level and may also specify a lower level. The upper level should be set so as to avoid acute or chronic effects on human health or on sensitive marine organisms representative of the marine ecosystem. Application of an Action List will result in three possible categories of waste—

1. wastes which contain specified substances, or which cause biological responses, exceeding the relevant upper level shall not be dumped, unless made acceptable for dumping through the use of management techniques or processes;
2. wastes which contain specified substances, or which cause biological responses, below the relevant lower levels should be considered to be of little environmental concern in relation to dumping; and
3. wastes which contain specified substances, or which cause biological responses, below the upper level but above the lower level require more detailed assessment before their suitability for dumping can be determined.

Dump Site Selection

11. Information required to select a dump site shall include—

(*a*) physical, chemical and biological characteristics of the water-column and the sea bed;

(*b*) location of amenities, values and other uses of the sea in the area under consideration;

(*c*) assessment of the constituent fluxes associated with dumping in relation to existing fluxes of substances in the marine environment; and

(*d*) economic and operational feasibility.

Assessment of Potential Effects

12. Assessment of potential effects should lead to a concise statement of the expected consequences of the sea or land disposal options, i.e., the "Impact Hypothesis". It provides a basis for deciding whether to approve or reject the proposed disposal option and for defining environmental monitoring requirements.

13. The assessment for dumping should integrate information on waste characteristics, conditions at the proposed dump-site(s), fluxes and proposed disposal techniques and specify the potential effects on human health, living resources, amenities and other legitimate uses of the sea. It should define the nature, temporal and spatial scales and duration of expected impacts based on reasonably conservative assumptions.

14. An analysis of each disposal option should be considered in the light of a comparative assessment of the following concerns: human health risks, environmental costs, hazards, (including accidents), economics and exclusion of future uses. If this assessment reveals that adequate information is not available to determine the likely effects of the proposed disposal option then this option should not be considered further. In addition, if the interpretation of the comparative assessment shows the dumping option to be less preferable, a permit for dumping should not be given.

15. Each assessment should conclude with a statement supporting a decision to issue or refuse a permit for dumping.

Monitoring

16. Monitoring is used to verify that permit conditions are met—compliance monitoring—and that the assumptions made during the permit review and site selection process were correct and sufficient to protect the environment and human health—field monitoring. It is essential that such monitoring programmes have clearly defined objectives.

Permit and Permit Conditions

17. A decision to issue a permit should only be made if all impact evaluations are completed and the monitoring requirements are determined. The provisions of the permit shall ensure, as far as practicable, that environmental disturbance and detriment are minimised and the benefits maximised. Any permit issued shall contain data and information specifying—

(*a*) the types and sources of materials to be dumped;

(*b*) the location of the dump site(s);

(c) the method of dumping; and

(d) monitoring and reporting requirements.

18. Permits should be reviewed at regular intervals, taking into account the results of monitoring and the objectives of monitoring programmes. Review of monitoring results will indicate whether field programmes need to be continued, revised or terminated and will contribute to informed decisions regarding the continuance, modification or revocation of permits. This provides an important feedback mechanism for the protection of human health and the marine environment.

FIFTH SCHEDULE

(Section 51)

SUBSTANCES LISTED IN APPENDIX I TO ANNEX I OF MARPOL

I—List of Oils

Asphalt Solutions

Blending stocks

Roofers flux

Straight run residue

Oils

Clarified

Crude oil

Mixtures containing crude oil

Diesel oil

Fuel oil No. 4

Fuel oil No. 5

Fuel oil No. 6

Residual fuel oil

Road oil

Transformer oil

Aromatic oil (excluding vegetable oil)

Lubricating oils and blending stocks

Mineral oil

Motor oil

Penetrating oil

Spindle oil

Turbine oil

Distillates

Straight run

Flashed feed stocks

Gas Oil

Cracked

Gasoline blending stocks

Alkylates—fuel

Reformates

Polymer—fuel

Gasolines

Casinghead (natural)

Automotive

Aviation

Straight run

Fuel oil No. 1 (kerosene)

Fuel oil No. 1–D

Fuel oil No. 2

Fuel oil No. 2–D

Jet fuels

JP–1 (kerosene)

JP–3

JP–4

JP–5 (kerosene, heavy)

Turbo fuel

Kerosene

Mineral spirit

Naphtha

Solvent

Petroleum

Heartcut distillate oil

***This list of oils shall not necessarily be considered as comprehensive**

SIXTH SCHEDULE

(Section 64)

FORM OF IOPP CERTIFICATE AND SUPPLEMENTS

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

(Note: This certificate shall be supplemented by a Record of Construction and Equipment)

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention") under the authority of the Government of:

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

by .....
(full designation of the competent person or organisation authorised under the provisions of the Convention)

Name of Ship	Distinctive number or letters	Port of Registry	Gross tonnage

Type of ship—

Oil tanker*

Ship other than an oil tanker with cargo tanks coming under regulation 2(2) of Annex 1 of the Convention*

Ship other than any of the above*

---

*delete as appropriate

THIS IS TO CERTIFY:

1. That the ship has been surveyed in accordance with regulation 4 of Annex 1 of the Convention; and

2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex 1 of the Convention.

This certificate is valid until ..... subject to surveys in accordance with regulation 4 of Annex 1 of the Convention.

Issued at .....
(Place of issue of certificate)

....
(Date of issue) *(Signature of duly authorized official issuing the certificate)*

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by regulation 4 of Annex 1 of the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey:

Signed.....
(Signature of duly authorised officer)

Place .....

Date .....

(Seal or stamp of the authority, as appropriate)

Annual*/Intermediate survey*: Signed.....
(Signature of duly authorised officer)

Place .....

Date .....

(Seal or stamp of the authority, as appropriate)

Annual*/Intermediate survey*: Signed.....
(Signature of duly authorised officer)

Place .....

Date .....

(Seal or stamp of the authority, as appropriate)

Annual survey:

Signed.....
(Signature of duly authorised officer)

Place .....

Date .....

(Seal or stamp of the authority, as appropriate)

---

*delete as appropriate

FORM A
(Revised 1991)

Supplement to the International Oil Pollution Prevention Certificate (IOPP Certificate)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS OTHER THAN OIL TANKERS

In respect of the provisions of Annex 1 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention").

Notes:

1. This form is to be used for the third type of ships as categorized in the IOPP Certificate, i.e., "ships other than any of the above". For oil tankers and ships other than oil tankers with cargo tanks coming under regulation 2(2) of Annex 1 of the Convention, Form B shall be used.

2. This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.

3. If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.

4. Entries in boxes shall be made by inserting either a cross (x) for the answers "yes" and "applicable" or a dash (—) for the answers "no" and "not applicable" as appropriate.

5. Regulations mentioned in this Record refer to regulations of Annex 1 of the Convention and resolutions refer to those adopted by the International Maritime Organization.

