

**SEA POLLUTION (PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS)  
(AMENDMENT) REGULATIONS 1997**

I, Michael Woods, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by sections 10 of the Sea Pollution Act, 1991 (No. 27 of 1991), as adapted by the Marine (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 301 of 1997), hereby make the following Regulations:

**REG 1**

1. These Regulations may be cited as the Sea Pollution (Prevention of Pollution by Garbage from Ships) (Amendment) Regulations, 1997, and shall come into operation on the 30 day of January, 1998.

**REG 2**

2. In these Regulations "the 1994 Regulations" means the Sea Pollution (Prevention of Pollution by Garbage from Ships) Regulations, 1994 (S.I. No. 45 of 1994).

**REG 3**

3. The 1994 Regulations are hereby amended by the insertion in Regulation 2(2) before "The Provisions" of "Save where expressly provided otherwise,"

**REG 4**

4. The following Regulations are hereby added to the 1994 Regulations after Regulation 6 thereof:

**"PORT STATE CONTROL ON OPERATIONAL REQUIREMENTS**

7. (1) A ship that is registered in another state that is a Party to the Marpol Convention may, when it is in a port within the jurisdiction of the State, be inspected by an officer of the Minister duly authorised by him in that behalf if the officer has clear grounds for believing that the master or crew are not familiar with shipboard procedures under these Regulations relating to the prevention of pollution by garbage.

(2) If, consequent on an inspection of a ship by an officer pursuant to his powers under paragraph (1) of this Regulation, the officer confirms that the master or crew are not familiar with the procedures referred to in that paragraph, the Minister shall take such steps (which he is hereby empowered to take) as will ensure that the ship shall not sail from the port until such time as the master or crew or, as the case may be, both the master and crew have become familiar with those procedures.

(3) So much of the procedures specified in Article 5 of the Marpol Convention as are appropriate shall apply, with any necessary modifications, for the purposes of this Regulation.

(4) Nothing in this Regulation shall operate to derogate from the powers and duties of the Minister or any other person under the Act or any regulations made thereunder.

**PLACARDS, GARBAGE MANAGEMENT PLANS AND GARBAGE RECORD-KEEPING**

8. (1) Every ship of 12 metres or more in length overall shall

display placards which notify the crew and passengers of the requirements of Regulation 3 or 5 of these Regulations or, as the case may be, both those Regulations. The placards shall be written in the official language of the state whose flag the ship is entitled to fly and also, in the case of a ship engaged in voyages to ports or offshore terminals under the jurisdiction of another Party, in English.

(2) Every ship of 400 tons gross tonnage and above and every ship which is certified under any enactment to be a ship that fulfils the conditions specified by that or any other enactment as being the conditions to be fulfilled for the carriage by that ship of 15 or more persons shall carry a plan (in these Regulations referred to as a Garbage Management Plan) which the crew shall comply with. This plan shall specify in writing procedures for collecting, storing, processing and disposing of garbage, including the use of the equipment on board and shall also designate a person to be the person who shall superintend compliance by the crew with the plan. The Garbage Management Plan shall be prepared in accordance with the guidelines (if any) for the time being developed by the Organisation and shall be written in the working language of the crew.

(3) Every—

( a ) ship of 400 tons gross tonnage and above,

( b ) ship which is certified under any enactment to be a ship that: fulfils the conditions specified by that or any other enactment as being the conditions to be fulfilled for the carriage by the ship of 15 or more persons and engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties, and  
( c ) fixed and floating platform engaged in exploration and exploitation of the seabed,

shall be provided by the owner with a book (in these Regulations referred to as a 'Garbage Record Book'). The Garbage Record Book, whether as a part of the ship's official log book or otherwise, shall be in the form specified in Part I of the Second Schedule to these Regulations, and the following provisions shall have effect:

(i) each discharge operation, or completed incineration, shall, in accordance with Part II of the Second Schedule to these Regulations, be recorded in the Garbage Record Book and the recording of such an entry shall be accompanied by the signature (to be appended on the date of the incineration or discharge) by the officer in charge. Each completed page of the Garbage Record Book shall be signed by the master of the ship. The entries in the Garbage Record Book of a ship registered in another state that is a Party to the MARPOL Convention shall, when the ship is in the jurisdiction of the State, be in English as well as in an official language of the state whose flag the ship is entitled to fly. The entries in an official national language as aforesaid shall prevail in case of a dispute or discrepancy.

