

S.I. No. 191 of 2003

Sea Pollution (Prevention of Oil Pollution) (Amendment)

Regulations 2003

I, DERMOT AHERN, Minister for Communications, Marine and Natural Resources, in exercise of the powers conferred on me by sections 10, 11, 12, 14, 15 and 17 of the Sea Pollution Act 1991 (No. 27 of 1991) (as adapted by the Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 307 of 2002)), hereby make the following regulations:

1. These Regulations may be cited as Sea Pollution (Prevention of Oil Pollution) (Amendment) Regulations 2003.

2. The Sea Pollution (Prevention of Oil Pollution) Regulations 1994 (S.I. No. 44 of 1994), are amended by substituting the following for Regulation 13G (as amended by the Sea Pollution (Prevention of Oil Pollution)(Amendment) Regulations 2002 (S.I.No. 642 of 2002)):

"Regulation 13G Prevention of oil pollution in the event of collision or stranding - Measures for existing tankers

(1) This regulation shall:

(a) apply to oil tankers of 5,000 tons deadweight and above that are contracted, the keels of which are laid, or which are delivered before the dates specified in Regulation 13F (1) of these Regulations,

(b) not apply to oil tankers complying with Regulation 13F of these Regulations, that are contracted, the keels of which are laid, or are delivered before the dates specified in Regulation 13F (1) of these Regulations, and

(c) not apply to oil tankers referred to at subparagraph (a) of this paragraph that comply with Regulations 13F (3)(a) and (b) or 13F (5) of these Regulations, except that the requirement for minimum distances between the cargo tank boundaries and the ship side and bottom plating need not be met in all respects. In that event, the side protection distances shall not be less than those specified in the International Bulk Chemical Code for type 2 cargo tank location and the bottom protection distances shall comply with regulation 13E (4)(b) of these Regulations.

(2) (a) For the purpose of this regulation-

'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 specification acceptable to the Organisation;

'heavy diesel oil' means diesel oil other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested by the method acceptable to the Organisation

(b) In subparagraph (a) of this paragraph-

'method acceptable' referred to in the definition of 'heavy diesel oil' means Designation D86 of the American Society of Testing and Material's Standard Test Method;

'specification acceptable' referred to in the definition of 'fuel oil' means the specification for Number Four Fuel Oil (Designation D396) or heavier of the American Society of Testing and Material's Standard Test Method.

(3) For the purpose of this Regulation, oil tankers are divided into the following categories:

(a) "Category 1 oil tanker" means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which does not comply with the requirements for new oil tankers as defined in Part 1 Regulation 2(1) of these Regulations;

(b) "Category 2 oil tanker" means an oil tanker of 20,000 tons deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and of 30,000 tons deadweight and above carrying oil other than the above, which complies with the requirements for a new oil tanker within the meaning of that term as defined in Regulation 2(1) of these Regulations;

(c) "Category 3 oil tanker" means an oil tanker of 5,000 tons deadweight and above but less than that specified in subparagraph (a) or (b) of this paragraph.

(4) Subject to subparagraph (b),

(a) an oil tanker to which this Regulation applies shall comply with the requirements of Regulation 13F of these Regulations not later than the anniversary of the date of delivery of the ship in the year specified in the following table:

Category of oil tanker

Year

Category 1

2003 for ships delivered in 1973 or earlier
2004 for ships delivered in 1974 and 1975
2005 for ships delivered in 1976 and 1977
2006 for ships delivered in 1978, 1979 and 1980
2007 for ships delivered in 1981 or later

Category 2

2003 for ships delivered in 1973 or earlier
2004 for ships delivered in 1974 and 1975
2005 for ships delivered in 1976 and 1977
2006 for ships delivered in 1978 and 1979
2007 for ships delivered in 1980 and 1981
2008 for ships delivered in 1982
2009 for ships delivered in 1983
2010 for ships delivered in 1984
2011 for ships delivered in 1985
2012 for ships delivered in 1986

2013 for ships delivered in 1987
2014 for ships delivered in 1988
2015 for ships delivered in 1989 or later

Category 3

2003 for ships delivered in 1973 or earlier
2004 for ships delivered in 1974 and 1975
2005 for ships delivered in 1976 and 1977
2006 for ships delivered in 1978 and 1979
2007 for ships delivered in 1980 and 1981
2008 for ships delivered in 1982
2009 for ships delivered in 1983
2010 for ships delivered in 1984
2011 for ships delivered in 1985
2012 for ships delivered in 1986
2013 for ships delivered in 1987
2014 for ships delivered in 1988
2015 for ships delivered in 1989 or later

(b) Paragraph (7) of this Regulation shall apply in the case of Category 1 oil tankers delivered in 1976, 1977, 1978, 1979, 1980, 1981 or later and, in the case of Category 2 oil tankers delivered in 1984, 1985, 1986, 1987, 1988, 1989 or later.