1 Particulars of Ship

1.1 Name of ship .....

1.2 Distinctive number or letters .....

1.3 Port of registry .....

1.4 Gross tonnage .....

1.5 Date of build:

1.5.1 Date of building contract .....

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

1.5.3 Date of delivery .....

1.6 Major conversion (if applicable):

1.6.1 Date of conversion contract .....

1.6.2 Date on which conversion was commenced .....

1.6.3 Date of completion of conversion .....

1.7 Status of ship:

1.7.1 New ship in accordance with regulation 1(6) ☐

1.7.2 Existing ship in accordance with regulation 1(7) ☐

1.7.3 The ship has been accepted by the Administration as an "existing ship" under regulation 1(7) due to unforseen delay in delivery ☐

2 Equipment for the control of oil discharge from machinery space bilges and oil fuel tanks (regulations 10 and 16)

2.1 Carriage of ballast water in oil fuel tanks:

2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks ☐

2.2 Type of oil filtering equipment fitted:

2.2.1 Oil filtering (15 ppm) equipment [regulation 16(4)] ☐

2.2.2 Oil filtering (15 ppm) equipment with alarm and automatic stopping device [regulation 16(5)] ☐

2.3 The ship is allowed to operate with the existing equipment until 6th July, 1998 [regulation 16(6)] and fitted with:

2.3.1 Oily-water separating (100 ppm) equipment ☐

2.3.2 Oil filtering (15 ppm) equipment without alarm ☐

2.3.3 Oil filtering (15 ppm) equipment with alarm and manual stopping device ☐

2.4 Approval standards*

2.4.1 The separating/filtering equipment:

1. has been approved in accordance with resolution A.393(X) ☐
2. has been approved in accordance with resolution A.233(VII) ☐

3. has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII) ☐

4. has not been approved ☐

2.4.2 The process unit has been approved in accordance with resolution A.444(XI) ☐

2.4.3 The oil content meter has been approved in accordance with resolution A.393(X) ☐

---

*Refer to the Recommendation on international performance and test specifications of oily-water separating equipment and oil content meters adopted by the Organization on 14th November, 1977 by resolution A.393(X), which superseded resolution A.233(VII); *see* IMO sales publication IMO-608E. Further reference is made to the Guidelines and specifications for pollution prevention equipment for machinery space bilges adopted by the Marine Environment Protection Committee of the Organisation by resolution MEPC.60(33), which, effective on 6th July, 1993, superseded resolutions A.393(X) and A.444(XI); *see* IMO sales publication IMO-646E.

2.5 Maximum throughput of the system is .....m^3/h

2.6 Waiver of regulation 16:

2.6.1 The requirements of regulation 16(1) or (2) are waived in respect of the ship in accordance with regulation 16(3)*(a)*. The ship is engaged exclusively on:

1. voyages within special area(s):.....
.....
.....

2. voyages within 12 miles of the nearest land outside special area(s) restricted to:.....
.....
.....

2.6.2 The ship is fitted with holding tank(s) having a volume of m^3 for the total retention on board of all oily bilge water ☐

3 Means for retention and disposal of oil residues (sludge) (regulation 17)

The ship is provided with oil residue (sludge) tanks as follows:

Tank Identification	Tank Location		Volume (m^3)
	Frames (from)–(to)	Lateral position	
		Total volume: .....(m^3)	

3.2 Means for the disposal of residues in addition to the provisions of sludge tanks:

3.2.1 Incinerator for oil residues, capacity 1/h

3.2.2 Auxiliary boiler suitable for burning oil residues ☐

3.2.3 Tank for mixing oil residues with fuel oil, capacity .....m^3

3.2.4 Other acceptable means:
.....

4 Standard discharge connection (regulation 19)

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in accordance with regulation 19 ☐

5 Shipboard oil pollution emergency plan (regulation 26)

5.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with regulation 26 ☐

6 Exemption

6.1 Exemptions have been granted by the Administration from the requirements of Chapter II of Annex I of the Convention in accordance with regulation 2(4)*(a)* on those items listed under paragraph(s) ☐
.....
..... of this Record.

7 Equivalents (regulation 3)

7.1 Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s) ..... of this Record.

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....
(Place of issue of the Record)

.....
(Signature of duly authorised officer issuing the Record)

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

FORM B
(Revised 1991)

Supplement to International Oil Pollution Prevention Certificate (IOPP Certificate)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR OIL TANKERS

In respect of the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention").

Notes:

1. This form is to be used for the first two types of ships as categorised in the IOPP Certificate, i.e., "oil tankers" and "ships other than oil tankers with cargo tanks coming under regulation 2(2) of Annex I of the Convention". For the third type of ships as categorised in the IOPP Certificate, Form A shall be used.
2. This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.
3. If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.
4. Entries in boxes shall be made by inserting either a cross (x) for the answers "yes" and "applicable" or a dash (—) for the answers "no" and "not applicable" as appropriate.
5. Regulations mentioned in this Record refer to regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

1 Particulars of Ship

1.1 Name of ship .....

1.2 Distinctive number or letters .....

1.3 Port of registry .....

1.4 Gross tonnage .....

1.5 Carrying capacity of ship .....(m^3)

1.6 Deadweight of ship ..... (metric tons) [regulations 1(22)]

1.7 Length of ship .....(m) [regulation 1(18)]

1.8 Date of build:

1.8.1 Date of building contract .....

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

1.8.3 Date of delivery .....

1.9 Major conversion (if applicable):

1.9.1 Date of conversion contract .....

1.9.2 Date on which conversion was commenced .....

1.9.3 Date of completion of conversion .....

1.10 Status of ship:

1.10.1 New ship in accordance with regulation 1(6) ☐

1.10.2 Existing ship in accordance with regulation 1(7) ☐

1.10.3 New oil tanker in accordance with regulation 1(26) ☐

1.10.4 Existing oil tanker in accordance with regulation 1(27) ☐

1.10.5 The ship has been accepted by the Administration as an "existing ship" under regulation 1(7) due to unforeseen delay in delivery ☐

1.10.6 The ship has been accepted by the Administration as an "existing oil tanker" under regulation 1(27) due to unforeseen delay in delivery ☐

1.10.7 The ship is not required to comply with the provisions of regulation 24 due to unforeseen delay in delivery ☐

1.11 Type of ship:

1.11.1 Crude oil tanker ☐

1.11.2 Product carrier ☐

1.11.3 Crude oil/product carrier ☐

1.11.4 Combination carrier ☐

1.11.5 Ship, other than an oil tanker, with cargo tanks coming under regulation 2(2) of Annex 1 of the Convention ☐

1.11.6 Oil tanker dedicated to the carriage of products referred to in regulation 15(7) ☐

1.11.7 The ship, being designated as a "crude oil tanker" operating with COW, is also designated as a "product carrier" operating with CBT, for which a separate IOPP Certificate has also been issued ☐

1.11.8 The ship, being designated as a "product carrier" operating with CBT, is also designated as a "crude oil tanker" operating with COW, for which a separate IOPP Certificate has also been issued ☐

