S.I. No. 642 of 2002.

Sea Pollution (Prevention of Oil Pollution) (Amendment) Regulations 2002

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. (1) These Regulations may be cited as Sea Pollution (Prevention of Oil Pollution) (Amendment) Regulations 2002.

(2) These Regulations come into operation on 1 January 2003.

2. (1) The Sea Pollution (Prevention of Oil Pollution) Regulations 1994 (S.I. No. 44 of 1994), are amended as follows:

(2) At Regulation 11 -

(a) in paragraph (1), by substituting "the Gulf of Aden, the Antarctic area and the North-West European Waters" for "the Gulf of Aden and the Antarctic area",

(b) by inserting the following subparagraph after paragraph (1)(g):

"(h) The North-West European waters include the North Sea and its approaches, the Irish Sea and its approaches, the Celtic Sea, the English Channel and its approaches and part of the North-East Atlantic immediately to the west of Ireland. The area is bounded by lines joining at the following points:

(i) 48°27' N on the French coast;

(ii) 48°27' N; 6°25'W;

(iii) 49°52' N; 7°44' W;

(iv) 50°30' N; 12° W;

(v) 56°30' N; 12° W;

(vi) 62° N; 3° W;

(vii) 62° N on the Norwegian coast;

(viii) 57°44.8' N on the Danish and Swedish coasts.".

(2) At Regulation 13G -

(a) by substituting the following for paragraph (1)(a):

"(a) apply to -

(i) oil tankers of 20,000 tons deadweight and above, carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and

(ii) oil tankers of 30,000 tons deadweight and above other than those referred to in paragraph (1)(a)(i) of this Regulation,

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) by substituting the following for paragraph (2):

"(2) The requirements of this Regulation shall apply -

(a) (i) subject to subparagraph (a)(ii) of this paragraph, from 6 July 1995,

(ii) as respects to oil tankers referred to in paragraph (1)(a)(i) of this Regulation of 20,000 tons deadweight and above but less than 30,000 tons deadweight and carrying fuel oil, heavy diesel oil or lubricating oil as cargo, from 1 January 2003.",

(c) by inserting the following after paragraph (2):

"(2A) In this Regulation -

(a) 'Heavy diesel oil' means marine diesel oil other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 3400C when tested by the method acceptable to the Organisation.

(b) In subparagraph (a) of this paragraph 'method acceptable' means Designation D86 of the American Society of Testing and Material's Standard Test Method.

(c) '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.

(d) In subparagraph (c) of this paragraph 'specification acceptable' means Designation D 396 or heavier of the American Society of Testing and Material's Standard Test Method.'."

(3) by inserting the following after Regulation 25:

"Intact stability

25A. (1) This Regulation shall apply to oil tankers of 5,000 tons deadweight and above:

(a) for which the building contract is placed on or after 1 February 1999;

(b) in the absence of a building contract, the keels of which are laid or which are at a similar stage of construction on or after 1 August 1999;

(c) the delivery of which is on or after 1 February 2002; or

(d) which have undergone a major conversion:

(i) for which the contract is placed after 1 February 1999;

(ii) in the absence of a contract, the construction work of which is begun after 1 August 1999; or

(iii) which is completed after 1 February 2002.

(2) Every oil tanker shall comply with the intact stability criteria specified in subparagraphs (a) and (b) of this paragraph, as appropriate, for any operating draught under the worst possible conditions of cargo and ballast loading, consistent with good operational practice, including intermediate stages of liquid transfer operations. Under all conditions the ballast tanks shall be assumed slack.

(a) In port, the initial metacentric height GMo, corrected for free surface measured at 0° heel, shall be not less than 0.15m;

(b) At sea, the following criteria shall be applicable:

(i) the area under the righting lever curve (GZ curve) shall be not less than 0.055 m.rad up to □ = 30° angle of heel and not less than 0.09 m.rad up to □ = 40° or other angle of flooding □f if this angle is less than 40°.

Additionally, the area under the righting lever curve (GZ curve) between the angles of heel of 30° and 40° or between 30° and □ if this angle is less than 40°, shall be not less than 0.03 m.rad;

(ii) the righting lever GZ shall be at least 0.20m at an angle of heel equal to or greater than 30°;

(iii) the maximum righting ann shall occur at an angle of heel preferably exceeding 30° but not less than 25°; and

(iv) the initial metacentric height GMo, corrected for free surface measured at 0° heel, shall be not less than 0.15m.

(c) In this paragraph, '□' is the angle of heel at which the openings in the hull, superstructures or deck-houses, which cannot be closed weathertight, immerse. In applying this criterion, small openings through which progressive flooding cannot take place need not be considered as open.

(3) The requirements of paragraph (2) shall be met through design measures. For combination carriers simple supplementary operational procedures may be allowed.

(4) Simple supplementary operational procedures for liquid transfer operations referred to in paragraph (3) shall mean written procedures made available to the master which:

(a) are approved by the Minister;

(b) indicate those cargo and ballast tanks which may, under any specific condition of liquid transfer and possible range of cargo densities, be slack and still allow the stability criteria to be met. The slack tanks may vary during the liquid transfer operations and be of any combination provided they satisfy the criteria;

(c) will be readily understandable to the officer-in-charge of liquid transfer operations;

(d) provide for planned sequences of cargo transfer or ballast transfer or both cargo and ballast transfer operations;

(e) allow comparisons of attained and required stability using stability performance criteria in graphical or tabular form;

(f) require no extensive mathematical calculations by the officer-in-charge;

(g) provide for corrective actions to be taken by the officer-in-charge in case of departure from recommended values and in case of emergency situations; and

(h) are prominently displayed in the approved trim and stability booklet and at the station that controls cargo transfer or ballast transfer or both cargo and ballast transfer operations and in any computer software by which stability calculations are performed."