(5) Notwithstanding the provisions of paragraph (4) of this regulation:

(a) in the case of a Category 2 or 3 oil tanker fitted with only double bottoms or double sides not used for the carriage of oil and extending to the entire cargo tank length or double hull spaces that are not used for the carriage of oil and extend to the entire cargo tank length, but does not fulfil conditions for being exempted from the provisions of this Regulation, pursuant to paragraph (1) (c) of this Regulation, the Minister may allow continued operation of such a ship beyond the date specified in paragraph (4) of this regulation, provided that:

(i) the ship was in service on 1 July 2001;
(ii) the Minister is satisfied by verification of the official records that the ship complied with the conditions specified above;
(iii) the conditions of the ship specified above remain unchanged;
and

(iv) such continued operation does not go beyond the date on which the ship reaches 25 years after the date of its delivery;

(b) in the case of a Category 2 or 3 oil tanker other than that referred to in subparagraph (a) of this paragraph which complies with the provisions of paragraph (6)(a) or (b) of this regulation, the Minister may allow continued operation of such a ship beyond the date specified in paragraph (4) of this Regulation, provided that such continued operation shall not go beyond the anniversary of the date of delivery of the ship in

2017 or the date on which the ship reaches 25 years after the date of its delivery, whichever is the earlier date.

(6) A Category 1 oil tanker of 25 years and over after the date of its delivery shall comply with either of the following provisions:

(a) wing tanks or double bottom spaces, not used for the carriage of oil and meeting the width and height requirements of regulation 13E(4), cover at least 30% of L_t , for the full depth of the ship on each side or at least 30% of the projected bottom shell area within the length L_t , where L_t is as defined in regulation 13E(2); or

(b) the tanker operates with hydrostatically balanced loading, taking into account the guidelines for approval of alternative structural or operational arrangements adopted by the Marine Environment Protection Committee of the Organisation by resolution MEPC.64(36).

(7) The Minister may allow continued operation of a Category 1 oil tanker beyond the anniversary of the date of delivery of the ship in 2005, and of a Category 2 oil tanker beyond the anniversary of the date of delivery of the ship in 2010, subject to compliance with the Condition Assessment Scheme adopted by the Marine Environment Protection Committee of the Organisation by resolution MEPC. 94 (46), as may be amended, provided that such amendments shall be adopted, brought into force and take effect in accordance with the provisions of article 16 of the MARPOL Convention relating to amendment procedures applicable to an appendix to an Annex.

(8) (a) If the Minister allows the application of paragraph (5) of this Regulation, or allows, suspends, withdraws or declines the application of paragraph (7) of this Regulation, to a ship entitled to fly the Irish flag he or she shall forthwith communicate to the Organisation for circulation to the Parties to the MARPOL Convention particulars thereof, for their information and appropriate action, if any.

(b) The State shall be entitled to deny entry of an oil tanker operating in accordance with the provisions of paragraph (5) of this regulation into the ports or offshore terminals under its jurisdiction. In such cases, the Minister shall communicate to the Organisation for circulation to the Parties to the MARPOL Convention particulars thereof for their information."

3. The Sea Pollution (Prevention of Oil Pollution) Regulations 1994 (S.I. No. 44 of 1994) are amended in the Second Schedule, in Form B, by substituting the following for paragraph 5.8.4 (as amended by the Sea Pollution (Prevention of Oil Pollution)(Amendment) Regulations 2002 (S.I. No. 642 of 2002)):

"5.8.4 The ship is subject to regulation 13G and:

.1 is required to comply with regulation 13F

not later than

.2 is so arranged that the following tanks

or spaces are not used for the carriage

of oil

.3 is provided with the operational manual approved on

in accordance with resolution MEPC.64(36)

.4 is allowed to continue operation in accordance with regulation

13G(5)(a).....

.5 is allowed to continue operation in accordance with regulation

13G(5)(b).....

.6 is allowed to continue operation in accordance with regulation

13G(7).....

GIVEN under my Official Seal,

This 30th day of April, 2003.



DERMOT AHERN

Minister for Communications,

Marine and Natural Resources

EXPLANATORY NOTE

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

These Regulations provide for amendments to the Sea Pollution (Prevention of Oil Pollution) Regulations 1994 (S.I. No. 44 of 1994) (as amended by the Sea Pollution (Prevention of Oil Pollution) (Amendment) Regulations 2002 (S.I. No. 642 of 2002)), which give effect to Annex I 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.