1.11.9 Chemical tanker carrying oil ☐

2 Equipment for the control of oil discharge from machinery space bilges and oil fuel tanks (regulations 10 and 16)

2.1 Carriage of ballast water in oil fuel tanks:

2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks ☐

2.2 Type of oil filtering equipment fitted:

2.2.1 Oil filtering (15 ppm) equipment [regulation 16(4)] ☐

2.2.2 Oil filtering (15 ppm) equipment with alarm and automatic stopping device [regulation 16(5)] ☐

2.3 The ship is allowed to operate with the existing equipment until 6th July, 1998 [regulation 16(6)] and fitted with:

2.3.1 Oily-water separating (100 ppm) equipment ☐

2.3.2 Oil filtering (15 ppm) equipment without alarm ☐

2.3.3 Oil filtering (15 ppm) equipment with alarm and manual stopping device ☐

2.4 Approval standards*

2.4.1 The separating/filtering equipment:

1. has been approved in accordance with resolution A.393(X) ☐
2. has been approved in accordance with resolution A.233(VII) ☐
3. has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII) ☐
4. has not been approved ☐

*Refer to the Recommendation on international performance and test specifications of oily-water separating equipment and oil content meters adopted by the Organization on 14th November, 1977 by resolution A.393(X), which superseded resolution A.233(VII); *see* IMO sales publication IMO-608E. Further reference is made to the Guidelines and specifications for pollution prevention equipment for machinery space bilges adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.60(33), which, effective on 6th July, 1993, superseded resolutions A.393(X) and A.444(XI); *see* IMO sales publication IMO-646E.

2.4.2 The process unit has been approved in accordance with resolution A.444(XI) ☐

2.4.3 The oil content meter has been approved in accordance with resolution A.393(X) ☐

2.5 Maximum throughput of the system is .....m^3/h

2.6 Waiver of regulation 16:

2.6.1 The requirements of regulation 16(1) or (2) are waived in respect of the ship in accordance with regulation 16(3)*(a)*. The ship is engaged exclusively on:

1. voyages within special area(s): .... ☐

2. voyages within 12 miles of the nearest land outside special area(s) restricted to: .... ☐

2.6.2 The ship is fitted with holding tank(s) having a volume of m^3 for the total retention on board of all oily bilge water ☐

2.6.3 In lieu of the holding tank the ship is provided with arrangements to transfer bilge water to the slop tank ☐

3 Means for retention and disposal of oil residues (sludge) (regulation 17)

The ship is provided with oil residue (sludge) tanks as follows:

Tank Identification	Tank Location		Volume (m^3)
	Frames (from)—(to)	Lateral position	
		Total volume: .....m^3	

3.2 Means for the disposal of residues in addition to the provisions of sludge tanks:

3.2.1 Incinerator for oil residues, capacity .....1/h ☐

3.2.2 Auxiliary boiler suitable for burning oil residues ☐

3.2.3 Tank for mixing oil residues with fuel oil, capacity .....m^3 ☐

3.2.4 Other acceptable means: ..... ☐

4 Standard discharge connection (regulation 19))

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in accordance with regulation 19 ☐

5. Construction (regulations 13, 24 and 25)

5.1 In accordance with the requirements of regulation 13, the ship is:

5.1.1 Required to be provided with SBT, PL and COW q

5.1.2 Required to be provided with SBT and PL q

5.1.3 Required to be provided with SBT q

5.1.4 Required to be provided with SBT or COW

5.1.5 Required to be provided with SBT or CBT q

5.1.6 Not required to comply with the requirements of regulation 13 q

5.2 Segregated ballast tanks (SBT):

5.2.1 The ship is provided with SBT in compliance with regulation 1 q

5.2.2 The ship is provided with SBT, in compliance with regulation 13, which are arranged in protective locations (PL) in compliance with regulation 13E q

5.2.3.1 SBT are distributed as follows: q

Tank	Volume (m^3)	Tank	Volume (m^3)
		Total volume:.....m^3	

5.3 Dedicated clean ballast tanks (CBT):

5.3.1 The ship is provided with CBT in compliance with regulation 13A, and may operate as a product carrier q

5.3.2 CBT are distributed as follows:

Tank	Volume (m^3)	Tank	Volume (m^3)
		Total volume:.....m^3	

5.3.3 The ship has been supplied with a valid Dedicated Clean Ballast Tank Operation Manual, which is dated ……..... q

5.3.4 The ship has common piping and pumping arrangements for ballasting the CBT and handling cargo oil q

5.3.5 The ship has separate independent piping and pumping arrangements for ballasting the CBT q

5.4 Crude oil washing (COW)

5.4.1 The ship is equipped with a COW system in compliance with regulation 13B q

5.4.2 The ship is equipped with a COW system in compliance with regulation 13B except that the effectiveness of the system has not been confirmed in accordance with regulation 13(6) and paragraph 4.2.10 of the Revised COW Specifications [(resolution A.446 (XI*)] q

---

**See* IMO sales publication IMO–617E

5.4.3 The ship has been supplied with a valid Crude Oil Washing Operations and Equipment Manual, which is dated ……..... q

5.4.4 The ship is not required to be but is equipped with COW in compliance with the safety aspects of the Revised COW Specifications [resolution A.446(XI)*] q

5.5 Exemption from regulation 13:

5.5.1 The ship is solely engaged in trade between ……..... ……..... in accordance with regulation 13C and is therefore exempted from the requirements of regulation 13 q

5.5.2 The ship is operating with special ballast arrangements in accordance with regulation 13D and is therefore exempted from the requirements of regulation 13 q

5.6 Limitation of size and arrangements of cargo tanks (regulation 24):

5.6.1 The ship is required to be constructed according to, and complies with, the requirements of regulation 24 q

5.6.2 The ship is required to be constructed according to, and complies with, the requirements of regulation 24(4) [(*See* regulation 2(2)] q

5.7 Subdivision and stability (regulation 25):

5.7.1 The ship is required to be constructed according to, and complies with, the requirements of regulation 25 q

5.7.2 Information and data required under regulation 25(5) have been supplied to the ship in an approved form q

* *See* IMO sales publication IMO–617E

5.8 Double hull construction:

5.8.1 The ship is required to be constructed according to regulation 13F and complies with the requirements of:

.1 paragraph (3) (double hull construction) q

.2 paragraph (4) (mid-height deck tankers with double side construction) q

.3 paragraph (5) (alternative method approved by the Marine Environment Protection Committee) q

5.8.2 The ship is required to be constructed according to and complies with the requirements of regulation 13F(7) (double bottom requirements) q

5.8.3 The ship is not required to comply with the requirements of regulation 13F q

5.8.4 The ship is subject to regulation 13G and:

.1 is required to comply with regulation 13F not later than

..... q

.2 is so arranged that the following tanks or spaces are not used for the carriage of oil

5.8.5 The ship is not subject to regulation 13G

6. Retention of oil on board (regulation 15)

6.1 Oil discharge monitoring and control system:

6.1.1 The ship comes under category ..... oil tanker as defined in resolution A. 496 (XII) or A.586(14)* (delete as appropriate) q

.1 fitted with a starting interlock q

.2 fitted with automatic stopping device q

---

*Oil tankers the keels of which are laid, or which are at a similar stage of construction, on or after 2nd October, 1986 should be fitted with a system approved under resolution A.586(14); *See* IMO sales publication IMO-646E.

