

269/2006 — Sea Pollution (Prevention of Pollution by Sewage from Ships) Regulations 2006

STATUTORY INSTRUMENTS

S.I. No. 269 of 2006

Sea Pollution (Prevention of Pollution by Sewage from Ships) Regulations 2006

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SCHEDULE

I, MARTIN CULLEN, Minister for Transport, in exercise of the powers conferred on me by sections 10, 12, 14, 15 and 17 of the Sea Pollution Act 1991 (No. 27 of 1991) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005) and for the purpose of giving effect to Annex IV to the MARPOL Convention, hereby make the following regulations:

Citation. 1. These Regulations may be cited as the Sea Pollution (Prevention of Pollution by Sewage from Ships) Regulations 2006.

Definitions. 2. In these Regulations -

“Annex IV” means the revised Annex IV to the MARPOL Convention;

“anniversary date” means the day and the month of each year that corresponds to the date of expiry of the Certificate;

“Certificate” means the International Sewage Pollution Prevention Certificate issued under section 17(4) of the Sea Pollution Act 1991 (No. 27 of 1991) in accordance with Regulation 6;

“existing ship” means a ship that is not a new ship;

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

“IMO” means the International Maritime Organization;

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

“MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships 1973, done at London on 2 November 1973, as amended by the Protocol of 1978 thereto, done at London on 17 February 1978;

“nearest land” is measured from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, where the northeastern coast of Australia is concerned, it has the meaning given in regulation 1 of Annex IV;

“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 at a similar stage of construction, on or after 1 August 2005, or

- (b) the delivery of which is on or after 1 August 2008;

“Party” means a state (other than the State) that has ratified Annex IV to the MARPOL Convention;

“qualified person” means a surveyor of ships or a recognised organisation;

“recognised organisation” has the meaning assigned to it by Regulation 2 of the European Communities (Ship Inspection and Survey Organisations) Regulations 2003 (S.I. No. 301 of 2003), as applied by Regulation 5(1)(c) of these Regulations.

Application.

3. (1) These Regulations apply to the following ships engaged in international voyages or in the State -

- (a) new ships of 400 gross tonnage and above,
- (b) new ships of less than 400 gross tonnage that are certified to carry more than 15 persons,
- (c) existing ships of 400 gross tonnage and above, from 1 August 2010, and
- (d) existing ships of less than 400 gross tonnage that are certified to carry more than 15 persons, from 1 August 2010.

(2) In paragraph (1) “persons” includes members of the crew.

Discharge of sewage.

4. (1) The discharge of sewage from a ship is prohibited, except when -

- (a) the ship is discharging comminuted and disinfected sewage using a system approved by the Minister in accordance with Regulation 9(1)(b) at a distance of more than 3 nautical miles from the nearest land, or sewage that is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that, in any case, the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate of discharge (which shall be set by the Minister based upon standards developed by the IMO) when the ship is *en route* and proceeding at not less than 4 knots,
- (b) the ship has in operation an approved sewage treatment plant that has been certified by the Minister to meet the operational requirements referred to in Regulation 9(1)(a), and -
 - (i) the test results of the plant are laid down in the ship's Certificate, and

- (ii) the effluent does not produce visible floating solids or cause discoloration of the surrounding water,
- (c) the discharge is necessary for the purpose of securing the safety of a ship and those on board or saving life at sea,

or

- (d) the discharge results from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimising the discharge.

(2) When the sewage is mixed with wastes or waste water covered by other Annexes to the MARPOL Convention, the requirements of those other Annexes shall be complied with in addition to the requirements of these Regulations.

Surveys.

5. (1) (a) A survey of a ship as regards the enforcement of these Regulations shall be carried out by a qualified person.
- (b) Without prejudice to the generality of these Regulations, a qualified person may do either or both of the following:
- (i) require that specified repairs be carried out on a ship;
 - (ii) carry out a survey of a ship, including a ship flying the flag of a Party, if requested by the Government of that Party.
- (c) Where the qualified person is a recognised organisation any function under these Regulations (including the carrying out of a survey) may be performed only in respect of a ship flying the flag of the State.
- (2) Every ship shall be subject to the surveys specified below:
- (a) An initial survey before the ship is put in service or before the Certificate is issued for the first time, which shall include a complete survey of its structure, equipment, systems, fittings, arrangements and materials in so far as the ship is covered by these Regulations. This survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and materials fully comply with the applicable requirements of these Regulations.
 - (b) A renewal survey at intervals specified by the Minister, but not exceeding 5 years, except where Regulation 8(2), 8(5) or 8(6) is applicable. The renewal survey shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and materials fully comply with the applicable requirements of these

Regulations.

