

SEA POLLUTION (PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS) REGULATIONS 1994

ARRANGEMENT OF REGULATIONS.

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Form for reporting alleged inadequacy of port reception facilities for garbage.

S.I. No. 45 of 1994.

I, DAVID ANDREWS, Minister for the Marine, in exercise of the powers conferred on me by sections 10 of the Sea Pollution Act, 1991 (No. 27 of 1991), and for the purpose of giving effect to the MARPOL Convention, Annex V, hereby make the following Regulations:

REG 1

Citation and commencement.

1. These Regulations may be cited as the Sea Pollution (Prevention of Pollution by Garbage from Ships) Regulations, 1994 and shall come into operation on the 1st day of June, 1994.

REG 2

Interpretation and application.

2. (1) In these Regulations, except where the context otherwise requires:

"the Act" means the Sea Pollution Act, 1991;

"garbage" means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the MARPOL Convention;

the "MARPOL Convention" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol thereto, 1978;

the "Minister" means the Minister for the Marine;

"nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with the Convention on the Territorial Sea and the Contiguous Zone, 1958 except that, for the purposes of the MARPOL Convention "from the nearest land off the north-eastern coast of Australia" shall mean from a line drawn from a point on the coast of Australia in—RD>latitude 11°00' S, longitude 142°08' E

to a point in latitude 10°35' S, longitude 141°55' E, thence to a point latitude 10°00' S, longitude 142°00' E, thence to a point latitude 9°10' S, longitude 143°52' E, thence to a point latitude 9°00' S, longitude 144°30' E, thence to a point latitude 13°00' S, longitude 144°00' E, thence to a point latitude 15°00' S, longitude 146°00' E, thence to a point latitude 18°00' S, longitude 147°00' E, thence to a point latitude 21°00' S, longitude 153°00' E, thence to a point on the coast of Australia in latitude 24°42' S, longitude 153°15' E;

the "Organisation" means the International Maritime Organisation;

a "Party" means a State which has ratified the MARPOL Convention;

"ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air cushion vehicles, submersibles, floating craft and fixed or floating platforms and includes fixtures, fittings and equipment;

"special area" means a sea area where for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required. Special areas include those listed in Regulation 5 of these Regulations.

(2) The provisions of these Regulations shall apply to all ships to which the Act applies.

REG 3

Disposal of garbage outside special areas.

3. (1) Subject to the provisions of Regulations 4 and 5 of these Regulations:

(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 is in any case prohibited if the distance from the nearest land is less than:

(i) 25 nautical miles for dunnage, lining and packing materials which will float;

(ii) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;

(c) disposal into the sea of garbage specified in subparagraph (b) (ii) of this Regulation may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 millimetres.

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

REG 4

Special requirements for disposal of garbage.

4. (1) Subject to the provisions of paragraph (2) of this Regulation, the disposal of any materials regulated by these Regulations is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of seabed mineral resources, and from all other ships when alongside or within 500 metres of such platforms.

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

REG 5

Disposal of garbage within special areas.

5. (1) For the purposes of these Regulations the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the "Gulfs area", the North Sea area, the Antarctic area and the Wider Caribbean Region, including the Gulf of Mexico and the Caribbean Sea, which are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar at the meridian 5°36'W;

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8'N;

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N;

(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°8.5'N, 43°19.6'E) and Husn Murad (12°40.4'N, 43°30.2'E);

(e) The Gulfs area means the sea area located north-west of the rhumb line between Ras al Hadd (22°30'N, 59°48"E) and Ras al Fasteh (25°04'N, 61°25'E);

(f) The North Sea area means the North Sea proper including seas therein with the boundary between:

(i) the North Sea southwards of latitude 62°N and eastwards of longitude 4°W;

(ii) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8'N; and

(iii) the English Channel and its approaches eastwards of longitude 5°W and northwards of latitude 48°30'N;

(g) The Antarctic area means the sea area south of latitude 60°S;

(h) The Wider Caribbean Region, as defined in article 2, paragraph 1 of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, 1983), 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 30°N parallel from Florida eastward to 77°30'W meridian, thence a rhumb line to the intersection of 20°N parallel and 59°W meridian, thence a rhumb line to the intersection of 7°20'N parallel and 50°W meridian, thence a rhumb line drawn south-westerly to the eastern boundary of French Guiana.

(2) Subject to section 11 of the Act—

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

(i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags; and

(ii) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;

(b) except as provided in subparagraph (c) of this paragraph, disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land;

(c) disposal into the Wider Caribbean Region of food wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land, but in any case not subject to Regulation 4 not less than 3 nautical miles from the nearest land. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

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

(4) Reception facilities within special areas:

(a) The Minister, in the event that any of the coastline will border a special area, undertakes to ensure that as soon as possible in all ports within the special area, adequate reception facilities are provided in accordance with Regulation 6 of these Regulations, taking into account the special needs of ships operating in these areas.

(b) The Minister shall notify the Organisation of the measures taken pursuant to subparagraph (a) of this Regulation. Upon receipt of sufficient notifications the Organisation shall establish a date from which the requirements of this Regulation in respect of the area in question shall take effect. The Organisation shall notify all Parties of the date so established no less than twelve months in advance of that date.

(c) After the date so established, ships calling also at ports in these special areas where such facilities are not yet available, shall fully comply with the requirements of this Regulation.

(5) The following rules apply in relation to the Antarctic area:

(a) Where, at a port in the State, a ship departs to or arrives from the Antarctic area the Minister shall ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from the ship without causing undue delay, and according to the needs of the ships using them.

(b) The Minister shall ensure that all ships entitled to fly

the Irish flag, 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.

REG 6

Reception facilities.

6. (1) Harbour authorities and persons having control of a harbour shall provide facilities at ports and terminals for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.

(2) The Minister shall notify the Organisation for transmission to the Parties concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

(3) The form for reporting alleged inadequacy shall be drawn up in the form set out in the Schedule to these Regulations.

SCHEDULE.

FORM FOR REPORTING ALLEGED INADEQUACY OF PORT RECEPTION FACILITIES FOR GARBAGE.

1. Country

Name of port or area

.....Location
in the port (e.g. berth/terminal/jetty)

.....Date
of incident

2. Type and amount of garbage for discharge to facility

(a) Total amount (m3)

food waste

.....cargo-associated
waste

.....maintenance
waste

.....other

(b) Amount not accepted by the facility:

food waste

.....cargo-
associated
waste

.....maintenance
waste

.....other

3. Special problems encountered (Tick as appropriate and give details):

Undue delay Yes/No. _____

Inconvenient location of facilities Yes/No. _____

Unreasonable charges for use of facilities Yes/No.

Use of facility not technically possible Yes/No.

Special national regulations Yes/No.

Other

4. Remarks: (e.g. information received from port authorities or operators of reception facilities, reasons given concerning 2(b) above)

5. Ship's particulars:

Name of ship

Owner or operator

Distinctive number or letters

Port of registry

Number of persons on board

.....Date
of completion of form. Signature of Master.

GIVEN under my Official Seal, this 18th day of February, 1994.

DAVID ANDREWS,
Minister for the Marine.

EXPLANATORY NOTE.

These Regulations give effect to Annex V of the International Convention for the Prevention of Pollution from Ships, adopted by the International Maritime Organisation 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 Organisation under Resolutions which designated the North Sea, the Antarctic area (south of latitude 60°S) and the Wider Caribbean Region as "special areas". 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 garbage into the sea in accordance with the type of garbage 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 garbage.

Section 29 of the Sea Pollution Act, 1991 provides for penalties

for breaches of these Regulations.