6.1.2 The system comprises:

.1 control unit q

.2 computing unit q

.3 calculating unit q

6.1.3 The system is:

6.1.4 The oil content meter is approved under the terms of resolution A.393(X) or A.586 (14)** (delete as appropriate) suitable for:

.1 crude oil q

.2 black products q

.3 white products q

.4 oil-like noxious liquid substances as listed in the attachment to the certificate q

6.1.5 The ship has been supplied with an operations manual for the oil discharge monitoring and control system q

---

** For oil content meters installed on tankers built prior to 2nd October, 1986, refer to the Recommendation on international performance and test specifications for oil water separating equipment and oil content meters adopted by the Organization by resolution A.393 (X). For oil content meters as part of discharge

monitoring and control systems installed on tankers built on or after 2nd October, 1986, refer to the Guidelines and specification for oil discharge monitoring and control systems for oil tankers adopted by the Organization by resolution A.586(14); *See* IMO sales publications IMO–608E and IMO–646E, respectively.

6.2 Slop tanks:

6.2.1 The ship is provided with ..... dedicated slop tank(s) with the total capacity of ..... m^3 which is ..... % of the oil carrying capacity, in accordance with:

.1 regulation 15(2)*(c)* q

.2 regulation 15(2)*(c)*(i) q

.3 regulation 15(2)*(c)*(ii) q

.4 regulation 15(2)*(c)*(iii) q

6.2.2 Cargo tanks have been designated as slop tanks

6.3 Oil/Water interface detectors:

6.3.1 The ship is provided with oil/water interface detectors q

approved under the terms of resolution MEPC 5(XIII)*

6.4 Exemptions from regulation 15:

6.4.1 The ship is exempted from the requirements of regulation 15(1)(2) and (3) in accordance with regulation 15(7) q

6.4.2 The ship is exempted from the requirements of regulation 15 (1), (2) and (3) in accordance with regulation 2(2) q

* Refer to the Specification for oil/water interface detectors adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.5(XIII); *See* IMO sales publication IMO–646E.

6.5 Waiver of regulation 15:

6.5.1 The requirements of regulation 15(3) are waived in respect of the ship in accordance with regulation 15(5)*(b)*. The ship is engaged exclusively on:

.1 specific trade under regulation 13C ..... q

.2 voyages within special area(s) ..... q

.....

.3 voyages within 50 miles of the nearest land outside special area(s) of 72 hours or less in duration restricted to ..... q

7 Pumping, piping and discharge arrangements (regulations 18)

7.1 The overboard discharge outlets for segregated ballast are located:

7.1.1 Above the waterline q

7.1.2 Below the waterline q

7.2 The overboard discharge outlets, other than the discharge manifold, for clean ballast are located:

7.2.1 Above the waterline q

7.2.2 Below the waterline q

*Only those outlets which can be monitored are to be indicated

7.3 The overboard discharge outlets, other than the discharge manifold, for dirty ballast water or oil-contaminated water from cargo tank areas are located:*

7.3.1 Above the waterline q

7.3.2 Below the waterline in conjunction with the part flow arrangements in compliance with regulation 18(6)*(e)* q

7.3.3 Below the waterline q

7.4 Discharge of oil from cargo pumps and oil lines [regulation 18(4) and (5)]:

7.4.1 Means to drain all cargo pumps and oil lines at the completion of cargo discharge:

.1 drainings capable of being discharged to a cargo tank or slop tank q

.2 for discharge ashore a special small-diameter line is provided q

8 Shipboard oil pollution emergency plan (regulation 26)

8.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with regulation 26 q

9 Equivalent arrangements for chemical tankers carrying oil

9.1 As equivalent arrangements for the carriage of oil by a chemical tanker, the ship is fitted with the following equipment is lieu of slop tanks (paragraph 6.2 above) and oil/water interface detectors (paragraph 6.3 above):

9.1.1 Oily-water separating equipment capable of producing effluent with oil content less than 100 ppm, with the capacity of ……..... m^3/h

9.1.2 A holding tank with the capacity of ……..... $.m^3$

*Only those outlets which can be monitored are to be indicated

9.1.3 a tank for collecting tank washings which is:

.1 a dedicated tank q

.2 a cargo tank designated as a collecting tank q

9.1.4 A permanently installed transfer pump for overboard discharge of effluent containing oil through the oily-water separating equipment q

9.2 The oily-water separating equipment has been approved under the terms of resolution A.393(X)* and is suitable for the full range of Annex 1products q

9.3 The ship holds a valid Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk q

10. Oil-like noxious liquid substances

10.1 The ship is permitted, in accordance with regulation 14 of Annex II of the convention, to carry the oil-like noxious liquid substances specified in the list attached **

11 Exemption

11.1 Exemptions have been granted by the Administration from the requirements of chapter II of Annex I of the Convention in accordance with regulation 2 (4)*(a)* on those items listed under paragraph(s) ..... of this Record.

.....

.....

.....of this Record. q

---

* Refer to the guidelines and specifications for pollution prevention equipment for machinery space bilges adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC. 60(33), which, effective on 6th July, 1993, superseded resolution A.393 (X); *See* IMO sales publication IMO 646–E.

** The list of oil-like noxious substances permitted for carriage, signed, dated and certified by a seal or stamp of the issuing authority, shall be attached.....

12 Equivalents
(regulation 3)

12.1 Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s) .....

..... of this Record.

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....
(Place of issue of the Record)

.....
(Signature of duly authorised officer issuing the Record)

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

SEVENTH SCHEDULE

(Section 82)

FORM OF OIL RECORD BOOK

OIL RECORD BOOK–Part 1

Machinery space operations
(all ships)

Name of ship:

Distinctive number or letters:

Gross tonnage:

Period from: to:

Note: Oil Record Book Part 1 shall be provided to every oil tanker of 150 tons gross tonnage and above and every ship of 400 tons gross tonnage and above, other than oil tankers, to record relevant machinery space operations. For oil tankers, Oil Record Book Part II shall also be provided to record relevant cargo/ballast operations.

Introduction

The following pages of this section show a comprehensive list of items of machinery space operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, 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. Each completed page shall be signed by the master of the ship.

The Oil Record Book contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book should be considered accordingly.

LIST OF ITEMS TO BE RECORDED

(A) Ballasting or cleaning of oil fuel tanks

1. Identity of tank(s) ballasted
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried.
3. Cleaning process:
   - .1 position of ship and time at the start and completion of cleaning;
   - .2 identify tank(s) in which one or another method has been employed (rinsing through, steaming, cleaning with chemicals; type and quantity of chemicals used);
   - .3 identity of tank(s) into which cleaning water was transferred.
4. Ballasting
   - .1 position of ship and time at start and end of ballasting;
   - .2 quantity of ballast if tanks are not cleaned.

(B) Discharge of dirty ballast or cleaning water from oil fuel tanks referred to under section (A)

5. Identity of tank(s).
6. Position of ship at start of discharge.
7. Position of ship on completion of discharge.
8. Ship's speed(s) during discharge.
9. Method of discharge:
   - .1 through 100 ppm equipment;
   - .2 through 15 ppm equipment;
   - .3 to reception facilities.
10. Quantity discharged.