(4) At Regulation 26, by inserting the following after paragraph (2) -

"(3) Where a shipboard marine pollution emergency plan for noxious liquid substances required under Regulation 15 of the Sea Pollution (Control of Pollution By Noxious Liquid Substances in Bulk) Regulations (S.I. 46 of 1994) and the shipboard oil pollution emergency plan required under these Regulations also applies to the ship, both required plans may be combined, and, if they are combined, shall be called the "shipboard marine pollution emergency plan.".

(5) In the Second Schedule -

(a) In Form A, by substituting the following for paragraphs 2.4 to 3.2.4:

"2.4 Approval Standards*

* Refer to the Recommendation on international performance and test specifications of oily-water separating equipment and oil content meters adopted by the Organisation on 14 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 6 July 1993, superseded resolutions A.393(X) and A.444(XI); see IMO sales publication IMO-646E.

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 MEPC.60(33);

.3 has been approved in accordance

with resolution A.233(VII);

.4 has been approved in accordance
with national standards not based

upon resolution A.393(X) or

A.233(VII);

.5 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:

.1 has been approved in accordance

with resolution A.393(X);

.2 has been approved in accordance

with resolution MEPC.60(33).

2.5 Maximum throughput of the system is m3/h.

2.6 Waiver of regulation 16:

2.6.1 The requirements of regulation 16(1) and 16(2) are waived in respect of the ship in accordance with regulation 16(3)(a). The ship is engaged exclusively on

voyages within special area(s):

2.6.2 The ship is fitted with holding tank(s) for the total retention on board of all oily bilge

water as follows:

Tank location

Tank identification
Frames (from)-(to)
Lateral position
Volume (m3)

Total volume
..... (m3)

3. Means for retention and disposal of oil residues (sludge) (regulation 17) and bilge water holding tank(s)*

3.1 The ship is provided with oil residue (sludge) tanks as follows:

* Bilge water holding tank(s) are not required by the Convention, entries in the table under paragraph 3.3 are voluntary.

Tank location

Tank identification
Frames (from)-(to)
Lateral position
Volume (m3)

Total volume
..... (m3)

3.2 Means for the disposal of residues in addition to the provision 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 m3

3.2.4 Other acceptable means:

3.3 The ship is fitted with holding tank(s) for the retention on board of oily bilge water as follows:

Tank location

Tank identification
Frames (from)-(to)
Lateral position

Volume (m3)

Total volume
..... (m3)

(b) In Form B -
(i)
by inserting the following after paragraph 1.11.2:

"1.11.2A Product carrier not carrying fuel oil or heavy diesel oil as referred to in

regulation 13G(2bis), or lubricating oil

".

(ii)
by substituting the following for paragraphs 2.4 to 3.2.4:

"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

MEPC.60(33);

.3 has been approved in accordance with resolution

A.232(VII);

.4 has been approved in accordance with national standards not based upon resolution A.393(X) or

A.233(VII);

.5 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:

.1 has been approved in accordance with resolution

A.393(X)

.2 has been approved in accordance with resolution

MEPC.60(33)

2.5 Maximum throughput of the

system is m3h.

2.6 Waiver of regulation 16:

2.6.1 The requirements of regulation 16(1) and 16(2) are waived in respect of the ship in accordance with regulation 16(3)(a). The ship is engaged exclusively on

voyages within special area(s):

2.6.2 The ship is fitted with holding tank(s) for the total retention on board of all oily bilge water as

follows:

* Refer to the Recommendation on international performance and test specifications of oily-water separating equipment and oil content meters adopted by the Organisation on 14 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 6 July 1993, superseded resolutions A.393(X) and A.444(XI); see IMO sales publication IMO-646E.

Tank location

Tank identification
Frames (from)-(to)
Lateral position
Volume (m3)

Total volume
..... (m3)

2.6.3 In lieu of the holding tank(s) 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) and bilge water holding tank(s)•

3.1 The ship is provided with oil

residue (sludge) tanks as follows:

• Bilge water holding tank(s) are not required by the Convention, entries in the table under paragraph 3.3 are voluntary.

Tank location

Tank identification
Frames (from)-(to)
Lateral position
Volume (m3)

Total volume
..... (m3)

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 m3

3.2.4 Other acceptable means:

3.3 The ship is fitted with holding tank(s) for the retention on board of oily bilge water as follows:

Tank location

Tank identification
Frames (from)-(to)
Lateral position
Volume (m3)

Total volume
.....(m3)

",

(iii) by inserting the following after paragraph 5.7.2:

"5.7.3 The ship is required to be constructed according to, and complies with the requirements

of, regulation 25A.

5.7.4 Information and data required under regulation 25A for combination carriers have been supplied to the ship in a written procedure

approved by the Minister.

"

(iv) by substituting paragraph 5.8.4 with the following:

"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 has been accepted in

accordance with

Regulation 13G(7) and
resolution MEPC.64(36)

.4 is provided with the

operational manual

approved on ..... in
accordance with resolution
MEPC.64(36)

".

GIVEN under my Official Seal,
This 31st day of December 2002.

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) 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.

GIVEN under my Official Seal,
This 31 day of December, 2002.

DERMOT AHERN
Minister for Communications,
Marine and Natural Resources