- (c) An additional survey, either general or partial, according to the circumstances, shall be made after any repairs carried out following investigations prescribed in paragraph (3), or whenever any important repairs or renewals are made. This survey shall ensure that -
 - (i) the necessary repairs or renewals have been carried out in an effective manner,
 - (ii) the materials and workmanship of such repairs or renewals are in all respects satisfactory, and
 - (iii) the ship complies in all respects with these Regulations.
- (3)
 - (a) The condition of the ship and its equipment shall be maintained to conform with the MARPOL Convention 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 paragraph (2) has been completed, no change shall be made in the structure, equipment, systems, fittings arrangements or materials covered by the survey, without the sanction of the Minister, except the direct replacement of such equipment and fittings.
 - (c) Whenever an accident occurs to a ship, or a defect is discovered that substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by these Regulations, the master or owner of the ship shall report at the earliest opportunity to the Minister or the qualified person responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by paragraph (2) is necessary. If the ship is in a port of a Party, the master or owner shall also report immediately to the appropriate authorities of that Party. The Minister or the qualified person concerned shall ascertain that such report has been made.
- (4) When a qualified person determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the Certificate or is such that the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment, that qualified person shall immediately ensure that corrective action is taken and in due course notify the Minister. If such corrective action is not taken, the Minister shall be notified immediately and the Certificate shall be withdrawn by the Minister. If the ship is in a port of a Party, the appropriate authorities of that Party shall also be notified immediately.

Issue and endorsement of Certificate.

- 6. (1) A Certificate shall be issued, after an initial or renewal survey in accordance with Regulation 5, to any ship to which these Regulations apply.

(2) The Certificate shall be endorsed by the Minister or the qualified person who carried out the survey.

Form of Certificate.

7. The Certificate shall be in the form as set out in the Schedule.

Duration and validity of Certificate.

8. (1) A Certificate shall be issued for a period specified by the Minister that shall not exceed 5 years.

- (2) (a) Notwithstanding paragraph (1), when the renewal survey is completed within 3 months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the expiry date of the existing Certificate.
- (b) When the renewal survey is completed after the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the expiry date of the existing Certificate.
- (c) When the renewal survey is completed more than 3 months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding 5 years from the date of completion of the renewal survey.

(3) If a Certificate is issued for a period of less than 5 years, the Minister may extend the validity of the Certificate beyond the expiry date to the maximum period specified in paragraph (1).

(4) If a renewal survey has been completed and a new Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the qualified person may endorse the existing Certificate. Such a Certificate shall be valid for a further period not exceeding 5 months from the expiry date.

(5) If a ship at the time when a Certificate expires is not in the port in which it is to be surveyed, the Minister may extend the period of validity of the Certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so. A Certificate shall not be extended for a period longer than 3 months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new Certificate. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding 5 years from the expiry date of the existing Certificate before the extension was granted.

(6) A Certificate issued to a ship engaged on a short voyage that has not been extended under the foregoing provisions may be extended by the Minister for a period of grace of up to one month from the date of expiry stated in it. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding 5 years from the expiry date of the existing Certificate before the extension was granted.

(7) A Certificate shall cease to be valid -

- (a) if the relevant survey is not completed within the period specified in Regulation 5, or
- (b) upon transfer of the ship to the flag of another State.

**Sewage
systems.**

9. (1) Every ship shall be equipped with one of the following sewage systems:
- (a) a sewage treatment plant of a type approved by the Minister, in compliance with the standards and test methods developed by the IMO;
 - (b) a sewage comminuting and disinfecting system approved by the Minister and fitted with facilities to the satisfaction of the Minister, for the temporary storage of sewage when the ship is less than 3 nautical miles from the nearest land;
 - (c) a holding tank of the capacity to the satisfaction of the Minister for the retention of all sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors. The holding tank shall be constructed to the satisfaction of the Minister and shall have a means to indicate visually the amount of its contents.

**Standard
discharge
connections.**

10. (1) To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with the following table:

Standard Dimensions of Flanges for Discharge Connections

Description	Dimension
Outside diameter	210 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	170 mm

Slots in flange	4 holes, 18 mm in diameter, equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm
Flange thickness	16 mm
Bolts and nuts: quantity and diameter	4, each of 16 mm in diameter and of suitable length

The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 6kg/cm².

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

(2) For ships in dedicated trades, (including passenger ferries) alternatively, the ship's discharge pipeline may be fitted with a discharge connection acceptable to the Minister, such as quick-connection couplings.

Reception facilities. 11. A harbour authority or, where applicable, a person having control of a harbour, shall provide facilities for the reception of sewage at ports and terminals that are adequate to meet the needs of the ships using them without causing undue delay.