(C) Collection and disposal of oil residues (sludge)

11. Collection of oil residues

Quantities of oil residues (sludge) retained on board at the end of a voyage, but not more frequently than once a week. When ships are on short voyages, the quantity should be recorded weekly:[1]

1. separated sludge (sludge resulting from purification of fuel and lubricating oils) and other residues, if applicable:

—identity of tank(s) ……..

—capacity of tank(s) ……m^3

—total quantity of retention ……m^3

2. other residues (such as oils, residues resulting from drainages, leakages, exhausted oil, etc., in the machinery spaces), if applicable due to tank arrangement in addition to 1:

-—identity of tank(s) ……..

—capacity of tank(s) ……m^3

—total quantity of retention ……m^3

[1]Only in tanks listed in item 3 of Form A and B of the Supplement to the IOPP Certificate.

12. Methods of disposal of residue.

State quantity of oil residues disposed of, the tank(s) emptied and the quantity of contents retained:

.1 to reception facilities (identify port); [2]
.2 transferred to another (other) tank(s) [indicated tank(s) and the total content of tank(s)];
.3 incinerated (indicate total time of operation);
.4 other method (state which).

(D) Non-automatic discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces

13. Quantity discharged or disposed of.

14. Time of discharge or disposal (start and stop).

15. Method of discharge or disposal:

.1 through 100 ppm equipment (state position at start and end):
.2 through 15 ppm equipment (state position at start and end):
.3 to reception facilities (identify port):[2]
.4 transfer to slop tank or holding tank [indicate tank(s): state quantity transferred and the total quantity retained in tanks(s)].

(E) Automatic discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spacess

16. Time and position of ship at which the system has been put into automatic mode of operation for discharge overboard.

[2]*Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.*

17. Time when the system has been put into automatic mode of operation for transfer of bilge water to holding tank (identify tank).

18. Time when the system has been put into manual operation.

19. Method of discharge overboard:
.1 through 100 ppm equipment;
.2 through 15 ppm equipment.

(F) Condition of oil discharge monitoring and control system

20. Time of system failure.

21. Time when system has been made operational.

22. Reasons for failure.

(G) Accidental or other exceptional discharges of oil

23. Time of occurrence.

24. Place or position of ship at time of occurrence.

25. Approximate quantity and type of oil.

26. Circumstances of discharge or escape, the reasons therefor and general remarks.

(H) Bunkering of fuel or bulk lubricating oil

27. Bunkering:
.1 Place of bunkering
.2 Time of bunkering
.3 Type and quantity of fuel oil and identity of tank(s) [state quantity added and total content of tank(s)].
4. type and quantity of lubricating oil and identity of tank(s) [state quantity added and total content of tank(s)].

(I) Additional operational procedures and general remarks

Name of ship ……..

Distinctive number or letters ……

CARGO/BALLAST OPERATIONS (OIL TANKERS)*/MACHINERY SPACE OPERATIONS (ALL SHIPS)* *(delete as appropriate)*

Date	Code (letter)	Item number	Recording of operations/signature of officer in charge

Signature of master.....

OIL RECORD BOOK – PART II

Cargo/Ballast operations–(Oil Tankers)

Name of ship:

Distinctive number or letters:

Gross tonnage:

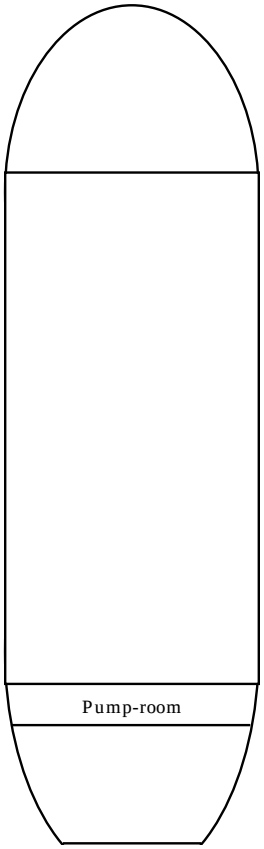
Period from: to:

Note: Every oil tanker of 150 tons gross tonnage and above shall be provided with Oil Record Book Part II to record relevant cargo/ballast operations. Such a tanker shall also be provided with Oil Record Book Part I to record relevant machinery space operations.

Name of ship.....

Distinctive number or letters.....

PLAN VIEW OF CARGO AND SLOP TANKS
(TO BE COMPLETED ON BOARD)



Identification of the Tanks	Capacity
Depth of slop Tank(s)	

[(Give the capacity of each tank and the depth of slop tank(s)]

Introduction

The following pages of this section show a comprehensive list of items of cargo and ballast operations which are, when appropriate, to be recorded in the Oil Record Book in accordance with regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a code letter.

When making entries in the Oil 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. Each completed page shall be signed by the master of the ship. In respect of the oil tankers engaged in specific trades in accordance with regulation 13C of Annex I of MARPOL 73/78, appropriate entry in the Oil Record Book shall be endorsed by the competent port State authority.*

The Oil Record Book contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book should be considered accordingly.

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*This sentence should be inserted for the Oil Record Book of a tanker engaged in a specific trade.

List of Items to Be Recorded

(A) Loading of oil cargo

1. Place of loading
2. Type of oil loaded and identity of tank(s).
3. Total quantity of oil loaded [(state quantity added and the total content of tank(s)].

(B) Internal transfer of oil cargo during voyage

4. Identity of tank(s)]:
   - .1 from:
   - .2 to: [(state quantity transferred and total quantity of tank(s)]
5. was (were) the tank(s) in 4.1 emptied? (If not, state quantity retained).

(C) Unloading of Oil Cargo

6. Place of unloading.
7. Identity of tank(s) unloaded.
8. Was (were) the tank(s) emptied? If not, state quantity retained).

(D) Crude Oil Washing (COW tankers only)

(To be completed for each tank being crude oil washed)

9. Port where crude oil washing was carried out of ship's position if carried out between two discharge ports.
10. Identity of tank(s) washed.[1]
11. Number of machines in use.
12. Time of start of washing.
13. Washing pattern employed.[2]

1 When and individual tank has more machine than can be operated simultaneously, as described in the Operations and Equipment Manual, then the section being crude oil washed should be identified, e.g. No. 2 centre, forward section.

2 In accordance with the Operations and Equipment Manual, enter whether single-stage or multi-stage method of washing is employed. If multi-stage method is used, give the vertical arc covered by the machines and the number of times that arc is covered for that particular stage of the programme.

14. Washing line pressure.

15. Time washing was completed or stopped.

16. State method of establishing that tank(s) was (were) dry.

17. Remarks.[3]

(E) Ballasting of cargo tanks

18. Position of ship at start and end of ballasting.

19. Ballasting process:

.1 identity of tank(s) ballasted:

.2 time of start and end:

.3 quantity of ballast received. Indicate total quantity of ballast for each tank involved in the operation.