(ii) the entry for each incineration or discharge shall, in accordance with Part II of the Second Schedule to these Regulations, include the date and time of the incineration or discharge, the position of the ship, a description of the garbage and the estimated amount incinerated or discharged;

(iii) the Garbage Record Book shall be kept on board the ship and in such a place as to be available for inspection in a reasonable time. This document shall be preserved for a period of 2 years

after the last entry is made on the record;

(iv) in the event of discharge, escape or accidental loss referred to in section II of the Act an entry shall, in accordance with Part II of the Second Schedule to these Regulations, be made in the Garbage Record Book of the circumstances of, and the reasons for, the loss.

(4) Part II of the Second Schedule to these Regulations shall have effect for the purpose of this Regulation.

(5) The Minister may exempt from the requirements of paragraph (3) of this Regulation:

( a ) any class of ship registered in the State which is engaged on voyages of 1 hour or less in duration and is certified under any enactment to be a ship that fulfils the conditions specified by that or any other enactment as being the conditions to be fulfilled for the carriage by that ship of 15 or more persons,

( b ) any class of fixed or floating platforms while engaged in exploration and exploitation of the seabed.

(6) An inspector or other officer duly appointed by the Minister may inspect the Garbage Record Book on board any ship to which this Regulation applies while the ship is in a port or offshore terminal within the jurisdiction of the State 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. Any copy so made, which has been certified by the master of the ship as a true copy of an entry as aforesaid, shall be admissible in any proceedings as evidence of the facts stated in the entry. The inspection of a Garbage Record Book and the taking of a certified copy under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

(7) In the case of ships built before the 1st day of July, 1997, this Regulation shall have effect on and from the 1st day of July, 1998."

## REG 5

5. The 1994 Regulations are hereby amended by -

( a ) the substitution of "First Schedule" for "Schedule" immediately before "Form For Reporting Alleged Inadequacy of Port Reception Facilities for Garbage.",  
and

( b ) the addition of the following Schedule:

### "SECOND SCHEDULE

#### PART I

#### FORM OF GARBAGE RECORD BOOK

Ship's Name: \_\_\_\_\_ Distinctive No. or Letters \_\_\_\_\_

IMO No. \_\_\_\_\_

Garbage Categories:

1 Plastic.

2 Floating dunnage, lining, or packing materials.

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.

NOTE: THE DISCHARGE OF ANY GARBAGE OTHER THAN FOOD WASTE IS PROHIBITED IN SPECIAL AREAS. ONLY GARBAGE DISCHARGED INTO THE SEA MUST BE CATEGORISED. GARBAGE OTHER THAN CATEGORY I DISCHARGED TO RECEPTION FACILITIES NEED ONLY BE LISTED AS A TOTAL ESTIMATED AMOUNT

Date/time Position of the Ship Estimated Amount Discharged into Sea

(m<sup>3</sup>) Estimated Amount Discharged to Reception Facilities

to other ship (m<sup>3</sup>) Estimated Amount Incinerated (m<sup>3</sup>) Certification /

Signature CAT 2 CAT 3 CAT 4 CAT 5 CAT 6 CAT 1 OTHER

Master's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## PART II

### NOTES TO FORM OF GARBAGE RECORD BOOK AND SUPPLEMENTAL PROVISIONS

#### 1 Entries in the Garbage Record Book

Entries in the Garbage Record Book shall be made on each of the following occasions and of the following things:

( 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 m<sup>3</sup>
- (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 m<sup>3</sup>
- (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 m<sup>3</sup>,
- (iv) Signature of the officer in charge of the operation.

( d ) Accidental or other exceptional discharges of garbage

- (i) Time of occurrence,
- (ii) Port or position of the ship at time of occurrence,
- (iii) Estimated amount and category of garbage,
- (iv) Circumstances of disposal, escape of loss, the reason therefor and general remarks.

#### 2 Receipts

The master shall obtain from the operator of reception facilities at the port concerned or, as the case may be, from the master of the ship receiving the garbage, a receipt or certificate specifying the estimated amount of garbage transferred. Each such receipt or certificate shall, for 2 years from its date, be kept on board the ship with the Garbage Record Book.

#### 3 Amount of Garbage

The amount of garbage onboard shall be estimated in m<sup>3</sup> if possible, separately according to category. A person shall not be held to have failed in his duty to make entries in the Garbage Record Book by reason only of an inaccuracy in any estimate entered therein if such an inaccuracy is attributable to any difficulty inherent in estimating the amount of the garbage concerned or arising from any process to which it has been subjected. Any such difficulty shall

be taken into account in making an entry in the Garbage Record Book and in subsequently interpreting any such entry.".

GIVEN under my Official Seal, this 12th day of December, 1997.

Micheal Woods  
Minister for the Marine and Natural Resources.

#### EXPLANATORY

These Regulations provide for amendments to the Sea Pollution (Prevention of Pollution by Garbage from Ships) Regulations, 1994 (S.I. No. 45 of 1994) which 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.