Transitional provisions. 12. Notwithstanding Regulation 3 -

- (a) where the owner or master of an existing ship specified in subparagraph (1)(c) or (d) of that Regulation wishes that these Regulations apply to such existing ship, that owner or master shall give such notice in writing to the Minister, whereupon these Regulations apply to such existing ship, and
- (a) these Regulations do not apply to ships specified in subparagraphs (1)(c) and (d) of that Regulation whose keels were laid or at a similar stage of construction before 2 October 1983, except to the extent that those ships shall, as far as practicable -
 - (i) be equipped to discharge sewage in accordance with Regulation 4, and
 - (ii) comply with Regulation 4.

SCHEDULE

INTERNATIONAL SEWAGE POLLUTION PREVENTION CERTIFICATE

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating thereto, and as amended by resolution MEPC 115 (51), (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 organization authorized under the provisions of the Convention)

Particulars of ship¹

Name of ship

Distinctive number of letters

Port of registry

Gross tonnage

Number of persons which the ship is certified to carry

IMO Number²

New/existing ship^{*}

Date on which keel was laid or ship was at a similar stage of construction or, where applicable, date on which work for a conversion or an alteration or modification of a major character was commenced

THIS IS TO CERTIFY:

1. That the ship is equipped with a sewage treatment plant/comminuter/holding tank and a discharge pipeline in compliance with regulations 9 and 10 of Annex IV of the Convention as follows* :

1.1 Description of the sewage treatment plant*

Type of sewage treatment plant.....

Name of manufacturer

The sewage treatment plant is certified by the Minister to meet the effluent standards as provided for in resolution MEPC.2(VI).

1.2 Description of comminuter*

Type of comminuter

Name of manufacturer

Standard of sewage after disinfection

1.3 Description of holding tank equipment*

Total capacity of the holding tankm³

Location

1.4 A pipeline for the discharge of sewage to a reception facility, fitted with a standard connection.

2. That the ship has been surveyed in accordance with regulation 4 of Annex IV of the Convention.

3. That the survey shows that the structure, equipment, systems, fittings, arrangements and materials of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex IV of the Convention.

This Certificate is valid until³ subject to surveys in

accordance with regulation 4 of Annex IV of the Convention.

Completion date of survey on which this Certificate is based

Issued at

(place of issue of Certificate)

.....

(date of issue)

.....

*(signature of authorized official
issuing the Certificate)*

(Seal or stamp of the authority, as appropriate)

**Endorsement to extend the Certificate if valid for less than 5 years where
regulation 8.3 applies**

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 8.3 of Annex IV of the Convention, be accepted as valid until

Signed

(signature of authorized official)

Place

Date

(Seal or stamp of the authority, as appropriate)

**Endorsement where the renewal survey has been completed and regulation 8.4
applies**

The ship complies with the relevant provisions of the Convention, and this Certificate shall, in accordance with regulation 8.4 of Annex IV of the Convention, be accepted as valid until

Signed

(signature of authorized official)

Place

Date

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the Certificate until reaching the port of survey or for a period of grace where regulation 8.5 or 8.6 applies

This Certificate shall, in accordance with regulation 8.5 or 8.6* of Annex IV of the Convention, be accepted as valid until

Signed

(signature of authorized official)

Place

Date

(Seal or stamp of the authority, as appropriate)

GIVEN under my Official Seal,
this 24 day of May, 2006.



MARTIN CULLEN
Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give effect to Annex IV of the International Convention for the Prevention of Pollution from ships, adopted by the International Maritime Organization on 2 November, 1973 and as amended by its Protocol adopted on 17 February, 1978, and as further amended by the Marine Environment Protection Committee (MEPC) of the International Maritime Organization.

The Regulations apply to all Irish ships, wherever they may be, and to all other ships when they are in the territorial seas and inland waters of the State.

The Regulations prohibit and control the disposal of sewage into the sea in

accordance with the type of sewage for disposal and the geographical location of the ship. They also provide for the availability of adequate facilities at ports and terminals for the reception of sewage.

Section 29 of the Sea Pollution Act, 1991 provides for penalties for breaches of these Regulations.

¹ Alternatively, the particulars of the ship may be placed horizontally in boxes.

² In accordance with resolution A.600 (15), IMO Ship Identification Number Scheme.

* Delete as appropriate.

* Delete as appropriate.

* Delete as appropriate.

* Delete as appropriate.

* Delete as appropriate.

³ Insert the date of expiry as specified by the Minister in accordance with regulation 8.1 of Annex IV of the Convention. The day and the month of this date correspond to the anniversary date as defined in regulation 1.8 of Annex IV of the Convention.

* Delete as appropriate.