(F) Ballasting of dedicated clean ballast tanks (CBT tankers only)

20. Identity of tank(s) ballasted

21. Position of ship when water intended for flushing, or port ballast was taken to dedicated clean ballast tank(s).

22. Position of ship when pump(s) and lines were flushed to slop tank.

23. Quantity of the oily water which, after line flushing, is transferred to the slop tank(s) or cargo tank(s) in which slop is preliminarily stored [identify tank(s)]. State the total quantity.

24. Position of ship when additional ballast water was taken to dedicated clean ballast tank(s).

---

[3] If the programmes given in the Operations and Equipment Manual are not followed, then the reasons must be given under Remarks.

25. Time and position of ship when valves separating the dedicated clean ballast tanks from cargo and stripping lines were closed.

26. Quantity of clean ballast taken on board.

(G) Cleaning of cargo tanks

27. Identity of tank(s) cleaned.

28. Port or ship's position.

29. Duration of cleaning.

30. Method of cleaning.[4]

31. Tank washings transferred to:

.1 reception facilities (state port and quantity)[5];

.2 slop tank(s) or cargo tank(s) designated as slop tank(s) [identify tank(s); state quantity transferred and total quantity].

(H) Discharge of dirty ballast

32. Identity of tank(s).

33. Position of ship at start of discharge into the sea.

34. Position of ship on completion of discharge into the sea.

[4] Hand-housing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and amount should be stated.

[5] Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in all alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

35. Quantity discharged into the sea.

36. Ship's speed(s) during discharge.

37. Was the discharge monitoring and control system in operation during the discharge?

38. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

39. Quantity of oily water transferred to slop tank(s) [identify slop tank(s)]. State total quantity.

40. Discharged to shore reception facilities (identify port and quantity involved).[5]

(I) Discharge of water from slop tanks into the sea

41. Identity of slop tanks.

42. Time of settling from last entry of residues, or

43. Time of settling from last discharge.

44. Time and position of ship at start of discharge.

45. Ullage of total contents at start of discharge.

46. Ullage of oil/water interface at start of discharge.

47. Bulk quantity discharged and rate of discharge.

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[5] Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in all alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

48. Final quantity discharged and rate of discharge.

49. Time and position of ship on completion of discharge.

50. Was the discharge monitoring and control system in operation during the discharge?

51. Ullage of oil/water interface on completion of discharge.

52. Ship's speed(s) during discharge.

53. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

54. Confirm that all applicable valves in the ship's piping system have been closed on completion of discharge from the slop tanks.

(J) Disposal of residues and oily mixture not otherwise dealt with

55. Identity of tank(s).

56. Quantity disposed of from each tank. (State the quantity retained).

57. Method of disposal:

.1 to reception facilities (identify port and quantity involved)[5]

.2 mixed with cargo (state quantity)

.3 transferred to (an) other tank(s) [identify tank(s); state quantity transferred and total quantity in tank(s)];

.4 other method (state which); state quantity disposed of.

(K) Discharge of clean ballast contained in cargo tanks

58. Position of ship at start of discharge of clean ballast.

---

[5] Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in all alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

59. Identity of tank(s) discharged.

60. Was/were the tank(s) empty on completion?

61. Position of ship on completion if different from 58.

62. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

(L) Discharge of ballast from dedicated clean ballast tanks (CBT tankers only)

63. Identity of tank(s) discharged.

64. Time and position of ship at start of discharge of clean ballast into the sea.

65. Time and position of ship on completion of discharge into the sea.

66. Quantity discharged:

.1 into the sea; or

.2 to reception facility (identify port).

67. Was there any indication of oil contamination of the ballast water before or during discharge into the sea?

68. Was the discharge monitored by an oil content meter?

69. Time and position of ship when valves separating dedicated clean ballast tanks from the cargo and stripping lines were closed on completion of deballasting.

(M) Condition of oil discharge monitoring and control system

70. Time of system failure.
71. Time when system has been made operational.
72. Reasons for failure.

(N) Accidental or other exceptional discharges of oil

73. Time of occurrence.
74. Port of ship's position at time of occurrence.
75. Approximate quantity and type of oil.
76. Circumstances of discharge or escape, the reasons therefor and general remarks.

(O) Additional operational procedures and general remarks

Tankers engaged in specific trades

(P) Loading of ballast water

77. Identity of tank(s) ballasted.
78. Position of ship when ballasted.
79. Total quantity of ballast loaded in cubic metres.
80. Remarks.

(Q) Re-allocation of ballast water within the ship.

81. Reasons for re-allocation.

(R) Ballast water discharge to reception facility

82. Port(s) where ballast water was discharged.
83. Name or designation of reception facility.
84. Total quantity of ballast water discharged in cubic metres.
85. Date, signature and stamp of port authority official.

Name of Ship ……..…….....

Distinctive Number or Letters …….....

CARGO/BALLAST OPERATIONS (OIL TANKERS)*/MACHINERY SPACE OPERATIONS (ALL SHIPS)* *(delete as appropriate)*

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge

Signature of Master …….....…….....

EIGHTH SCHEDULE

(Section 87)

List of Noxious Liquid Substances Carried in Bulk

Noxious liquid substances carried in bulk and which are presently categorised as Category A, B, C or D and subject to the provisions of this Annex, are so indicated in the Pollution Category column of chapters 17 or 18 of the International Bulk Chemical Code.

NINTH SCHEDULE

[(Section 91 (2)]

Guidelines for the Categorisation of Noxious Liquid Substances

Category A — Substances which are bioaccumulated and liable to produce a hazard to aquatic life or human health, or which are highly toxic to aquatic life (as expressed by a Hazard Rating 4, defined by a TLm less than 1 ppm); and additionally certain substances which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLm of 1 ppm or more, but less than 10 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category B — Substances which are bioaccumulated with a short retention of the order of one week or less, or which are liable to produce tainting of the sea food, or which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLm of 1 ppm or more, but less than 10 ppm); and additionally certain substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLm of 10 ppm or more, but less than 100 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category C — Substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLm of 10 ppm or more, but less than 100 ppm); and additionally certain substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TLm of 100 ppm or more, but less than 1,000 ppm) when a particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category D — Substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TLm of 100 ppm or more, but less than 1,000 ppm); or causing deposits blanketing the sea floor with a high biochemical oxygen demand (BOD); or which are highly hazardous to human health, with an LD_{50} of less than 5 mg/kg; or which produce moderate reduction of amenities because of persistency, smell or poisonous or irritant characteristics, possibly interfering with use of beaches; or which are moderately hazardous to human health, with an LDC_{50} of 5 mg/kg or more, but less than 50 mg/kg, and produce slight reduction of amenities.

Other Liquid Substances (for the purposes of regulation 4 of this Annex)

Substances other than those categorised in Categories A, B, C, and D above.

TENTH SCHEDULE

(Section 93)

List of other Liquid Substances

Liquid substances carried in bulk which are identified as falling outside Categories, A, B, C and D are not subject to the provisions of this Annex and indicated as "III" in the Pollution Category column of chapters 17 or 18 of the International Bulk Chemical Code.

ELEVENTH SCHEDULE

(Section 112)

FORM OF CARGO RECORD BOOK FOR SHIPS CARRYING NOXIOUS LIQUID SUBSTANCES IN BULK

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 .....

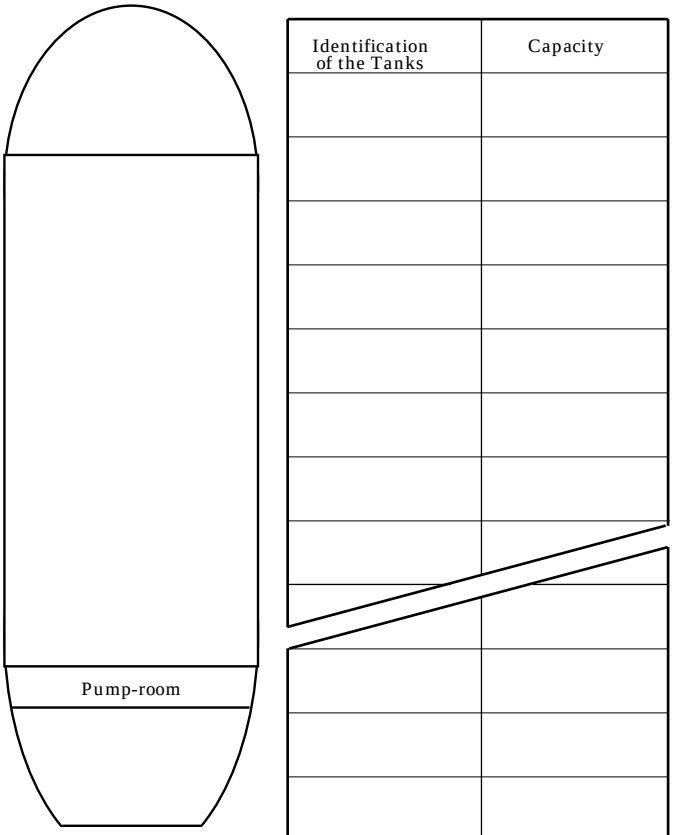
Period from ..... to .....

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 .....

PLAN VIEW OF CARGO AND SLOP TANKS
(TO BE COMPLETED ON BOARD)



(Give the capacity of each tank in cube metres)

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 authorised 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. Tanks 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 pumping commenced and stopped.

19. Ship's speed during discharge.

(G) Ballasting of cargo tanks

20. Identity of tank(s) ballasted.

21. Time at start of ballasting.

(H) Discharge of ballast water from cargo tanks

22. Identity of tank(s)

23. Discharge of ballast:
    .1 into the sea;
    .2 to reception facilities (identify port)

24. Time ballast discharge commenced and stopped.

25. Ship's speed during discharge.

(I) Accidental or other exceptional discharge

26. Time of occurrence.

27. Approximate quantity, substance(s) and category(ies).

28. Circumstances or discharge or escape and general remarks.

(J) Control by authorised surveyors

29. Identify port.
30. Identify tank(s), substance(s), category(ies) discharged ashore.
31. Have tank(s), pump(s), and piping system(s) been emptied?
32. Has a prewash in accordance with the ship's Procedures and Arrangements Manual been carried out?
33. Have tank washings resulting from the prewash been discharged ashore and is the tank empty?
34. An exemption has been granted from mandatory prewash.
35. Reasons for exemption.
36. Name and signature of authorised surveyor.
37. Organisation, company, government agency for which surveyor works.

(K) 8 Additional operational procedures and remarks

Name of ship ……

Distinctive number or letters ……

CARGO/BALLAST OPERATIONS

Date	Code (lettter)	Item (Number)	Record of operations/signature of officer in charge/name of and signature of authorised surveyor

……
(Signature of Master)

TWELFTH SCHEDULE

(Section 122)

FORM OF NLS CERTIFICATE

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 designation of the country)

by .....
(full designation of the competent person or organisation authorised under the provisions of the Convention)

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

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 authorised official)* Place …… Date …… *(Seal or stamp of the authority, as appropriate)*
Annual/Intermediate *survey	Signed …… *(Signature of duly authorised official)* Place …… Date …… *(Seal or stamp of the authority, as appropriate)*
Annual / Intermediate *survey	Signed …… *(Signature of duly authorised official)* Place …… Date …… *(Seal or stamp of the authority, as appropriate)*
Annual survey	Signed …… *(Signature of duly authorised official)* Place …… Date …… *(Seal or stamp of the authority, as appropriate)*

*Delete as appropriate.

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)

....
(Date of issue) *(Signature of duly authorised official issuing the certificate)*

(Seal or stamp of the authority, as appropriate)

(*Delete as necessary)

THIRTEENTH SCHEDULE

(Section 131)

GUIDELINES FOR THE IDENTIFICATION OF HARMFUL SUBSTANCES IN PACKAGED FORM

For the purposes of this Annex, substances identified by any one of the following criteria are harmful substances:

bioaccumulated to a significant extent and known to produce a hazard to aquatic life or to human health (Hazard Rating "+" in column A*); or

bioaccumulated with attendant risk to aquatic organisms or to human health with a short retention of the order of one week or less (Hazard Rating "Z" in column A*); or

liable to produce tainting of seafood (Hazard Rating "T" in column A*); or

highly toxic to aquatic life, defined by a LC50/96** hour less than 1 ppm (hazard Rating "4" in column B*).

*Refer to the Composite List of Hazard Profiles prepared by the IMO/FAO/UNESCO/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), which is circulated annually by the Organisation by means of BLG circulars to all IMO member States.

**The concentration of a substance which will within the specified time (generally 96 hours), kill 50% of the exposed group of test organisms. LC_{50} is often specified in milligrams per litre (mg/l) or parts per million (ppm).

FOURTEENTH SCHEDULE

(Section 147)

FORM OF SPPC 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 organisation authorised under the provisions of the International convention for the Prevention of Pollution from Ships, 1973)

Name of Ship	Distinctive number or letters	Port of registry	Gross tonnage	Number of persons which the ship is certified to carry

New/existing ship*

Date of building contract ……..……

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:

(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 …….. m^3

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.

This certificate is valid until ……..

Issued at ……..
(Place of issue of certificate).

…… ……..
(Date of issue) *(Signature of official issuing the certificate)*

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

Under the provisions of regulation 7(2) and (4) of Annex IV of the Convention the validity of this certificate is extended until ……

Signed ……..
(Signature of duly authorised official)

Place……

Date……..

(Seal or stamp of the authority, as appropriate)

---

*delete as appropriate
** parameters should be incorporated

FIFTEENTH SCHEDULE

(Section 168)

FORM OF GARBAGE RECORD BOOK

Name of Ship .....

Distinctive Number or letters .....

IMO No .....

Period: From..... To .....

1. Introduction

In accordance with regulation 9 of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78), a record is to be kept of each discharge operation or completed incineration. This includes discharges at sea, to reception facilities, or to other ships.

2. Garbage and garbage management

Garbage includes all kinds of food, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the vessel and liable to be disposed of continuously or periodically except those substances which are defined or listed in other annexes to MARPOL 73/78 (such as oil, sewage or noxious liquid substances).

The Guidelines for the Implementation of Annex V of MARPOL 73/78* should also be referred to for relevant information.

3. Description of the Garbage

The garbage is to be grouped into categories for the purposes of this record book as follows:

1. Plastics

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* Refer to the Guidelines for the Implementation of Annex V of MARPOL 73/78; *See* IMO sales publication IMO–656E

2. Floating dunnage, lining or packing material
3. Ground-down paper products, rags, glass, metal, bottles, crockery, etc.
4. Paper products, rags, glass, metal, bottles, crockery, etc.
5. Food waste
6. Incinerator ash.

4 Entries in the Garbage Record Book

4.1 Entries in the Garbage Record Book shall be made on each of the following occasions:

(a) When garbage is discharged into the sea:

(i) Date and time of discharge
(ii) Position of the ship (latitude and longitude)
(iii) Category of garbage discharged
(iv) Estimated amount discharged for each category in cubic metres
(v) Signature of the officer in charge of the operation

(b) When garbage is discharged to reception facilities ashore or to other ships:

(i) Date and time of discharge
(ii) Port or facility, or name of ship
(iii) Category of garbage discharged
(iv) Estimated amount discharged for each category in cubic metres
(v) Signature of officer in charge of the operation

(c) When garbage is incinerated:

(i) Date and time of start and stop of incineration
(ii) Position of the ship (latitude and longitude)
(iii) Estimated amount incinerated in cubic metres
(iv) Signature of the officer in charge of the operation

(d) Accidental or other exceptional discharges of garbage

(i) Time of occurrence
(ii) Port of position of the ship at time of occurrence
(iii) Estimated amount and category of garbage
(iv) Circumstances of disposal, escape or loss, the reason therefor and general remarks.

4.2 Receipts

The master should obtain from the operator of port reception facilities, or from the master of the ship receiving the garbage, a receipt or certificate specifying the estimated amount of garbage transferred. The receipts or certificates must be kept on board the ship with the Garbage Record Book for two years.

4.3 Amount of garbage

The amount of garbage on board should be estimated in cubic metres, if possible separately according to category. The Garbage Record Book contains many references to estimated amount of garbage. It is recognised that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, e.g., the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.

RECORD OF GARBAGE DISCHARGES

Ship's Name …….. Distinctive No. or Letters …… IMO No. .....

Garbage categories:

1. Plastic
2. Floating dunnage, lining, or packing materials.
3. Ground paper, products, rags, glass, metal, bottles, crockery, etc.
4. Paper products, rags, glass, metal, bottles, crockery, etc.
5. Food waste
6. Incinerator ash

NOTE: The discharge of any garbage other then food waste is prohibited in special areas. Only garbage discharged into the sea must be categorised. Garbage other than category 1 discharged to reception facilities need only be listed as a total estimated amount.

Date	Position of the ship	Estimated amount discharged into sea (m^3)					Estimated amount discharged to reception facilities or to other ship (m^3)		Estimated amount incinerated (m^3)	Certification/ signature
		Cat.2	Cat. 3	Cat. 4	Cat. 5	Cat. 6	Cat. 1	Other		

Master's signature..... Date.....

SIXTEENTH SCHEDULE

(Section 178)

ANNEX TO THE INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990

Reimbursement of Costs of Assistance

1. (*a*) Unless an agreement concerning the financial arrangements governing actions of Parties to deal with oil pollution incidents has been concluded on a bilateral or multilateral basis prior to the oil pollution incident, Parties shall bear the costs of their respective actions in dealing with pollution in accordance with subparagraph (i) or subparagraph (ii).

(i) If the action was taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the cost of its action. The requesting Party may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Party.

(ii) If the action was taken by a Party on its own initiative, this Party shall bear the costs of its action.

(*b*) The principles laid down in subparagraph (*a*) shall apply unless the Parties concerned otherwise agree in any individual case.

2. Unless otherwise agreed, the costs of action taken by a Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.

3. The Party requesting assistance and the assisting Party shall, where appropriate, co-operate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph 2. It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of the developing countries.

4. The provisions of this convention shall not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions to deal with pollution or the threat of pollution under other applicable provisions and rules of national and international law. Special attention shall be paid to the 1969 International Convention on Civil Liability for Oil Pollution Damage and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage or any subsequent amendment to those Conventions.

SEVENTEENTH SCHEDULE

(Section 205)

OVERALL LIMIT ON LIABILITY OF FUND

PART I

Permanent Provision

Article 4–Paragraphs 4 and 5

4. *(a)* Except as otherwise provided in subparagraphs(*b*) and (*c*) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the Liability Convention for Pollution Damage within the scope of application of this Convention as defined in Article 3 shall not exceed 135 million units of account.

(b) Except as otherwise provided in subparagraph (*c*) the aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 135 units of account.

(c) The maximum amount of compensation referred to in subparagraph (*a*) and (*c*) shall be 200 million units of acccount with respect to any incident occurring during any period when there are three Parties to this Convention in respect of which the combined relevant quantity of contributing oil received by persons in the territories of such parties, during the preceding calender year, equalled or exceeded 600 million tons.

(d) Interest accrued on a fund constituted in accordance with Article V, paragraph 3, of the Liability Convention, if any, shall not be taken into account for the computation of the maximum compensation payable by the Fund under this Article.

(e) The amounts mentioned in this Article 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 decision of the Assembly of the Fund as to the first date of payment of compensation.

5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Convention shall be the same for all claimants.

PART II

Transitional Provision

Article 4–Paragraphs 4,5 and 6

4. *(a)* Except as otherwise provided in subparagraph (*b*) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so the sum of that amount and the amount of compensation actually paid under the Liability Convention for pollution damage caused in the territory of the Contracting States, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to Article 5, paragraph 1, of this Convention, shall not exceed 30 million special drawing rights.

(b) The aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 30 million special drawing rights.

5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Convention shall be the same for all claimants.

6. The Assembly of the Fund (hereinafter referred to as "the Assembly") may, having regard to the experience of incidents which have occurred and in particular the amount of damage resulting therefrom and to changes in the monetary values, decide that the amount of 30 million special drawing rights referred to in paragraph 4, subparagraph (*a*) and (*b*), shall be changed; provided, however, that this amount shall in no case exceed 60 million special drawing rights or be lower than 30 million special drawing rights. The changed amount shall apply to incidents which occur after the date of the decision to effect the change.

Passed in the Senate this day of , 2001.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day of , 2001.

Clerk of the House

I confirm the above.

Speaker

No. 8 of 2001

FIRST SESSION

SIXTH PARLIAMENT

REPUBLIC OF

TRINIDAD AND TOBAGO

BILL

AN ACT to provide for powers and jurisdiction in relation to pollution of the seas from ships, intervention on the high seas in cases of oil pollution, dumping of wastes at sea, prevention of pollution from ships, preparedness and response for oil pollution emergencies, liability and compensation for pollution damage and matters incidental thereto.

Received and read the

First time.....

Second time.....

Third time.....